

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, November 3, 1989.

The House met at 10 a.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mr. Helmut Pankratz (La Verendrye): I beg to present the Third Report of the Committee on Economic Development.

Mr. Clerk (William Remnant): Your committee met on Thursday, November 2, 1989, to present the Annual Report of the Manitoba Development Corporation for the fiscal period ended March 31, 1988.

Mr. T. Chiswell, Acting General Manager, Mr. A. Musgrove, Corporate Secretary and Mr. M. Tallieu, Chairman, provided such information as was requested with respect to the Annual Report and business of the Manitoba Development Corporation.

Your committee has considered the Annual Report of the Manitoba Development Corporation for the fiscal period ended March 31, 1988, and has adopted the same as presented.

All of which is respectfully submitted.

Mr. Pankratz: I move, seconded by the Honourable Member for Swan River (Mr. Burrell), that the report of the committee be received.

MOTION presented and carried.

Mr. Pankratz: I beg to present the First Report of the Committee on Municipal Affairs.

Mr. Clerk: Your committee met on Tuesday, October 31, and Wednesday, November 1, 1989, at 8 p.m. in Room 255 of the Legislative Building to consider Bills referred. On October 31, 1989, your committee elected Mr. Pankratz as Chairman.

Your Committee heard representations on Bill No. 32, The City of Winnipeg Amendment Act; Loi modifiant la Loi sur la Ville de Winnipeg, as follows:

Mr. Nick Ternette Winnipeg Greens
Mr. Marshall Hughes Winnipeg Greens
Ms. Margaret Sheridan Residents Advisory Council
Ms. Jackie Ritchie Crescentwood Homeowners Association
Mr. Buddy Brownstone Winnipeg Chamber of Commerce
Mr. Alan Cantor Winnipeg Chamber of Commerce
Mayor Bill Norrie City of Winnipeg
Ms. Shirley Bradshaw Winnipeg Into the Nineties
Mr. Peter Diamant Winnipeg Into the Nineties
Mr. Jae Eadie Private Citizen

Mr. Walter Kucharczyk Private Citizen
Mr. Ken Reddig Association of Manitoba Archivists and Manitoba Council of Archives
Ms. Shirley Lord Winnipeg Labour Council
Ms. Heather Grant Winnipeg Labour Council
Mr. Len Sawatsky Private Citizen
Mr. Glen Murray Private Citizen
Mr. Glen Hewitt St. Boniface-St. Vital Resident Advisory Group
Ms. Jean Tardiff St. Boniface-St. Vital Resident Advisory Group
Mr. Greg Selinger Private Citizen

Written Submissions:

C. Bruce Smith Association of Senior Emergency Medical Service Officers
J. Stafford Winnipeg Association of Public Service Officers
D. H. Lloyd United Fire Fighters of Winnipeg, Local 867, International Association of Fire Fighters
D. Ross International Association of Machinists and Aerospace Workers, Local 2589
Harry H. Clayton Amalgamated Transit Union, Local 1505
Ed Blackman Local 500, Canadian Union of Public Employees
Bryan Fenske Manitoba Home Builders' Association

Your Committee has considered Bill No. 32, The City of Winnipeg Amendment Act; Loi modifiant la Loi sur la Ville de Winnipeg, and has agreed to report the same with the following amendments:

MOTION:

THAT section 3 of the Bill be amended by adding “, except sections 10.1 and 10.2,” after “Sections 7 to 41”.

MOTION:

THAT section 17, as proposed in section 3 of the Bill, be re-numbered as subsection 17(1) and the subsection be amended:

(a) by striking out “the public interest requires that the committee sit in camera”, and by substituting the following:

“a matter is within a category of matters which may in a by-law under subsection (2) be considered in camera”;

(b) by adding the following:

“By-law approving in camera matters 17(2) council may by by-law approve those categories of matters which may be considered in camera by a standing committee or executive policy committee.”

MOTION:

THAT section 19, as proposed in section 3 of the Bill, be amended by striking out “a scheduled” and substituting “any”.

MOTION:

THAT subsection 22(1), as proposed in section 3 of the Bill, be amended by striking out "or the acting mayor,".

MOTION:

THAT subsection 22(2), as proposed in section 3 of the Bill, be amended by adding "or mailed" after "be delivered".

MOTION:

THAT subsection 23(1), as proposed in section 3 of the Bill, be amended by striking out ", or a disaster or an apprehended disaster," and substituting "or disaster, or an apprehended strike, civil disorder or disaster,".

MOTION:

THAT subsection 29(2), as proposed in section 3 of the Bill, be amended by striking out "or, in the absence of the mayor, the deputy mayor,".

MOTION:

THAT subsection 34(1), as proposed in section 3 of the Bill, be amended by striking out everything after "of the standing committee".

MOTION:

THAT clause 37(1)(a), as proposed in section 3 of the Bill, be deleted, and the following substituted:

- (a) establish a schedule of meetings at a regular time and place to consider the business of the community;

MOTION:

THAT subsection 38(1), as proposed in section 3 of the Bill, be amended by adding, at the end of the subsection, "; and council shall approve the terms of reference of a subcommittee appointed by a community committee."

MOTION:

THAT subsection 41(1), as proposed in section 3 of the Bill, be amended by striking out "may" and substituting "shall".

MOTION:

THAT the Bill be amended by adding the following section after Section 3:

Re-numbering of section 10.1 & 10.2

- 3.1 Sections 10.1 and 10.2 are re-numbered as sections 656.01 and 656.02, respectively.

Subsection 43(2) amended

- 3.2 Subsection 43(2) is amended by striking out "chairman of the executive policy committee" and substituting "a councillor designated by executive policy committee".

MOTION:

THAT subsection 73.2(1), as proposed in section 4 of the Bill, be amended by striking out "may" wherever it occurs, and substituting "shall".

MOTION:

THAT section 73.4, as proposed in section 4 of the Bill, be amended:

- (a) by adding, at the end of Subsection 73.4(3), "; or to investigate a matter where an adequate remedy or right of appeal exists, whether or not the complainant uses it."

MOTION:

THAT subsections 73.4(4) and (5) as proposed in section 4 of the Bill, be struck out and subsection 73.4(6) be re-numbered as 73.4(4).

MOTION:

THAT section 73.6, as proposed in section 4 of the Bill, be amended:

- (a) by striking out subsection 73.6(4);
- (b) by striking out "Subject to subsection (4)," where it occurs in subsections 73.6(5) and (6);
- (c) by re-numbering 73.6(5) to (8) as 73.6(4) to (7);
- (d) by adding the following after subsection (7):

"Hearings and right to be heard
73.6(8) The ombudsman may hold hearings, obtain information from any person, and make such inquiries as the ombudsman considers necessary; and no person is entitled, as of right, to be heard by the ombudsman."

- (e) in subsection (9), by striking out "the ombudsman shall give the head of the municipal unit" and substituting "or a person, the ombudsman shall give the head of the municipal unit or the person."

MOTION:

THAT section 75.2, as proposed in section 5 of the Bill, be amended:

- (a) in subsection (1), by striking out "established under by-laws No. 219, No. 1125/75 and No. 2819/80; and any such pension plan may have," and substituting "maintained under by-law No.219 of the former Metropolitan Corporation of Greater Winnipeg, and by-laws No. 1125/75, and No. 2819/80, including any such pension plan which may have,";
- (b) in subsection (3), by striking out "proof";
- (c) in subsection (5), by striking out "pension plans or to trusts arising under the pension plans" and substituting "pension plans and to a merger of trusts arising under such pension plans".

MOTION:

THAT subsection 77.1(3), as proposed in section 7 of the Bill, be amended by striking out the words following "city archivist".

MOTION:

THAT clause 77.1(4)(a), as proposed in section 7 of the Bill, be amended by striking out "record" and substituting "records".

MOTION:

THAT subsection 77.1(5), as proposed in section 7 of the Bill, be amended by striking out "determine and implement policies and procedures", and substituting "make recommendations to council, and implement policies and procedures approved by council".

MOTION:

THAT subsection 77.1(7), as proposed in section 7 of the Bill, be amended by adding "custody and control of a" after "removed from the".

MOTION:

THAT section 78, as proposed in section 8 of the Bill, be amended by striking out the definition "court".

MOTION:

THAT section 78.01, as proposed in section 8 of the Bill, be amended by striking out "may pass a by-law" and substituting "shall pass a by-law".

MOTION:

THAT section 78.02, as proposed in section 8 of the Bill, be amended by striking out everything after "section 78.07".

MOTION:

THAT section 78.08, as proposed in section 8 of the Bill, be amended as follows:

- (a) in the heading of subsection (1), by striking out "Queen's Bench" and substituting "ombudsman";
- (b) in subsections (1), (3) and (4) by striking out "court" wherever it occurs and substituting "ombudsman";
- (c) by adding the following as Subsection (5):

"Application of The Manitoba Evidence Act
78.08(5) For the purposes of an appeal under this section, the ombudsman has the powers vested in commissions under sections 88, 90, 91, 92 and 94 of The Manitoba Evidence Act.";

- (d) by re-numbering subsection (5) as subsection (6) and by amending that subsection by striking out "court" and "judge" wherever they occur and substituting "ombudsman";
- (e) by re-numbering subsection (6) as subsection (7) and amending that subsection to strike out "court" and substitute "ombudsman".

MOTION:

THAT section 84, as proposed in section 11 of the Bill, be amended:

- (a) by striking out clause (c);

- (b) by re-numbering clauses (d) and (e) as clauses (c) and (d).

MOTION:

THAT subsection 86.1(2), as proposed in section 11 of the Bill, be amended by striking out "and no person is eligible for election as" and substituting "and no person is eligible for nomination for, or election as,".

MOTION:

THAT clause 87.2(1)(b), as proposed in section 11 of the Bill, be amended by striking out "each" and substituting "one".

MOTION:

THAT the Bill be amended by adding the following sections after section 15:

"Transitional: resident advisory groups

15.1 Notwithstanding the repeal of section 21 by section 3 of this Act, section 21 remains in force and effect until the proclamation of section 41, as enacted by section 3 of this Act.

Transitional: E.P.C. & board of commissioners

15.2 Notwithstanding the repeal of section 31 and clause 33(b) by section 3 of this Act, those provisions remain in force and effect until the proclamation of clause 30(2)(c) and subsection 31(2).

Re-numbering of Bill

15.3 In the event The Statute Re-enactment and By-law Validation (Winnipeg) Act is passed at the same session of the Legislature as this Act, the Legislative Counsel is authorized to re-number the provisions of this Act before it is published, to conform with the numbering of the re-enacted version of The City of Winnipeg Act."

MOTION:

THAT section 16 of the Bill be amended:

- (a) in subsection (2), by striking out "Sections 2, 3, 6," and substituting "Subject to subsection (3), sections 2, 3,";
- (b) by re-numbering subsection (3) as subsection (4);
- (c) by adding the following after subsection (2):
"Effective on proclamation
16(3) Clauses 30(1)(e) and (f), clause 30(2)(c), and subsection 31(2), as enacted by section 3 of this Act, come into force on proclamation.";
- (d) in subsection (4), by adding "6," after "Sections".

MOTION:

THAT section 16 of the Bill be amended:

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(a) in subsection (1) by striking out "1, 4, 5 and 8" and substituting "1 and 5";

(b) in subsection (4) by adding "4," after "Sections";

(c) by adding the following after subsection (4):

"Effective date of section 8

16(5) Section 8 comes into force 12 months after royal assent."

MOTION:

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

All of which is respectfully submitted.

* (1005)

Mr. Pankratz: I move, seconded by the Honourable Member for Swan River (Mr. Burrell), that the report of the committee be received.

MOTION presented and carried.

**MINISTERIAL STATEMENTS
AND TABLING OF REPORTS**

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, I have a statement to the House.

Mr. Speaker, today I am pleased to table a Skills Development Strategy Paper, which has been endorsed by Ministers responsible for labour market matters in all provinces and the Territories.

"Partners for People", which is also being released today by my ministerial counterparts across Canada, calls on the federal Government to become involved in a new partnership with the provinces, Territories, the business community and organized labour to address Canada's diverse market and training needs.

The provinces and the Territories have first-hand knowledge of their own labour markets as well as responsibility for education and training. This Paper clearly underlines the need for the provinces and the Territories to be involved as true partners in developing innovative regional strategies so that Canada can compete more effectively in a global market.

"Partners for People" has been delivered to Barbara McDougall, federal Minister responsible for Employment and Immigration. It is my expectation, and of my provincial counterparts, that this document will serve as an important Discussion Paper at future federal-provincial meetings.

At this point in time I would like to table the report, Mr. Speaker.

Mrs. Iva Yeo (Sturgeon Creek): Mr. Speaker, I certainly welcome the concept of "Partners for People," and look forward with great hope to see some of the items mentioned work. However, we do not need task force

after task force. We do not need committee after committee. We need funding, we need implementation of some of the ideas.

We certainly welcome the aspect of partnership. We realize that the business community, that organized labour, that various market systems need to work hand in hand with education. However, I have been somewhat dismayed as I have looked at the makeup of some of the committees that this Minister has put together to see that there are many representatives from different business organizations, some representatives from labour, with very few actual educators represented on many of his committees.

I would hope that in the future, when the Minister is putting together various partnerships, various committees, various task forces, that he would put a very heavy emphasis upon the educational component. Thank you.

Mr. Leonard Evans (Brandon East): Mr. Speaker, certainly we welcome this statement. We are glad of any initiative that will help to train people and put them to work. I cannot help but remember the very sarcastic remarks made by the First Minister (Mr. Filmon) and other Members of the other side about make-work projects for the unemployed. They said they did not believe in job training and job assistance that we had under the Manitoba Jobs Fund, and I can quote that back to the Premier anytime by looking back at Hansard.

* (1010)

Another reason why we are cynical is that the federal Government itself has cut millions of dollars from job training programs for the Province of Manitoba as well as other provinces across this country.

I was at a conference with Flora MacDonald when she announced a major cutback in training grants affecting the community colleges in this province, as well as, other direct employment initiatives by the federal Government. So the people of this province and this country cannot help but feel cynical about a statement such as this.

When I look back also, Mr. Speaker, about other initiatives we had under the Jobs Fund that this Government cut out or froze again I am very cynical, such as Job Training for Tomorrow, which was put on hold for months, and months, and months no monies being provided for. Mr. Speaker, -(interjection)-

Mr. Speaker: Order, please; order, please. I have given the Honourable Member for Brandon East an equal amount of time as was given to the Honourable Minister in making the ministerial statement.

Mr. Steve Ashton (Thompson): For clarification, is it now the ruling of the Chair that in terms of ministerial statements and responses that there is an equivalent amount of time?

Mr. Speaker: It has always been, as quoted in Beauchesne's.

Mr. Ashton: Thank you for that new ruling, Mr. Speaker.- (interjection)-

Mr. Speaker: Order. The Honourable Minister of Northern and Native Affairs.

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Speaker -(interjection)-

Mr. Speaker: Order, please.

Mr. Leonard Evans: Mr. Speaker, just on a point of order.

Mr. Speaker: The Honourable Member for Brandon East, on a point of order.

Mr. Leonard Evans: I would like to get a clarification. In all of my years in this House, there has never been a ruling that the statements on either side had to be of equal time, and I would ask—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please. I am sure the Honourable Member for Brandon East is not reflecting on the Chair.- (interjection)-

Order, please; order, please. Beauchesne's 351: ". . . the Speaker limits each opposition reply to a period not to exceed the time taken by the Minister."

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please.

Mr. Downey: Mr. Speaker, I would like to table a report. This is the first stage of developing an Indian and Metis Urban Strategy for Manitoba and also the workshop for the development of an Indian-Metis Urban Strategy for Manitoba.

INTRODUCTION OF BILLS

BILL NO. 83—THE OZONE DEPLETING SUBSTANCES ACT

Hon. Glen Cummings (Minister of Environment) introduced, by leave, Bill No. 83, The Ozone Depleting Substances Act; Loi sur les substances appauvrissant la couche d'ozone. (Recommended by His Honour the Lieutenant-Governor)

* (1015)

BILL NO. 84—THE WASTE REDUCTION AND PREVENTION AND CONSEQUENTIAL AMENDMENTS ACT

Hon. Glen Cummings (Minister of Environment) introduced, by leave, Bill No. 84, The Waste Reduction

and Prevention and Consequential Amendments Act; Loi sur la réduction du volume et de la production des déchets et modifications corrélatives. (Recommended by His Honour the Lieutenant-Governor)

INTRODUCTION OF GUESTS

Mr. Speaker: Prior to Oral Questions, may I direct the attention of Honourable Members to the gallery where we have from the Arthur A. Leach Junior High School twenty-eight Grade 9 students, and they are under the direction of Mr. Denis Rinn. The school is located in the constituency of the Honourable Member for Fort Garry (Mr. Laurie Evans).

Also with us this morning, we have 15 visitors from North Dakota, and they are under the direction of Mike Janousek.

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

ORAL QUESTION PERIOD

Substance Abuse Youth Education Program

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, this Government consistently shows an inability to be pro-active. Winnipeg Police made their first bust of crack cocaine in August. Shortly thereafter, I asked questions urging the Ministers to begin drug prevention programs immediately, in order to educate our young people about this highly addictive drug before it became rampant in our community.

Last evening, Winnipeg Police seized \$100,000 worth of crack. That is the equivalent of 3,000 hits, Mr. Speaker. Some specialists state that only one hit is enough to attract a young person and to eventually result in addiction.

Can the Minister of Health (Mr. Orchard) tell this House today what action and what new initiative has been organized and orchestrated by his department since August of this year to ensure an expansion of the Youth Drug Education Program?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, it is obvious that the programs we have in place in terms of education, in terms of enforcement by the police, in terms of the watchful eye of the community, on the spread of drugs are assisting greatly. That is why the police have made those kinds of busts on the drug trade in Winnipeg recently.

That is happening because of legislation that has been in place, I believe, and I will stand corrected by my colleague, the Attorney General (Mr. McCrae), federal legislation which got much, much tougher and allowed the police to get much, much more pro-active in enforcement in terms of drug abuse and those who wish to ruin lives of Manitobans and Canadians.

Mr. Speaker, those initiatives are building upon initiatives that are in AFM, the Department of Education and community groups throughout Manitoba that are

working with schools and youths to make them aware that drugs are not the way.

Mrs. Carstairs: We are asking for prevention programs and the AFM themselves will indicate that their drug education programs for youths are woefully inadequate.

Federal Rehabilitation Funds

Mrs. Sharon Carstairs (Leader of the Opposition): Can the Minister of Health tell us if he has finally signed an agreement with the federal Government under the Alcohol and Drug Rehabilitation Agreement which would finally put money in the field for the kind of rehabilitation of our young people that is required?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, as I have indicated to my honourable friend in the past and I will indicate to my honourable friend today, we are exploring those avenues with the federal Government and when we have a proposal that we are comfortable with in this Government, we will access that federal money, but I know the Liberals want to spend, spend, spend without any mindful attention to the expected outcome.

We take the responsible approach and while, Mr. Speaker, we are intent upon accessing the treatment aspect narrowly of the federal program, we are encouraging the federal Government to change the program so that the Province of Manitoba can use some of those federal funds for further education and promotion of no use of drugs, because it is no use we want, not rehabilitation after the fact.

* (1020)

Youth Education Program

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, that is exactly the point. There is no viable prevention program in the Province of Manitoba reaching out to the young people of this province. When will such a program be initiated under this ministry, particularly to deal with the issue of crack cocaine?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, as usual my honourable friend does not know what she is talking about. My honourable friend is absolutely unaware of the participation in the Province of Manitoba of the Quest Program sponsored in schools by the Lions Club as a community project. She is absolutely unaware of the Target Program, assisted in the funding by this Government, of the Manitoba High Schools Athletic Association initiated within the last nine months to target drug abuse education to the sports community in the high schools. My honourable friend knows not what she talks about. She continues to bring—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please; order, please. The Honourable Leader of the official Opposition.

Mrs. Carstairs: The Minister yelling in the House is not going to help one single high school student who

is now becoming an addict in this city, and that is the issue. The issue is, when will this Health Ministry initiate a pro-active program to inform all junior high and senior high students about the dangers of crack cocaine in our province?

Mr. Orchard: Mr. Speaker, I do take the admonition of my honourable friend, the calm and rational Leader of the Opposition Party (Mrs. Carstairs), and I apologize to Manitobans for getting exercised in having to constantly correct my honourable friend when she does not have information that is up to date, accurate or reflective of what is going on in Manitoba.

I apologize for raising my voice when she does not have information that is correct and she brings false allegations to this House. I have indicated to my honourable friend that when the Manitoba High Schools Athletic Association approached me as Minister, I immediately referred them to the AFM, and the AFM commenced assistance in funding towards the implementation of the Target Program which helps to spread the educational word in the high schools of this Province of Manitoba. My honourable friend refuses to recognize that.

Mrs. Carstairs: This Minister's increases to the AFM were below the rate of inflation for drug and alcohol prevention programs. Actions speak much louder than words and if this Minister is not prepared to put the funding up front in prevention, when will the First Minister of this province ensure that a comprehensive program takes place in this province?

Mr. Orchard: Mr. Speaker, when my honourable friend gets to the Estimates of the AFM, the Liberal Party will realize that there is not one single reduction in program. In fact, there is increased resource to programs in the province. What has happened is, we have decided not to build upon the bureaucracy at AFM and we have asked them to reallocate bureaucracy positions and salaries to program delivery.

My honourable friend wants to build a bureaucracy. I want to build, this Government wants to build programs, and that is what we are doing.

Mrs. Carstairs: Well, this Opposition Leader wants to be sure that every child is armed with information to protect them. That kind of information is not readily available to the school children of this province, and it must be.

Can the First Minister tell the House today if he will finally orchestrate with his Minister of Education (Mr. Derkach), his Minister of Family Services (Mrs. Oleson), his Minister of Health (Mr. Orchard) a pro-active prevention program along with the Minister of Justice (Mr. McCrae) who has been promising it but has not delivered it, on the whole issue of drug prevention in the Province of Manitoba?

* (1025)

Mr. Orchard: Mr. Speaker, I realize my honourable friend wishes not to recognize progress when progress

is being made. I have indicated the organizations that are providing education in the high school not simply by employing bureaucracy civil servants that my honourable friend is so bent upon, but by engaging the pro-active community, the Lions, the Manitoba High Schools Athletic Association, the Winnipeg Jets, the Winnipeg City Police, the RCMP. Has my honourable friend not seen the advertising program on television, in the newspapers, sponsored jointly by Governments and the enforcement agencies and the Winnipeg City Police and the Winnipeg Jets saying, kids, do not do drugs? -(interjection)-

Mr. Speaker: Order, please; order, please.

LynnGold Resources Inc. Negotiations

Mr. Jay Cowan (Churchill): For the first time in a long time there is some good news for Lynn Lake that could be made better by a positive response from the Government. My question is to the First Minister (Mr. Filmon). Today's gold price is up sharply, \$6 up, to over \$380 per ounce. Projections for further increases in the price of gold are even more optimistic. I read from The Globe and Mail, Mr. Speaker, of today, it says: gold future gets strength from stocks weakness, or from The Free Press: gold bright spot in soft stock trade.

Given that the LynnGold and Farley Lake deposits can be brought on stream at a gold price of \$370 per ounce, in light of the increase, in light of this new development, in light of the future optimistic projections, will the First Minister recommence negotiations to determine if this latest good news for both the Government and for the company could result in all parties reviewing their positions so that more common ground could be found in the hope of an agreement finally being reached?

Hon. Gary Filmon (Premier): Mr. Speaker, clearly the company, LynnGold, bases all of their projections and all of their estimates on what their income will be on the price of gold. Clearly it is in their interest to decide whether or not that mine can now be viable, given a \$6 increase in the price of gold.

I tell him though that under current circumstances, the cost of their mining that gold was \$440 an ounce at LynnGold.- (interjection)- Mr. Speaker, the Liberals who have no knowledge and information on this should be the last to be interjecting in the House here. They are the people who have sat back there, wondering what happened, asking foolish questions from time to time to try and indicate that they are interested in the issue. Let them please be quiet and listen to what is happening in the discussions and negotiations. Maybe they will learn something from this issue.

To my honourable friend from Churchill I say to him that this Government has put a very generous offer on the table, an offer that would not be put forth by any Government anywhere else in the country in the interests of attempting to keep the mine operating and the workers working. The fact of the matter is that that

price increase has to be the genesis to have LynnGold re-examine the economics of it and see whether or not it is viable for them to accept the generous offer of the Government.

I have indicated to him that every time he gets involved he drives the price up of the Government's participation. Our participation has been put on the line. We believe it is a very generous offer and we hope that LynnGold will consider it.- (interjection)-

Mr. Speaker: Order, please. The Honourable Member for Churchill.

Mr. Cowan: Mr. Speaker, I regret the Minister's personal attack, however tempered, but I am not going to respond to it. I will read to him from the Strathcona Mineral Services Limited Report which his Government commissioned, when it says: at a gold price of U.S. \$370 and with current projections for production and operating costs, LynnGold will be able to return the foregoing funding provided to meet near-term operating deficits, capital expenditures, and working capital improvement, but with a negligible rate of return. At a gold price of U.S. \$400 or higher the company has prospects of continuing through until 1997 with a much better return to all shareholders.

Given that sometimes, when negotiations are at an impasse, Mr. Speaker—

* (1030)

Mr. Speaker: Will the Honourable Member for Churchill kindly put his question now, please?

Mr. Cowan: Given that sometimes when negotiations are at an impasse it takes both parties to back up a bit and to allow the other party to save face to get negotiations going, will the First Minister (Mr. Filmon) call the company and the union to ask them to come into a meeting in his office to determine if this latest increase in the optimistic projections for future increases does not justify some further discussions, which may in fact lead to a different offer or may not, but at least they have made that last-ditch effort to get things together at this late date?

Mr. Filmon: We have gone from discussions in which there was \$9 million on the table to \$12 million, to \$19 million, to \$24 million, to \$26 million, including the write-off of the \$2 million that is owing.

Mr. Speaker, there is no more money in the treasury from the taxpayers of Manitoba to be put on the table of this agreement. If the price of gold makes it viable for LynnGold as an investor to keep going, they will be the first ones to recognize that. They are the people who are in this—

An Honourable Member: They are in the industry.

Mr. Filmon: —in the industry. They know exactly what rate of return they have to get. They know what their shareholders are looking for, and they are the ones who have to justify the investment ultimately. Believe

me, they knew that information before the Member for Churchill (Mr. Cowan). That is the business that they are in. That is how they make their livelihood. They rise and fall based on their knowledge of gold and its pricing every minute of the day. This is not going to change their mind; the fact that people get to the table and say let us talk is not going to make any difference. Our offer is there. It is as generous as it could possibly be, and we can go no further, Mr. Speaker.

Mr. Cowan: What does the First Minister fear, with respect to sitting down with the company to see if this latest development cannot bring about a resolution to this problem? It may be that the company wants to up its offer but needs a way to get back into negotiations. We are at a logjam and an impasse.

The First Minister is a very capable statesperson when he wants to be and he is also a good negotiator when he wants to be. Will he take those two talents and put them to use to get people back to the table? We are not asking for more money; we are only asking for more talk to see if the parties cannot resolve what should not be irreconcilable differences. When they both have come so far to get so close, it would be a shame to have it fail at this point in time.

Mr. Filmon: Mr. Speaker, no one in my Government wants to see this fail. We have been working on this for months and months and months. This has taken a period of time with many, many efforts, with many heart-wrenching discussions, with many difficult decisions by Cabinet by our Minister. Hours and hours have been put in on the issue. We have spoken to everybody right up to the CEO of the controlling corporation, and I have personally talked with him. There is no such thing as them needing to have some impetus. There is a telephone that goes both ways. They pick it up and they say, look, the price of gold has gone up by \$6 today, we now see some optimism. Is your offer still there? We say, yes, it is, and it is on the way. That is all it takes. He does not have to call meetings and strategize. By doing what he wants to do, all he is asking us is to keep upping our offer. We can go no further.

Mr. Cowan: I have never asked the Government to up their offer and I am not asking the Government to up their offer today. What I am asking the Government to do is sit down in the true spirit of creative, constructive and co-operative negotiations to determine if the packages that are there cannot be worked into a settlement. I believe they can if both parties approach it in a co-operative fashion.

I would ask the First Minister then, if he is not prepared to pick up the phone, is he prepared to acknowledge today that if the company calls him and if the steelworkers call him and if union representatives call him to ask him for such a meeting, he will agree to arrange such a meeting so that we can get these talks back on track at this late date without any precommitment to upping or moving or changing their offer in any way, just to get the talks back on track?

Mr. Filmon: Mr. Speaker, ultimately it is the company who has to decide whether there is any prospect of

keeping that operation going, whether their investment, which is an investment which they make on behalf of shareholders, can ever have any hope of return. Mr. Speaker, we have gone into this with the determination that we would go as far as conceivably possible with money from the taxpayers of Manitoba to try and keep the mine going.

I said yesterday—and I will repeat it—we can only go so far. We cannot ultimately, with our little treasury in Manitoba, prop up the world price of gold. That has to be a judgment that is made by the shareholders of LynnGold who say, with this amount of money and with this projection of the price of gold, we think we can make a return. They have looked at it and they have said that, even despite the generous offer that we have made, they cannot go any further.

Mr. Speaker, if the price of gold goes up and changes their position, they will be the ones who will ultimately make that decision.

Speech Therapy Preschool Services

Mr. Gulzar Cheema (Kildonan): Mr. Speaker, approximately 400 preschool children are waiting up to 18 months for assessment for speech therapy. We have raised this issue several times in this House. By not providing speech therapy for preschool children, this Minister is contributing to the development problems for those children.

Mr. Speaker, my question is: can the Minister of Health tell us why he has not corrected this serious problem?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I would trust my honourable friend because I seem to recall at some point in time, when the Liberal Party announced that they were Government-in-waiting, that they would give credit where the Government did take positive initiatives. My honourable friend has failed to acknowledge (a) that we resourced to the tune of over \$200,000 last year the Speech Therapy and Audiology Program at the Health Sciences Centre, which has enabled us to provide service to significantly greater numbers of children. My honourable friend has failed to acknowledge that we recently tabled, for his purview and the public's purview, a report on rehabilitative therapies and the direction Government ought to go.

The issue of speech pathology and the shortage of trained therapists was addressed in that document. Mr. Speaker, no Government, not even one with Liberal backing and a magic wand, can resolve the problem overnight.

Mr. Cheema: Mr. Speaker, I will give you a list of what the Minister is saying. There are 257 children waiting at Health Sciences Centre, 100 children waiting at St. Boniface Hospital. That is according to his report. Nothing has improved. I talked to one mother yesterday and her child is still waiting for the last 18 months. The Minister is giving false information in this House.

Mr. Speaker, my question is, can the Minister of Health tell this House what measures he will now take to correct this serious problem?

Mr. Orchard: Mr. Speaker, when my honourable friend makes those accusations, would my honourable friend have the common decency to indicate that in the last six months significantly greater numbers of children have received assessment, treatment and attention than has ever happened before in the history of this province, because we have put additional resources in there.

An Honourable Member: Read your own report.

Mr. Orchard: Mr. Speaker, my honourable friend says, read your own report. Why do you think this Government undertook—

An Honourable Member: What have you done?

Mr. Orchard: Mr. Speaker, my honourable friend asked from his seat, what have you done? Let me indicate to my honourable friend that we have provided additional resources of in excess of \$200,000 to the Health Sciences Centre which is now allowing significantly more children to receive service. That is No. 1, and No. 2, we have had a rehabilitative therapy report given to Government, tabled approximately a month ago—

Mr. Speaker: Order, please.

Rural Services

Mr. Guizar Cheema (Kildonan): Mr. Speaker, the shortage of therapists in rural and northern communities is even worse. I will table a letter from one of the constituents of Portage. This person is saying that her daughter has been waiting for speech therapy assessment for 18 months. That is the record of this Government.

My question is: what steps will this Minister now take to ensure that all Manitobans—it does not matter whether they live in Winnipeg or a rural community—will get speech therapy services in the community as close as possible?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, this Government will continue to enhance the level of service in speech therapy, as we have continued to enhance the service and the level of service of health care delivery in this province in many, many areas. We will continue to do that.

I want to be very direct and very honest with my honourable friend the Liberal Health Critic. The problems in the health care system, as they apply to speech therapy, will not be resolved overnight by any Government, even one that he might have an opportunity to serve in.

Mr. Speaker, we very deliberately are working towards the resolution of that problem, another inherited health care problem. We have resourced it and we are developing plans to resolve the issue.

* (1040)

Bill No. 79 Tax Collection Statistics

Mr. Gilles Roch (Springfield): Mr. Speaker, my question is to the Minister of Rural Development (Mr. Penner). Bill No. 79 has proved that minority Government can sometimes work, and we on this side of the House certainly commend the Government for having incorporated into this Bill many principles of tax reform which we have been advocating.

Bill No. 79 appears to meet many of the needs in the area of assessment policy in Manitoba. Although we have not had time to study the Bill—

An Honourable Member: Just like the old days, Gilles.

Mr. Roch: Well, just like the Minister of Health (Mr. Orchard) was saying, we give credit where credit is due. Although we have not had the time to study the Bill in detail, its principles are worthy of support.

There is, however, a major question that needs to be asked. Mr. Speaker, if 67 percent of taxpayers will receive an overall tax reduction, and an additional 13 percent will receive less than a 5 percent increase, would the amounts collected by the municipalities in the future be equal to that being collected now?

Hon. Jack Penner (Minister of Rural Development): Mr. Speaker, it gives me great pleasure to hear the Opposition Member say that they can support this Bill. It also gave me some pleasure when I read in the paper this morning that Mr. Roch had said that he expected speedy passage of this Bill. I think Manitobans have for a long, long time looked forward to legislation such as this, which would give us fairness and equitable assessment in this province, which would allow municipalities to fairly apply taxation.

This is not a revenue-raising Bill for the province, this is assessment which municipalities will be able to base their revenue generation from.

Education Funding Increase

Mr. Gilles Roch (Springfield): I am not sure if he answered the question. He appeared to have, but, Mr. Speaker, the fact is that the province has been contributing less money in percentage terms towards education over the last decade. The erosion of the current 75 percent began under the NDP and has remained at 75 percent under this Government. Has this Minister, as part of this new initiative, convinced his colleagues to increase the province's percentage funding to education?

Hon. Jack Penner (Minister of Rural Development): Mr. Speaker, I am somewhat surprised that we moved the question out of the assessment legislation into educational funding. I would expect that he would want to direct that question to the Minister of Education (Mr. Derkach), because I believe it is under his purview that the decisions for educational funding are going to be contained.

Property Taxes Decrease

Mr. Gilles Roch (Springfield): It appears that this Minister is not aware that this is a major rural issue. Mr. Speaker, let me ask this Minister: is there actually a real decrease in property taxation, as he seems to be saying, or is the burden of taxation simply being shifted from land to buildings, with no real benefit to property taxpayers?

Hon. Jack Penner (Minister of Rural Development): Mr. Speaker, again the legislation clearly states that the provincial educational support levy will be removed from all farm land.

Farmers in this province have long, long lobbied hard for the removal of that tax from their base, because they have argued that they were not able to pass along those costs in their operations. Therefore we saw it as a very fair and equitable thing to remove that portion of provincial educational tax revenue from land at this time. It is an ongoing, it is a commitment that this Government has made, this Party has made over the years that we would implement fairness and equity into the system.

VIA Rail Perishable Food Shipments

Mr. John Plohman (Dauphin): Mr. Speaker, earlier this week, following the Minister's return from his triumphant meetings in Ottawa in which he succeeded in negotiating the future of the Churchill line down from 10 years - (applause)- Thank you very much.

Mr. Speaker, the Minister succeeded in negotiating the future of the line down from 10 years, that we had obtained in May of 1989, to five years. At times it looked like it was down to one year, and I want to indicate to the Minister in doing so that what he has done is bought five fewer years for Manitoba to secure Manitoba's future, and he comes back triumphant.

I asked the Minister about the impact of the recent National Transportation Agency decision, which he obviously knew nothing about at that time, with regard to its impact on perishable food that was being brought from Thompson to Churchill, and he now has made himself aware of that issue. I ask the Minister whether he has taken action to secure the provision of perishable food, fruit, vegetables, milk and so on from Thompson to Churchill in the future

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, it is very seldom that you get compliments from the Opposition, and I accept the compliments from the Member for Dauphin.

I would also like to put a correction on the record, that the previous administration never had a 10-year guarantee on anything regardless -(interjection)- because from the late 1950s, the population of Churchill was 7,000 at that time. When we took Government it was less than 1,000, so let him not indicate that he has done anything positive.

In response to the question, Mr. Speaker, I indicated to the Member yesterday that staff is working on it and that I would have the information as soon as possible. I do not have it right now.

Mr. Plohman: Mr. Speaker, I urge the Minister to move quickly because that is a serious issue.

Transportation Industry Trucking Safety Standards

Mr. John Plohman (Dauphin): On another issue, because of the limited time here, I ask the Minister, in view of the alarming increase in accidents caused by faulty equipment for trucking across this country, we have recently become aware that faulty brakes caused the deaths of five people in Kamloops as a result of a careening truck out of control.

We have also become aware that the Saskatchewan Government has recently undertaken safety checks which showed 30 percent, over one-third, violated those standards.

Can the Minister indicate whether in fact the safety standards in Manitoba are being met so as not to endanger the lives of motorists on the highways of Manitoba?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, safety has always been uppermost in the department's minds in terms of transportation. The safety of Manitobans I think is important to all of us. I would have to indicate, and I think the Member is well aware of it, under the National Safety Code a lot of changes are taking place in terms of inspections of vehicles. We are doing that in the province right now.

We have not had enough information at this stage of the game to indicate whether we have a trend in terms of what percentage of vehicles are maybe not safe. However, we are lobbying that. As soon as we have that information we will either have to escalate or promote stronger in terms of the safety programs that we have. However, as I indicated under the National Safety Code which applies across Canada, inspections are being done. I think there is a general improvement in the quality of the vehicles that we have on the road.

Trucking Deregulation

Mr. John Plohman (Dauphin): Mr. Speaker, the Minister cannot just make that hollow statement without evidence. The fact is, one-third in Saskatchewan are violating those standards. Accidents are happening which are killing people. This is a result of deregulation and shift of traffic from rail to trucking and the deregulation of trucking. I ask the Minister, when will he determine specifically what the impact is so that he can take action to protect motorists in this province who will be jeopardized, because he knows that trucks show no mercy when they hit cars in accidents?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, when trucking

deregulation took place in the United States, they did not have a safety code established at that time. What happened was you had a bunch of vehicles coming onto the highways at that time that were not safe.

* (1050)

The reason why the National Safety Code was established in conjunction with the trucking deregulation was for this specific purpose. We are trying to address that. Mr. Speaker, certainly in the province I am getting a lot of criticism that we are not deregulating faster, but we feel that we have a plan in place that will assure that we do not have an influx of unsafe vehicles on the roads. We are moving in that direction.

Grace Hospital Asbestos Levels

Hon. Donald Orchard (Minister of Health): Mr. Speaker, yesterday the Leader of the Opposition (Mrs. Carstairs) posed some questions on the basis of some very incomplete information regarding asbestos at Grace Hospital. I would like to provide answers to the questions she posed.

Mr. Speaker, the Grace Hospital was built during a period when asbestos was used for insulation qualities. Asbestos is adhered to structural components throughout the hospital, covered by walls and ceilings. Workplace Safety and Health says there is no health hazard as long as the asbestos is properly encapsulated.

As construction projects are initiated, a qualified asbestos removal firm is contracted to provide safe removal of all asbestos located within the project area. This policy has been in place for several years and is the process accepted for asbestos removal.

Recently, we approved an amount of over \$24,000 to remove asbestos associated with the birthing room renovation project at Grace. The MHSC has provided funding for all identified asbestos removal requests. There are no requests outstanding and not dealt with by the MHSC at this time, including at Grace Hospital, as falsely alleged by the Leader of the Opposition.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, order. The Honourable Minister of Health has had an opportunity to put his remarks on the record.

Crop Protection Institute of Canada Container Fee Collection

Mr. Laurie Evans (Fort Garry): I am not sure I should be, but I can be somewhat complimentary to the Government this morning myself. We on this side of the House were pleased to hear the announcement of ACRE, the Association for a Clean Rural Environment. I am sure most Manitobans were, but I do have some questions for the Minister of the Environment (Mr. Cummings).

Can the Minister tell us how much money was collected by the Crop Protection Institute of Canada

from the \$1 charge on each pesticide container, and how much of that money will in fact be turned over to ACRE?

Hon. Glen Cummings (Minister of Environment): The exact dollar is in the neighbourhood of \$625,000 I believe. I stand to be corrected on that figure but I am very close. The Crop Protection Institute—there were a lot of rumours that went around this summer about whether or not that money would flow. I am proud to stand here today, Mr. Speaker, and say that we are satisfied that the Crop Protection Institute has set up a transparent system whereby they will make sure all of that money that was collected in relationship to the amount of pesticide containers that were sold in this province is transferred to ACRE, with the one provision that there is a small amount of money that they use for the research component that will be subtracted, but we are still receiving almost all of the dollars. We have their agreement that we will receive it all in the future.

ACRE Business Participation

Mr. Laurie Evans (Fort Garry): This dollar that was collected obviously came from the farmer, so there is some question as to just how much participation there is from the industry.

Can the Minister indicate how there will be some insurance that the industry is participating, rather than this just being a transfer of \$1 from the pocket of the farmer to ACRE?

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, that is a rather convoluted way of indicating how that dollar was raised. It can be argued that any time any industry provides a grant, be it to the Cancer Society or anywhere else, it is coming out of the consumer of that product, but the dollar was not established as a dollar per container that was added on at the retail level. These companies all have a rather proprietary interest in making sure that they do not reveal to each other the total amount of chemical that they sell in each jurisdiction. Therefore, they deposited in a blind trust with CPIC an amount equal to \$1 per container sold.

Staffing/Budget Preparation

Mr. Laurie Evans (Fort Garry): I understand the Minister's answer, but I am not sure it is that convincing to the farmer. My supplementary question is, Mr. Speaker, can the Minister indicate just what size they anticipate the ACRE operation to be in terms of number of employees and the annual budget that will be available to it?

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, as I indicated during the announcement of the formation of ACRE, there will be first of all a board of directors that will hire one administrative person to deal with this. The mandate of ACRE goes beyond just

dealing with pesticide containers. The reason that the pesticide container responsibility is transferred to ACRE is that we want a complete accountability so that those dollars are not mixed in with the dollars of the Government. There is accountability to the producer out there. There is accountability to the industry and there is no question about whether or not any administration in the future can bleed off some of those dollars for other than what they were originally intended. The size of the corporation is not expected to exceed that unless they take on other responsibilities.

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

NON-POLITICAL STATEMENTS

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I rise to seek the leave of the House to make a non-political statement.

Mr. Speaker: Does the Honourable Minister of Justice have leave to make a non-political statement? The Honourable Minister of Justice.

Mr. McCrae: I thank Honourable Members for letting me have their permission to bring attention to the fact that November is Crime Prevention Month in Manitoba. I am sure on behalf of all Honourable Members, I would like to extend congratulations to the Manitoba Society of Criminology Project Prevention and all the community-based groups involved in making Manitoba a safer place for all of us and all of our families. I say hats off to all the volunteers involved in every community in this province, Mr. Speaker, for giving their communities their time and their energy towards this effort.

I would like also to extend a commendation to the Winnipeg Police, all municipal police forces, and of course the Royal Canadian Mounted Police for the excellent work they do in their detachment areas working with the communities to make them safer places to live. We all know that a crime prevented is a crime that does not occur and a crime that does not have to be dealt with by the police, by the courts, and by our penal system. On behalf of all Honourable Members, I would like to ask all Honourable Members to join me in saluting everyone in our province involved in crime prevention projects.

Mr. Speaker: Does the Honourable Member for St. James have leave to make a non-political statement? The Honourable Member for St. James.

Mr. Paul Edwards (St. James): Mr. Speaker, I want to join on behalf of our Party, with the comments that were made this morning by the Minister of Justice, with respect to Crime Prevention Month in this province. I think despite differences which the Parties may have in approach and the form that crime prevention initiatives should take. We can certainly join together to, as the Minister of Justice (Mr. McCrae) has said, pay respect to those people in this province who have led the way in the area of crime prevention and, of course, specifically as referenced by the Minister,

Project Prevention and the Manitoba Society of Criminologists have been at the leading edge, as well as of course the local police forces around this province including, obviously, the City of Winnipeg Police.

I want to say a special thank you to all of those citizens in this province who have taken the time to participate in the crime prevention programs existing in this province, and I speak of course of Neighbourhood Watch, and Block Parents, and the many people who serve on the CFCAs throughout this province. I think we need to clearly move in this area. That is the consensus that is in the community, and the groups that have given us the kickoff breakfast this morning, I think, should be thanked for their initiative in this area, and we certainly wish them all the best in this coming month of crime prevention in this province. Thank you, Mr. Speaker.

* (1100)

Mr. Speaker: Does the Honourable Member for St. Johns have leave to make a non-political statement? The Honourable Member for St. Johns.

Ms. Judy Wasylycia-Leis (St. Johns): On behalf of my caucus, I am pleased to add my remarks to the record to join with the Minister of Justice (Mr. McCrae) and the Member for St. James (Mr. Edwards) in recognizing Crime Prevention Month and paying tribute to all of those who have devoted their efforts and resources to making crime prevention a priority in our society. I, too, would like to pay tribute to the Manitoba Society of Criminology and the long lists of community groups, organized community efforts in our province to work on this very pressing issue. We all recognize that high on the lists of concerns of Manitobans is the issue of safe homes, safe neighbourhoods, safe communities, safe streets, and we would like to join with all members of our community in making safety and crime prevention the highest priority in our society. Thank you.

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, would you be so kind as to call the Bills in the following order: Bill Nos. 32, 66, 68 and 69. I understand that there is agreement on all sides of the House to complete all stages of Bill No. 32 today, and I would ask you to call the report stage of Bill No. 32.

Mr. Speaker: Is there leave to consider the report stage, and then to proceed after that to third reading? There is leave? Okay, leave is indicated.

BILL NO. 32—THE CITY OF WINNIPEG AMENDMENT ACT REPORT STAGE

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, would you please call report stage on Bill No. 32.

Mr. Speaker: Shall Bill No. 32, The City of Winnipeg Amendment Act; Loi modifiant la Loi sur la Ville de

Friday, November 3, 1989

Winnipeg, as reported, be concurred in? The Minister of Urban Affairs (Mr. Ducharme).

Hon. Gerald Ducharme (Minister of Urban Affairs): Mr. Speaker, by leave, I move an amendment to Bill 32, if I have leave.

Mr. Speaker: Is there leave to move an amendment at report stage? (Agreed)

Mr. Ducharme: I move

THAT Section 16 of the Bill be struck out and the following substituted:

THAT Bill 32 be amended by striking out section 16 and substituting the following:

Coming into force

16(1) Sections 1, 3.1, 3.2, 5, 15.1, 15.2 and 15.3 come into force on the day this Act receives Royal Assent.

Effective in 12 months

16(2) Sections 4 and 8 come into force 12 months after this Act receives Royal Assent.

Effective on November 7, 1989

16(3) Subject to subsection (4), Sections 2, 3, 9, 10, 11, 12, 13 and 14 come into force on November 7, 1989.

Effective on proclamation

16(4) Clauses 30(1)(e) and (f), clause 30(2)(e) and subsection 31(2), as enacted by Section 3 of this Act, come into force on a day fixed by proclamation.

Effective on proclamation

16(5) Sections 6, 7 and 15 come into force on a day fixed by proclamation.

(French version)

Il est proposé que le projet de loi 32 soit amendé par remplacement de l'article 16 par ce qui suit:

Entrée en vigueur

16(1) Les articles 1, 3.1, 3.2, 5, 15.1, 15.2 et 15.3 entrent en vigueur le jour de la sanction de la présente loi.

Entrée en vigueur dans 12 mois

16(2) Les articles 4 et 8 entrent en vigueur 12 mois après la sanction de la présente loi.

Entrée en vigueur le 7 novembre 1989

16(3) Sous réserve du paragraphe (4), les articles 2, 3, 9, 10, 11, 12, 13 et 14 entrent en vigueur le 7 novembre 1989.

Entrée en vigueur par proclamation

16(4) Les alinéas 30(1)(e) et (f), l'alinéa 30(2)(e) ainsi que le paragraphe 31(2), adoptés conformément à l'article 3 de la présente loi, entrent en vigueur à la date fixée par proclamation.

Entrée en vigueur par proclamation

16(5) Les articles 6, 7 et 15 entrent en vigueur à la date fixée par proclamation.

MOTION presented.

Mr. Ducharme: Mr. Speaker, I will be very brief in regard to this amendment. First of all, I would like to put on the record that in the heat of the moment the other evening the committee amended applying 12-months suspension, which was drafted, to cover only freedom of information. This amendment provides the freedom of information and the ombudsman provisions come into effect 12 months after Royal Assent, which is clearly what the committee had intended.

In addition, we failed to bring into force new Sections 3.1, 3.2, 15.1, 15.2 and 15.3. This amendment ensures that these sections come into force on assent. I thought that the clearest way to handle this matter was to have the legal department completely redo Section 16 so it is clear and on the record.

In speaking in regard to the amendment, I would just like at this time to compliment the delegations that appeared and gave us their thoughts during the issue at committee. I would also like to go on record to compliment both Oppositions, the two critics who were involved in discussions, Mr. Carr from Fort Rouge and Mr. Doer from Concordia. Both Honourable Members, greatly contributed to the whole process of Bill 32. We show that when minds get together, sometimes as a result, we can bring in legislation. Even though there was differences on how the legislation should be laid out, differences on the length and the time of legislation and what was in the first Bill drafted, we have come forward to this House.

The comments that I would like to make at this time though were, there was some criticism from delegates in regard to why we are proceeding with one part of Bill 32 and I would like to put it on the record that if all 22 sections of The City of Winnipeg Act were amended at the same time, the revised statute could not possibly have been introduced in the Legislature for a minimum of another three to four years. The research, the consultation, the legal drafting, refining of the legislation, and translations required for every part of the Act is a lengthy process requiring many allocations of staff time. As an alternate, for waiting the three years before bringing forward major reforms to The City of Winnipeg Act, this Government decided instead to develop an annual program of legislative amendments.

I have filed this program that will develop over the next two or three years with both my critics. They know what our time frame is and we felt that this was the best way of dealing with the legislation dealing with a very, very comprehensive City of Winnipeg Act.

I believe, as Minister, and our Government believes, it allows timely action in terms of which parts of the Act are amended. Parts 1, 2 and 4 were reviewed first in order that the new provisions for political and administrative organization would come into effect in time for the newly elected council to operate under them. Under the passing of this Bill today, this legislation will provide that opportunity.

* (1110)

Likewise the amendments to planning and land use are next on the schedule in order that Plan Winnipeg, which is due its five year review, can be reviewed within the context of the next legislation. By tackling a few parts of the Act at a time, more in-depth consultation review and refining of the legislation can take place. The public interest groups and City Council can scrutinize more carefully a Bill that has major amendments to one or two parts of an Act than they can a Bill which was proposed significant changes under 22 parts.

All the legislation introduced during this Session has been the subject of consultations with City Council through the official delegation, the Association of Rural Municipalities, written submission from council, and the Chamber of Commerce.

Mr. Speaker, in closing, my only concern that I have when dealing with legislation is that I believe the mandate of the provincial legislation is to draft legislation that the city can act under. They must be allowed to have that. We are electing 29 councillors and one mayor to run the affairs of the City of Winnipeg and I believe that the Act should enable legislation only. In closing, I am sure the legislation will benefit both the City Council and the City of Winnipeg in regard to this Bill.

Mr. Speaker: The Honourable Member for Fort Rouge, on a point of order.

Mr. James Carr (Fort Rouge): Mr. Speaker, are we debating the amendment or are we into third reading?

Mr. Speaker: It was on the amendment. On the point of order raised by the Honourable Member for Fort Rouge, the Honourable Minister was debating the amendment.

Mr. Ducharme: The amendment.

Mr. John Plohman (Dauphin): Mr. Speaker, just briefly, I rise at this time to somewhat disrupt the perhaps love-in that is taking place with the co-operation on this particular Bill to indicate to the Government that I think it is necessary to put on record once again, to the Minister, in light of what has happened to the drinking and driving legislation that the Government brought in, and this legislation, the terrible incompetence that this Government is demonstrating with regard to the number of amendments that have been required on their legislation. It is worthy of mention that not only in the drinking and driving legislation were there more amendments initially last spring when the Bill was brought forward than the Bill was long itself, there were lengthier amendments than the Bill itself, but back this fall when we went back into Session again a Bill had to be brought in to amend the previous Bill. It again was very lengthy, with some 18 amendments.

Now we see legislation brought in by this Minister of Urban Affairs (Mr. Ducharme) to The City of Winnipeg Act in which he brought in a huge number of amendments during committee stage and now has to bring in additional amendments in third reading because he still does not have it right. I think it is important that this Legislature be made aware that this Government is moving on legislation without knowing what they are doing, not getting the facts and the information correct. Therefore we are having to deal with this at multiple stages, these amendments, and multiple stages over and over again.

I think that is regrettable and I hope that the Government will pay heed to these comments and ensure that they get their act together on other Acts that we are dealing with in this House.

Mr. Speaker: Is the House ready for the question? The question before the House was at the report stage as amended. The question before the House was on the amendment as moved by the Honourable Minister of Urban Affairs (Mr. Ducharme), seconded by the Honourable Minister of Finance (Mr. Manness).

Mr. Ducharme: I move

THAT Section 16 of the Bill be struck out and the following substituted:

THAT Bill 32 be amended by striking out Section 16 and substituting the following:

Coming into force

16(1) Sections 1, 3.1, 3.2, 5, 15.1, 15.2, and 15.3 come into force on the day this Act receives Royal Assent.

Effective in 12 months

16(2) — Sections 4 and 8 come into force 12 months after this Act receives Royal Assent.

Effective on November 7, 1989

16(3) — Subject to Subsections (4) Sections 2, 3, 9, 10, 11, 12, 13 and 14 come into force on November 7, 1989.

Effective on proclamation

16(4) — Clauses 30(1)(e) and (f), Clause 30(2)(e) and Subsection 31(2), as enacted by Section 3 of this Act, come into force on a day fixed by proclamation.

Effective on proclamation

16(5) — Sections 6, 7, and 15 come into force on a day fixed by proclamation.

(French version)

Il est proposé que le projet de loi 32 soit amendé par remplacement de l'article 16 par ce qui suit:

Entree en vigueur

16(1) Les articles 1, 3.1, 3.2, 5, 15.1, 15.2 et 15.3 entrent en vigueur le jour de la sanction de la présente loi.

Friday, November 3, 1989

Entree en vigueur dans 12 mois

16(2) Les articles 4 et 8 entrent en vigueur 12 mois après la sanction de la présente loi.

Entree en vigueur le 7 novembre 1989

16(3) Sous réserve du paragraphe (4), les articles 2, 3, 9, 10, 11, 12, 13 et 14 entrent en vigueur le 7 novembre 1989.

Entree en vigueur par proclamation

16(4) Les alinéas 30(1)(e) et (f) l'alinéa 30(2)(e) ainsi que le paragraphe 31(2), adoptés conformément à l'article 3 de la présente loi, entrent en vigueur à la date fixée par proclamation.

Entree en vigueur par proclamation

16(5) Les articles 6, 7 et 15 entrent en vigueur à la date fixée par proclamation.

QUESTION put on the amendment, MOTION carried.

Mr. Ducharme: Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), that Bill No. 32, The City of Winnipeg Amendment Act, Loi modifiant la Loi sur la Ville de Winnipeg, as amended and reported from the Standing Committee on Municipal Affairs, be concurred in.

Mr. Speaker: The Honourable Minister is doing this by leave? Is there leave? (Agreed)

QUESTION put, MOTION carried.

* (1120)

THIRD READINGS

BILL NO. 32—THE CITY OF WINNIPEG AMENDMENT ACT

Hon. James McCrae (Attorney General and Minister of Justice) presented, by leave, Bill No. 32, The City of Winnipeg Amendment Act; Loi modifiant la Loi sur la Ville de Winnipeg, for third reading.

MOTION presented.

Mr. James Carr (Fort Rouge): Mr. Speaker, it is a pleasure for me to put some final comments on the record on behalf of our Party on Bill No. 32, The City of Winnipeg Amendment Act. Let me start out by saying the nice things and then I will get into some more controversial ones.

The Minister called critics of both Opposition Parties into his office sometime last spring even before the Bill was printed. Suggestions were made to the Minister at that time. As a result of those suggestions some amendments were made to the Bill before it was even printed. I think that is a positive development in the way we work in a minority House, Mr. Speaker.

As a result of that kind of consultation, and I believe the whole process after that went more smoothly than it might have, we said from the outset that we would not do anything to obstruct the passage of this Bill,

that we had a series of amendments that we were going to propose, but that we realized it was important that this Bill be passed and proclaimed in time for the new City Council to deal with its effect, particularly those sections that deal with the power of the mayor.

The thrust of the Bill is to give the mayor of the City of Winnipeg the authority to appoint the deputy mayor and the chairs of the standing committees of council. This response is to what I believe to be an overwhelming sense of outrage among the citizens of Winnipeg that City Hall and the politics of City Hall over the last number of years have been shrouded in mystery, that we have had members of council meeting behind closed doors -(interjection)-

Mr. Speaker: Order, please. I am having great difficulty in hearing the remarks of the Honourable Member for Fort Rouge. Order. Honourable Members wishing to carry on their conversation can do so outside the Chamber. The Honourable Member for Fort Rouge.

Mr. Carr: —that it was very difficult for the citizens of Winnipeg to know where decisions were made and how they were made, because very often they were made behind closed doors by loose coalitions of councillors. While we agree that council ultimately must decide important issues that face city hall, we believe it is important that the mayor be given the tools that he or she needs to develop a consensus. We think this Bill goes some distance towards providing those tools -(interjection)- Pardon me? Well the reason that there are Liberals and Tories at city hall, Mr. Speaker, is that the NDP cannot elect anybody. I do not know why they are blaming us for that.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please. The Honourable Member for Fort Rouge.

Mr. Carr: We believe that amendments that were proposed by the Liberal Caucus and which were accepted by the committee have improved the Bill, have strengthened the Bill. In particular, the requirement for City Council to put in place a process to hire an Ombudsman, the freedom of information provisions of the Act, and the establishment of resident advisory groups all contribute to a process which will open up City Hall. There will be a breeze of fresh air blowing through the chambers at City Hall. Decisions will be made now in such a way that the citizens of Winnipeg will know who is responsible for the decisions because now the mayor and those whom he appoints to Executive Policy Committee will be the leaders in presenting policy to council. The mayor no longer will be able to point fingers. The mayor will no longer be able to say, I do not associate myself with those decisions because the mayor will be a part of them, and if the mayor is unhappy with the way those decisions are made, he or she will now have the authority to make changes in the following year.

So we believe that the thrust of the Bill is positive. We will be interested to see how it develops in light of the substantial changes that the people of Winnipeg have imposed on City Hall through the election of a

number of new councillors and how the mayor begins to sort through the floating coalitions which are likely to develop.

As I was saying, Mr. Speaker, a number of amendments that were proposed by our Party at committee have passed, and let me say that we are thankful for the co-operation received from the critic from the New Democratic Party, and from the Minister. Most of the amendments passed unanimously, and it was not necessary to require recorded votes, particularly those amendments which required City Council to put together the process that will lead to the hiring of an ombudsman, freedom of information by-law.

We might also say that on the whole question of opening up the process at City Hall our side of the House introduced an amendment that would require City Council to list those categories of subject areas that can be dealt with in camera. So it is not simple enough to pick out any issue at all. It may be more convenient at the moment for councillors to debate in camera. That is not good enough. We thought it was important that council itself decide so that all members of the public could see those areas that could be dealt with in camera. We agree that there ought to be two-thirds of members of the committee who are in favour of the proposal.

There were a number of other amendments, Mr. Speaker. I will not go through them all. We proposed an amendment that the mayor maintain his ability to break a tie. That amendment was defeated by the Government and the Members of the New Democratic Party. We think that is a mistake, we think that the whole thrust of this Bill is to define leadership at City Hall and the Government had gone part way there by the provisions of Bill No. 32, but at the same time they took away one of the mayor's tools to provide leadership.

If there is a tie vote then the people of the City of Winnipeg should know that the mayor has the capacity to break that tie, and be responsible for it. The mayor has a tie vote now but the provisions of the Bill take it away. We in the Liberal Opposition, through an amendment, tried to get that tie-breaking provision back into the Act, but it was defeated by the Government and Members of the New Democratic Party. So we believe that in a way the Government was undercutting its own thrust to the Bill, while giving the mayor more power with the left hand and it was taking power away with the right hand. We believe that it would have been a mutually reinforcing set of amendments for the mayor to maintain the tie-breaking vote, and for the mayor also to have the ability to appoint the deputy mayor and chairs of the standing committees.

There were some very strange amendments that were put forward by the Government. We were surprised to read in one of the amendments that the Minister wanted to give the mayor the authority to tell the ombudsman that they cannot investigate certain matters. We felt that was very strange, given the whole spirit of openness at City Hall, that the Government was proposing an amendment which would allow the mayor actually to determine whether or not the ombudsman could look

into situations. The mayor was given the power to interpret the public interest, as it relates to an investigation by the ombudsman. I am happy to say, Mr. Speaker, that we picked up that inconsistency, that we moved an amendment to delete that clause and that amendment that was proposed by the Liberal Caucus passed. We thank both the Minister and the critic for the New Democratic Party for that co-operation.

It was a strange clause. We are not quite sure why it was introduced. The reasons given at the time at committee were that they would parallel the provincial legislation, but there was still no good set of reasons given why the Mayor or indeed the council should be able to prescribe those areas within which the ombudsman had no jurisdiction or authority. But, as I said, because of an amendment, Mr. Speaker, we have deleted those clauses and I think that is for the better.

Let me say also that we are disappointed in the process that is being adopted by the Minister of Urban Affairs (Mr. Ducharme) and his Government to implement municipal reform. We found out the other night at committee that when you change one clause in the Bill it has a profound effect on other clauses and that many, many changes had to be made because of one simple amendment. The Minister of Urban Affairs (Mr. Ducharme, from his seat, is agreeing with me.

My point in bringing up that example is to say by moving one set of amendments toward municipal reform, without a general picture of what is coming next, is very difficult to evaluate properly the effect that those amendments will have on municipal reform in the future. The Minister is asking us to evaluate the powers of the mayor, and then some time down the road we will have to have a look at a set of amendments to deal with planning, the process of community committees, to standing committees, to council as a whole, on questions of zoning, on variance, on conditional use. The Minister, through other legislation, is disbanding the additional zone, but we do not know what is going to take its place. Will it be some kind of regional planning authority, or will it not be? We are left guessing. So while he is throwing out pieces of the puzzle one by one, we have no sense of what the puzzle is going to look like when it is finished, which makes evaluation of those individual pieces much more difficult than they ought to be.

* (1130)

But we as Members of the Opposition have an obligation to evaluate what the Minister gives us. We have done that in the case of Bill 32. We think we have improved it, we have strengthened the Bill. I am pleased that the Minister has consulted fairly broadly and in a spirit of co-operation with Members of the Opposition. We were also informed by the presentations given to the committee the other night. I think some of the changes that came as a result of those public hearings are benefiting the process and strengthening the Bill. So we will look forward to the other pieces of the puzzle as they come forward from the Minister. We think that responsible Opposition in this case has improved a

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piece of legislation, will watch its impact and effect on municipal government very carefully. We were glad to be an important part of the process. Thank you, Mr. Speaker.

Mr. Jim Maloway (Elmwood): Mr. Speaker, I am very pleased to rise at this point and put a few comments on the record at third reading on this Bill. Listening to the Liberals new-found openness, the converts that they are to openness in city Government, raises a few hackles because listening to them is like listening to them on Senate Reform where for years they packed the Senate with their appointments and now they are trying to gain some kind of credibility on Senate Reform. It has been the Liberal Members at City Hall who participated in the gang of 19 over the last three years and before that for the past 20 years as the ICEC.

Mr. Speaker, it should be noted that a large part of this Bill was in fact worked on in caucus and drafted during the previous NDP Government, so certainly the NDP had a lot to say in terms of getting this Bill together very early on. It is to the Minister's credit that he took this Bill and ran with it, and to the Liberal Party's credit that it got inside, as well, and made positive amendments to the Bill. We give them full credit for that, but they should not forget their past history in this regard and I think the Member for Fort Rouge knows full well what I am commenting on and I am not singling him out as being a new-found convert to openness at City Hall, not at all. I am singling out his Party and his cohorts, his Party's cohorts, who have been on City Hall for the last 20 years and he knows who these people are.

Mr. Speaker, we do not want to hold this Bill up at all, but I did want to make a comment about one of the amendments that we proposed that was defeated. For many years councillors have been able to retain their council seats while running for higher office. In fact, some of them have made almost an occupation of it, and I feel it is wrong and they should be treated the same as MLAs who must resign their seats upon being nominated before they run in a federal election. I think that many city councillors might reconsider this career move to a higher office if they had to resign their seats. It would weed out those who are not serious and I think that this amendment is long overdue. I am hopeful that when we consider Bills 61 and 62 that perhaps we could consider this amendment at that time.

Mr. Speaker, generally, overall, we are very pleased with this Bill as it now stands and we would like to see it passed so we can proceed on to other business of the House.

Mr. Bob Rose (St. Vital): I would just like on this Bill 32 to put some brief remarks on the Bill in regard to the residents advisory groups. Right now, as we understand it, this Section 41 will not come into effect until a by-law is passed by the City of Winnipeg putting it into effect, and so as I understand from the Minister, that means that the status quo will remain.

I would remind the Minister that the status quo, as he knows, is not very good at this time. That is why the wording was wanting to be changed, both in the first clause and the last clause, 41(1) and 41(7). The

changed words made a "shall," which was not changed in 41(7) but it was in 41(1), and it was the feeling of RAG groups that changing that word would give more credibility, more license to the RAG group to approach the city for funding.

I think that in my experience at City Hall and my experience of the valuable work that has come from RAG groups, that they should be acknowledged clearly and they are asking for very nominal amounts of funding and I think that should be accommodated for the RAG groups. They only want agendas and a meeting place which they get free, and correspondence, or a little bit of postage and what have you.

(Mr. Parker Burrell, Acting Speaker, in the Chair)

As it stands right now, there is no requirement mandatory for The City of Winnipeg to change that, in other words, to make a by-law and take it from the status quo to anything permanent. There is certainly no incentive or mandatory requirement for the city to provide any funding for RAGs, and right now we have hundreds of dedicated people working and researching items for the City of Winnipeg on their own time.

They are not asking to be paid, they are not asking for meals, they are not asking for mileage, they are asking for administration costs. I think that this should be clearly addressed. I know it is difficult for the Ministers through the province to do that, but you would know that there is a disincentive perhaps. I want to put that on the record, as I would understand it anyway, and that is the RAG groups, as I have said before, provide what I would probably wrongly call a breeding ground for City Council. Therefore it becomes a competition for councillors and I think that has shown just in the past civic election that several RAG members were elected to city council and that is good. But it is bad perhaps from a city councillor's viewpoint, because it provides competition in the upcoming election. So you might see that there is somewhat a conflict of interest.

Therefore, as far as funding and as far as acknowledgment of RAG groups, I think that the leadership indeed must come from the Minister and not from City Hall.

Mr. John Angus (St. Norbert): I also rise to lend my support to the thrust of this Bill. Having worked at the city for 12 years in the capacity as a councillor and as former deputy mayor, I recognize the difficulties of some of the provincial guidelines and the restrictions that were in place, and the accountability aspect of city councillors.

So I compliment the Minister on his initiative to bring forward and to address, and try to put the blame at the feet of the people who are responsible for the decisions that they will ultimately make.

Mr. Acting Speaker, it is an extremely difficult thing to stamp out parochialism and individual ward representation, but I do believe that the steps the Minister has taken are steps in the right direction that need to be aired and need to be attempted at City Hall to be able to identify those individuals who are

learning to shift the blame and point the fingers at other people to avoid standing up and taking responsibility for the collective actions of council.

Having said that, Mr. Acting Speaker, I also support the inclusion of the ombudsman. I think that that is a very important vehicle for the citizens and for the people that have to deal with the bureaucracy of the administration in the City of Winnipeg to be able to go to an independent judicator to review the facts, and I think that the move to force the city to appoint an ombudsman and the move to give the ombudsman as much arm's length authority to review circumstances as is possible beyond the political interference is a wise decision. It is not reasonable to establish a court of appeal such as an ombudsman but then be able to filter the types of things that he can or cannot look at. They fly in the face of each other, so that if you seriously want this system to work then you have to give them not only the authority and the responsibility to go with it, but the power to be able to openly and honestly review the circumstances that are put before them.

Mr. Acting Speaker, I would also like to inform the Minister that as he well knows as a former chairman of the Executive Policy Committee, and I certainly know as a chairman of Works and Operations and a deputy mayor from the city, that this is a small portion of the needed and required adjustments and amendments to The City of Winnipeg Act. It is a continually evolving circumstance that needs to be specifically addressed on a regular basis. The moves that he has taken most immediately, and I appreciate the fact that we want this council to be able to start on solid ground with a firm footing right from the beginning, with a clear understanding and direction in charge as to what the responsibility is, but it is only a small token of the requirement to address the problems and to help the councillors and through the councillors the citizens of Winnipeg to make this the type of city that we seriously want it to be.

So with that, Mr. Acting Speaker, I thank the Minister for bringing this forward and we are pleased to support his initiative. Thank you.

* (1140)

Hon. Gerald Ducharme (Minister of Urban Affairs): Mr. Acting Speaker, first of all I have taken some knocks but I can take them, and I can also give them out.

However, I think when we did start to look at The City of Winnipeg Act when I first became Minister a year and a half ago, I suggested to my staff and the Government that we would go through and do a review, and first of all establish certain principles that we had established in this first part of the Act. There are goals that I told my staff and goals that I talked with the City of Winnipeg that we would establish.

First of all, the first goal that we were to establish under this Act was strengthening the leadership role of the mayor. Under this Act we have done that. The second one was to ensure balance and representation on the 10-member Executive Policy Committee. Under this particular Act we have done that. Mr. Acting

Speaker, the third goal that I suggested was increasing local Government accountability to the people who elected it. Under this Act we have done that. The third goal that I wanted to accomplish in the first Bill introduced in this House in Bill 32 was expanding local Government autonomy. Under this particular Act we have done that.

Mr. Acting Speaker, there has been some mention about the ombudsman. Sure when we proposed this Bill to the House we proposed "may," and I still feel and as this Government and this Minister that the word "may," and to give the city the responsibility. They have just gone through an election electing 29 councillors and one mayor to carry that out. However, it was the wish of the committee to change it to "shall." Then we were criticized for bringing in amendments that were caused by that one word "shall," and I brought forward those amendments today. I could have left it the way the committee had left it the other night, and you know what would have happened? You would have had a Bill that this Minister could have brought in. The ombudsman, at the proclamation of the Minister, I decided that the committee, that was their wish, to bring it in in the 12-month period. It was the Government and the Minister of Tourism (Mr. Ernst) that had suggested, let us give them 12 months after. We had lost that battle, and that was established. I compliment the Members for their co-operation.

(Mr. Speaker in the Chair)

The comments on bringing forward many amendments to this Act, well, Mr. Speaker, we are dealing in a different transition period here. We are establishing major changes to an Act. We brought the Bill in, explaining the Bill at the of June. We have gone back and consulted with the City of Winnipeg. Most of the amendments that were brought in were because of the legal interpretations from the City of Winnipeg to assure us that they could act under those types of amendments. Most of those suggestions were from the City of Winnipeg legal department. They brought in many of their changes during the summer. They brought in many of their changes during the summer. They brought many of their changes—one recently was to the pension part of the program that they wanted passed last December. They brought in an amendment now. I feel that sure, I have had a learning experience. Maybe I should be tougher on the City of Winnipeg and say, I will not approve all your amendments. These are things you learn on your first major Bill.

There were questions brought up in regard to the tie vote that was not accepted by the committee. Mr. Speaker, I feel that the mayor has been given increased powers. He is going to City Council with five members he is appointing, plus himself. That gives him six out of ten at EPC. I feel major policy will be developed at EPC. If the mayor needs a tie breaker with 29 individuals and himself at council, then I would suggest he rewrite his policy and bring it back to council corrected, and that is why I did not agree with the tie vote.

The introduction that was brought forward by the NDP was brought forward by someone who I must suggest has never sat at Community Committee and had to deal all of a sudden when you have now

nominated two people to run in an MLA election like happened in St. Boniface and St. Vital. We had four members and two people who had to resign. That Community Committee would have had to operate for 12 to 14 weeks without being able to operate at all because it did not have a quorum. It would have taken 12 to 14 weeks to adjust to that. There is nothing lost when a city councillor decides to run for provincial politics. We heard from delegations that they have the advantage because now they are known in the area. Well, I will tell you, Mr. Speaker, they also carry baggage that the Opposition uses against them. Also they are probably more cautious during an election on everything they do and everything they say during that provincial election. I precisely believe that that amendment was brought forward by someone who has not sat at City Hall.

Mr. Speaker, I must show that I have no apologies for bringing in the Bill the way it was, the Bill to bring in one part of this very, very large Act. I must close, and I would like to close on a positive note. I believe that the committee, this Government, everyone who was involved in dealing with Bill No. 32 have definitely and will definitely improve the operation of City Hall for not only the councillors that have to work under those conditions. It will improve it for everyone who elects them.

QUESTION put, MOTION carried.

SECOND READINGS

BILL NO. 66—THE SUMMARY CONVICTIONS AMENDMENT ACT

Hon. James McCrae (Attorney General and Minister of Justice) presented, by leave, Bill No. 66, The Summary Convictions Amendment Act; Loi modifiant la Loi sur les poursuites sommaires, for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. McCrae: Mr. Speaker, Bill No. 66 arises from a review of proceedings under The Summary Convictions Act. It was undertaken as a result of the Dewar Report on the so-called Ticketgate matter. One of the problems that led to that unfortunate affair was the lack of a proper system for keeping track of the dispositions of prosecutions under The Summary Convictions Act.

As a result of the Dewar Report, The Provincial Court Act was referred to the Law Reform Commission for review. The commission's report has now been received and distributed. The Summary Convictions Act was reviewed by a committee chaired by Mr. Vic Toews, Director of Constitutional Law, and which included a Crown attorney, three representatives of the Courts Division, a Legislative draftsman, as well as an appointee of the Law Society of Manitoba, Mr. Hymie Weinstein, QC, and an appointee of the Manitoba Bar Association, Mr. Sheldon Pinx.

Mr. Speaker, I would like to pay tribute to the work of all of the Members of that committee and perhaps

single out the contributions of those private-sector members of that committee whose help and support in improving Manitoba's justice system is very much appreciated by the Government of Manitoba, and I suggest also by all Members of this House and the people of Manitoba.

The committee first met in November, 1988, and submitted its report in June 1989, and I provided copies of that report to the Opposition Justice Critics. In summary, Mr. Speaker, the committee made 17 recommendations, 12 of which are matters that can be dealt with administratively and five of which will require legislative amendment.

* (1150)

Bill 66 implements all of the recommendations of the committee that require legislation. The committee concentrated much of its attention on a review of the existing Section 7 of The Summary Convictions Act. That section confers unjustifiably wide discretion on the Provincial Court Justices and does not provide any way of recording the use that may have been made of this very wide power.

The committee proposed that the Provincial Court not have power to acquit when an offence is established, but that the court be given the power to substitute a discharge. As well, the reasons for so doing must be recorded.

Mr. Speaker, another weakness that was identified by the committee was that there was no power to extend the time for requesting a new hearing. This leads to unnecessarily complicated and expensive proceedings. The committee recommended that such a power be granted to the Provincial Court for use in exceptional circumstances and subject to the condition that the reasons be recorded.

Mr. Speaker, this is the last paragraph of my remarks. Those recommendations are the basis of the provisions of this Bill. As Honourable Members can understand, the Bill is based on the twin principles of granting clear authority to the court and of ensuring that the uses of that authority are recorded. We are confident that these amendments, together with the administrative changes that have already been made to the court system, will ensure as far as humanly possible that nothing like "ticketgate" will ever happen again.

I commend this Bill, Mr. Speaker, to the attention and to the support of Honourable Members of the House.

Mr. Paul Edwards (St. James): Mr. Speaker, I move, seconded by the Member for Kildonan (Mr. Cheema), that debate be adjourned.

MOTION presented and carried.

Mr. Speaker: I am advised that His Honour the Lieutenant-Governor is about to arrive to grant Royal Assent to Bill No. 32. I am therefore interrupting the proceedings of the House for the Royal Assent.

ROYAL ASSENT

Deputy Sergeant-at-Arms (Mr. A. Roy MacGillivray): His Honour the Lieutenant-Governor.

His Honour, George Johnson, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne, Mr. Speaker addressed His Honour in the following words:

Mr. Speaker: May it please Your Honour:

The Legislative Assembly, at its present Session, passed a Bill, which in the name of the Assembly, I present to Your Honour and to which Bill I respectfully request Your Honour's Assent:

Bill No. 32—The City of Winnipeg Amendment Act
Loi modifiant la Loi sur la Ville de Winnipeg.

Mr. Clerk: In Her Majesty's name, His Honour the Lieutenant-Governor, doth assent to this Bill.

His Honour was then pleased to retire.

SECOND READINGS

BILL NO. 68—THE COURT OF APPEAL AMENDMENT ACT

Hon. James McCrae (Minister of Justice and Attorney General) presented Bill No. 68, The Court of Appeal Amendment Act; Loi modifiant la Loi sur la Cour d'appel, for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. McCrae: Mr. Speaker, after consultation with the judiciary and the Bar, the Government is presenting this short Bill in order to improve the administration of the highest court in this province, the Court of Appeal. The provisions of the Act are straightforward. They will give the Chief Justice of Manitoba the same power to regulate the sittings and to oversee the administration of the court that is exercised by the Chief Justice of the Court of Queen's Bench with respect to proceedings in that court. In fact, the power being given to the Chief Justice of Manitoba is the kind of power that is enjoyed by the Chief Justices of the other provincial appeal courts. It will be used in such matters as determining the panels of judges that will sit on specific cases in order to distribute the workload evenly.

As part of the overall administration of the court, the provision in the present Act that the Court of Appeal shall sit only in Winnipeg is being eliminated. There may be occasions when it would be less expensive and more convenient for all the counsel and other persons involved in a case for it to be heard outside the City of Winnipeg. We do not believe that the court should have its hands tied as to where it may sit to hear any particular matter.

Certainly there are many fine courtrooms outside Winnipeg which could easily be adapted for a hearing

of the Court of Appeal. We know, for example, the courthouse at Minnedosa has been substantially improved and we are sorry that the Liberal Party was against that improvement, Mr. Speaker, but we are quite proud to have been able to restore that building to proper condition. The people of Minnedosa are very happy about that.

I know the position of the Member for Ellice (Ms. Gray) and the position of the Liberal Party when it comes to rural Manitoba potholes, courthouses, you name it, they are against it.- (interjection)- Well, they are against fixing potholes. I do appreciate the Honourable Member for Thompson (Mr. Ashton) correcting my grammatical slip, the Liberals are against fixing potholes in rural Manitoba. This is quite upsetting to many people in Manitoba.- (interjection)- Oh, I seem to have caught a nerve, Mr. Speaker.

Mr. Speaker: Order, please. The Honourable Member for St. James (Mr. Edwards), on a point of order.

Mr. Paul Edwards (St. James): Mr. Speaker, I feel compelled to rectify the falsehood which the Minister of Justice (Mr. McCrae) has put on the record about our position. I simply ask the Minister of Justice to perhaps mention in his remarks why the Brandon courthouse remains unfixed, which was his election promise.

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

Mr. McCrae: I sense that the Liberals have decided a long time ago they cannot take Minnedosa. Maybe they have some kind of chance in Brandon, so therefore they support the Brandon courthouse but not the Minnedosa courthouse.

* (1200)

I find this one hard to figure out, but really it is not that hard, Mr. Speaker. In fact, the Honourable Member knows full well that work is going on right as I speak to improve the situation in Brandon in terms of court accommodations.

It really was quite a disappointment for myself, for the Honourable Member for Minnedosa (Mr. Gilleshammer) and all of the people served by that magnificent courthouse in Minnedosa when the Honourable Member for Ellice (Ms. Gray) took so uncaring an attitude when it came to court facilities in rural Manitoba and indeed highway facilities in rural Manitoba. That is the difference between what this Government stands for and what the Liberal Party stands for.- (interjection)-

We can never really figure out what the Liberal Party stands for, but they do make the odd mischievous comment here and there, Mr. Speaker.

As I was saying with respect to Bill No. 68 dealing with improvements in modernization of procedures for the Court of Appeal, I should say that as well, there

are many occasions when the proper administration of justice requires that there be a stay of an order of the court, usually pending an appeal to the Supreme Court of Canada. These orders are granted now, but the parties are put to the unnecessary expense and trouble of making a separate application. It will now be possible for the court, while delivering its judgement, to stay the application of the judgement in cases where that is appropriate.

Honourable Members may be surprised to learn that the current Court of Appeal Act contains a provision limiting the costs that can be awarded to a successful party in the Court of Appeal for their services to 100.00.

I am told by staff that this \$100 limit has been in place since at least 1913. That is around the same era of the birth of the courthouse in Minnedosa, Mr. Speaker, and the same time that the courthouse in Brandon was begun construction. In fact, it may have been a year or two earlier that construction on those magnificent buildings was begun.

As I said, with respect to that period in our history some 80 years later, it comes time to make repairs to those buildings, and we move forward with a positive attitude in terms of rural Manitoba and improving courthouses, and what do we get, we get a lack of support from the Liberal Party on it.

This is a very relevant matter, because in this Bill we are making it possible for the Court of Appeal to sit outside the City of Winnipeg, and it is very relevant. I suggest to you, and all Honourable Members especially Liberal Members, that a courthouse facility in Minnedosa or in Brandon, that is indeed up to the standards required for a sitting of the Court of Appeal, is needed. I cannot understand the Liberal intransigence when it comes to rural Manitoba issues.

As I say, the \$100 limit that has been in existence since 1913 is clearly unrealistic, and the provisions before us are more suitable to contemporary conditions.- (interjection)-

Mr. Speaker: Order, please. The Honourable Member for Seven Oaks (Mr. Minenko), on a point of order.

Mr. Mark Minenko (Seven Oaks): Mr. Speaker, I am just wondering if the Honourable Minister of Justice could be interested in answering a question that I would like to pose to him.

Mr. Speaker: Does the Honourable Member for Seven Oaks have leave to ask a question? (Leave) The Honourable Member for Seven Oaks.

Mr. Minenko: I would like to thank the indulgence of the Members present today. I would like to ask the Minister of Justice (Mr. McCrae), who is perhaps wavering and walking up to the line dealing with some particular Rules of the House, dealing with relevancy and perhaps glancing over them a little bit as well—but that is fine. He has touched on rural issues generally, and I would like to ask the Minister of Justice what his contribution has been to the creation of an effective rural economic development strategy, just where one

of his promises in the last provincial election, looking at the answers of the Minister responsible for Rural Development (Mr. Penner) in this province, shows as a wait and see attitude that he will be Santa Claus sometime in the next year, in the next Session. I would like to ask the Minister of Justice what his contribution has been to the development of an effective rural development economic strategy in this province.

Mr. McCrae: It is passing strange that the Honourable Member for Seven Oaks, a member of the Liberal Party who is on record as being opposed to fixing potholes in rural Manitoba, on record as being opposed to improvements to the Minnedosa courthouse, would ask that question.

Nonetheless, I am more than pleased to answer that question.

You, Mr. Speaker, of course are interested in knowing that as part of the strategy to pay more attention to rural Manitoba, we have in place a task force composed of Mr. Brian Ransom, a well-known Manitoban, well known certainly to rural Manitoba, and the Deputy Minister of Rural Development, Mr. Gerry Forrest who are, as I speak, assisting the Government in making plans for Rural Development thrusts in the future.

Even without that, even before that task force, Mr. Speaker, and I know you are interested in this, we have restored to the Town of Boissevain, Manitoba a presence for the Province of Manitoba. The Honourable Member for Seven Oaks should have been there the day that was announced. He would have seen how delighted the people of that area were. This has been a hot topic in the coffee shops all over southwestern Manitoba, including all over the City of Brandon. I will tell you after we announced the changes in Boissevain, then the people in Brandon and in Boissevain could talk about nothing but the tax cuts that this Government is bringing in. There again, the Liberals are against that, too. What are these people for? They do not seem to care a whit, not a jot, a tittle, or a scintilla about the people of rural Manitoba. This upsets me a lot. That is one of the reasons I became a Member of this place.

I could also talk about the establishment of a permanent presence for the Cabinet in southwestern Manitoba and in Thompson, with Executive Council offices in both those places, serving the people of those places better than they have ever been served before. I am proud to be part of a Government that would bring that forward. I am proud to be the Minister of Justice who restored RCMP services to Reston, Manitoba, and improved the circumstances for the people in Deloraine, Manitoba, improved the circumstances at Winnipeg Beach, improved circumstances for the Alcoholism Foundation of Manitoba with the announcement of the Minister of Health (Mr. Orchard) of funding for a new facility there for the Alcoholism Foundation of Manitoba. There are many, many more, Mr. Speaker.

I am just delighted the honourable Member for Seven Oaks would ask me that question. I appreciate it very much, because every opportunity I get to talk about

what this Government is doing, not only for the City of Winnipeg, which is tremendous all by itself, but look what is happening outside. The people of Manitoba outside the Perimeter Highway are so happy to have a Government that recognizes that indeed there is a province out there beyond the Perimeter Highway. The people of Winnipeg are happy to see their needs are being met by this Government as well. I am proud to serve with a group of men and women who are so caring for the people of Manitoba.

I think I have answered the question. Now I can get back to my speech on the Bill, Mr. Speaker. With respect to this Bill, the judges will now be able to establish a reasonable fee reflecting the major work involved in preparing properly for an appeal to be heard. I commend Bill 68 and its contents to the support and attention of Honourable Members of this House. Thank you for your attention.

Mr. Edwards: I will try to keep my remarks relevant. I move, seconded by the Member for Kildonan (Mr. Cheema), that debate be adjourned.

MOTION presented and carried.

BILL NO. 69—THE LAW SOCIETY AMENDMENT ACT

Hon. James McCrae (Minister of Justice and Attorney General) presented Bill No. 69, The Law Society Amendment Act, Loi modifiant la Loi sur la Société du barreau, for second reading, to be referred to a committee of this House.

MOTION presented.

* (1210)

Mr. McCrae: This Bill contains amendments requested by the Law Society designed to improve the operation of the Law Society itself. As most Honourable Members are aware, and certainly the Member for St. James (Mr. Edwards), the Member for Seven Oaks (Mr. Minenko) would be aware of this, when the county court was eliminated in 1983 the concept of judicial districts was also eliminated.

The Law Society Act, however, still refers to judicial districts for the electing of benchers. This will be changed by the Bill to allow the creation of separate electoral districts. As well, the requirement for eligibility to vote will be changed from habitual residence in a

district to maintaining a principle office. What this means is that a lawyer who resides outside Winnipeg and commutes to the city to practise will be voting for benchers from Winnipeg and not for benchers from outside Winnipeg.

Honourable Members are aware of that the federal Government has established committees to review applicants for judges. As all Honourable Members are also aware, this Government will also be proceeding to establish committees to review applicants for appointment to the provincial bench. This has been received well recently in reaction to comments, to announcements that have been made, Mr. Speaker.

There is a provision in this Bill to allow the Law Society to give relevant information to those committees. This is important in a situation where a candidate is the subject of investigation by the Law Society. Any allegations of professional misconduct should, of course, be cleared up before an appointment to the bench is made.

An important amendment, which I draw to the attention of Honourable Members, is the extension of the exemption from liability to officials of the Law Society where they are acting in good faith pursuant to the Act. This kind of protection exists in many Acts for the regular Civil Service. The Law Society is concerned that its investigators could be sued for defamation when investigating disciplinary matters. The Government agrees there should not be an action available against a person who acts in good faith pursuant to a statute.

With these brief remarks, Mr. Speaker, I commend The Law Society Amendment Act to the House.

Mr. Paul Edwards (St. James): Mr. Speaker, I move, seconded by the Member for Transcona (Mr. Kozak) that debate be adjourned.

MOTION presented and carried.

Mr. Speaker: Honourable Government House Leader, what are your intentions?

Mr. McCrae: Mr. Speaker, what is the pleasure of the House? I suggest we call it 12:30.

Mr. Speaker: Is it the will of the House to call it 12:30? (Agreed)

The hour being 12:30 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. Monday.