



**First Session — Thirty-Fourth Legislature**  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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37 Elizabeth II

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*Published under the  
authority of  
The Honourable Denis C. Rocan  
Speaker*



**VOL. XXXVII No. 46 - 1:30 p.m., WEDNESDAY, SEPTEMBER 28, 1988.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
<b>ALCOCK, Reg</b>	Osborne	LIBERAL
<b>ANGUS, John</b>	St. Norbert	LIBERAL
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BURRELL, Parker</b>	Swan River	PC
<b>CARR, James</b>	Fort Rouge	LIBERAL
<b>CARSTAIRS, Sharon</b>	River Heights	LIBERAL
<b>CHARLES, Gwen</b>	Selkirk	LIBERAL
<b>CHEEMA, Gulzar</b>	Kildonan	LIBERAL
<b>CHORNOPYSKI, William</b>	Burrows	LIBERAL
<b>CONNERY, Edward Hon.</b>	Portage la Prairie	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CUMMINGS, Glen, Hon.</b>	Ste. Rose du Lac	PC
<b>DERKACH, Leonard, Hon.</b>	Roblin-Russell	PC
<b>DOER, Gary</b>	Concordia	NDP
<b>DOWNEY, James Hon.</b>	Arthur	PC
<b>DRIEDGER, Albert, Hon.</b>	Emerson	PC
<b>DRIEDGER, Herold, L.</b>	Niakwa	LIBERAL
<b>DUCHARME, Gerald, Hon.</b>	Riel	PC
<b>EDWARDS, Paul</b>	St. James	LIBERAL
<b>ENNS, Harry</b>	Lakeside	PC
<b>ERNST, Jim, Hon.</b>	Charleswood	PC
<b>EVANS, Laurie</b>	Fort Garry	LIBERAL
<b>EVANS, Leonard</b>	Brandon East	NDP
<b>FILMON, Gary, Hon.</b>	Tuxedo	PC
<b>FINDLAY, Glen Hon.</b>	Virden	PC
<b>GAUDRY, Neil</b>	St. Boniface	LIBERAL
<b>GILLESHAMMER, Harold</b>	Minnedosa	PC
<b>GRAY, Avis</b>	Ellice	LIBERAL
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HELWER, Edward R.</b>	Gimli	PC
<b>HEMPHILL, Maureen</b>	Logan	NDP
<b>KOZAK, Richard, J.</b>	Transcona	LIBERAL
<b>LAMOUREUX, Kevin, M.</b>	Inkster	LIBERAL
<b>MALOWAY, Jim</b>	Elmwood	NDP
<b>MANDRAKE, Ed</b>	Assiniboia	LIBERAL
<b>MANNES, Clayton, Hon.</b>	Morris	PC
<b>McCRAE, James Hon.</b>	Brandon West	PC
<b>MINENKO, Mark</b>	Seven Oaks	LIBERAL
<b>MITCHELSON, Bonnie, Hon.</b>	River East	PC
<b>NEUFELD, Harold, Hon.</b>	Rossmere	PC
<b>OLESON, Charlotte Hon.</b>	Gladstone	PC
<b>ORCHARD, Donald Hon.</b>	Pembina	PC
<b>PANKRATZ, Helmut</b>	La Verendrye	PC
<b>PATTERSON, Allan</b>	Radisson	LIBERAL
<b>PENNER, Jack, Hon.</b>	Rhineland	PC
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>PRAZNIK, Darren</b>	Lac du Bonnet	PC
<b>ROCAN, Denis, Hon.</b>	Turtle Mountain	PC
<b>ROCH, Gilles</b>	Springfield	LIBERAL
<b>ROSE, Bob</b>	St. Vital	LIBERAL
<b>STORIE, Jerry</b>	Flin Flon	NDP
<b>TAYLOR, Harold</b>	Wolseley	LIBERAL
<b>URUSKI, Bill</b>	Interlake	NDP
<b>WASYLYCIA-LEIS, Judy</b>	St. Johns	NDP
<b>YEO, Iva</b>	Surgeon Creek	LIBERAL

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, September 28, 1988.

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**Hon. Glen Findlay (Minister of Agriculture):** I would like to table the Summary of Approved Agri-Food Projects to June 30, 1988.

**Hon. Clayton Manness (Minister of Finance):** I would like to table the financial statements of the province for 1986-87.

### INTRODUCTION OF GUESTS

**Mr. Speaker:** Prior to oral questions, I would like to direct Honourable Members' attention to the gallery where we have from the Archwood School, 37 Grade 8 students under the direction of Mr. Stan Kazina. This school is located in the constituency of the Honourable Member for St. Boniface (Mr. Gaudry).

On behalf of all Honourable Members, I welcome you here this afternoon.

We also have with us here this afternoon from the Angus MacKay School, 20 Grade 5 students under the direction of Mr. Gregg Holowka. This school is located in the constituency of the Honourable Minister of Energy and Mines (Mr. Neufeld).

On behalf of all Honourable Members, I welcome you here also this afternoon.

### ORAL QUESTION PERIOD

#### Substance Abuse Program for Seniors

**Mrs. Sharon Carstairs (Leader of the Opposition):** Most Canadians and Manitobans have within the last three days discussed the use of drugs within our society. It would be serious enough if drug abuse was restricted to use by athletes. We know, however, that it is pervasive.

High school students in Manitoba in many of our communities, but particularly in Winnipeg, have access to marijuana, hash, cocaine, speed and acid. Adults abuse prescription and non-prescription drugs alike. Seniors arrive in St. Boniface Hospital Emergency with a 40 percent rate of abuse according to a recent study. Can the Minister of Seniors (Mr. Neufeld) tell this House what specific funding has been provided by this Government for seniors' substance abuse?

\* (1335)

**Hon. Harold Neufeld (Minister responsible for Seniors):** There are no specific programs for drug

abuse for seniors. There are programs for drug abusers, but no specific program for somebody the minute he turns 65.

### Education Programs

**Mrs. Sharon Carstairs (Leader of the Opposition):** Can the Minister of Education (Mr. Derkach) or the Deputy Minister of Education tell this House how many hours of instruction Manitoba children receive on substance abuse between Kindergarten and Grade 12?

**Hon. Clayton Manness (Minister of Finance):** I will take that question as notice and report back to the House.

### Anti-glue Sniffing Programs

**Mrs. Sharon Carstairs (Leader of the Opposition):** Can the Minister of Community Services tell this House what anti glue-sniffing programs have been initiated by her department?

**Hon. Charlotte Oleson (Minister of Community Services):** I would have to take the question as notice. There may be some within some of the agencies for which my department is responsible, so I would have to take the question as notice and get back to the Member.

### Programs For Athletes

**Mrs. Sharon Carstairs (Leader of the Opposition):** Can the Acting Minister of Sport inform this House as to what program is available for athletes in Manitoba to educate them about the dangers of drug abuse?

**Hon. Gerald Ducharme (Minister of Urban Affairs):** I will have to take that question as notice and I will get the information back to the Member.

### Youth Drug Abuse Program

**Mrs. Sharon Carstairs (Leader of the Opposition):** Can the Minister of Health (Mr. Orchard) inform this House what programs have been initiated by his department since his term of office began under their announced Youth Drug Abuse Program?

**Hon. Donald Orchard (Minister of Health):** I am pleased that the Leader of the Opposition (Mrs. Carstairs) has a concern about drug abuse, particularly amongst youth. That is why we announced in the Throne Speech an initiative which is targeted to develop abuse programs, not only drugs but alcohol, at our youth.

Past programs offered through the Alcohol Foundation of Manitoba, such as Tuning in to Health, have targeted primarily students in Grade 8 and under. There is currently a void in the delivery of preventative programs from Grades 8 on in the high school regime.

It is our intention to bring forward a Youth Drug Abuse Program which was announced in the Throne Speech Debate and that program hopefully will access some federal funding which has been committed by the federal Minister of Health about one year ago, or a year and a half ago, focused on youth drug problems.

That federal program has substantive funding and in Manitoba we hope to channel our programming in cooperation and coordination with the federal program to make it a joint effort and have a better result in terms of drug abuse prevention amongst our youth.

### Coordinating Committee

**Mrs. Sharon Carstairs (Leader of the Opposition):** In light of the answers and the notice questions taken today, would the First Minister (Mr. Filmon) immediately establish a coordinating committee of Cabinet to include the Minister of Education, the Attorney-General, Ministers of Community Services, Health, Sport, and Seniors to establish a comprehensive program to address the drug abuse problem in our province? Will he further meet with those at our caucus and the caucus of the New Democratic Party who have both knowledge and ideas which could enhance such a program for the advantage of all Manitobans?

\* (1340)

**Hon. Gary Filmon (Premier):** Certainly the incident of a nation having been shamed by the question of stripping of the gold medal of Ben Johnson has caused all of us to express public concerns about the use of drugs in our society. I am very pleased that the Leader of the Opposition (Mrs. Carstairs) is indicating the concern of her caucus on the matter. We, not only in our election campaign this spring but in the Throne Speech, indicated a commitment to a Youth Drug Abuse Program. That program is being formulated, as the Minister of Health (Mr. Orchard) has indicated, by the Minister and his department.

I might say further that at the Western Premiers' Conference in Parksville this May it was a topic of discussion, a communique issued, that western provinces would cooperate, so that we would not each reinvent the wheel but rather that we would access resources of each other's departments, initiatives that were being undertaken, initiatives to develop not only public information programs, educational programs, treatment programs and all of those things.

While we were in Saskatoon at the Premiers' Conference, the Minister of Health (Mr. Orchard) and I had the opportunity to learn about a specific program and a specific facility. I believe it is called White Pine or White Spruce facility that has been a residential treatment facility for youth, the only one of its kind in Canada, which has been developed by Saskatchewan.

We are very interested in this, very concerned about the opportunities that we have to do something similar to fit with programs being developed by other provinces, so that we are not each spending our resources on the same thing. I assure the Leader of the Opposition (Mrs. Carstairs) that we will be developing a

comprehensive program, presenting it in detail to the Members of this House, and they will have the opportunity to discuss it, add to it, offer their suggestions and assistance. We will be very happy to consider all of the resources at our disposal.

### RCMP Protection Winnipeg Beach

**Hon. James McCrae (Attorney-General):** Mr. Speaker, yesterday the Leader of the Opposition (Mrs. Carstairs) raised several questions regarding policing and housing for police personnel at Winnipeg Beach, and I have some information that might be of interest to the Honourable Leader of the Opposition.

On the first point, that being policing in Winnipeg Beach generally, as the Honourable Leader of the Opposition knows, in our Budget we provided that the cuts planned by the previous Government in police protection would be stopped. The Leader of the Opposition speaks in favour of police protection in Manitoba but votes against it.

Nonetheless, discussions with municipal officials in Winnipeg Beach are ongoing, as indicated yesterday by the Minister of Municipal Affairs (Mr. Cummings). They are ongoing at the request of Winnipeg Beach officials who have asked that the discussions be held at a time after statistics regarding policing in Winnipeg Beach over the course of the last summer season were available. So those discussions will be ongoing again and the point is that our Government has committed itself to adequate police protection in Winnipeg Beach.

The other question raised by the Leader of the Opposition (Mrs. Carstairs) had to do with a building in Winnipeg Beach. The RCMP presently have a double-wide house trailer on a lot owned by the force in the Town of Winnipeg Beach. The trailer has not been used for a long time and likely never will be if it is left in its present location. Therefore, a tender to move the trailer has been let. No decision has been made with respect to the land on which the trailer sat. According to the RCMP, there is a viable housing market in Winnipeg Beach should the need arise for RCMP personnel to acquire or rent adequate housing at some future point in time. On the other hand, the trailer is urgently needed at Powerview where housing is difficult to find.

\* (1345)

### Home Care System Funding Cuts

**Mr. Jay Cowan (Churchill):** Mr. Speaker, I am in a bit of a dilemma. I am not certain whether or not to address my question to the Conservative Government or to the Liberal Opposition, given they both rose in a spirited defence of cutbacks in the Home Care Program when we brought it to the attention of this House yesterday. I guess again we see those two Parties share a common approach which quite often disadvantages those in need.

Mr. Speaker, as you are aware, the rules of the House dictate that I ask a question of the Government side.

Therefore, my question to the Minister of Health (Mr. Orchard) follows along the discussion that we had here and in the hall yesterday respecting cutbacks in home care.

When the Minister of Health (Mr. Orchard) was an Opposition Health critic, we became quite used to hearing him constantly lament the overexpenditure of health care dollars, and what he said was a lack of appropriate financial control over the Home Care Program. We heard him say that on April 21 when he expressed a lot of alarm about an overexpenditure. We heard him say it on April 16, 1987, when he said I am deeply concerned as a critic and a taxpayer about the program. So we know where his bias is.

My question to the Minister is, can he now indicate what action he and his Government has taken since they have assumed Government to address his earlier often-stated concerns about overexpenditures in this program area?

**Hon. Donald Orchard (Minister of Health):** Let me, first of all, correct a rather false accusation made yesterday and again today by the NDP Health critic. There are no cutbacks in the provision of home care services to Manitobans. Let us have that established very, very clearly.

Secondly, my concern, as Opposition Health critic, was for a budgetary program in home care that was described by internal auditors in the Department of Health as being financially out of control. In other words, they could not guarantee that the dollars we were spending were caring for citizens in Manitoba in need of care. That concern was so valid, as raised by myself in Opposition, that the Government commissioned an independent outside study on home care. That is how serious the difficulties in management had become.

That report has been with the department now for approximately three months. A number of the recommendations in terms of the management and delivery of the Home Care Program are under review, and some changes have been made in terms of the management structure within the program. But, Mr. Speaker, let no Manitoban ever believe the accusation by the Leader of the NDP (Mr. Doer) and his Health critic that policy has changed in terms of access to the Home Care Program, because that has not happened.

**Mr. Cowan:** The Minister of Health (Mr. Orchard), if he reads that report, will find that it says Manitoba has one of the finest Home Care Programs in the entire North American continent. He can say it in this Chamber as much as he wants that there are no cutbacks, but it will not be believed in the homes of seniors and the disabled who are suffering those cutbacks, and we have received more complaints today about more cutbacks for home care recipients.

### Policy Guidelines

**Mr. Jay Cowan (Churchill):** Can the Minister indicate, as he said there have not been changes in the overall policy, and that is yet still to stand the test of time, why it is then that staff had been given instructions to

strictly enforce program guidelines, an action which is resulting in long waits to receive home care services and reduced hours for many of those who already are receiving home care services?

\* (1350)

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, that exactly reinforces the answer I just gave. The policy guidelines for home care were put in place in 1974. Those same criteria for access to the program exist today. Part of the problem with my honourable friend's question is that he fails to recognize that when we were in Opposition, and certainly Members of the Liberal Party now, had they been in this House, would have received complaints from individuals who had been removed from the Home Care Program.

That is happening today, that happened when the NDP were Government, that will happen next year, that will happen the year after, because home care is not designed to provide continuous service from the start of provision of service for the rest of the person's natural life in that home. Home care is specifically designed to get people able to care for themselves in their homes. When they are discharged from hospitals, for instance, they need assistance from home care, they can access that service, and when well enough to care for themselves, the provision of service is reduced or eliminated entirely.

Some people call that cutbacks because it is an inconvenience to do some of their own work, but that was never the intention of the program to continue to provide services for the rest of the individual's life. It was to provide support when needed. That is the criterion followed today; that is the criterion that has always been followed.

**Mr. Cowan:** That becomes an esoteric argument when it is given to an individual who is 77 years old, partially paralyzed, living in her own apartment because she is able to because of home care, and is now not able to because the hours have been cut back almost by half by this Government since June when they had the opportunity to impose those sorts of changes.

The review that was done, commissioned a review by—

**Mr. Speaker:** Does the Honourable Member have a question?

**Mr. Cowan:** My question is to the Minister responsible for Seniors (Mr. Neufeld) in that most of the clients on home care are elderly and in that age group.

The report that was commissioned, for the information of the Minister responsible for Seniors, was done by Dr. Robert and Dr. Rosalie Kane—

### Program Flexibility

**Mr. Speaker:** Would the Honourable Member kindly put his question now?

**Mr. Jay Cowan (Churchill):** Yes. My question to the Minister is, has he been made aware that in that report

it indicated very clearly that "It can be asserted"—and I am quoting—"however, that home-base services are most valuable and most highly valued to clients if they are flexible, available in the evenings and weekend hours, provide a solid base of domestic services, and leave the client with the perception of control."

What action is the Minister responsible for Seniors (Mr. Neufeld) taking to ensure that seniors in this province are not unduly and negatively affected by the harsh enforcement of the criteria by the Minister of Health (Mr. Orchard)? What action is he taking to stand up for seniors in this province?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I appreciate my honourable friends in the NDP want to attempt to create an issue which does not exist. I want to inform my honourable friends, as they were Government for eight years, as an MLA in Opposition in part, and in Government in part, I received complaints about home care. I had them investigated, and each and every one of them was investigated. In some cases, a judgment in error was made by the assessing staff and service was reinstated; in other cases, the assessment was correct and the service was not reinstated.

The difference, Mr. Speaker, is I did not come running to the House about an individual who had their home care reduced. I had checked the facts first and if there was a legitimate decision made, I followed it because guidelines have to be in place if you are going to have any management of program. If there was a mistake made by the department in the past, even under an NDP Government, that mistake was corrected by them and that was the end of the issue.

If my honourable friend has a specific instance, as he indicated earlier, please give me the name, the address of the individual, and I will have that circumstance investigated. If an improper decision has been made by staff, service will be reinstated as was done when Mr. Desjardins was the Health Minister, when Mr. Parasiuk was the Health Minister, when Mr. Sherman was the Health Minister, and Mr. Desjardins before him was the Health Minister.

Do not come here with accusations from unnamed individuals "that you cannot deliver," and intended to scare Manitobans that there are cutbacks when there are not.

### Funding Cuts

**Mr. Speaker:** The Honourable Member for Churchill, with a final supplementary question, and may I remind the Honourable Member that a supplementary question does not require a preamble.

**Mr. Jay Cowan (Churchill):** My question to the Minister is based on his last statement. Of course, he did not come running here concerned about individuals. He came running here concerned about overexpenditures, because that is what they are concerned about more than the individuals who are being harmed by their cruel and heartless programs.

**Mr. Speaker:** The Honourable Government House Leader, on a point of order.

**Hon. James McCrae (Government House Leader):** The comments of the House Leader for the New Democratic Party do sound awfully like a preamble to me.

**Mr. Speaker:** I have reminded the Honourable Member for Churchill that a supplementary question does not require a preamble. The Honourable Member for Churchill will kindly put his question now.

**Mr. Cowan:** My question to the Minister is what is he going to do to ensure that given their new policy changes that the concerns as expressed in the Kane and Kane Report—and I will quote: "While the fiscal accountability should be strengthened, it should not be strengthened without sacrificing the principles of universality in its other many advantages which include the flexibility of the hours of service."—what action is he going to take to ensure that the policies that they are implementing now, which run contrary to that advice, are changed so that seniors and others on home care who are now being provided home care service and homemaking services can be assured that there will not be further cutbacks, because there have been cutbacks over the last couple of months under his particular jurisdiction?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, again I have to indicate to the House that the Member for Churchill (Mr. Cowan) has left false information on the record. He has indicated there has been a policy change. I have indicated there is no policy change. The policy guidelines are the same as were existing in the program since 1974. There has been no change in an individual's accessibility to home care.

What I find ironic about this question is that when the financial mismanagement of the Home Care Program was brought to them last two and three years, what did they do? They hired an outside consultant to check the financial mismanagement they were so concerned about it. Now he comes here claiming cruel and heartless policy delivery! The one thing that would be cruel and heartless to the senior citizens of Manitoba is if we have a mismanaged program wasting money in the bureaucracy and not delivering services to the seniors as they deserve. We are working to deliver services in an efficient way to those who need them and to those who deserve them as has been the case since 1974 when this program was implemented.

**Mr. Speaker:** I also remind the Honourable Minister that answers to questions should be as brief as possible.

### Seniors' Directorate Priorities

**Ms. Avis Gray (Ellice):** Mr. Speaker, my question is for the Minister responsible for Seniors (Mr. Neufeld). On September 14, in this House, the Minister, in response to questioning from this side of the House about the Seniors' Directorate, said, "We have priorities." Would the Minister inform this House today what are the priorities of his directorate?

**Hon. Harold Neufeld (Minister responsible for Seniors):** That question, Mr. Speaker, is probably

better answered during the Estimates period. However, our first priority is to find from the senior organizations, that being the Age and Opportunity, the Manitoba Society for Seniors and the Creative Retirement, what their priorities are. We are not imposing our priorities on the seniors. We are asking the seniors what their priorities are and then we will act on them.

\* (1355)

### **Elderly Abuse White Paper**

**Ms. Avis Gray (Ellice):** A supplementary for the same Minister, since his Government does not have priorities, perhaps he could tell us that it was a Government promise that a White Paper on elder abuse be forthcoming. Could the Minister responsible for Seniors (Mr. Neufeld) tell us what are the terms of reference of this White Paper? When will the project start and what is the expected completion date?

**An Honourable Member:** Very good.

**Hon. Harold Neufeld (Minister responsible for Seniors):** Only yesterday we spoke with a group of seniors. We had discussed the White Paper on elder abuse. We will be coming out with it very shortly. We have a person coming on staff; we have one staff member now. We expect to have another person on staff and that is the person who we expect to work on the White Paper on elder abuse.

I cannot tell the Member for Ellice (Ms. Gray) when that will come out. It will be coming out as quickly as we can bring it out. It will not be in the next week or two, but it will be out before the end of October.

**Ms. Gray:** A final supplementary for the same Minister, this Minister has indicated in this House time and time again that just because somebody reaches 65 that programs and needs do not change. He has also indicated that he does not seem to know about any priorities in his particular Government.

I would like to ask the Minister responsible for Seniors, why is his Government misleading the public by making them believe that they are concerned about the elderly? Why have you developed a Seniors' Directorate?

**An Honourable Member:** Hear, hear!

### **POINT OF ORDER**

**Mr. Speaker:** The Honourable Government House Leader, on a point of order.

**Hon. James McCrae (Government House Leader):** Mr. Speaker, if you review the question put by the Honourable Member, it does seem to impute a deliberate misleading which would be an unparliamentary choice of words. I would ask the Honourable Member to withdraw those comments.

**Mr. Speaker:** I would like to thank the Honourable Government House Leader. Yes, to the Honourable

Member for Ellice (Ms. Gray), the word "misleading" is unparliamentary. Would the Honourable Member kindly rephrase her question?

**Ms. Gray:** Thank you, Mr. Speaker, and I do withdraw those remarks.

### **Seniors' Directorate Policy**

**Ms. Avis Gray (Ellice):** My question to the Minister for Seniors (Mr. Neufeld) is, could the Minister indicate to us, since there are no priorities and he does not feel that there are unique needs of people over 65, why has there been a Seniors' Directorate established by this Government?

**Hon. Harold Neufeld (Minister responsible for Seniors):** When there have been specific questions on specific issues, I have said there is no uniqueness about turning 65. Health is health whether you are 55, whether you are 45 or whether you are 75.

**Mr. Speaker:** Order, please. The Honourable Member for Ellice (Ms. Gray) has posed a question to the Honourable Minister responsible for Seniors (Mr. Neufeld). I am sure we would want to give him the courtesy of answering that question.

**Mr. Neufeld:** I fail to see the amusement. Health is a very, very important issue and this Government is concerned about health, and it is concerned about seniors. Whether or not a person is 65, or whether or not a person is 55, it does not matter to him. His health is of prime concern to him or her. I do believe that in instances like that there is no difference in the delivery of programs whether you are 65 or whether you are under 65.

### **Psychogeriatric Care Report Recommendations**

**Mr. Gulzar Cheema (Kildonan):** My question is again for the Minister responsible for Seniors.

For the last few weeks, along with my Leader, I have tried to get specific information from the Minister of Health (Mr. Orchard). The Minister of Health has clearly shown a lack of knowledge and lack of concern for the delivery of mental health services for seniors in Manitoba. A report on the future direction of psychogeriatric delivery services in Manitoba has been ready for months now. My simple question is to the Minister: has the Minister read this report?

**An Honourable Member:** He read the free trade report.

**Hon. Harold Neufeld (Minister responsible for Seniors):** Talking about free trade, I will be willing to debate it with you at any time.

No, I have not read the report. It is a health delivery program and when the questions come to the Seniors' Directorate we will respond to it.

\* (1400)

**Mr. Cheema:** It is a joint program for the seniors. It is the program borne for the seniors. Now the Minister knows, the Minister of Health (Mr. Orchard) has not read the report, the Minister for Seniors (Mr. Neufeld) has not read the report. All Manitoba knows about the report. Now, will the Minister read the report and report back to the House? What are his plans to implement the recommendations?

**Mr. Neufeld:** I have indicated to the House on several occasions that we are not a delivery-of-programs department. We are a directorate who will act as advocate for seniors. If they have a problem, they come to us and we will act. We have had requests from seniors. We have requests from other people about seniors and about health and about other matters. We have acted on them. There is not a single request that has come into our office that has not been acted upon.

**Mr. Speaker:** The Honourable Member for Kildonan, with a final supplementary.

**Mr. Cheema:** A supplementary to the same Minister. It is the responsibility of the Minister for Seniors (Mr. Neufeld) because 65-and-above-aged population is growing, and it is a main concern. Mr. Speaker, will the Minister now take a co-ordinating role to implement the recommendations and report back to the House as soon as possible?

**Mr. Neufeld:** I do believe I did indicate to the Member that we are not a delivery-of-programs department. We are an advocacy department and we will not be delivering the programs. I cannot report anything back to the House. He will have to go the Minister of Health (Mr. Orchard).

### Telephone Services Rate Increases

**Mr. Bill Uruski (Interlake):** My question is to the Minister of Agriculture (Mr. Findlay) responsible for telephone services in the province. I would like to indicate to the Minister that our former Leader of the New Democratic Party and myself held 21 hearings on telephone services in this province last year. We prepared a plan for the Telephone System and the Public Utilities Board to reduce multiparty line services in rural Manitoba over seven years and, as well, the number of calling areas from 160 to 60. I am pleased to see that the Minister of Agriculture is moving on this area.

The one area that I want to ask the Minister that he seems to be deviating from our original plan is the area of the rate increases. I ask him why the Minister has not prepared a co-ordinated and comprehensive rate proposal, which would see the rate increases that were proposed with the additional services implemented over a two- or three-year period as we had proposed, rather than increasing the \$1.45 increase on top of the general rate increase in one fell swoop April 1 of next year?

**Hon. Glen Findlay (Minister responsible for Manitoba Telephone System):** It is indeed the objective of this

Government, in conjunction with Manitoba Telephone System, to supply equal high-level service to all Manitobans. I will tell the Member that the corporation is very much in favour of getting on with the job of supplying additional services to rural Manitoba that they have long since needed, and I will tell the Member that the official announcement on how that will be achieved is tomorrow at eleven o'clock and he is welcome to attend.

**Mr. Uruski:** Can I ask the Minister, since there is a change in the rules in terms of how the services will be provided over the seven years, and the Winnipeg proposal, as part of the rate package had a 45 cent increase because of the change in numbers of telephones, can he tell us why he would not have co-ordinated that rate proposal and spread it over two or three years, knowing the financial position of MTS will be positive over the next number of years and we agree that services have to be provided to rural Manitoba? But since we are changing the rules in one area, why would we not be prepared to change the rules in another area and spread those increases out over a number of years?

**Mr. Findlay:** The Member is referring to the rate groups in Manitoba, and I will inform him there are presently nine rate groups and the rate groups are determined by the number of telephone subscribers in each group. If you live in rural Manitoba and your population increases in a particular area, you automatically move from one rate group to the next, say, from rate group four to rate group five.

In the City of Winnipeg, they are already above the ceiling of the highest rate group that is legally in place. That rate group ceiling is 375,000 telephone subscribers. The City of Winnipeg does now have 387,000 subscribers, some more than 2 percent over the threshold for rate group nine. An application was made to the Public Utilities Board to increase the rate because there are more phones in the city that have to be served by the Telephone System. It costs the system more, and it is a totally separate issue from additional service in rural Manitoba.

### Telephone Rate Increase Impact Seniors

**Mr. Speaker:** The Honourable Member for Interlake (Mr. Uruski), with a final supplementary question.

**Mr. Bill Uruski (Interlake):** My question is to the Minister responsible for Seniors (Mr. Neufeld). Since seniors will be facing an increase under this Minister's proposal of 25 percent plus for telephone increases, has he consulted or been consulted by his colleague about the impact on seniors of this increase on telephone rates that is being proposed?

**Hon. Harold Neufeld (Minister responsible for Seniors):** I do think it is important that groups be consulted when rates are raised. I have had lengthy discussions with the Minister of Agriculture (Mr. Findlay) on the proposed rate increases in the Manitoba Telephone System, and I am acting on behalf of seniors. I am acting on behalf of all citizens when I discuss with him the proposed rate increases.



### Disease Control Laboratory Site Announcement

**Mrs. Gerrie Hammond (Kirkfield Park):** My question is to the Minister of Health (Mr. Orchard). Could the Minister indicate to the House if the decision to locate the federal Virology Research Lab has been made and what benefits does this lab have for Manitoba?

**Hon. Donald Orchard (Minister of Health):** I am so glad that someone in the House asked this question because several weeks ago the Leader of the Opposition (Mrs. Carstairs) was greatly concerned about its location and failed to ask a question today, and I cannot understand why.

The answer is yes, a site has been announced. That site is in the vicinity of the Health Sciences Centre on land provided by the City of Winnipeg. I am sorry that Members of the Opposition do not understand or appreciate or want to hear the benefits of this to Manitoba, but this is probably the most significant, single health announcement in the history of the Province of Manitoba because this \$93 million investment puts into Manitoba a world-class virology research facility, Class 4 containment, with the employment of some 85 scientists in research, and technicians. That location will allow our current researchers at the Faculty of Medicine and the Health Sciences Centre to form a critical mass very important of furthering medical research in Manitoba. It is a very significant and important announcement for the people of Manitoba.

\* (1410)

### Federal Energy Policy Impact Manitobans

**Mr. Herold Driedger (Niakwa):** My question is not for the Minister of Seniors (Mr. Neufeld), my question is for the Minister of Energy and Mines (Mr. Neufeld). In August of this year, the federal Minister of Energy, Marcel Masse, received a report that stated very clearly that under the Free Trade Agreement the National Energy Board should take on a role that is non-politicized, that is, if it is to take on the role of articulating and defending the national interest.

Now we find in September that the same federal Minister suggested this Government may have to get involved in the National Energy Board decisions for policy decisions for policy reasons. We know that heavily industrialized central Canada requires energy and it appears that federal policy is now going to be developed through the National Energy Board.

What is our Minister of Energy and Mines (Mr. Neufeld) doing to ensure that Manitoba's economy will not be made worse by preferential federal energy policies that will mitigate against our commercial and industrial development?

**Hon. Harold Neufeld (Minister of Energy and Mines):** The Member for Niakwa (Mr. Driedger) assumes

because there is a change in policy that we automatically are going to suffer in Manitoba. I do not believe that to be the case. We have not suffered. We have sufficient energy; we are going to have sufficient energy. Insofar as hydro is concerned, we have our own; insofar as natural gas is concerned, we are negotiating agreements at the present time to ensure the flow of gas for the next foreseeable future; and as far as oil is concerned, there is not a problem, we will be getting the oil.

I do not understand the question. I do not understand where the Member is coming from.

**Some Honourable Members:** Oh, oh!

**Mr. Neufeld:** I withdraw that part, Mr. Speaker. I do not understand where the Member is coming from. If he can see where we are going to suffer, let him come and tell me.

**Some Honourable Members:** Oh, oh!

### Energy Industry Development Strategy

**Mr. Herold Driedger (Niakwa):** I am glad that the Minister of Energy (Mr. Neufeld) does not feel we have a case for not having enough energy, and that we will not suffer. Consequently, my supplementary question is, has this Minister instructed his department to develop a "made in Manitoba" strategy that will encourage smaller, independent industrial electrical energy consumers to relocate here in Manitoba, thereby taking advantage of our plentiful energy supplies and reasonably priced electricity rather than focusing on projects such as mega projects which are going to be the focus of engines for job and investment growth?

**Hon. Harold Neufeld (Minister of Energy and Mines):** We have never ceased trying to encourage industry to locate, no matter big or small. We are encouraging them. We are looking for them in conjunction with the Minister of Industry, Trade and Tourism (Mr. Ernst). We have not stopped, and we will continue to try to encourage industry to locate in Manitoba.

**Mr. Herold Driedger:** A final supplementary, Mr. Speaker, I am glad that the Government opposite is looking and is trying to encourage. I asked for a strategy, a strategy that will be implemented. Will this Government now develop a strategy that takes advantage of Manitoba's diversified economy rather than tying our economic future to the potential cyclical ups and downs of a one-industry province, or are we to continue to pursue a policy of exporting our electricity, our jobs and our future?

**Mr. Neufeld:** Mr. Speaker, if this is energy-related, I have answered the question with his previous question.

**Mr. Speaker:** The time for oral questions has expired.

## ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Mr. Speaker, would you be so kind as to call Bill No. 23 and Bill No. 27 on page 3 of today's Order Paper; and following that, Sir, to call the Bills as listed on the Order Paper with the exception of Bill No. 21?

## SECOND READINGS

### BILL NO. 23—THE REGULATIONS VALIDATION STATUTES AMENDMENT ACT

**Hon. James McCrae (Attorney-General)** presented Bill No. 23, The Regulations Validation Statutes Amendment Act, for second reading.

#### MOTION presented.

**Mr. McCrae:** I am pleased to be able to move second reading of Bill No. 23, The Regulations Validation Statutes Amendment Act, and to make some general remarks with respect to its comments.

The Act consists of amendments to six Acts, including The Northern Affairs Act, The Health Services Act, The Highways Protection Act, The Public Schools Act, The Local Government Districts Act, The Municipal Act, and the repeal of 63 municipal statutes.

The Government has been working to meet the first deadline of December 31, 1988, set by the Supreme Court of Canada for the translation of Manitoba's laws. The purpose of this Bill is to facilitate this process by avoiding unnecessary expenditures estimated to exceed \$50,000, and at the same time giving Manitobans better access to their laws.

The general purpose of these amendments is to facilitate the task of confirming the existing legal status quo in Manitoba as it relates to regulations under the Acts amended, and to make minimal changes in the schemes of the statutes to ensure that the validated regulations can therefore be amended conveniently and in a manner readily understandable and usable by the public.

The statutes were not drafted with the translation requirements of the Supreme Court Order or with The Regulations Act in mind. It is, therefore, hardly surprising that they do not, without amendment, lend themselves to validation in a cost-effective manner while respecting the public's right of access to the law.

The purpose of the amendments to The Northern Affairs Act is to put the by-laws and resolutions respecting community councils and local committees in northern Manitoba on the same footing as the by-laws and resolutions of municipal corporations and local government districts in the rest of the province. Such by-laws and resolutions are outside the translation requirement according to the judgment of the Supreme Court.

The Minister will be entitled to delegate the power to make by-laws and resolutions to these local government entities in northern Manitoba where it is

appropriate. The Minister of Northern Affairs (Mr. Downey) will also have the power to disallow such by-laws and resolutions in the event that the power delegated is improperly exercised.

\* (1420)

Where the Minister directly exercises the power to pass by-laws and resolutions on behalf of communities in northern Manitoba, he will do so, Sir, in both languages. Where the local Government entities exercise that power themselves, they will do so in English, French or both.

The amendments to The Health Services Act are intended to make it plain that The Regulations Act applies only to powers of a legislative nature exercised by the Minister and confirmed by the Lieutenant-Governor-in-Council under the Act. The amendments eliminate the requirement to translate and publish as regulations wholly administrative documents, in this case financial schemes for the construction of individual health facilities. In this way, the intent of the Supreme Court order will be met without undue expense on the part of the Government.

The Highways Protection Act has, as its purpose, the protection of Manitoba's highways by limiting the access to those highways by adjoining landowners, and by controlling the uses of land adjacent to the highways, particularly the placement of buildings and structures. The purpose of the Act has been to prevent excessive land acquisition costs and minimize inconvenience to the public when a highway is widened.

For many years, the Highway Traffic Board has expanded control lines to 250 feet. The proposed amendment will allow the Lieutenant-Governor-in-Council to validate these 250-foot control lines using a series of maps, so that officials of the Government and members of the public will be able to determine the exact location of the controlled area and thereby facilitate compliance with the statute.

The amendments to The Public Schools Act are intended to enable the Board of Reference to validate the boundaries of the school divisions and school districts in Manitoba by continuing them as legal entities and confirming their boundaries. This power may be exercised for the sole purpose of ratifying the existing state of affairs. The balance of the amendments make it clear that The Regulations Act will apply and that legal descriptions of school divisions and school districts, however they may be created, will be available to the public in the form of regulations filed and published in the Manitoba Gazette. The powers given to the Board of Reference to continue the corporate status of school divisions and school districts and confirm their boundaries will eliminate the necessity of translating and publishing a large number of obsolete documents.

It is necessary to validate the corporate status and the area or boundaries of local government districts, and the numerous Orders-in-Council and Letters Patent, which determine what powers local government districts have. Over the years, through a series of amendments to the Letters Patent, most local government districts

now very closely resemble municipalities. Rather than translating, filing and publishing a large number of Letters Patent indicating which sections of The Municipal Act apply to local government districts, the Bill provides that with certain significant exemptions The Municipal Act will generally apply to local government districts. In this way, the Letters Patent conferring powers on local government districts will not be required to be separately validated.

The amendments are primarily addressed to ensuring that the application of The Municipal Act to local government districts is clearly stated and that the corporate status and boundaries of local government districts fall within the scheme of The Regulations Act.

The amendments to The Municipal Act are intended to facilitate the continuation of the corporate status and the confirmation of the boundaries of municipalities by the use of the regulation system under The Regulations Act. In this respect, the purpose of these amendments are very similar to those proposed for The Public Schools Act and The Local Government Districts Act.

The present system of establishing municipalities and determining their boundaries in Manitoba is very complex. Sometimes municipalities are created and their boundaries set out by special Act. On other occasions, these are done by the issue of Letters Patent under The Municipal Act. On still other occasions, their boundaries are determined under The Municipal Boundaries Act. The result is that information relating to the corporate status and boundaries of municipalities is often in a number of documents. It is difficult for persons affected to determine the status of corporations and their boundaries.

Instead of this complex system, the proposed amendments will substitute the simplicity and public accessibility of filing and publishing regulations under The Regulations Act. New consolidated legal descriptions have been prepared for all of the municipalities so that the public will have to make only one inquiry to determine the area occupied by a municipality.

The last portion of the Bill repeals 63 statutes relating to municipalities. In all cases, these statutes are spent apart from legal descriptions of the municipalities which will be validated by the use of the regulations system in the manner I have described. Municipalities have been consulted on repeal where there was any doubt as to the continuing need for the statute. I have also been advised of the proposed system for establishing municipalities or changing their boundaries.

Mr. Speaker, one of the results of the validation process can be seen here. Validation will ensure that only current laws will remain on Manitoba's books when the process is complete.

I commend Bill 23 to the House and request Honourable Members consider giving it speedy passage.

**Mr. Paul Edwards (St. James):** Mr. Speaker, I would at this time request that debate be adjourned on this Bill. I move, seconded by the Honourable Member for Springfield (Mr. Roch), that it be adjourned in my name.

**MOTION presented and carried.**

## BILL NO. 27—THE PRIVATE ACTS REPEAL ACT

**Hon. James McCrae (Attorney-General)** presented Bill No. 27, The Private Acts Repeal Act; Loi abrogeant certaines lois d'intérêt privé, for second reading.

**MOTION presented.**

**Mr. McCrae:** Mr. Speaker, the Honourable House Leader for the New Democratic Party (Mr. Cowan) suggests that I cannot, by passing Bill No. 27, remove the Honourable Member's Private Members' Bills as they are listed on the Order Paper. The Honourable Member for St. James (Mr. Edwards) and I might wish such a thing was so easy, but I guess we have to go through the process of dealing with the Honourable Member's Bills in the ordinary way.

As all Honourable Members know, the 1985 order of the Supreme Court of Canada provides that any private Act which is not re-enacted in French and English by December 31, 1990 will lose its validity.

A private Act is commenced by the petition of private citizens, and concerns a matter which is not of interest or application to the general public. For example, a private Act may be of a charitable, religious or educational nature, or may establish a private club or professional association. Many of the private Acts currently in force in Manitoba are very old, and a good number are undoubtedly spent. It is our intention to ensure that every one which is still required shall remain valid after the Supreme Court deadline, and to ensure that we minimize the costs of translation and re-enactment by repealing, before that deadline, any private Acts which are no longer needed.

\* (1430)

The Legislative Counsel Office has begun a review of all the private Acts that are currently in force in order to determine which ones must be re-enacted. Bill No. 27 is the result of the first stage of that review. The Legislative Counsel Office has identified 97 Acts which seem to have fulfilled their purposes and appear to be obsolete, and it is those 97 Acts that are listed in the schedule. I will be giving to the Opposition spokesmen a brief summary of each of the Acts prepared by Legislative Counsel. The Private Acts Repeal Act is to come into force on December 31, 1990. If, during the review process, it is found that some of the Acts in the schedule are still required, The Private Acts Repeal Act can be amended and the particular Acts in question translated and re-enacted so as to remain valid after the December 31, 1990 deadline.

I was somewhat surprised, Sir, when I reviewed the entire re-enactment process to discover that essentially nothing had been done on the re-enactment of previous Acts by the previous Government. One lawyer had worked briefly on private Acts in 1986 before being transferred to other duties, and organizations seeking to have their private Acts translated and re-enacted were advised that Legislative Counsel would be in touch with them as soon as a policy had been settled. About 50 such inquiries have been received and so answered.

Because there was a lack of resources, the matter was allowed to drift until the Government fell last March. The Legislative Counsel Office then took advantage of the lull in preparing legislation to begin the work of cleaning up the private Acts. First, the list of private Acts prepared in 1970 and published as Schedule E to the Continuing Consolidation of the Statutes of Manitoba was reviewed to eliminate repealed Acts and duplications.- (Interjection)- I hear the Honourable Member for Interlake (Mr. Uruski) making some comments which makes it difficult to carry on with my speech. Now I see he is on his feet.

**Mr. Bill Uruski (Interlake):** On a point of order.

**Mr. Speaker:** Order, please. The Honourable Member for the Interlake, on a point of order.

**Mr. Uruski:** The Attorney-General (Mr. McCrae) just indicated in his remarks that some actions regarding private Bills were not taken by the former administration. I want to indicate to the Attorney-General that private Bills in the municipal and rural areas were being consulted by the Department of Municipal Affairs on an ongoing basis to see which Bills had to be repealed and which Bills had to be translated.

**Mr. Speaker:** Order, please. The Honourable Member for the Interlake does not have a point of order. A dispute over the facts is not a point of order.

**Mr. McCrae:** I cannot help but agree with you, Mr. Speaker, that the Honourable Member does not have a point of order. If he wants to refer to something that went on in one particular department, that is fine with him. The Honourable Member will have his opportunity to respond to the comments I make today at second reading of Bill No. 27. The Honourable Member knows that opportunity is available to him, and he should make use of that opportunity rather than interrupt my speech at this stage of the proceedings on this Bill.

**Mr. Jay Cowan (Second Opposition House Leader):** This is why the House is not run all that well.

**Mr. McCrae:** Now the Honourable House Leader for the New Democratic Party wants to get involved in this debate at this time too.

**Mr. Cowan:** I will be involved in the debate today, you are guaranteed that.

**Mr. McCrae:** I invite him to be involved in the debate today. I would be interested in hearing what the Honourable Member has to say.

As I was saying, the list of private Acts prepared in 1970 and published as Schedule E to the Continuing Consolidation of the Statutes of Manitoba was reviewed to eliminate repealed Acts and duplications. For example, the Acts dealing with the Hutterite colonies were listed individually in alphabetical order, as well as collectively under Hutterian Brethren.

Secondly, the Acts still in force were read by staff in Legislative Counsel to see whether they appeared

to be spent and, in that case, Legislative Counsel sought to confirm that the Act was spent by contacting the responsible body. For example, Manitoba Hydro and the City of Winnipeg were contacted regarding the Winnipeg Electric Street Railway Company which had electric generation facilities, as well as trolley car service, but which went out of business years ago.

Thirdly, a summer student searched through phone books and directories to find The Private Act corporations still on the books. In round numbers, the result of this search is that Legislative Counsel has identified addresses for 180 Private Act corporations.

I have asked the Legislative Counsel office to conduct an advertising campaign, to bring information about this project to the attention of people involved in organizations which were incorporated by Private Act. This advertising is to begin immediately, and we will ask such persons to contact the Legislative Counsel office concerning the status of their organizations, and sets a deadline of December 31 of this year for those persons to make their wishes known.

The advertising is essential because the matter has been allowed to drift for so long. Of the approximately 450 Private Acts still in force, Legislative Counsel has heard from approximately 50, another 97 appear to be spent and another 180 have been tentatively located. Legislative Counsel will write to those 180 advising them of their choices. That leaves approximately 120 Acts whose continuing utility is unknown to the Government. We hope this advertising will result in those organizations being located. Also the advertising will provide a check on the accuracy of the list maintained by Legislative Counsel office. Already one organization, the Winnipeg Board of Trade, has contacted the Legislative Counsel office but its Private Act does not appear on the list. The Government anticipates three types of answer to this advertising:

Firstly, there will be some groups which have disbanded or amalgamated, and are no longer active, and some Acts which were passed for specific reasons, which have been achieved. People involved with these can simply confirm that the Acts can be repealed.

Secondly, many organizations which were originally created by Private Act will find this a convenient time to change over to being regular companies under The Corporations Act. Such a change would eliminate the translation requirement and make it easier for the company to alter its incorporating documents, for example, to add a new power to what the corporation can do. The Government has passed a regulation waiving its regular fee of \$250 for any Private Act corporation which continues under The Corporations Act before December 31, 1990. This will obviously be an attractive alternative to translation and re-enactment for many Private Act corporations.

Thirdly, for organizations that require their Private Act to be re-enacted, the Legislative Counsel office will look after the translation and prepare a Bill to be introduced in this Assembly at the 1990 Session.

The 1990 Session is very short notice for Legislative Counsel. Each of the Acts requiring re-enactment must

be updated. Any amendments made in the past must be consolidated. The English version has to be typed and then the French version must be prepared. There could be as many as 350 such Acts to be re-enacted and the 1990 Bill could have a schedule of 2,000 pages. It is obviously impossible for this task to be completed on time if organizations are still coming forward in 1989 and 1990. For that reason, we have established December 31 of this year as the limit for contacting Legislative Counsel. Any person coming forward after that date will have to bear the cost of petitioning the Legislature and will have to provide the French version.

I am certain that everyone will agree that it is useful to eliminate obsolete legislation. In this case, where the Acts were based on the petitions of private citizens, we are introducing the repeal Bill far in advance of the date it will come into force, so that it can serve as notice to people who may be interested in the Private Acts that will be repealed. Furthermore, this discussion will serve as notice to others that the Order of the Supreme Court of Canada for Re-Enactment applies to Private Act corporations, and that the Legislative Counsel Office with the co-operation of people involved with those corporations will be assessing all the Private Acts of Manitoba, and translating and re-enacting those still required.

In closing, Mr. Speaker, let me say that we wish to proceed as quickly as possible with the re-enactment of those Private Acts requiring re-enactment. As I have indicated, the Legislative Counsel office will be placing ads in major dailies and weeklies to ensure the widest possible circulation of information respecting the re-enactment requirements. I would ask Honourable Members to urge their constituents who may be involved with groups governed by Private Acts to contact Legislative Counsel as soon as possible.

\* (1440)

It is a pleasure for me to move second reading of The Private Acts Repeal Act. I would commend this Bill to the consideration of Honourable Members and hope and ask for the support of Honourable Members.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I move, seconded by the Honourable Member for Springfield (Mr. Roch), that this Bill be adjourned.

**Mr. Uruski:** Before you put the motion, I would like an opportunity to speak to this Bill right at this moment and the motion can be carried on and stand in the Honourable Member's name.

**Mr. Speaker:** It has been moved by the Honourable Member for Inkster (Mr. Lamoureux), seconded by the Honourable Member for Springfield (Mr. Roch), that debate will be adjourned, so it will stand in the name of the Honourable Member for Inkster (Mr. Lamoureux).

(The Acting Speaker, Mr. Gilleshammer, in the Chair.)

**Mr. Uruski:** Mr. Acting Speaker, in listening to the Attorney-General (Mr. McCrae) just a few moments ago prompted me to rise and place a few remarks on the record. The Attorney-General of this House stands, and

in a very condescending way wishes to lecture Members on this side of the House, of the former Government, about the lack of process and work on Bill No. 27 and The Private Acts Repeal Act.

The Attorney-General should recall that there were ongoing discussions between the Government and the Opposition of the Day dealing with the process of how these Bills would be dealt with in the Assembly when the Government fell. To come to this Assembly and put on the record that nothing was happening vis-a-vis these Bills, Mr. Acting Speaker, is stretching one's integrity to the limit. The Attorney-General, as one Member of this House, really ought to rethink the kinds of words he put on the record vis-a-vis the relationships between the Government and the Opposition of the Day. I guess he really does want this Session to continue to roll on and on vis-a-vis the legislation that he wants to have passed.

He needs the cooperation of all Members of this Assembly to deal with these Bills. I, for one, am prepared to give him that co-operation, but having heard the kind of remarks that I have heard 10 minutes ago, ones patience and forgiveness is tested to the extreme. The Attorney-General really wants to—I do not know what vindictiveness he wants to place on the record. If it was factual, it would be one thing, but when it is not factual, that certainly grates myself as one Member of this House, because the remarks that he put on the record were not factual about no work being done.

Mr. Acting Speaker, the Attorney-General (Mr. McCrae) will want the cooperation of all Members. Then he should not stoop to the kind of nonsense that he stooped to earlier, because he knows well that there were discussions as to the process on how these Bills would be handled when he was the House Leader of the Conservative Party. There were discussions at that point in time, but no, he wants to—

**Some Honourable Members:** Oh, oh!

**The Acting Speaker (Mr. Gilleshammer):** The Member for Brandon West (Mr. McCrae), on a point of order.

**Mr. McCrae:** I do not mind being subjected to a dressing down by the Honourable Member for Interlake (Mr. Uruski). I have heard them before and I think I can take them, but the Honourable Member should be aware—I am sure it is not his memory that is faulty but perhaps a slip of the tongue—I never was House Leader for the Official Opposition.

**Mr. Uruski:** I note that there likely was not a point of order and I appreciate the correction of the Attorney-General (Mr. McCrae). I have no difficulty there, but he has been there quite a while.

Nevertheless, I do not know why the Attorney-General would want to deal with the legislation in a manner that he is embarking on unless, of course, he believes that this Session will continue on past the new year. Certainly he is—

**Mr. McCrae:** I did not make any threats to you.

**Mr. Uruski:** The Attorney-General from his seat is now indicating that he did not make any threats to me. I

am one of 57 Members of this Assembly. The Attorney-General's comments reflected on myself as a Member of this House and a Member of the former administration who, I know—for example, in Bill No. 23, the Bill that he introduced just before this, there were extensive discussions held throughout rural Manitoba on those statutes by staff of my ministry at that time, the Department of Municipal Affairs, dealing with a number of those Acts.

For the Attorney-General to come here and suggest that there was no move on this legislation is an attempt again to try and rewrite history, an attempt to rewrite history, because this process would have had to have been much less expensive in terms of the numbers of Bills had the original agreement been passed. I want to remind the Conservative—and I will keep reminding the Member for Lakeside (Mr. Enns) and the Attorney-General (Mr. McCrae) that had the original agreement been passed we would not have had to go to this expense that we are now subjected to.

The Conservative Party is very sensitive on this very matter. The fact of the matter is we are and have been subjected to additional expense by the translation and the repeal of these statutes because we would not have had to translate all of these statutes had the original agreement been kept. So for this Attorney-General to come here and lecture Members on The Repeals Act and the translation on validation of statutes of all the Bills that he is proposing, is condescending, to say the least.

He knows that I am insulted. If he has not got the message yet, he will know, because other Members in this House I am sure will be as insulted as I was by the remarks of the Attorney-General (Mr. McCrae).

We will not hold up the Bills, but we will have our right to speak to them and make our criticisms there. We did have a point on the validation of private statutes, that those statutes which were to be translated by corporations, profit corporations, the full costs should be borne by those corporations. However, the non-profit Bills of corporations set out rurally and throughout Manitoba, those Bills should in fact be dealt with as part of the public cost and those Bills should be translated and passed. So the Attorney-General (Mr. McCrae) should be aware that the Bills—that our position vis-a-vis the corporate Bills, that those costs should be picked up by those corporations. We certainly will want to see all the remarks that the Attorney-General has put on the record vis-a-vis those costs and see how they will affect the non-profit groups. But I resent the remarks of no action that were made by the Attorney-General.

\* (1450)

## DEBATE ON SECOND READINGS

### BILL NO. 4—THE RE-ENACTED STATUTES OF MANITOBA, 1988

**The Acting Speaker (Mr. Gilleshammer):** The House has already agreed that the matter will stand in the name of the Honourable Member for Inkster (Mr. Lamoureux).

Call Bill No. 4, The Re-enacted Statutes of Manitoba, standing in the name of Mr. Ashton.

**Mr. Jay Cowan (Churchill):** Mr. Acting Speaker, I look to you for some guidance. The Member for Thompson (Mr. Ashton) is not here today, but he has indicated to me as House Leader that he will be prepared to allow me to speak in his stead and also to indicate our willingness to pass this Bill on to committee, if that is allowable.

**The Acting Speaker (Mr. Gilleshammer):** Is there agreement to proceed with Bill 4? (Agreed)

**Mr. Cowan:** It is our intention to allow this Bill to pass on to committee given that there is, according to indications from the Government House Leader (Mr. McCrae), some necessity to move this Bill along the legislative process in order to ensure that we are able to meet the requirements of the Supreme Court decision with respect to the translation of Bills in the Province of Manitoba.

We have asked the Government House Leader (Mr. McCrae) to indicate to us exactly which Bills require some quicker than usual progression in the House, in order to accommodate the need to print and publish those Acts by December 31 of this year.

We have received some indication from him that at least this Bill, and Bill No. 5, which I will be speaking to in a moment, require that sort of speedy progression at this time. So we are pleased to be able to cooperate in that process.

In doing so, I must make note, since the Government House Leader (Mr. McCrae) wanted to take us down memory lane a bit earlier today, of some of the historical circumstances in the way in which these types of Bills have been addressed in the House previously. I, as Government House Leader, along with the Attorney-General of the day, a New Democratic Party Government Attorney-General, went to the Opposition House Leader and the Attorney-General Critic for the Opposition, Conservative Opposition at the time, on numerous occasions to ask them if we could expedite the progress of these Bills through the House once they were presented to the House and we were denied that sort of cooperation. We were denied that sort of cooperation not because of any specific reason that was given to us but just because it was felt, and the Government House Leader can correct me if he thinks I am wrong in relaying this particular historical perspective, but because it was our understanding that the Opposition felt no need to move those Bills along quickly and wanted to have them on the Legislative Order Paper in the event that they felt required to speak to them at a later date. So the Bills would sit in this House, being stood on occasion after occasion after occasion with intermittent speeches on them.—(Interjection)—

**Hon. James McCrae (Government House Leader):** The Sessions were in the spring, not in the fall.

**Mr. Cowan:** Exactly. The Government House Leader says that the Sessions were in the spring, not in the fall. I suppose that what he is referencing is the fact that we now have a time line that is causing us some difficulty because we are in a fall Session versus not having that time line that was causing some difficulty

when we were in a spring Session. Notwithstanding that fact, the way in which they approach the business of the House is a matter of record and should be put on the record because it was frustrating to us at that time.

We hear a lot of comment now about how the Opposition, both the Liberal Opposition and the New Democratic Party Opposition, are frustrating the business of the House because they want to speak to the Bills at some length, they want to have a large number of Members speak to the Bills and they are not moving the Bills quickly through the process.

I just want to remind the Honourable Members that were in the House in previous Sessions and also provide some insight into history for those who did not have the pleasure and privilege of sitting in this House when we first dealt with these Bills during the last Session, that we are being much more cooperative in our approach as is the Liberal Opposition being much more cooperative in their approach than were the Conservative Opposition. I think that is a note of historical record that has to be clearly stated and repeated.

So when we say that we are prepared to pass these Bills onto committee today, we are doing so in the finest sense of cooperation and, more importantly, because we do not believe that these Bills should be subject to any sort of games playing by any Party in this Legislature. Therefore we do not feel the necessity to hold out the passage of the Bills so as to allow for that opportunity if one were one to take advantage of the situation as was the case with the Conservative Government when they were in exactly the same position, notwithstanding the time differences in the calling of the Session, as were we.

With those comments, Mr. Acting Speaker, we will allow this Bill to pass on. It will then go into the appropriate committee stages. It will then come back to the House for a third reading. If there are any further points that have to be made in the debate at that time, we will make those points at that particular time, but we do not in any way want to delay the passage of this important legislation by holding it past today.

It is also my understanding that there are a number of other Bills that should as well be passed in the near future in order to accommodate the requirement to both print and publish the Acts by December 31, 1988. The latter part of that requirement is the important part of that requirement when looking at how we schedule our business here. It is easy enough to pass the Bills here and to proclaim them, but they must as well be printed and published. There are certain requirements that take some length in order to fulfill, in order to print and publish the Bills. While passing this Bill, we are also going to give a commitment that we will pass the other Bills in as speedy a nature as is possible, given that there is a requirement that they be printed and published.

That applies however only to those Bills of some length because the length of the Bill is the major problem. If it is a very voluminous Bill and a very long Bill, then it takes a much longer time to print and publish

it. If it is a very short Bill such as one of the Bills, The Cooperative Promotion Trust Act, which is also required to be printed and published by December 31, 1988, then we may want to speak at greater length and have more individuals speak to that Bill because, firstly, there is not the same strict requirement for speedy passage and, secondly, we believe that there is an opportunity there for the Opposition to put on record, at least for the New Democratic Party Opposition to put on record, our deep concerns about the elimination of the Department of Cooperative Development.

I say that there is an opportunity for the New Democratic Party rather than an opportunity for the Opposition Members because it is my understanding that the Liberal Opposition do not share that deep concern with respect to the elimination of the Department of Cooperative Development. Their Leader in the past has indicated that might be one of the areas of efficiency that she would have been prepared to look at had she had the opportunity to govern. Again, we see a meeting of the minds and a melding of the slavish commitment to efficiency over the needs of Manitobans in that particular area between the Liberals and the Conservatives.

\* (1500)

However, if the Attorney-General can indicate to us that I have erred in my judgment as to whether or not it has to be passed by a specific date, then we would be prepared, if it were called, and in an appropriate fashion to ensure that we could pass it by that date. We rely upon his sense of timing as to whether or not it actually has to be given Royal Assent by October 21 or whether there might not be more time to debate that particular Bill.

I also imagine that when that Bill goes to committee there will be groups who may want to make representation which would take longer than there would be for the other Bills. We do believe that Bill to be a somewhat different Bill even although it is part of the re-enactment legislation.

We will also have some comments to make on The Private Acts Re-enactment legislation with respect not only to what the House Leader has said today. I do share the concerns of my colleague, the Member for the Interlake (Mr. Uruski) in the way in which that Bill was presented because I know that there were discussions ongoing between the Opposition and the Government more than a year ago with respect to how we should proceed with that Bill. We were attempting to, by consensus, reach an agreed upon process to deal with private Acts that would save the province a great deal of money with respect to the re-enactment of those Acts and at the same time not disadvantage non-profit and community organizations which relied upon those Acts as a way to gain incorporation and official recognition.

Those discussions had been going on for over a year when the Government of the Day fell. They were going on because we felt there was a more appropriate approach than the one that is being taken, or the one we anticipated will be taken by the present Government,

an approach that would have saved the province considerable amounts of money.

Let him not suggest that there was nothing happening with respect to private Acts. There was a great deal happening. It was just not done in the way in which they wanted it to be done and because we were attempting to strike a consensus, which is the way we governed to the extent possible, we did delay in the actual physical work that had to be done, the detailed work that had to be done, because we would not have wanted to undertake that sort of elaborate research and that sort of work if a better system could be put in place.

I want to save my specific comments and detailed comments with respect to that situation for my debate on Bill No. 27 which was just given second reading today.

The other reason, Mr. Acting Speaker, is that we may want to hold Bill No. 15, if that is possible, a bit longer is to not only make known our displeasure at the way in which the Government is approaching the whole area of the promotion of cooperatives in this province, but also to hopefully be able to convince the Liberals that they are wrong in their Leader's stated approach. We have not heard a lot from them with respect to that Bill, but I am looking forward to the debate that they will participate in.

When I say we have not heard a lot from them, I am not being derogatory in any sense. There has not been a lot of opportunity, and I am quite sincerely looking forward to hearing what they have to say about that Bill and the impact of the elimination of the Department of Cooperative Development by the Conservative Government. Perhaps if we could bring them around to our way of thinking on this particular issue, we might be able to ensure that the cooperative movement does not suffer that sort of cutback.

The Member for Transcona (Mr. Kozak) indicates that he will be speaking on the Bill today and I would certainly look forward to reading, if not hearing, those comments after they are made, just as I have heard the comments, I believe, from the Member for Burrows (Mr. Chornopyski). I may be wrong on the constituency, but I believe the Member for Burrows. I was somewhat taken aback by some of the things he had to say about the cooperative movement, and I hope that the Member for Transcona will use his opportunity to speak on the Bill to attempt to undo some of the damage which was done by his colleague with respect to some of the more negative perceptions of the cooperative sector which were put on the record during the Member for Burrow's speech.

Having said all of that in trying to give some background as to the reason for moving this Bill ahead at this particular time, I am pleased to conclude my remarks and suggest that we will be prepared to cooperate to the greatest extent possible, while at the same time reserving the right that every Opposition has to speak on the Bills to the extent that they feel is required to either try to convince the Government not to proceed in a certain way or to convince them to proceed in another way. That is not only a right but

a responsibility, so we take very seriously the need to ensure that we have exercised our rights and lived up to our responsibilities in that regard.

**QUESTION put, MOTION carried.**

## **BILL NO. 5—THE STATUTE RE-ENACTMENT ACT, 1988**

**The Acting Speaker (Mr. Gilleshammer):** Call Bill No. 5, The Statute Re-enactment Act, 1988, standing in the name of Mr. Maloway.

**Mr. Jay Cowan (Churchill):** I believe that the Member for Elmwood (Mr. Maloway) stood the debate so that I would have the opportunity to make a few comments.

**Some Honourable Members:** Oh, oh!

**Mr. Cowan:** I have to tell you that the Member for Elmwood dearly wanted to speak on this Bill—

**Some Honourable Members:** Oh, oh!

**Mr. Cowan:** —and I have had to use my limited persuasive powers to encourage him not to stand in his place and to make what would have been, I am certain, one of the most eloquent, one of the most spirited, one of the most well-thought-out, logically constructed, properly enunciated and—

**An Honourable Member:** Sit down, let us hear him speak.

**Some Honourable Members:** Oh, oh!

**Mr. Cowan:** I wondered if he was going to get into a dissertation on ladders—and most well-delivered speeches that this House has ever heard. As a matter of fact, the Liberal Opposition Whip suggested I should sit down and let him speak and I almost talked myself into it.

However, in the spirit of cooperation, in wanting to move these Bills along I, indeed myself, will cut my comments short so that we can move this particular piece of legislation along the legislative path. But I did not want to allow it to leave the grasp of the House during second reading without having put on the record the fact that the Member for Elmwood (Mr. Maloway) did make a great sacrifice, and had some personal discomfort in having to do that, so that we could move this legislation along.

I understand that when we cut him short in his research for this Bill, which was approaching somewhere near 150 hours, that he immediately turned his attention to a number of other Bills and has been able to complete his research on them, and either today or within the near future will be able to make the same sort of eloquent presentation on other Bills. Therefore, we have not lost entirely the opportunity to hear him speak in this House, but just on this particular Bill.

That aside—again we are allowing this Bill to move on because we understand there are some time



constraints and that is a fairly large Bill that will need to be printed and published. The sooner I sit down they can commence with the progression and, for that reason, in the finest sense of cooperation, I am going to cut my remarks short, and indicate that if there are further comments that have to be made after committee hearings on this we will be prepared to speak at that time. But it is our intended objective here of making certain that we are able to meet the guidelines that are required in order to have these printed and published by December 31.

**Hon. James McCrae (Attorney-General):** In view of the fact that the Honourable Member for Churchill's (Mr. Cowan) time has not expired, I wonder if he would entertain a brief question having to do with the Honourable Member for Elmwood (Mr. Maloway). It may be true—I do not know, the Honourable Member for Churchill might be able to confirm this for me, but I understand there was a raffle held in Elmwood. The first prize was to be able to attend an evening with the Honourable Member for Elmwood at which he would make a 20-minute speech. Is it true that the second prize was that they could hear a 40-minute speech from the Honourable Member?

**Mr. Cowan:** If the Government House Leader (Mr. McCrae) is asking for a book of tickets, in the finest New Democratic tradition, we just happen to have books of all sorts of raffle tickets, which we could use to accommodate his desire. No, in fact the constituents of Elmwood have asked on numerous occasions for the Member for Elmwood to attend and give speeches, repeats of speeches which he has given in this House because the reputation has spread far and wide throughout his constituency. I am glad that the Government House Leader agrees with us that he is perhaps one of the most eloquent and one of the most concise and one of the better prepared speakers in this Chamber.—(Interjection)—Now, see, I have found a fundamental difference between the Liberals and the Conservatives. The Liberals do not agree with that, while the Conservatives do believe he is all of those things and more.

**QUESTION put, MOTION carried.**

\* (1510)

## **BILL NO. 6—THE FIRES PREVENTION AMENDMENT ACT**

**The Acting Speaker (Mr. Gilleshammer):** Call Bill No. 6, The Fires Prevention Amendment Act, standing in the name of Mr. Pankratz.

**Mr. Helmut Pankratz (La Verendrye):** I would like to put a few comments in regard to this Bill on the record, namely, Subsection 68(1) is amended by adding the following clause: "prescribing tuition fees payable at a central fire college established under clause 35(3)(e) or at a regional fire school established under clause 35(3)(f)."

As we already have heard from the Member for Churchill (Mr. Cowan) that the Member for Elmwood

(Mr. Maloway) is so eloquently great at making his speeches, I just recall part of his speech that he made exactly on this Bill No. 6. I did not quite concur with all of that information, but possibly the Member for Churchill had given him the wrong notes.

It is a privilege for me to be able to make a few comments to Bill No. 6. The amendments have been introduced by the Minister of Labour (Mr. Connery) and actually I concur with the amendments. In the Province of Manitoba, we have at the present time four or five brigades that are paid fire brigades, fire stations, like the cities of Winnipeg and Brandon, and Pinawa, I believe it is, and Selkirk. I think those are the four, if I recall correctly.

I believe we, as a Government, have also a responsibility. Not only do these fire brigades but also all the voluntary brigades and stations in the Province of Manitoba have an obligation that these firemen are being trained in such a way as to save lives and give the best service to property damage that is possible under those circumstances. I believe we, as municipalities or reserves or LGDs or towns or villages, have also a responsibility in making sure that these voluntary firemen that we have on our fire brigades, that they are well trained and that they have the opportunity to get the training. I think all of us, as elected people in the Province of Manitoba regardless for what level, we must share that responsibility. As has previously been indicated already by other speakers, these voluntary firemen and also the ones who are not voluntary fire brigades, these people have to contend with spills and fuel spills, tanker fires, and maybe possibly even PCBs and burning cars on the highway and so forth. I think we must make sure that these people get the best training possible.

In the constituency where I come from, we have the Town of Steinbach which has a voluntary fire brigade. We have, I think, 21 men in the fire department. They are voluntary men. Mind you, for their time served, they get paid. That brigade also covers part of the areas of the municipalities, through agreements, and it has been the Town of Steinbach that has always paid the shot. These people, these new members, were appointed to the fire department to make sure that they got the proper training and sent them to different stations, not only in the Province of Manitoba but also in different provinces of Canada, to make sure that they came back with the best training possible and were adequately suited for the job that they were trying to do for the people in the constituency or within their region.

I found it rather interesting though that some of the previous speakers, they were talking of having all this fire training when there possibly was not even equipment, that these different municipalities or communities had any kind of firefighting equipment available. This is, I think, No. 1 where the responsibility must lie. I think that municipalities, towns, villages, that they supply the equipment for the municipalities so that they can have voluntary or firefighters on staff which are then, at the same time, would be qualified to handle the equipment. There is not much sense in sending people to all kinds of training schools if there is not

the equipment available with which to fight fires. That is where I would disagree with the Member for Elmwood (Mr. Maloway) with some of the comments that he made.

The Province of Manitoba has a fire prevention fund which, I believe, all insurance companies must send 2 percent of their premiums to this fund. This basically has been initiated in order to set up these fire colleges and set up these fire stations and actually do training for the people in the Province of Manitoba. I think it is a great thing that this is put in place. At the same time, I believe again that there must be an obligation by the municipalities, different municipalities. Here is where I feel that as a municipality, LGD, town, or reserve for that matter, when they assign these duties, as being firefighters in their respective areas, that the municipalities or these different organizations like the municipalities, that they have an obligation to make sure that they have proper people that they appoint to these duties. The municipalities, and I am referring to them actually in the broader term, I am referring to them as LGDs as well in that respect, all municipal offices, that they have an obligation to these firemen also to cover them with insurance for whatever would happen. Even when they are driving their fire trucks, or so-called, accidents can occur and the municipality must have liability insurance for these people that they have on staff.

I think, with that in mind, it is very important that these different communities make sure that the people that they appoint, that these are people that will be dedicated to their job, that they are taking on these duties. I can see that from the community where I come from. We have very dedicated people, and I think in all fairness I must put on the record, I think we have one of the best voluntary fire departments in the Province of Manitoba.

**An Honourable Member:** Oh come on, come on.

**Mr. Pankratz:** One of the best, one of the best. The Town of Steinbach always has paid for their tuition fees at these different colleges. I personally believe that it would be the duties of any municipality, for that matter, to pay these fees. It should not be free because the minute you get something free, then there is always a tendency of the misuse. I believe that we should be charged; there should be a fee for it. It need not necessarily be the total fee of the cost, but there should be some fee. This then the municipality would pick up, pay for, for their people because they have to appoint these members. Thereby it would also be a way of assessing that they are appointing people who are dedicated to the cause.

For that reason, I must indicate that I do agree with the amendment or the Bill. It also will allow the Province of Manitoba or these colleges to charge for out-of-province people who are coming to the province for gaining some knowledge and information as to how to fight fires in a most appropriate manner, and I think for that as well, I think we need to have a fee for it. It cannot be for free.

I also thought that the Minister, when he brought the Bill forward, he stated that possibly a good location

for an additional fire station college would possibly be in the Town of Steinbach. I wholeheartedly endorse that location as well, seeing it is in my constituency. I do not see any reason why I should oppose it. I believe the close proximity to the City of Winnipeg would allow also some 500 firefighters within the City of Winnipeg also to just take a leisure drive out, and get the training, so-called in a rural setting, which I am sure is also required to some degree by all members in the Province of Manitoba.

\* (1520)

With those few comments, Mr. Acting Speaker, I trust that after the Minister had made his closing remarks that this Bill will get speedy passage in the House. Thank you.

**Mr. Leonard Evans (Brandon East):** Mr. Acting Speaker, I would like to join in the debate. I appreciate the fact that a number of speakers have gone before me commenting on a Bill which admittedly is a very short Bill -(Interjection)- My colleague from Churchill poses the question, we are going to get into a debate, which has the best fire department, Brandon or Steinbach or Churchill?

I wanted to take -(Interjection)- I have attended a number of functions sponsored by the office of the Fire Commissioner in Brandon and have had an opportunity to meet many of the people, men and women, who serve in a volunteer capacity to help protect public safety in the Province of Manitoba by volunteering their services in the various municipal firefighting departments.

It may come as a surprise to some people, particularly those who live in Winnipeg or larger centres, to be advised that the bulk of the firefighting staff that we have in the province is a volunteer staff. I stand to be corrected, but I believe it is only Winnipeg and Brandon that have a full-time professional—there are two others I understand as well, but the two largest certainly are Winnipeg and Brandon—full-time firefighters and by and large who do a very good job. The City of Winnipeg, the City of Brandon firefighting department are very high quality. There is no question that they have proved themselves over the years and we have some statistics I believe to indicate their success in protecting the safety of all concerned when a disaster strikes.

As someone else has remarked earlier in the debate, it is not only firefighting but it also is a matter of fighting the negative consequences of dangerous goods: generally handling dangerous goods, dealing with chemicals, chemical spills, and so on. So we are really not talking about fire fighting per se. We are talking about various aspects of public safety.

I would not confine my remarks to complimenting only one community. I would compliment all municipalities and, as I said I have met many of these people and they are good people from the Interlake, from the Lakeside constituency. I know there are some excellent people. I have met many hundreds.

The essence of the Bill -(Interjection)- deals with the— it is very short—prescription of tuition fees payable at

a central fire college or a regional fire school. There are some serious implications here. I am not sure what the bottom line is, whether these implications we realized or not, but there are some implications with regard to charging of tuition fees. I imagine it is difficult to deal with these implications simply by looking at legislation because as we all know under legislation are regulations, and often it is what the regulations say that determine the details of a program, how a particular program is administered.

While the Minister and some others on the Government side have assured us that we are really trying to get at charging fees to those who are out of the province or as they say in another comment outside the firefighting system. I do not think we can object to the additional fees to being charged to those outside of the province. I do not think we could object to fees—I should not say additional fees, I should just say fees because at the moment there is no authority to charge fees for out-of-province trainees. I have no problem with that.

I do not have a problem with charging federal Government employees. I think the federal Government has ample revenue to ensure that anybody who needs training, who works for the federal Government, will get it. If they need to pay some tuition, they will indeed pay it. Mind you, having said that, there is a point of inhibition I am sure even for the federal Government. Because if the tuition fees that are prescribed by regulation are excessively high, even the federal Government may be reluctant to engage in some training that perhaps they should be, so even there there is some concern.

My major apprehension is with the term “outside the firefighting system” as it refers to private industry in the Province of Manitoba. As I understand the legislation, this will now allow the fire colleges to charge those people in private industry who may go to these colleges for training. I think there is a problem here in that we may be opening the door to inhibiting private enterprise from adequate training of the staff.

As we know, we have large companies who do deal with chemicals, large companies who have industries, buildings set up that are very prone to fire because of the kind of materials that may be processed, and it is extremely important that there be amply trained staff in those industries in the private sector. I do worry that we are somehow or other going to inhibit or discourage a sufficient level of training by the private sector because of this particular amendment.

The department, the fire colleges—the three fire colleges that we have in Winnipeg, Brandon and Thompson—have done an excellent job over the years. I think all of us in this House join in commending them for the success they have had. One of the more recent ones, of course, is the Brandon College of which I had, I might add, the pleasure of attending not only the sod turning, but the official opening along with the late Mary Beth Dolin who then was Minister of Labour and responsible for the Fire Commissioner's Office.

It was a great day attended by many people throughout Manitoba, many representatives of various

fire departments, a very impressive facility, one of the most modern to be had, one that enables all kinds of situations to be pursued, to be set up for training situations. I am thinking of a particular word that they have in the Air Force and also in the Railway when they set up a situation where you think you are dealing with the real thing but you are not. Regardless, the point I am making is that there are various kinds of training available at the Brandon College. Because it is a new facility, it has adequate equipment. I am very proud of the fact that our Government did see fit to establish this important facility in the City of Brandon, and I am very proud of the fact that we have an excellent set of facilities throughout the province.

To talk about prevention, of course, it is not only training, it is a matter of educating the public and I would suggest that perhaps we could use the colleges as a focal point for more training of people in fire prevention, perhaps rescue techniques, building safety and so on.

\* (1530)

I realize that the City of Winnipeg and the City of Brandon, I know for a fact, do go about the community attempting to advise householders of safe practices, how they should ensure that there are no hazardous substances or no substances that are subject to easy ignition, that these substances should be put well away from a furnace, for example, or that a blowtorch should not be used perhaps near some flammable material. It sounds like very fundamental and rudimentary things, but the City of Winnipeg and City of Brandon do go about the community training people—not training people, but advise them—and certainly inspecting the homes to ensure that the storage of goods, materials and whatever else are of such that a fire possibility is minimized.

I am suggesting that the fire colleges perhaps could do more in this regard themselves and that this could be a focal point for more education. If we are talking about fire prevention, it is not simply training in a college; it is education of the public, it is instilling safety practices in the minds of the public.

The office of the Fire Commissioner, I guess, should be very proud of the fact that the total number of fires in Manitoba has seen some decline. If you look at it over a period of a few years, certainly the past four years, with the exception of the '86-87 period where there was a slight increase, by and large, since '84, we have dropped considerably in the total number of fires in Manitoba.

I am not suggesting that there is a specific correlation between the degree of training in the colleges and the number of fires, obviously, but it is certainly a factor. There are other factors as well, even the weather. I think it is known to many of us, if you have a cold winter, when you have long periods of cold weather, there seems to be more fires in dwellings in the area simply because of greater use, greater pressure, greater utilization of furnaces and heating equipment. There are other reasons why the number of fires can and will fluctuate, but certainly, as we are indicating in this

debate, training is among one of the more important factors in this process.

If we look at the figures back to 1984, there were 7,350 fires in the province. In 1985, this dropped to 6,538. In 1986, they dropped to 5,868. In 1987, there was just a very slight increase of I think less than 10, about an increase of nine, from 5,868 in 1986 to 5,987 in 1987. Certainly, looking at it over a four-year period, we are in a much better situation. I cannot explain that. Obviously, I do not have enough information to explain all of that—maybe no one can—but it is good see that there has been that decline.

I might add that the reason for the slight increase in total number of fires in Manitoba is primarily in the area of outdoor property and does not relate to structures like dwellings or factories or garages, wholesale buildings or whatever, wholesale trade buildings or commercial buildings. It is strictly miscellaneous outdoor property as I understand.

You can quickly look at the figures and say, "well, so what," but those numbers of fires translate into a substantial dollar loss for the people of Manitoba. I would say that it is good economy for the Government, through the office of the Fire Commissioner, to do everything possible to ensure we have an adequately trained firefighting group, and particularly the volunteers who may not be in the particular local firefighting unit for many, many years. I know some volunteers stay for a long period but others do leave the system for whatever reason. They cannot maintain their position as volunteers and, therefore, you have a turnover and there is this need for continual training and in some cases a need for upgrading as new techniques or new chemicals come into use.

This is information available through the office of the Fire Commissioner. If you look at the total dollar loss, while there have been increases in past years—certainly, historically, there has been some increase—part of that is inflation but nevertheless in the last two years there has been a rather substantial drop. In 1986, just rounding this off, there were \$54.5 million of loss from all kinds of fires in the Province of Manitoba. That is structures, outdoor property and vehicles, the total. By 1987, this had dropped to \$49.7 million. It is a lot of money. We are talking on an annual basis, so we are talking about a lot of money, millions of dollars of loss. But nevertheless it is significant that we see this drop of roughly \$5 million. I think it is money well spent.

We do not have information as to whether these fire colleges are self-sustained or fully sustained through taxes or fees or charges. I do know, as some Members alluded to, that basically there is a payment of 2 percent of fire insurance premiums which goes towards prevention. I do not have the information on whether this fully pays for the operation of these colleges, and this is why the Government is looking towards giving themselves the power to impose tuition fees. I do not know that but, nevertheless, I am pleased that there has been this drop in the loss of property in the province but that we should be very careful that we do not set up something that is going to somehow or other thwart, inhibit or lessen the level or quality of training.

The Manitoba Fire College has excellent staff, excellent faculty. The facilities, while I am not familiar

with the one in Thompson or in Winnipeg, but I know the one in Brandon is first-class. They have a wide range of programs. I note that there have been changes in the levels of courses.

Last year, the Fire College Training Branch conducted 142 training sessions for a total of 2,690 participants, and a new certificate course was introduced in 1987 to provide instruction in fire scene and examination and investigation. Now the program is going to be delivered in three levels, with Level III designed for the full-time fire investigator so that there are developments.

I might add that I know that the department has been very active and I congratulate the department for its cooperation with the Manitoba Association of Fire Chiefs. I have had the privilege of meeting with the fire chiefs in Brandon on a number of occasions. They have meetings there regularly, annual meetings. There is excellent cooperation between the Fire Commissioner's Office and the Association of Fire Chiefs. They have jointly sponsored various fire and rescue conferences. There was a major one in Brandon last November. There were 400 people who attended, and that was double the number who attended in 1986 so it obviously speaks well of the success of the 1986 conference where they bring in speakers from many parts, have demonstrations, and of course the manufacturers of various equipment types are available. They have representatives there, and they display their new equipment to the participants in the conference.

\* (1540)

But in addition, the training branch did other work in terms of meeting the training needs of the fire service in the province and generally, as I said, have done an excellent job. The point I want to make is that there are changes going on and there is need for other improvements. All of this costs money. I am concerned that—and again I do not have the analysis. I am not privy to that information. Not being the Minister, being a Member of the Opposition with limited information on the operation of the Fire Commissioner's Office, I do not know whether there is a problem with the Government in the Government's mind that there is not enough money coming in from the 2 percent of fire insurance premiums. Maybe when the Minister closes debate at some point, he can answer that particular question.

The question that I have is whether there is a need to -(Interjection)- the Member for Lakeside (Mr. Enns) having had an excellent trip abroad is in fine shape and listening to every word. He is hanging on every word that I say, and I am glad he is doing that. He has been well trained, I guess, having attended a very recent important conference.- (Interjection)- We are not supposed to refer to whether a person is present or not present in the House, so I will not do that. I am not worried at all where the Minister of Labour (Mr. Connery) may be. I am sure he is working very hard.

I am posing the problem as I see it, a rather innocuous piece of legislation perhaps. I think the Minister referred to that, it had not been a major piece of legislation when he introduced it. But whether it opens the door

for additional fees for private enterprise in Manitoba or indeed additional fees that municipalities may have to pay in addition to—(Interjection)—well the Minister shakes his head negatively. I am glad to see that. But the point is the legislation is sort of *carte blanche* like a lot of legislation is. It depends on what happens with the regulations and how you administer it, but it simply says you can now charge tuition fees. Are we going to now sock it to private enterprise who want to train people at the colleges and perhaps inhibit them, discourage them from training their people?—(Interjection)—

But it is also as I understand it, Mr. Acting Speaker, people outside of the fire-fighting system, which could therefore include people who need to be trained for private enterprise, particularly the smaller companies. I know the CNR is a large corporation, I guess does its own training of firefighters. They have a large fire-fighting emergency services staff because they are a large corporation. That may not be true of a lot of smaller enterprises who do not have the capacity to train their fire-fighting people, their people who they need for handling emergencies, spills, etc. They, as I understand it, have the opportunity to be trained in the fire college system.

Now that we are giving the Government this authority to impose tuition fees, are they going to somehow or other by the administration of this inhibit the smaller enterprises who say, well should I train this person or not. Should I upgrade this person or not, by sending them to the Brandon Fire College or Thompson or Winnipeg or whatever? Then we see that the new Government, the Ministers impose such a heavy tuition fee that I am discouraged. I do not think I am going to send that person. We are just going to have to make do with the kind of training he or she has.—(Interjection)—The Minister from his seat indicates we should not be discouraged and perhaps that is not his intention. The legislation, nevertheless, is a *carte blanche* in that respect. It does not say that you will not sock it private enterprises. You may not intend to. It simply says you can prescribe tuition fees. You can now—the Minister of Employment Services (Mrs. Oleson) laughs from her seat when I say sock it to private enterprise. The fact is I keep on hearing from Members opposite that we are going to pay our way. We have to get more money, we have to get revenues. The Member for La Verendrye (Mr. Pankratz) said, this should not be free, it is better that people pay, and so on. Okay, that is a point of view that you can hold, but I am just saying that there is a point of discouragement that might occur. That is, I believe, a legitimate concern.

**An Honourable Member:** I wonder why you are supporting the CPR.

**Mr. Leonard Evans:** I am not talking about the CPR, I am not talking about the CNR even. I am talking about the bulk of the industry in Manitoba which tends to be medium-size and small. In fact, I am not sure—maybe the Minister can clarify this—I do not know it all, I am not a lawyer, I do not know all the implications, but it could be that there could be heavy tuition fees imposed on the municipalities which are the biggest users of the system. I know we have the 2 percent premium fee charged but, in addition to that, is that now possible?

The Government, in its desire to seek new revenues, in its desire to get rid of deficits altogether so we can have surpluses and start reducing the debt, because we are not going to reduce debt until we have surpluses, right? All Members across the way seem to be very alert to that because when I use those terms everybody sits up and listens. Then you are looking for new ways to secure revenue. I am not criticizing new ways to secure revenue but what I say is that in this particular instance, because of the importance of adequate fire emergency services training, we do nothing to inhibit, and perhaps done very innocently, the adequate training of these people in the private sector.

I said earlier on there is even a point with the federal Government. If you establish heavy fees for the federal Government, maybe even some of the bureaucrats who run some of the departments in the federal Government may become discouraged at some point and say, well, we cannot afford that, it is not within our—(Interjection)—I do not know whether this is in order, Mr. Acting Speaker. I am being asked questions from his seat. I have the pleasure of advising the Honourable Member for Lakeside (Mr. Enns), before I was a politician, I was teaching at Brandon University.

**An Honourable Member:** That explains a lot.

**Mr. Leonard Evans:** That explains a lot. Wait until I tell my friends at Brandon University about these remarks.

I have a concern also about the reference—and I take nothing away from the Honourable Member for La Verendrye (Mr. Pankratz) who is doing his thing for his riding—but I really question and am genuinely surprised why the Minister would allude to the fact that we should have another fire-fighting training college at Steinbach. I would think that the Minister, because I have heard now—and again I do not have all the information. I have heard that the college in Brandon has a lot of capacity, so why should we build more capacity if we have it? I do not know about the Winnipeg one. Maybe there is a lot of capacity there too, excess capacity. I would trust that the Minister would elaborate on what he means by that statement because he did refer to it in the introduction of the Bill when he spoke last month on this, referring to the fact that while maybe we need one in southeastern Manitoba—

**An Honourable Member:** He said, may.

**Mr. Leonard Evans:** Yes, that is what I said too, may need one in southeastern Manitoba. If I could get the exact quote here: "But there is also the possibility of the need for another college. As we have indicated, there is one in Winnipeg that is inadequate. There is a very good one in Brandon, and there is a very small regional one in Thompson. There is possibly the need for another fire college to serve Winnipeg more adequately in the southeast corner of Manitoba." That I do not understand, "to serve Winnipeg more adequately in the southeast corner of Manitoba. Possibly a town close to Winnipeg, such as Steinbach, could be a good location for a fire college."

That is the quote from the Minister of Labour (Mr. Connery) responsible for the Fire Commissioner's Office

in debating this and introducing this on August 5. At any rate, I would trust that while we want to have the capacity there to train as many people as need be that we take a hard look to make sure that the existing facilities are being adequately utilized. I do not have the full information on that, but it is a legitimate question to ask.

\* (1550)

I know it is easy to slip into that because you can say, well, we pay for a lot of these out of the fire insurance premiums -(Interjection)- well, it is very tempting. Nevertheless, there are operating costs and ultimately there will be costs, I believe somehow or other, out of the Treasury of the Province of Manitoba.

If the Minister would like to assure us that everything, all operating costs as well as capital costs, come out of the insurance premiums, fine. But there are costs and who pays the premiums? The premiums are paid ultimately by people of Manitoba and in this case, I would imagine, many of them are, well, a good number of them are -(Interjection)- The Member for La Verendrye (Mr. Pankratz) asked, since when was I concerned about cost. You become concerned about cost when you are in Government. You should be concerned about cost and I am saying, while I would not want to criticize or somehow or other oppose further fire college developments, I have a feeling, an impression that the existing system, particularly if you look at the one in western Manitoba, is not fully utilized at this time. So surely we should assure ourselves that all the capacity that we have is being fully utilized before we start engaging in additional expenditures.

So, Mr. Acting Speaker, I have put my main concerns forward on this matter. I think it is a legitimate concern and, as I said, there is no way of knowing what will happen because it is not what this Bill necessarily says. The Bill gives the Government a certain authority. What will happen now is how the Government administers the Bill, what regulations are passed, and what those regulations say.

I do not know whether the Minister heard me while I made the statement earlier on, but I want to say that we do have an excellent Fire Emergency Service Training Program, we have a Manitoba Fire College set up that is of the highest standards. We should all be very proud of the system and we should be very proud of all the volunteers in the province, particularly in rural and northern Manitoba, who give of themselves and their time and indeed put themselves at some risk to serve the public in this important area of fire and emergency services.

So with those words, I do not know whether anyone else wishes to speak after me or whether the Minister is going to close, but I would trust that my concerns and the concerns of my colleagues in this, which I think are fundamental, are addressed. Thank you.

**Mr. Laurie Evans (Fort Garry):** Mr. Acting Speaker, I welcome this opportunity to just make a few comments on this Bill No. 6, The Fires Prevention Amendment Act. In preparation for this, I thought that I should at

least read all of the comments that have been made by previous speakers. So after reading for about four hours last night, I decided it was pretty late to prepare an extensive speech myself, so my speech will be relatively short.

I have come to the conclusion that the length of the Bill is obviously inversely related to the length of the discussion and, when one goes through the commentary to date, you find that there is very little disagreement among the speakers as to the support for this Bill. Therefore, I would assume that we would really have extensive debate if we disagreed on something.

My view on this, Mr. Acting Speaker, is that we certainly agree in principle to the amendment that has been put forward by the Minister, but I do share some of the concerns that have been expressed by others, and that is what appears to be a somewhat open-endedness to this amendment in that, while it only provides the authority to prescribe and to collect tuition fees, it does not have the specificity that is necessary to identify what the limits of that prescription and the collecting of fees would be.

The Minister has indicated that his intent would be that this would be collection of fees only for students coming from outside jurisdictions. I am sure that is his intent. He said that we could have faith that is all that would happen as long as he is in power, and I just would like to point out that we would like to have peace of mind for a somewhat longer period. Therefore, I think it would be worthwhile to have a friendly amendment that would add some specificity to this so that we are guaranteed over more than a few months that there will not be collection of tuition fees from other than those of outside jurisdictions. I do have faith, however, that as long as he is in power, and the current Government, we do not have to worry about it being socked to private enterprise. So I would assume here that we are relatively safe.

I would -(Interjection)- That, unfortunately, is not entirely within our hands, or "fortunately" probably is a better term to use there.

**An Honourable Member:** Would you if you could?

**Mr. Laurie Evans:** If I could, I would make the period extremely short.

Therefore, I would welcome the friendly amendments that previous speakers from the New Democratic Party have indicated that they may be bringing forward during committee. So, therefore, I see little point in repeating all of the information that I gleaned in my hours of reading last night, which ranged all the way from the specifications of ladders that should be used through to the use of burlap bags to put out grass fires and so on. I became very well enlightened in terms of most aspects of firefighting in this province—

**An Honourable Member:** How do you feel about the ladders?

**Mr. Laurie Evans:** The ladders, I got the information that you are far better off to use an aluminum ladder

than you are a wooden one because the likelihood of the aluminum one burning in the fire was much reduced.

**An Honourable Member:** What if there are power lines?

**Mr. Laurie Evans:** The power lines with an aluminum ladder was another issue. There are obviously pros and cons to both sides of this thing and that is why, I assume, the discussion on this particular issue has been as lengthy as it has, because there are obviously two sides to everything. The only thing that appeared to be quite common was the fact that without water you were in trouble in most cases. I am very surprised that they did not bring in the implications of the drought in terms of firefighting, which is obviously a very pertinent issue when it comes to this Bill.

I think I am now getting to the point where I may, if I am not careful, revert back to my professorial role, and I am only attuned to 50 or 75 minute addresses, usually. Therefore, to restrict myself to 40 minutes may be difficult. So rather than run the risk of getting carried away, I will just point out that we are in favour, in principle, with this Bill and we will be looking forward to the amendments that are brought forward in committee. If the House is so agreeable, I would be more than happy to have the Minister close out debate and see this Bill go forward with speed. Thank you very much.

**Mr. Jay Cowan (Churchill):** I move, seconded by the Member for Brandon East (Mr. Evans), that the debate be adjourned.

**MOTION presented and carried.**

### BILL NO. 8—THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT

**The Acting Speaker (Mr. Gilleshammer):** On the proposed motion of the Honourable Mr. McCrae, Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act, standing in the name of the Member for The Pas (Mr. Harapiak) who has 32 minutes.

**Mr. Harry Harapiak (The Pas):** As I had begun my comments a few days ago, I would like to continue to carry on and speak about the importance of the small claims practices. I noticed that the Attorney-General (Mr. McCrae), when he introduced the Bill, was very proud of bringing the Bill forward and felt there was going to be a great improvement to the delivery of justice to the small people of the province.

I noted at that time that he and the Minister of Northern Affairs (Mr. Downey) both felt that they had promised during the last election campaign that they were the people who were really the protectors of the small people of the province. I want to again remind him that the New Democrats were the ones who brought forward most of the amendments on this Court of Queen's Bench Small Claims Practices Act. As a matter of fact, there were two lawyers who were the previous Attorneys-General in our Government, the Member for

Rossmere, Vic Schroeder, and the Member for Fort Rouge, Roland Penner, who had brought a lot of the work along in the development of this Bill. So we are pleased to stand and give support to this Bill.

One of the parts of the Act is where they changed the documentation so if they are allowed to—Sections 3 to 5, they amend the Act by changing it from 3,000 to 5,000, and I think it is timely that we would change this limit because, when the Bill was first introduced, I believe that was in 1916, that there was a limit of \$50.00.

\* (1600)

As the Attorney-General (Mr. McCrae) pointed out in his comments, \$50 in those days was an enormous amount of money for most people. So it was appropriate that \$50 at that time would be considered as small claims. It was in 1986 that it was increased to a \$3,000 limit and now there are many—the speakers who spoke previously on this Bill wondered if \$5,000 was high enough, and should we be considering making it a larger amount at this time, seeing the effect that inflation has had on the costs of most items. Many people felt it might be appropriate to raise it to a point higher than the 5,000 that is being brought forward by the Attorney-General. But I am sure that we will have time to consider this and, if it is appropriate, we will be bringing forward some amendment when it is in the committee stage.

I wanted to comment briefly on the Member for Lakeside (Mr. Enns), who yesterday gave us a little bit of a lesson. I will not say a lecture because it was a lesson on what is appropriate on second reading, that we do not speak on a line-by-line discussion of this Bill but we speak on the principle. I think it is important that we keep that in mind as we are debating the Bill, that we stick to the principle of the Bill.

I think there are suggestions being made that the Member for Lakeside (Mr. Enns) should be the House Leader. I think that with all his years of experience in this House that we on this side of the House would certainly support that type of a suggestion that the Member for Lakeside would become the House Leader. I know that he would have had to have missed the trip to Australia if he would have been the House Leader. I think that the contribution that he would have made in this House, the cooperation would have been quite noticeable if the Member for Lakeside would have been the House Leader because I recall the days when he was House Leader. He and the Member for Springfield were always able to work in a very cooperative way. They were able to conduct the business of the House in a very orderly way. We long for the days when those two smokers would gather and have a very intense discussion, but they were always able to come forward with good recommendations for both sides of the House, and I think that the business of the House was conducted.

When we are speaking on the principle of the Bill, I guess we are speaking about the delivery of justice. When you are speaking on the delivery of justice, I do not think that you can speak on this issue without speaking about the plight of the Native people, not only

in northern Manitoba but right across Canada. I think that the inquiry that has been called for by the previous Attorney-General, Vic Schroeder, is something that is going to be well received by the people right across the province because, when you see the difficulties that many of these people are faced with, the aboriginal people, I think that you cannot help but feel that there needs to be some changes made in the delivery of our justice system to be sure that the Native people of the Province of Manitoba have a better opportunity to be represented in the justice system.

There are a number of people, Native organizations, that are coming forward now and saying that there should be some dollars set aside for them to help them prepare their presentations to Chief Justice Hamilton and Associate Chief Justice Murray Sinclair as they go about their hearings in northern Manitoba. I think that the Attorney-General (Mr. McCrae) should take that into consideration and supply some funds for the people of northern Manitoba, so that they could better prepare their presentations to the two judges when they come forward with their hearings in northern Manitoba.

I know I have had several calls from constituents of mine who have asked me to encourage the Attorney-General to reconsider his position and come forward with some funds so they can prepare their presentations. I know that people are much more comfortable in making a presentation to Judge Murray Sinclair than they would be in coming forward to most other judges, because they see Judge Murray Sinclair as one of their own. He has a very informal way of conducting the hearings so people are not intimidated when they come forward with their presentations.

I think that I should mention very briefly that I was living in one of the areas that they are going to be looking into during the inquiry, the Helen Betty Osborne case. I was a Member of the community of The Pas when the Helen Betty Osborne case was first brought forward. There are people who have come forward and blamed the Community of The Pas for suppressing some evidence that may have helped them resolve the case many years previously. I can tell you that, as a member of the community, I heard the same rumours that everybody else did, that people were guilty. We raised the question with members of the constabulary in the town of The Pas at that time, and they assured us that every possible means of bringing that case to a close was being carried out. I do not think that the people of The Pas need to feel guilty in any way. They were under the impression that justice was being carried out and, if there were some shortcomings in the way that the case was conducted, I think it will show up. The inquiry is being conducted at this time.

I was privileged to be present with the Attorney-General (Mr. McCrae) when he brought forward the information of how an inquiry was conducted, and it seems to me that the RCMP carried out their investigation very diligently. I guess when you talk about the administration of justice, at that time, there was a judge or a lawyer in the Town of The Pas who had advised the people who were being accused not to say anything because they had no case to go on. I feel that if there was anyone who miscarried justice, it was

the advice that this lawyer gave those young people at that time.

One other case that they are going to be inquiring into as well is the Harper case. I guess that has had an internal inquiry into it, and I really believe that it has been looked into, but there are still people who feel that they are not getting a fair shake when it comes to the delivery of justice. So I think that if people are willing to come forward with any additional information that they may have on this case, then I am sure the two judges will make a recommendation of how we can make improvements into that system.

One of the recommendations that was made to the previous Attorney-General, Roland Penner, when he had meetings with Native organizations in northern Manitoba was to give greater opportunity for Native people to be involved in sentencing of the people who have broken the laws. I think at this time, when there is some miscarriage of justice and sentencing is being done, quite often the young people in the communities do not have much respect for the judges who are handing out the sentencing.

I think that if they would take into consideration the input that the elders of the communities could have on some of this sentencing, I think that it would be a much fairer system. There would be much more respect for the justice system altogether if they were able to take into consideration some of the previous justice systems that the aboriginal people had on their own. I think that they would have much more respect for it and there would be a greater delivery of justice to the aboriginal people in all of Manitoba.

One of the areas that the Attorney-General (Mr. McCrae) raised when he spoke on the Bill was the fact that quite often there is a bumping up of cases to the Court of Queen's Bench. I know that there are practices that are followed which can prolong the case and then, if there is a small individual who is bringing forward a case, this can be delayed by Examination of Discovery and taking every opportunity to delay the remand case. I think it becomes very expensive for a private individual. Quite often, it is a practice that is followed so the individual has no choice but to give up a claim when it is against a corporation because he does not have the funds in place to continue to come forward with the legal advice that is necessary if it comes to Court of Queen's Bench. So I think it is a practice that should be discontinued. I think it would be better off if the people left it in the Court of Queen's Bench and give them the 60 days that they are going to allow them now to postpone it and, after that, it would have to be dealt with.

\* (1610)

I think that is an amendment that is going to be well received by anyone who is in need of going to the Small Claims Court. I am sure that is a change that is going to be appreciated by many of the people in Manitoba who have need to use the Small Claims Court.

There are several other areas that have been brought forward by the Attorney-General (Mr. McCrae) of changes that are going to be made to make



improvements to this Small Claims Court. I know that there are—some of the areas, we have been discussing for several years. Prior to us being defeated from Government, we were discussing about bringing in those same changes.

One of them was to provide for default judgment in favour of the plaintiff in Small Claims Court, where a defendant properly served has not filed a Notice of Dispute. At the present time, Small Claims Court must hold a hearing to determine whether a plaintiff should prevail even though the defendant having been properly served has not indicated an intention to dispute the claim and has not attended the court on the date specified, the date that the court was set for. The result is that the plaintiff almost always wins judgment after such a hearing.

This is a waste of court time and also a waste of the plaintiff's time. It creates more work for the court staff and, therefore, a needless expense. It also deprives a contested case of having more time to present the evidence and arguments which are to be considered, thus reducing the quality of decision making in these cases. There is a very high percentage of small claims cases that are uncontested. The Court of Queen's Bench allows default judgments. So therefore, they should be allowed in matters that are less serious than the ones that are in Queen's Bench. I think, if it is a practice that is allowed to be carried on in the Court of Queen's Bench, then I think this practice should also be allowed to be carried on in the Small Claims Court.

The procedure would be that the Notice of Dispute would be required within a certain period of time. Upon proof that the defendant was properly given notice of this requirement, the court staff would examine the evidence as to the amount of the claim, either orally from the plaintiff or by an affidavit, and would award a default judgment. This would not be done in the court.

I note that in some of the information we received that the Law Reform Commission was against a default judgment procedure at that time, the commission's reasons were that some plaintiffs may have inflated claims and some defendants may choose not to file Notice of Dispute, mistakenly believing that they have no defence. However, it is suggested that an adequate proof of claim procedure could make a default judgment more acceptable.

Even if the defendant mistakenly believes there is no defence, the present procedure is not assisting them. They simply do not attend court, and the commission comments that this is the way the procedure is being adopted some years after the court is well established. I think that this is the time that that policy could be changed, and I think the procedure would be much more effective if we were given that approval.

I guess the second part of that proposal was already spoken to briefly and that is where it gives the courts exclusive jurisdiction when the claim is less than \$3,000.00. Now that is going to be increased to \$5,000.00. I guess there are some who argue it should be increased to a higher amount, and I think that should be given consideration when we are in committee discussing it.

There is some concern that administration of justice has not been delivered in a fair manner in some of the outlying areas, in remote areas. I think that it should be taken into consideration, some of the delivery of Small Claims Court in some of the remote areas. Although there is not very often the need for them in those areas, still the people have to go to the expense of driving to some of the larger community centres in order to have their day in court. Quite often, it is not the amount of money that is at stake, but there is a principle involved. The people, if they feel that they have been not given their due day in court or their due hearings, then they will go to any expense to try and prove a point.

I think that if there is some way that we can make any improvements to make Small Claims Courts more accessible to the remote areas, then I think that we should be taking that into consideration and making the law more accessible to other areas that presently do not have an opportunity to have a Small Claims Court.

With those comments, I know that some of the other Members want to speak on this Bill. I also feel that we will be bringing forward some further changes when we are at committee stage. But we certainly are supportive of this Bill because it is going to be helping the people of Manitoba with greater access to Small Claims Court, a greater administration of justice, so we certainly are supportive of it. We look forward to some other Members who may want to speak on this Bill. We will certainly be making some recommendations when it comes to the committee stage. With that, I would just say that we will be certainly supporting this Bill when it comes to third reading. Thank you.

**Mr. Herold Driedger (Niakwa):** It is also my privilege to be able to speak upon this Bill and amendments to the Small Claims Court. I have to also reference the fact that yesterday in Private Members' Hour, we on this side of the House had a small dissertation on the relevance of how people, Members speaking to a Bill in second reading, the type of comments that they should be making, that these should be largely comments of principle. It is with this particular philosophy in mind that I stand to speak on this Bill, and that is to the principle of actually extending what I see as the fairness of our court system to more people in the province.

\* (1620)

As the Member for The Pas (Mr. Harapiak) referenced just earlier, the principle of this Bill is actually delivery of justice. Now justice in this particular instance means fair delivery to all people of the province. The actual Bill itself is actually a mechanical thing. It deals with the mechanics of how to make the Small Claims Court more able to deliver this fair delivery of justice.

We are also, by previous speakers, given a bit of history as to how this Bill came about. I believe it was the Member for Flin Flon (Mr. Storie) who actually indicated that the first Small Claims Court Bill was actually introduced in order to make the court more accessible to the common people, to make it less

threatening to common people, because our system seems to have become one of rather sophistication and fairly costly litigations that can be undertaken only by people who have some degree of study in the practice of jurisprudence. This in itself—although it is necessary because we all recognize that although we may, as people, understand something implicitly today, mentally we can understand this, it is difficult often for us to communicate this understanding to someone else because the medium of communication is the spoken word. The spoken word is notorious for its ability to be misinterpreted or to be amended or to be interpreted differently. This is one reason why, when it comes to law, we have people speaking, having to use lawyers or legalistic terms in order to actually explain what is meant by the intent of someone's desire.

In this respect, the Small Claims Court was an attempt to make the average delivery of justice more accessible to people, and I think I would like to also indicate that this is a very historically sound motivation. I think we have to go back many, many, many years, in fact to the years before Christ, actually into the Roman times when the Etruscans were first beginning to explore the concept of law, where you actually had the two classes of people, the patricians who were essentially the ruling class and the plebeians, the common people. In developing means of how to live together, the plebeians demanding a greater role in Government actually were able to proceed to the point where they had what we would today call an "ombudsman" speak on their behalf. They called them "tribunes" who actually had veto over laws that were being made in the elected Assembly by the patricians.

It did not take too much longer after that step forward was made that the common law of the land was actually carved physically onto stone tablets, 12 stone tablets to be exact, and displayed publicly for all people to see. The intent was that if you have a law, and in those days law was not only written as to what was the rule but also what was the recommended punishment if somebody broke the rule, the intention was that the delivery of justice was to be seen to be fair. If you broke a rule, say, in one place of the land, the punishment thereof should be the same as it would be somewhere else. This particular easing of the complexity of the judicial system continued even to the point where, to about 200 years later, if you moved from 450 B.C. to about 287 B.C., the legal distinction—and now I specifically use the term legal distinction—between plebeians and patricians was gone and the subsequent struggle for power and social equality became one of the differences between wealth and status, and whether you had it and whether you did not.

The procedure of making law more accessible to people, to make it more fair to people, continued till if you moved forward another 600 years, we have the codes of the Roman Empire actually codified and written down so they were the same throughout the entire Roman Empire by the Emperor Justinian.

So historically there is tremendous precedent for something of what is being stated in the intent of this particular bill which is to make the Small Claims Court more fair, to make the Small Claims Court more

accessible, to make the Small Claims Court less of a problem or a burden to the litigants, the people who actually would be wanting to use the Small Claims Court.

Another purpose of this particular Act is to, I would think, demystify the law. The term "demystify" is not mine. I believe the term was used originally in his address by the Member for Dauphin (Mr. Plohman) that the Small Claims Court is to help the average citizen understand or to utilize the system that has evolved over so many thousands of years and, in its evolution, become quite difficult to practice. Yet we wish probably as average people to be able to satisfy ourselves, our legal requirements without the need of actually hiring a lawyer to act on our behalf.

I am sure there are many times and cases where a person feels that his or her interests have been seriously harmed and, in order to redress these, an expert is required and consequently lawyers are hired. The process goes through the procedures as have been laid down. But many times people do not have access to legal assistance. Perhaps the case is one where no lawyer will actually wish to become involved. It is perhaps too small a matter or perhaps the plaintiff may not actually be able to qualify for legal aid for whatever reason, so is seeking redress through the Small Claims Court.

For example, we could use the situation of a small independent contractor, one who in our society is covered only by The Mechanics Liens Act to seek redress from contractors who may hire him. He has to go to Small Claims Court if the contractor defaults on aspects of the contract such as it is—if one were to take a look at that contract actually written, it is not very much protection at all—or perhaps a small independent contractor is hired by an individual to come into his home to do some work and the contractor may go to some considerable expense to put materials in place, begin the work and, for whatever reason, the owner may feel that the contractor is not living up to what he considers to be the bargain or the unwritten contract that they may have between them. He may lock out the contractor, maintaining all the materials in the home, and once again the contractor in that case needs to go to Small Claims Court to seek redress.

If we take a look at simple inflation as it has been continuing and if we take a look at the cost of materials in an example such as this, we find that under the old Small Claims limitations, the small contractor may no longer be able to satisfy this particular claim in Small Claims Court with a limit of \$3,000 but needs to go higher to Court of Queen's Bench because the monetary limit has been exceeded.

That brings to mind a possible problem in this amendment as we have it before us today. The attempt is to increase the monetary limit to \$5,000.00. I believe it was the Member for Thompson (Mr. Ashton) who suggested that setting another limit like this may serve us well for one, two or maybe three years, and then we will find that it is necessary to go through this process again in a similar forum because, the limit having been reached, it is now time to set new limits which are higher.

\* (1630)

It would perhaps be much more useful if we were to take a look at trying to set some automatic system into place or some definition into place, which would prevent us from having to go through this procedure every two or three years. There might be some way that this monetary limit, because it is very easy in our society to define things in monetary terms—it is much more difficult to define areas which might legitimately fall into small claims jurisdictions, which might fall into Court of Queen's Bench jurisdictions, without having some legal mind doing that interpretation for us. So normally, what we tend to do is set a monetary limit onto a case so that the average person can make a determination for him or herself.

In that instance, I know that the Member for Thompson (Mr. Ashton) was suggesting some kind of an automatic cost-of-living increase. Perhaps we could utilize some other kind of common monetary aspect that we can judge by. Say, if we want to take a look at a skilled tradesperson, perhaps two months of salary might be an automatic monetary distinction because the two months of salary, we can assume, would probably be going up as inflation goes up. Perhaps another way of looking at this kind of monetary distinction might be to arbitrarily determine that the limit on a Small Claims Court claim might be the average cost of six months of rent for housing. So some way of making it a little bit less necessary to go through this process of an actual amendment every two or three years might be very worthwhile.

Another aspect of the Small Claims Court which I would like to focus on, on the principle of the matter, which is the delivery of justice, was actually raised by the Member for The Pas (Mr. Harapiak), which is to the delivery of Native justice. Many of the crimes which are perpetrated by Native people in the North tend to be crimes committed against property rather than against people. Once again, we have a situation where perhaps a different way of handling a situation might develop which would make the delivery of justice to, say, the Native people much more fair and much more in keeping with their own needs.

I understand that previous speakers have spoken about the necessity of having, or not the necessity but the suggestion perhaps of having the Small Claims Courts adjudicated by provincial judges as opposed to magistrates because provincial judges have legal training, and in this instance this probably is a good suggestion.

For the sake of delivering justice to our Native people, to have a Small Claims Court actually set up in the North or in the area where the claim is being taken up, which may be a claim only on property, should possibly be handled in a system much more in tune with the needs and sensitivities of people who have actually kept themselves out of the mainstream of the dominant society. It seems rather unfair, at least to them and to some of us looking from the outside at their experiences, to be brought into the court system from up North or to have the flying court system going into their communities with judges and with lawyers, very quickly meting out justice as defined by us and then flying out again.

There should be methods whereby the actual needs of the people are met according to the philosophy originally set down, as I mentioned earlier, in Roman times when you had the common law clearly published for all people to see, because the intention was that the common people who needed the protection most should know precisely what the laws were that they were being asked to live by.

It is this business of having a court that serves the needs of the people more than having the people serve the needs of the system that should be explored, and I think is explored at least in principle by the intent of this Bill, which is firstly to raise the monetary limits which are taken up in the Small Claims Court; and secondly, also by the inclusion of an amendment which suggests that a defendant who does not show up to a small claims hearing cannot automatically have the case deferred time and time and time again simply because he may or she may not be willing to face up to the plaintiff's accusations. This unfair delay again removes the use of the court from those people who are seeking to use its ability to deliver justice to the common person.

Another aspect that is being addressed by this Bill, which is not so much the prevention but rather the strong suggestion that it shall not be possible to automatically bump up a claim to a higher court where it could be looked upon to say that, if you are really serious about what you are doing, you should bump it up to Court of Queen's Bench because then lawyers can get involved and it really becomes a matter of law. I think that is probably an abuse of the system and not an actual extension of making the system fair and more sensitive to the needs of Manitobans.

The needs of Manitobans have to be taken into consideration. I realize it has been suggested before by some speakers. I cannot recall now who specifically, but they did make mention, and I think I referenced it earlier in my comments, that it might be useful to make the Small Claims Court fairer to all Manitobans to have the adjudication of small claims actually being done by a judge or heard by a judge rather than by a magistrate. Here we are now discussing a fine legal distinction in definition of terms. I had, in my earlier naivety, thought that magistrates and judges were the same thing, but I have found out through research that actually judges have legal training and magistrates are actually not necessarily people who do have legal training but have been elevated to the position of adjudication. They do a very, very good job in what they do, but it is possible to have even in Small Claims Court some points of law that are very, very fine and very, very exact and, being exact, perhaps require the adjudication by a trained legal mind.

\* (1640)

I understand that it should be the right of all Manitobans to be able to have access to quality legal adjudication. It should not necessarily be that poor people cannot because they cannot afford a lawyer and people who are able to afford lawyers do have that right. If I understand that, if one would include this recommendation and perhaps even introduce it as an

amendment, this might make the system more costly, one has to ask himself when is a cost too high when it comes to being perceived as being fair and when it is being perceived as delivering justice to all people.

We, right now in this province, are spending quite a large number of dollars in a Native Injustice Inquiry which, I know I have been record -(Interjection)- yes, perhaps not in the House, but I am on record as having said that this perhaps could even be raised still a little bit more because we would like to have the total and complete perception of justice being had, that justice is being served, should be had by all people including the very people on whose benefits this particular inquiry is being made. To have their ability too, as referenced by the Member for The Pas (Mr. Harapiak), also to have the right to fully document, fully research, fully present and write in terms that are understandable and acceptable by the system, legalistic terms, they need to hire people who can actually present their case for them in this instance and have at least one proposal, one presentation made that is made in terms that are fully acceptable to the system.

System, in the way I use it now, should be written with a capital "S" because the system has requirements. The average person walking into a courtroom is not able to keep their business—if we look at some of the more popular treatments of courtroom dramas, the average person is even forbidden from speaking in a court. He requires someone to speak on his behalf, someone who is trained, someone who has a legal mind. The whole situation is adjudicated by people who have legal training, this to try and protect the rights of all people who are concerned. If this is the desire in the courtroom, it should also be the desire of the Native judicial inquiry into the inquiry of justice for Native people in this province.

The principle in total is one that, if I may briefly summarize what I have been saying so far, we have a Small Claims Court system which becomes more sensitive to the needs of the people who are using it, a total judicial system that is more sensitive to the needs of Manitobans, recommendations and amendments that are based on very sound historical precedents, a system that tends to demystify the legal system so that the average person is more able to utilize it, a system that is more accessible, and perhaps should also have included within it limits that define how we actually state what is to be taken up in Small Claims Court, and what should perhaps be adjudicated in other courts. That might be added by amendment in committee stage.

It is perhaps also useful just simply to add one or two more comments suggesting that there should also be for the people who utilize the Small Claims Court system some trained people to help them prepare their case, to help them understand what arguments will or will not be accepted by the judge or magistrate who is hearing their case, perhaps also a method whereby the whole system of what is and what is not acceptable in the Small Claims Court is made less difficult for the plaintiff who wishes to utilize it. In fact, if I could go so far as to suggest that it might be very useful for the Department of Education to become involved in

this to indicate—I know that we do have courses in the system which teach law, which teach the rights of the average citizen but we do not, to the best of my knowledge, actually have in the system courses which teach people how to use the system to their best advantage.

It could be very useful to have a small course or perhaps even a handbook presented: how to use the Small Claims Court. How to determine whether or not your particular case that you have or the problem that you have, which may or may not be something important for all people but is definitely very important to you, does this meet the requirements of the Small Claims Court? Can you go to the court? How do you do this? Do you have to hire a lawyer in this particular instance or not?

I think, with those few comments, I will give someone else the opportunity to speak, if that is their desire.

**Mr. Leonard Evans (Brandon East):** I move, seconded by the Member for The Pas (Mr. Harapiak), that debate be adjourned.

**MOTION presented and carried.**

#### **BILL NO. 9—STATUTE LAW AMENDMENT (RE-ENACTED STATUTES) ACT**

**The Acting Speaker (Mr. Gilleshammer):** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 9, Statute Law Amendment (Re-enacted Statutes) Act, standing in the name of the Honourable Member for Elmwood (Mr. Maloway).

**Mr. Jim Maloway (Elmwood):** I would like to have this Bill remain standing in my name. However, anyone else who wishes to speak to it can.

**The Acting Speaker (Mr. Gilleshammer):** Is it agreed to allow it to continue standing in the name of the Honourable Member for Elmwood (Mr. Maloway)? (Agreed)

#### **BILL NO. 11—THE CHILD CUSTODY ENFORCEMENT AMENDMENT ACT**

**The Acting Speaker (Mr. Gilleshammer):** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 11, The Child Custody Enforcement Amendment Act, standing in the name of the Honourable Member for Kirkfield Park (Mrs. Hammond).

**Mrs. Gerrie Hammond (Kirkfield Park):** I am pleased to be able to speak on this Bill, The Child Custody Enforcement Amendment Act. The intent of Bill No. 11, of course, is to introduce, to be able to introduce a pilot program to assist in the enforcement of access orders. The intent of the Access Assistance Program is: (1) to help access parents gain access to their children; and (2) to help custodial parents have the access parent live up to his or her obligations, that is, turning up when they are scheduled to.

The vast majority of the people involved with the access are mothers with custody and fathers trying to access. That is really the main intent of the Bill. The whole reason for this is the best interests of the child or children. I think, in light of that, this Bill is worth supporting because the mediation services will be all important to the success of the intent of this Bill. It is so terribly important where mothers and fathers are at war with one another literally that they have a chance to have someone, a counsellor, help them to get through some of the very difficult problems that are associated with divorce and separation. If this part succeeds alone, this will be the best thing that will happen both for mothers, fathers but more importantly for the children, who we do recognize sometimes are forgotten in the process. I do not think they are forgotten with intent. The fact is that both parties think the children will be better off with the way that they are dealing with them. So it is terribly important that the mediation process is successful. I think, if nothing else happens with this Bill, that is terribly important.

\* (1650)

I have a few questions that I would like to put on the record. I have spoken to the Attorney-General (Mr. McCrae) about my concerns about this Bill, but I would like them on the record because I would like to have the questions answered and possibly looked at to see if there could be either improvements in certain areas or certain things watched when the access program is in process.

The enforcement may make it more difficult on a child if the custodial parent is forced by threat of law to allow access because, human nature being what it is, it may be that the custodial parent says, yes, they can have access but at the same time may be very well undermining this process. I would like to know if there is a procedure in place to find out how it is working from the child's viewpoint or if the mediation, that process looks at this part of it. All the time that we are still talking about the best interests of the child, the mediation process will probably be taking place with the parents, and the children not necessarily a part of that process. I think it is important that be looked at.

Where abuse is charged by the custodial parent, the next question, is there a process for supervised access? So many times today, there is a feeling that this is a way of getting out of giving access so that the child may suffer needlessly without the other parent, which is normally the father in this case. If there was a chance to have supervised access, that might help until either charges were laid or the case was looked into by the courts or however it is dealt with.

Access parents who do not exercise their rights—I have a problem I suppose with this one because how do you force someone to be responsible? In most cases I would think that possibly the marriage breakdown has come about because of the irresponsibility of one parent. Is the threat of having to pay, is it possible that parent may go to court saying they do not want to see their children thereby causing more problems for the child?

The Attorney-General (Mr. McCrae) in his remarks dealt with what happens when the counsellor decides that it is not in the best interest of the child to have the access parent visit that child. I would like to quote his words: "However it is important to note that the access counsellor has discretion not to refer the matter for court action if the counsellor is of the opinion that it is no longer in the child's best interest for the access to take place. For example, if there is an allegation of abuse, the matter would be referred to a Child and Family Services agency rather than the Family Law Branch. Where a decision is made not to refer the matter to the Family Law Branch for court action, the custodial parent will likely be advised that an application to vary the order should be considered. Although the Family Law Branch will not take contempt proceedings, there is nothing stopping the access parent from retaining his or her own lawyer to take contempt proceedings. The program, however, will not get involved where there is a concern that the order is no longer in the child's best interest."

I do not feel that in this case that is good enough. If the access counsellor feels that the order is not in the child's best interest, I feel it is imperative that the program should stay involved to give the custodial parent access to the access enforcement lawyer. If the law has forced a process on parents, then finds there was good reason the child's best interest will not be served, I think it is incumbent on the Government to give the custodial parent the needed assistance.

The other area is that a parent can be taken to court and runs a significant risk of monetary penalty. What will happen if we are dealing with a mother on welfare or a mother working at a not great paying job or a father on unemployment insurance? The other question is will it impact on the ability to pay maintenance? These are some of the questions that I wanted to put on the record. I feel that it will be a good program but I do feel that it will have to be monitored very carefully. I know that the Attorney-General (Mr. McCrae) has every intention of having that process be monitored carefully because the whole idea of the access program and the intent of the Bill is the best interest of the child. We know that basically both mother, father and everyone in the community wants the child to be the main focus of this access legislation. With those few remarks on the Bill, and I will hope that the Attorney-General (Mr. McCrae) will answer my few questions, then I will hope that this Bill will now be allowed to go to committee.

**Mr. Kevin Lamoureux (Inkster):** I move, seconded by the Honourable Member for Transcona (Mr. Kozak), that debate on Bill No. 11 be adjourned.

**MOTION presented and carried.**

## **BILL NO. 14—THE REGULATIONS ACT**

**The Acting Speaker (Mr. Gilleshammer):** On the proposed motion of the Attorney-General (Mr. McCrae), Bill No. 14, The Regulations Act, standing in the name of the Honourable Member for St. James (Mr. Edwards). (Stand)

**BILL NO. 15—THE COOPERATIVE PROMOTION TRUST ACT**

**The Acting Speaker (Mr. Gilleshammer):** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 15, The Cooperative Promotion Trust Act, standing in the name of the Honourable Member for Brandon East (Mr. Evans).

**Mr. Leonard Evans (Brandon East):** I wonder if this could stand further. I have only two minutes. I wonder if we could call it five o'clock, Mr. Acting Speaker.

**The Acting Speaker (Mr. Gilleshammer):** Order, please. Is it the will of the House to allow Bill No. 15 to remain standing in the name of the Honourable Member for Brandon East (Mr. Evans)? (Agreed)

Is there leave of the House to call it five o'clock? (Agreed)

**PRIVATE MEMBERS' BUSINESS**

**RES. NO. 16—LAND TITLES OFFICE UPGRADING**

**The Acting Speaker (Mr. Gilleshammer):** On the proposed Resolution No. 16, the Honourable Member for Elmwood (Mr. Maloway).

\* (1700)

**Mr. Jim Maloway (Elmwood):** I move, seconded by the Member for The Pas (Mr. Harapiak), Resolution No. 16:

WHEREAS every homeowner must utilize Winnipeg Land Titles Office when buying or selling their property; and

WHEREAS the backlog at the Land Titles Office has cost many homeowners hundreds and, in some cases, thousands of dollars; and

WHEREAS the system currently in place governing real estate transactions is both complicated and costly; and

WHEREAS as a matter of fairness, the provincial Government should compensate home buyers and sellers who lost money effective March 31, 1988, due to the backlog at the Land Titles Office.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba call upon the Attorney-General to consider a fair compensation package for all home buyers and and sellers who bought or sold their homes on or after March 31, 1988; and

BE IT FURTHER RESOLVED that this Assembly further call upon the Attorney-General to consider a variety of other measures designed to make the Winnipeg Land Titles office more efficient and take into account procedures at offices in other jurisdictions.

**MOTION presented.**

**Mr. Maloway:** This resolution should really be called or titled the "Compensation for Homeowners Resolution and the Provision of Legal Counsel into Land Titles" because that is what it was really intended to deal with.

Bill No. 16 deals with legal counsel, but because Public Bills by Private Members cannot call on the Government to spend money, the compensation question had to be dealt with in the resolution form and not by way of a Bill. As an explanation to you all, that is why you are faced with both a Bill and a resolution.

The resolution comes about because of Janet Switzer, who was one of many, many people who lost money on bridge financing arrangements because of delays at Land Titles Office. Now I believe, and we believe in this caucus, that Land Titles should compensate for these losses from March 31, 1988. I know the question of picking a date would be open to some question. I am sure some other Members will be suggesting that an earlier date be picked and some suggest a later. I personally had felt that April 27 would be an operative date because that was the date that the Switzers land cleared the Land Titles office. Because she was, in fact, the first Manitoban to bring this matter to the attention of the Government and make an issue of it, I feel that would be a reasonable date to work with.

The Government, I believe, in the Land Titles business, because it is making a profit on the transfer of land, should really guarantee to people that they will not be inconvenienced any more than absolutely necessary. It should guarantee within reasonable limits a date upon which a person should be able to get their land transfer done. It is sort of like the local trucking company that advertises that your load arrives on time or it is free. Maybe that is the attitude that the Minister should employ when dealing with Land Titles. I know he has made some efforts and he has gone at length explaining them, efforts to put the Land Titles back on a proper footing with overtime help and so on. But once again, these people—he knows, having been at the meeting out in St. James a few months ago, having to face about 70 very, very angry irate homeowners, he knows that they certainly felt and feel that they should be compensated for the inconvenience that they have had because of Land Titles.

Mr. Acting Speaker, Bill 16, as well as this resolution, under the final BE IT FURTHER RESOLVED, calls on the Government to make legal counsel available at Land Titles Office. Right now, of course, a person can go to the Land Titles office in Winnipeg or other parts of the province and get their lands transferred and do it on their own but, when there is a mortgage involved or when there is any complication to it, people get discouraged and there are other reasons why they get discouraged.

One of them is that in the Land Titles Office itself there are signs up. If you have ever gone over there, you will see those signs up saying that for reasons of—well, they do not say for reasons of liability but that is the reason for it. They say that the staff there are not allowed to help out on the transaction. So you really have to know the questions to ask before you can get what you want.

They provide a little booklet—actually, it is a fairly big booklet—for people to use to do their transactions but, unfortunately, this book is so complicated that the average individual would need a lawyer just to sort it out. In fact, I believe that it is lawyers who use the book, and mortgage companies in preparing their cases.

The legal assistance that would be provided there, I would think would vary with the demand. I would think that when you start out that you would start with one lawyer transferred from the Attorney-General's Office, and I would think, if the service is publicized, that with time perhaps more people will take advantage of the service, but I do not think for a moment that this is going to put lawyers out of business. We have had all sorts of comments from lawyers suggesting that this is a sort of a crack in the dike and somehow, if this becomes a practice in Manitoba, absolutely no one will want to deal with the lawyer anymore. I think the lawyers are being a little sensitive on this matter. I would think that most people will still want to deal with their solicitor, will still bargain with the solicitor on fees, and transactions will continue. About 80 percent of the transactions of Manitoba are done in this fashion. I do not think that will be diminished that much by the passing of this Bill.

I think that it gives an alternative for people, and it, I think, would allow a lot of points for the Government to promote and support this idea. Whether or not they will follow up on it is quite another question. I have not seen a lot of signs that this Government is really prepared to move forward in any area. They seem to be just too busy bailing the water out of the boat and trying to maintain a static position rather than trying to move ahead. Perhaps that is the nature of the beast at this point, because they did lose a few key Members in their last caucus and we are all on a learning curve here. This is a new -(Interjection)- The Member for Lac du Bonnet (Mr. Praznik) reminds me that we lost a few Members and I do not see as many around in our caucus as I used to.

Mr. Acting Speaker, the average citizen, I believe, is rather intimidated by the whole process, and once again it is made even worse by the signs up in the Land Titles Office that indicate that the staff are not there to help out or not there to give any advice.

This is an even more serious issue now with people buying and selling houses at a much greater rate than they ever did before. You look at your voters' lists in the rural area, and most of you rural Members know that your voters' lists do not change a lot from election to election because people tend to, in the rural areas, live in a house -(Interjection)- This is what I have been told by a lot of rural people, that people will tend to stay in one place for a longer period of time whereas in the city you have a tremendous amount of people, especially the younger generation, moving every three or four years. That is great for the mortgage companies, it is great for the insurance agents, and it is great for the lawyers and the real estate agents, but it is very costly to the homeowner, I guess, in a period of rising real estate values and so on, a person can make some money changing houses every two or three years but in reality, in a market that is not going up in leaps and

bounds, a person is really not getting ahead at all. They are probably losing money when they consider all of the costs that they are paying out to the lawyers and so on.

\* (1710)

If legal fees are approximately \$600 to \$800 every time you buy and sell a house and if you are doing it every three or four years, you can see that over a period of time this is certainly going to add up to an awful lot of money for the legal profession.

The Member for Seven Oaks (Mr. Minenko) last evening defended the legal schedule and indicated, I believe, that a lot of lawyers undercut the schedule and give lower-cost service. I think that is fair ball, I am sure they do, but the bottom line is that I do not think we have to feel that sorry for the legal profession. I mean if you count how many lawyers there are in Elmwood—I only know of three or four—and juxtapose that to how many there are in River Heights, there are probably three or four per street over there.

As a group, the legal profession really have the world by the tail. They will do well under any system we have, and just making things a little easier for those homeowners who want to by-pass the lawyer is certainly not going to destroy the lawyers' world as we know it today, and do not ever let them convince you that is the case. There are tremendous—as a matter of fact, society is developing new areas every day for lawyers to poke their noses into. Every time the Government changes tax laws and makes any laws, the lawyers develop a new area in their profession.

Mr. Acting Speaker, I did also want to mention that I believe the Land Titles Offices might even be more efficient if you have legal advice there that can make certain that the forms are filled out properly and accurately, rather than having confusion arising from people filling out forms that are not properly done.

There is also a question that has been raised by the Member for Lac du Bonnet (Mr. Praznik). I am sure he will deal with it as well. But the whole area of liability, I think that is another boogeyman that will be brought up time and again in this House. The Bill actually, and the Member for Lac du Bonnet knows this, limits liability, excludes liability. I am suggesting that we should pass this Bill on to committee and, at that stage, he can in fact introduce an amendment to make lawyers liable. I will be happy to accept that amendment, probably support that amendment because even as amended, if we assume that the lawyer should be liable, the Government can purchase a liability policy for \$1,200 or so for that lawyer or can extend their existing liability policy.

That is an argument that I do not think any of us should be fooled by, but it is one that I am sure we are going to hear probably in a few minutes by the -(Interjection)- No? The Member for Lac du Bonnet (Mr. Praznik) shakes his head and indicates that he is not going to try at that one today. He has some other ones that will be dealt with.

Mr. Acting Speaker, I think that I have covered most of my points—no, I have another one at least. There

is some ambiguity as to the number of lawyers that would be provided at least for the number of districts that there are, and what I think we can easily do is assign more than one district per lawyer. So it is not a matter here of having to provide, for whatever number of districts there are, a separate lawyer for each district. One can piggyback here and assign several Land Titles districts to one lawyer, thereby minimizing the amount of lawyers that would be required under this system.

I think that my time is just about finished, so I will wind it down and allow the next speaker to proceed. Thank you.

**Hon. James McCrae (Attorney-General):** I am pleased today to have this opportunity to discuss matters relating to the Winnipeg Land Titles Office. I must say I am grateful to the Honourable Member for Elmwood (Mr. Maloway) for once again giving me the opportunity to speak about some very good news in the City of Winnipeg, to speak about the tremendous achievements the staff at the Land Titles Office have been able to make since the changing of the guard in Manitoba.

I am extremely pleased that the Honourable Member should bring forward this resolution, because it gives me an opportunity to discuss the situation at the Land Titles Office. It is fortunate that the Honourable Member for Elmwood (Mr. Maloway) should bring this forward today, because it seems the Honourable Member for St. James (Mr. Edwards) has given up asking questions about the Land Titles Office in this House. I expect to be able to explain the reason for that very shortly, but is it not something that the Honourable Member for St. James had so much to say earlier on in this Session and all of a sudden he is silent on matters relating to the Land Titles Office?

On one occasion, the Honourable Member for St. James (Mr. Edwards) suggested we should spend every nickel of profit made at the Land Titles Office in Winnipeg, spend that money and use it in applying it to more staff resources and more resources to solve the problem of backlogs at the Land Titles Office. Well, that was patently impossible to do in the first place because the people just are not available to come and work for us and help us clean up that mess overnight. I refer to it as a "putrescent" mess left to us by part of the Honourable Member for Elmwood's Party. I will get back to that in a minute.

The next time the Honourable Member for St. James (Mr. Edwards) raises the question, it is to tell me that I am spending too much money on solving the problems at the Land Titles Office. Well, thank the Lord and thank my colleagues in the Government Party for making the funds available to do something about a problem that had been left for too long by the previous Government. I guess the only thing that remains, Mr. Acting Speaker, is for the Honourable Member for St. James and his colleagues, including his Leader, to make up their minds just what it is that they think we should be doing in Manitoba, just what direction we should be taking.

The questions put by the Honourable Member for St. James (Mr. Edwards) reveal an absolute lack of any

understanding whatsoever of how to tackle in a responsible way the problems facing Manitobans, the significant problems left to us by the previous Government. Now the opportunity, Mr. Acting Speaker, to make my little comments about how things are indeed improving at the Land Titles Office.

According to the Registrar-General of Property Rights, our new Registrar-General, Ms. Alix Morton, whom I was very pleased to welcome to her new duties on September 1, the situation at the end of Wednesday, September 21, was that transfers were taking 19 calendar days and mortgages were taking 9 calendar days.

By contrast, when you look at what the situation was in June, transfers were taking 45 days and mortgages were taking 21 days. Moreover, the Land Titles Office is nine days ahead of its target for transfers and five days ahead of its target for mortgages. Mr. Acting Speaker, I am quite pleased to stand here today and report that to the House. It makes me very happy on behalf of the people of Winnipeg who rely on the services provided by the Land Titles Office. The Honourable Member for Elmwood (Mr. Maloway) himself in his comments admitted, I hope happily, that the situation is improving at the Land Titles Office and, as Attorney-General of this province, I am proud of that and I am happy to be able to report that.

There is no question that the NDP bungling of the computerized title implementation and their refusal to hire more staff and to pay extra overtime created the problem that we did experience earlier this year at the Land Titles Office. There is also no question that thousands of Winnipeggers were required to obtain bridge financing because of delays at the Land Titles Office. Indeed, often the loss was in the thousands of dollars.

\* (1720)

Now the Honourable Member for Elmwood suggests in his resolution that March 31 be the cut-off day for compensation. Then he suggests today in his comments maybe it should be April 27 because that is the day Mrs. Switzer came on to the scene.

Mrs. Switzer, whom I have had the privilege to meet and discuss these problems with, would be shocked and would never suggest—she is far too responsible, unlike the Honourable Member for Elmwood (Mr. Maloway)—that the Government of Manitoba design a program specifically for Mrs. Switzer, when there are thousands, hundreds, perhaps thousands of Winnipeggers who have been adversely affected by the policies brought into effect and the neglect and the putrescent mess left by the NDP to the new Government of this province.

I am sure Mrs. Switzer did not put those words into the Honourable Member's mouth, or that suggestion into his head. I am sure it got there all by himself, and only the Honourable Member for Elmwood could explain how such an irresponsible suggestion should come forward.

(Mr. Speaker in the Chair.)



I am sure Honourable Members opposite in the Liberal Party would like very quickly to disassociate themselves from such a silly, absolutely ridiculous suggestion that it should be April 27 for Mrs. Switzer. Mrs. Switzer is far too responsible a person to take that kind of approach. I recognize Mrs. Switzer's concerns and Mr. Switzer's concerns and the concerns of all those people with whom I met that day earlier this summer, expressing concern about the situation at Land Title Office.

The problem did not arise on March 31. It did not arise on April 27, the arbitrary date chosen for whatever reasons by the Honourable Member for Elmwood. The problem goes back at least to 1986 and it is quite inequitable, patently and obviously inequitable to pick such an arbitrary cut-off date.

Even if a cutoff were accepted, the Winnipeg Real Estate Board advises that since March 31, 1988, there have been 6,106 sales through its agents. The board estimates it handles 75 percent to 80 percent of all sales, and consequently there were probably approximately 8,000 residential sales since March 31, and more are taking place every day.

The cost of compensation could clearly be in the millions of dollars. Instead of spending these millions on compensation, the province is turning all its energies toward increasing resources at the Land Title Office and doing something about the problem left to us by the previous Government.

I might ask the Honourable Member now that he is, with a straight face I am surprised to say, suggesting this compensation package, how far does it go? How far back does it go? How many people is he going to compensate if he were pulling the strings around here? How many millions of dollars would he spend at the expense of Child and Family Services, at the expense of foster parents programs, at the expense of other health and education and social programs which Manitobans rely upon? How much money would the Honourable Member for Elmwood (Mr. Maloway) spend on this particular approach that he is suggesting? Let him put his numbers up front so that the people of Manitoba can judge the Honourable Member and the position he and his Party are taking regarding compensation at Land Titles Office for a mess created by him and his colleagues.

**Mr. Gary Doer (Leader of the Second Opposition):** You should give most of your salary, bring in all your bills.

**Mr. McCrae:** The Honourable Member for Concordia (Mr. Doer) suggests that my salary might be used to compensate the people who are victimized by a Government that he was so pleased to support. There again, we have an obvious, ridiculous comment, ridiculous statement, coming from a person who is supposed to be in a position of responsibility. On this particular matter, I have to give some credit to Honourable Members opposite in the Liberal Party who have not been so quick to take an irresponsible position. I dealt a little earlier with some preliminary comments by the Honourable Member for St. James (Mr. Edwards).

I think those matters are there. They are on the record. The Honourable Member for St. James can read them and I suggest weep, because as I say, the questions coming from the Honourable Member for St. James regarding the situation at the Land Titles Office have dried up and there is a good reason for that and I have dealt with that.

In any event -(Interjection)- Mr. Speaker, the Honourable Member's resolution, I can half accept it. Yes, I can accept the first WHEREAS which says that every homeowner, he must utilize the office; and the second one, WHEREAS the backlog of the Land Titles Office has cost many homeowners hundreds and, in some cases, thousands of dollars. Well that is not my fault, it is not this Government's fault. It is the Government supported by the Honourable Member for Elmwood (Mr. Maloway). The most reasonable and responsible thing to do is stop that hemorrhage, stop that problem. This Government moved quickly to do just that, and for that I thank my colleagues for their support in allowing me to get on and do that job.

The next two WHEREASES I have considerable difficulty with under the circumstances and the first THEREFORE BE IT RESOLVED, but the second one of course is easy for me to accept. Indeed, I already have some time ago. The Honourable Member is just a little late getting his concerns on the record. It was back in June when I announced a number of initiatives taken by the new Government and the initiatives are paying off, the problem is being solved.

At this moment there are two teams working full time at converting from paper titles to electronic titles. Already the express line has a turnaround time of three to five days. The more transactions processed, the longer the conversion teams work, the more transactions will go through the express line and we will benefit from its turnaround time of less than one week.

Mr. Speaker, as an interim measure, the Land Titles Office proposes to develop a form which will be given to all real estate agents to be filled out by the vendor at the time the vendor lists a property for sale. This form will then be given to the conversion team so that it can proceed to put that title on to the computer prior to the sale being made. This means the conversion team will not be acting on a hit or miss manner but will give priority to houses that are probably going to be sold so that when they are sold the turnaround time will be three to five days. In the space of four or five months, I suggest that is significant. That is quite a change from the 43 to 45 days we were experiencing when this Government came into office.

The Honourable Member is way off base. I am sure next time I am speaking to Mrs. Switzer I will have an interesting discussion because the Honourable Member has proved today just what kind of depth there is in the kind of policies he would put forward if he were ever in a position. Mr. Speaker, thank God he is not. For years he supported the rot that was going on in this province and then he expects the new Government of the Day to come up with tens of millions of dollars to fix problems that he and his Party created over a long period of time.

As for other measures being considered, Mr. Speaker, to make the Winnipeg Land Titles Office more efficient, there is a committee with representatives of the Attorney-General's Legal Department, the Land Titles Office, the Law Society, the Mortgage Lenders' Association, and the Real Estate Board that is considering the circumstances in all other jurisdictions. That committee will actively seek contributions from anyone who is interested and has an idea of how to speed up the Land Titles Office process. This report will probably be received on time to permit any changes which would be required in The Real Property Act to be considered by the next Session of the Legislature.

In short, I have to say I am amazed and I am shocked that the Honourable Member for Elmwood would have the unmitigated gall to bring forward a resolution like this in view of the history of this whole sorry matter, but on the positive side I am very happy to be able to report that significant progress has been made.

\* (1730)

The Honourable Member for St. James (Mr. Edwards) does not want to ask questions about it anymore. The Honourable Member for Minnedosa (Mr. Gilleshammer), on the other hand, Mr. Speaker, has shown a genuine interest in the problems encountered by his big city counterparts here in the City of Winnipeg. I am pleased to see that kind of concern exhibited by Members from both in Winnipeg and outside Winnipeg. It is a substantial measure of the attitude taken by this new Government in Manitoba which is very well attuned to the concerns of people not only in the City of Winnipeg but beyond.

The fact is Land Titles operations outside the City of Winnipeg are operating well and times are within acceptable limits, but I do appreciate the concern expressed by Members of the new Government of Manitoba. I suggest the Honourable Member get on some other issue because he is certainly not going to get anywhere with this one.

**Mr. Paul Edwards (St. James):** When I first read this resolution, I looked forward to the responses of the Canadian Bar Association and the Law Society. Let me just say that I was disappointed that they were not curt enough with this resolution. This resolution pretends to be for the little guy. It pretends to be something that can help the average homeowner. It is an absolutely irresponsible resolution. It is absolutely uninformed; it is a ridiculous resolution.

The Honourable Member for Elmwood (Mr. Maloway) knows absolutely nothing about land transactions. That is abundantly clear. He thinks people are going to thank him for this. How are they going to feel when they invest in the most important asset that ordinary Manitobans have? How is he going to feel when they turn to him and there is no insurance, there is no reimbursement fund, there is no nothing? He does not know anything about a solicitor-client relationship. He does not know anything about the Land Titles Office. It is an outrageous piece of grandstanding, quite frankly.

The Honourable Leader of the New Democratic Party (Mr. Doer) says do I have a conflict of interest? Is it a

problem? I am a lawyer. That is right, I am a lawyer and I have done land transactions. I am not doing any right now, and that is exactly why I can stand up here with actually some knowledge about land transactions, something no one in that Party knows. Because I will tell you, if anybody knows, including the Honourable Leader, he should have spoken to his colleague before he proposed this resolution. It is an absolutely irresponsible thing to have done.

The Honourable Leader does not understand that in the last 10 years the average solicitor's cost for land transactions has gone down. Does he understand that? Does he understand that the actual costs have gone down? Does he understand that the one thing that has taken the cost of land transactions off the map is the land transfer tax? That is what has taken the cost off the map. It is his previous Government's land transfer tax that has vastly increased the cost of land transactions.

Let us just go into a little detail here. I will go into a little detail for the Honourable Members from the New Democratic Party about a land transaction. If they had done their homework, they would realize that the relationship between a solicitor and a client is one of trust. It is a relationship that allows a client whose reliance on a lawyer is ill-placed or when something goes wrong in a land transaction, he has somewhere to look. He has the lawyer's reimbursement fund, as does—

**Some Honourable Members:** Oh, oh!

**Mr. Harry Enns (Lakeside):** Mr. Speaker, there are some that are trying to listen to the Honourable Member for St. James' (Mr. Edwards) speech, and I would ask that you restore some decorum to the House so he can proceed.

**Mr. Speaker:** I would like to thank the Honourable Member for Lakeside, and I would hope that all Honourable Members would give the Honourable Member for St. James the courtesy of listening to his remarks.

**Mr. Edwards:** I dare say that perhaps in my enthusiasm, and perhaps it had some part in arousing the many comments which came, I have gotten away from the actual wording of this resolution. The other comments and the other things before this House from the Member for Elmwood (Mr. Maloway) have perhaps incited that.

**An Honourable Member:** It is still a good speech, Paul.

**Mr. Edwards:** I do say that—

**An Honourable Member:** You guys get along real well.

**Mr. Edwards:** And do not worry, my speech will not be totally biased against the third Party in this House. I have things to say about the Government as well.

However, this particular resolution, I believe, in that it asks for compensation for people, I guess I ask the question: who gets compensation and who does not,

and how much do they get? At what point will the Honourable Member for Elmwood (Mr. Maloway) be willing to say, well, you get compensation and you do not? What about the small business that does a transaction? What about a large business? How do you decide between a small business and a large business when they are doing property transactions? Are you going to pay back everybody? Are you going to pay back—and I realize this will—

**Mr. Maloway:** It is home buyers. Read the resolution.

**Mr. Edwards:** Home buyers.

**Mr. Speaker:** Order, please; order, please. The Honourable Member for Elmwood had his opportunity to get his remarks on the record. We will give the Honourable Member for St. James the same courtesy.

**Mr. Edwards:** What is a home? Does that include the homes in—is he including the homes in Tuxedo? Is he including farms? Is he including the homes in River Heights and Tuxedo, the areas that he loves to criticize? Is he including them? Is this more grandstanding? Has he thought about these things? Frankly, I doubt it.

When he says the system currently in place is both complicated and costly, I do not think he has any idea about the complication and cost of what he is proposing. The real answer and the answer that the Honourable Member for Elmwood (Mr. Maloway) has missed is to solve the problem and to solve it permanently. This is not the answer; this is grandstanding. The answer is to get rid of the delay.

The New Democratic Government as early as 1972 was issuing press releases saying we are going to clean it up; we are going to bring it up to date; we are going to fix the problem. We all know the legacy of mismanagement at the Land Titles Office under the New Democratic Government.

I was saddened to see that there was not innovation, there was not a rethinking of the Land Titles system by this new Government. Those are the issues that I raised earlier on when I raised issues in this House in questions to the Attorney-General (Mr. McCrae) about the Land Titles Office. I know now that he has a new registrar for the province and I look forward to her input and her contributions to how the system can be better run and not just this paying for overtime to fix it this year because we will have to pay the same overtime next year and probably the year after and probably the year after.

There is a cycle to home buying. As the Honourable Leader of the New Democratic Party (Mr. Doer), I think has correctly pointed out this time, this is not the time of year when people buy and sell homes. It has come and gone. We have seen the crisis in this city, and it will come again next year, and it will come again the year after that. Until we have an effective computerized system whereby titles can be checked and mortgage proceeds can be secured at the time of filing, we will have delays and those delays will swing according to the number of transactions that are being done that particular month. That is the system that the computer,

I believe, can bring us if it effectively has all of the titles put into it, and if the initial checks can be done right at the time of filing.

I think, and I have suggested to the Attorney-General (Mr. McCrae), that he should examine the costs of simply getting heads down, data input workers to put the titles of the Winnipeg Land Titles Office into the system. I understand there are approximately 500,000.

\* (1740)

I took the effort and took the initiative and have contacted computerized jurisdictions in this country as to what their costs were for putting in similar titles. I realize that the Ontario system has two kinds of titles, the Manitoba system has one. Taking that into account, my calculations were far less, I believe, than the calculations that the Attorney-General (Mr. McCrae) has indicated to me. It is nothing official. It has not been in the House but I can tell you that I would appreciate that information from the Attorney-General's Department as to what the costs are for putting the titles on now in the short term, not the long term, not the five-year plan that the NDP proposed, because that was their implementation plan—five years. They were willing to put up with this for five years. I hope this new Government is not willing to put up with it for five years. It appears that it may be, and that worries me.—(Interjection)—

The Attorney-General says, well, the Honourable Member for St. James (Mr. Edwards) has not seen fit to raise this very often. I can only say there have been lots of other issues that have come forward. It has just gotten bumped back. It has been pretty regular. There have been a lot of competing decisions on my part as to what I would go with because there is always lots. This resolution, in my view, and I just want to tie myself back to this resolution, attempts to draw the public's perception of this problem away from the real problem, which really was the serious mismanagement of the Land Titles Office which resulted in great delays and interest costs to people.

The costs of those, and as I have said earlier, the costs of a real estate transaction was—greatly is a mild word—greatly increased by the Land Transfer Tax, another idea of the previous Government. The filing of Land Titles Office forms and the transaction of real estate is as old as the common law system and as old as the system of real property itself. I dare say that no common law jurisdiction, not even the most socially progressive, or perhaps in keeping with the ideology of the New Democratic Party, not even the jurisdiction that had that ideology for many years would accept this type of system. They simply would not.

I realize full well that lawyer bashing is a sport that has a lot of public sympathy. It has been around as long as the profession has, I think. It is a great mistake to not understand the many important and necessary duties that lawyers undertake for clients. It is always an interesting thing to me that people are always quick to criticize lawyers, but generally people like their own lawyer. They will say, but my lawyer is different. I think it is the nature perhaps of the profession that it puts

you into a position where you are just generally not liked by a lot of people. That is true. The Honourable Leader of the New Democratic Party (Mr. Doer) laughs at that and he agrees with me, it is true.

I say that if he or his fellow Members knew anything about real estate transactions, they would know the necessity of having the security of a lawyer, who can search a title, who can know what is on the title, and who can know—

**Mr. John Plohman (Dauphin):** Legal secretaries, that is what you need.

**Mr. Edwards:** The Honourable Member for Dauphin (Mr. Plohman) says, legal secretaries. I know he referenced that, I think he referenced that in a private speech that he made. He said legal secretaries do it all and lawyers do not get involved, do not even look at it.

There are so many comments that I would love to respond to coming out of the benches. It is clear I have hit a real sore spot here, I have hit a real sore spot.—(Interjection)—I remind the Honourable Leader of the New Democratic Party (Mr. Doer) that I will be the first to condemn improprieties by lawyers and judges, and I was. I was the first. It was not a Member of the New Democratic Party who spoke out against the comments of the Chief Justice. It was a lawyer who did.

**An Honourable Member:** Hear, hear!

**Mr. Edwards:** I will always be the first to object to improper practice and to support strong law society rules and discipline committees. But I will also defend the integrity of the many hundreds of lawyers in this province who do good service to the people of this province, and a lot of it is giving the security to the people of this province when they transfer land.

I want to indicate that I have not let go of the Land Titles issue. I look forward to further dialogue with the Attorney-General (Mr. McCrae). I do say, there is no question that the delays that were present when this Government came into power have been reduced. Those delays are for a number of factors and no doubt a large part of it is the overtime that has been paid. I see that I am out of time and will simply comment that I look forward to the speedy resolution of the delay problem at the Land Titles office. I think that this resolution is an attempt to grandstand and not deal with the real issue which is getting rid of that delay. Thank you.

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, having sat here and listened to the comments of the Member for St. James (Mr. Edwards) and the comments from the Members of the New Democratic Party, who were responding to him, one would come to the conclusion that lawyers in Manitoba are only slightly more popular than New Democrats were on the 26th of April.

But I find it interesting that many Members who shouted at our colleague—the Member for St. James (Mr. Edwards) talked about a conflict of interest,

because he, like myself, are members of the legal profession. I ask them, in a broad way, if the next time we deal with labour legislations, if the Member for Concordia (Mr. Doer) will refrain from participating because of his career as a leader of a large union, or if we talk about insurance, if the Member for Elmwood (Mr. Maloway) would refrain from offering his suggestions to a particular area where he is well versed in the particular subject.

I would like to say to the Member for Elmwood (Mr. Maloway) that I will try to keep my remarks today to his particular resolution, that my comments with respect to the Bill, which he is sponsoring in this House, I will keep those comments for the next opportunity to debate them, and I would add as well that I wish that particular member well on his trip to Chile in the days ahead.

It is not often that the Member for St. James (Mr. Edwards) and myself agree so wholeheartedly on a subject, but I must indicate very clearly that his remarks to this House this afternoon were certainly well placed. I think the underlying, basic problem with this resolution is that the mover of this resolution quite frankly does not understand the Land Titles and Land Registry system in the Province of Manitoba.

\* (1750)

When you look at his resolution, the third WHEREAS, he says, "WHEREAS the system currently in place governing real estate transactions is both complicated and costly." In his remarks to this House this afternoon, he indicated that the Government was in the Land Titles business making lots of money and it should be a business where it is on time or free.

Well, he implies that Land Titles and Land Registry is just there simply to generate revenue and it is a service Government is providing simply to raise dollars and to put a tax on the public. Well, if the Member for Elmwood (Mr. Maloway) would have done some research on Land Titles, on the registry system, he would realize very quickly that it is a very complex issue and that the registration of titles is a matter in which Manitoba, as well as our neighbouring three provinces to the west, have a great disadvantage over many other parts of the western world and indeed of our fellow provinces in Canada.

So today, I thought I would use this opportunity to enlighten the House, particularly the Member for Elmwood (Mr. Maloway), on a little bit of a history of the Land Registry system and try to—to use a phrase that his Party used so often in days gone by—educate him a little bit as to the matter with which he is dealing.

Ever since the days that individuals held property by more than just the knife, axe or force of arms, they had to have a system by which they could identify and prove that they held that particular property. Let us not forget that in the British system, a system of which we are part, all property is really that of the Crown.

The highest degree of ownership that any individual can hold is to be a tenant in fee simple—a tenant of the Crown. So in days gone by in Britain, the monarch granted lands, tenancy in fee simple, to various lords,

etc., who divvied it up and passed it on to others and provided title. So for centuries, the means by which an individual could prove they are entitled to that property was by a title deed, and that title deed had to be traced back to the original grant from the Crown. That a long line, as the centuries passed, had to be proven to show that the title deed that one held for a particular piece of property could in fact be traced back, one owner to another owner, back to the original grant from the Crown so that claim would be valid. Any charges against that property, how did one register them? There was no means of tacking them on. Perhaps there could be a registry of some sort, but no means of securing that a mortgage or a debt was secured against that particular property.

In Canada, the original provinces of Confederation followed in that British model with what we, in Manitoba, referred to as the "old system," the system of tracing title back to original grants. I believe that in other provinces in Canada that use that system, they established a particular date that title had to be shown. So when land is transferred under that system, one would have to obtain the services of a solicitor or researcher to prove and trace back the train of title.

In the latter part of the last century, a very ingenious individual, Sir Robert Torrens, developed a new system of registering property, a system that has become known as the Torrens System.

Mr. Speaker, I continue to hear comments about lawyers and secretaries doing this. I will tell you that I think there are many solicitors in this province who would trade their salary for that of the President of the Manitoba Government Employees Association. I do not think that is necessarily valid. Many of my colleagues would certainly consider that if he were trading salaries, or trade their salary with the presidents of a whole variety of unions. In fact, I am sure many of my colleagues, particularly of the same age group as myself and the Member for St. James (Mr. Edwards) would change our salaries with most insurance agents, like the Member for Elmwood (Mr. Maloway), in this city.

Getting back to the issue at hand and that of the Torrens System, Sir Robert Torrens devised a system in which there would be a central registry and all title deeds would have to be registered there to be valid. The significance of that is no longer would one fear that their ownership of a property could be lost because there was a break in the chain of title, but now, if it was registered and in the registry that they were the tenants in fee simple of that particular piece of property, that it was theirs, that the registry was everything.

The Torrens System provided for Certificates of Title as opposed to title deeds. These certificates were in duplicate form, one on the registry, another, a duplicate certificate, for the owner of the property to take with him, to offer some receipt of the fact that they were registered in the registry. By having a registry, it allowed as well for the registration of mortgages because they could be recorded against the title in the registry, for the registration of liens, as well as for the registration of caveats whereby individuals who had interest in that property could place a caveat on the title in the Land Titles Office, that any individual could then search and

find, and be warned that there could be a problem with that particular title, or a debt, or a lien. It was a very, very ingenious system.

We should not forget that a key ingredient of that system, as I have mentioned before, is that the registry was everything. Other than fraud, what the register said as to ownership or to a debt or lien was the case. If a document was registered improperly or inaccurately, an individual then could seek compensation from the fund that was established to provide that compensation. It is a system, and in principle is one that has given us a good registry system in Manitoba for almost a century.

The problem, of course, as in all things, is that paper has become cumbersome. The number of title deeds, the number of registrations over the years has grown and grown, the number of transactions has grown. So we have come to a point where, as in many other filing systems, we now are in the process of computerizing that system, computerizing the Torrens System so that it will efficiently meet the needs of our province.

I can tell you, the Member for Elmwood (Mr. Maloway) surprises me somewhat, and my colleague, the Member for St. James (Mr. Edwards), made a very strong argument, one which I agree with, that the problem here has been that the former administration, the administration that he was a part of, underfunded, did not provide sufficient staff to do the computerization. As a consequence, we have had this terrible backup in the system that has caused many individuals loss. I find it some ironical that today he rose in this House with this resolution to now champion the cause of these individuals. I ask him, where was he prior to the 26th of April? Where was he championing this cause? He was nowhere to be seen, so I find it somewhat ironical. Let us just look where we are going today.

The Honourable Attorney-General (Mr. McCrae) introduced to this House numbers as to the reduction in days to process documents. We have heard how more staff have been put in place to speed up the computerization process. I understand as well that now, with a temporary procedure that is put in place to have real estate agents notify the Land Titles Office of property that has been listed so that those particular titles are put on the computer first, the turnaround time could be as little as three to five days. Now that is a tremendous response.

But I will remind, in the few moments that remain to me, the Member for Elmwood (Mr. Maloway) that in my days with the firm of D'Arcy and Deacon when I first came out of law school and was articling—and that was in the days of his Government, 1985-86—the turnaround at Land Titles Office was well over a month in a lot of cases. The backlog was huge. All of us who came into that system saw the difficulties it created for clients, saw the difficulties it created for home buyers. Yet, where was the Member for Elmwood? Where was the Government of the Day? It was nowhere. I think that particular action speaks for itself and it is rather sad that Members, when their Party is reduced to third-place status in this House, have to resort to such hypocrisy. Thank you, Mr. Speaker.

**Mr. Speaker:** Is it the will of the House to call it six o'clock? Order.

**Wednesday, September 28, 1988**

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The hour being 6 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).