



Third Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

Members, Constituencies and Political Affiliation

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NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, February 26, 1992

The House met at 1:30 p.m.

**Mr. Clerk (William Remnant):** I must inform the House of the unavoidable absence of Mr. Speaker and, therefore, in accordance with the statutes, would call upon the Deputy Speaker to take the Chair.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Ms. Becky Barrett (Wellington):** Madam Deputy Speaker, I beg to present the petition of Brenda Houston, Rob Green, Cori Rheault, and others, requesting the government show its strong commitment to dealing with child abuse by considering restoring the Fight Back Against Child Abuse campaign.

**Mr. Daryl Reid (Transcona):** Madam Deputy Speaker, I beg to present the petition of Mika Simes, Cheryl Hawrychuk, Jonas Johnson, and others, requesting that the government show its strong commitment to dealing with child abuse by considering restoring the Fight Back Against Child Abuse campaign.

**Mr. Dave Chomiak (Kildonan):** Madam Deputy Speaker, I beg to present the petition of Margot McEdward, Chris Herrera, Bob Monpetit, and others, requesting the government show its strong commitment to dealing with child abuse by considering restoring the Fight Back Against Child Abuse campaign.

### READING AND RECEIVING PETITIONS

**Madam Deputy Speaker (Louise Dacquay):** I have reviewed the petition, and it conforms with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

The petition of the undersigned citizens of the province of Manitoba humbly sheweth

THAT child abuse is a crime abhorred by all good citizens of our society, but nonetheless it exists in today's world; and

It is the responsibility of the government to recognize and deal with this most vicious of crimes; and

Programs like the Fight Back Against Child Abuse campaign raise public awareness and necessary funds to deal with the crime; and

The decision to terminate the Fight Back Against Child Abuse campaign will hamper the efforts of all good citizens to help abused children.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the government of Manitoba show a strong commitment to deal with Child Abuse by considering restoring the Fight Back Against Child Abuse campaign. (Ms. Barrett)

I have reviewed the petition, and it conforms with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

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The decision to terminate the Fight Back Against Child Abuse campaign will hamper the efforts of all good citizens to help abused children.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the government of Manitoba show a strong commitment to deal with Child Abuse by considering restoring the Fight Back Against Child Abuse campaign. (Ms. Wasylycia-Leis)

I have reviewed the petition, and it conforms with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

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WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the government of Manitoba show a strong commitment to deal with Child Abuse by considering restoring the Fight Back Against Child Abuse campaign. (Mr. Chomiak)

## TABLING OF REPORTS

**Hon. Jim Ernst (Minister of Urban Affairs):** I am pleased, Madam Deputy Speaker, to present the 1990-91 Annual Report of The Forks Renewal Corporation.

### Introduction of Guests

**Madam Deputy Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the gallery, where we have nineteen Grade 5 students from Linwood School, under the direction of Mr. Ed Hume. This school is located in the constituency of the honourable member for Sturgeon Creek (Mr. McAlpine).

Also with us this afternoon, we have twenty-eight Grades 7 to 9 students from Inwood School, under the direction of Rod Ledochowski. This school is located in the constituency of the honourable member for Interlake (Mr. Clif Evans).

On behalf of all honourable members, I welcome you this afternoon.

## ORAL QUESTION PERIOD

### Federal Budget Employment Creation Strategy

**Mr. Gary Doer (Leader of the Opposition):** Madam Deputy Speaker, when the Premier was recently at the First Ministers' meeting in Ottawa, he correctly stated that the basic facts are clear, businesses, layoffs, closures, bankruptcies are occurring from one end of the country to another. Unemployment rates are too high, was the quote of the Premier in part of his statement to the Prime Minister of the land.

We concur with the Premier's assessment of the state of the Canadian economy and the state therefore of the Manitoba economy. We were very disheartened to see yesterday, in the federal budget, that the federal government is continuing to predict and plan notwithstanding the rosy predictions that are always in their own budgets of double-digit unemployment for the next year in Canada, of over 10 percent unemployment for our country. That is an unacceptably high target for unemployment for any government, including the federal Conservative budget that was presented yesterday in Ottawa.

Madam Deputy Speaker, I would like to ask the Premier: There are thousands of Manitobans now on social assistance, there are 57,000 Manitobans now unemployed, does this federal budget provide any hope for the thousands of Manitobans who are suffering the most in this recession? Does it provide any hope that there will in fact be employment opportunities for them and their families in the 1992 year?

**Hon. Gary Filmon (Premier):** Madam Deputy Speaker, there are a number of aspects to the federal budget that obviously address some of the concerns that have been raised by various critics, observers and people who have met to give advice to the Prime Minister and the Minister of Finance.

One of the areas that some provinces hold out great hope for in job creation, investment and obviously getting people back to work is the RRSP idea of people being able to take up to \$20,000 out of RRSPs to invest in a home that will stimulate the housing construction in this country. Housing construction traditionally, I might say, has been pointed to by Liberal and New Democratic governments and others as being the quickest way

to get people to work, so that is one aspect that presumably is targeted toward job creation.

The budget, without going into detail, indicated that the federal government was interested in pursuing with the provinces the national highway program that would involve presumably investment in long-term infrastructure and in construction. I believe the surveys that were done by the former government, the NDP government, indicated, I think, that close to 60 percent of every dollar spent on highway construction was for jobs. Again, you have another aspect of that budget that does that.

You have the aspect of the budget that transfers child credits into the hands of low- and middle-income people, giving them more dollars to spend. Obviously, those dollars spent in the economy will flow through in the way of creation of jobs to some degree.

There are other aspects of the budget that do have that aspect to the budget, that does involve job creation, that does involve stimulus to the economy and that does involve improvements over what would have happened if, instead, we had followed some of the proposals of New Democrats which would simply raise taxes, raise the deficit and stifle the economy. That would have been a disaster, and I certainly would not accept that kind of recipe for resolution to our problems, Madam Deputy Speaker.

\* (1340)

### Canadian Centre for Disease Control Construction Schedule

**Mr. Gary Doer (Leader of the Opposition):** Madam Deputy Speaker, I am a little surprised that the Premier was not disheartened with the 10 percent unemployment rate prediction of the federal government. I thought he would have been much more critical of that kind of double-digit unemployment target. I guess that is why, unfortunately, Manitobans are having 57,000 people unemployed in our own province.

Madam Deputy Speaker, one of the specific—

**Madam Deputy Speaker:** Order, please.

### Point of Order

**Hon. Gary Filmon (Premier):** Madam Deputy Speaker, I know that the Leader of the Opposition would not want to misrepresent my remarks, so I point out for him that I said that unemployment was

unacceptably high in Canada today, and that is at levels of the nature that he has quoted. I know that he would not want to misrepresent me on the record.

**Madam Deputy Speaker:** Order, please. The honourable First Minister does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Doer:** Madam Deputy Speaker, the former New Democratic government obtained an agreement with the federal government to develop and build a virology lab in Manitoba, in Winnipeg.

On countless occasions—in fact, I have the Hansard in this House—the Premier has talked about the forthcoming announcement of the virology lab to be built in the city of Winnipeg, in the province of Manitoba. In fact, over the last four years, there have been comments from the Premier: I just have to pick up the phone and ask the Prime Minister to come through with federal-provincial projects; it is just around the corner; we have to have it very shortly. Still, four and a half years later, there is no virology lab in the province.

The Premier told us after the First Ministers' meeting that we would have to await the federal budget to find out whether the virology lab was in fact going to be built this year to both create jobs and health excellence that certainly New Democrats believe is important to our economy.

I would ask the Premier: Has he been advised by the Prime Minister or any of his other contacts whether the virology lab negotiated by the previous government will finally be delivered by this government in the province of Manitoba?

**Mr. Filmon:** Madam Deputy Speaker, we know that the public does not give a great deal of credibility to the claims that the Leader of the Opposition makes about things happening, so we will just leave aside his preamble.

I will say that, as the Leader of the Opposition knows and as many people throughout Winnipeg know, I have on many, many occasions aggressively pursued the issue of the virology lab, raising it in the very speech that he quoted from at the First Ministers' Conference on the economy about two weeks ago.

At that time, we also had been pursuing it by virtue of our Manitoba office, on a regular basis, through the federal bureaucracy and the ministry of Health and Welfare.

I can tell the Leader of the Opposition, if he is interested, Madam Deputy Speaker, that the federal government, as part of its process, applied for a licence under our Manitoba Environment Act because the laboratory Centre for Disease Control qualifies as a Class 2 development requiring a licence. Just about 10 days ago, as a matter of fact, a matter of days surrounding our First Ministers' Conference on the economy, we received a copy of the federal environmental assessment. That is now being reviewed in order to provide comments and to proceed to the next stage of our process.

Everything that we have indicates that the federal government is pursuing along the path toward the development of that facility.

\* (1345)

**Mr. Doer:** Of course, the Premier knows, when he made his statement in Ottawa, that the environmental licence had not been granted, but he did say that we had to await the federal budget to find out whether the lab would be proceeded with in this year for a needed capital project. Madam Deputy Speaker, I would quote from his own statement that the government had committed this project to Manitoba in the fall of 1987.

Then I would ask the Premier: Will we see the subject of the environmental licensing, which was always one of the conditions for the lab, will we see the approval of the capital projects to be in this fiscal year, this budget year for the federal government so we will finally have the shovels in the ground, finally have the disease lab rather than continue to be delayed and delayed, and finally have both the capital construction and the health excellence that will come from that virology lab, which is needed in this province right now?

**Mr. Filmon:** The Leader of the Opposition makes my point precisely. The federal government had committed to that lab in 1987. There was no involvement of the province. There is no negotiation. It is a total federal decision within total federal jurisdiction to move that lab here, Madam Deputy Speaker. Let him not try and take credit for that. That is an absolute foolish position. He looks embarrassed, and I am glad.

The time lines that were envisaged in the federal government's development plan did not call for ground breaking until 1995. The reality is that the federal government is working towards the fulfillment of the requirements under the

environmental assessment. We also believe that the final design is very close to completion and, therefore, it is in a position perhaps to be moved forward. We will continue to urge the federal government to do that, but at the present time, all the indications are that they are on track and doing the various things that would allow for that lab to be developed, at least on schedule, if not ahead of schedule.

### **National Child Care Strategy Government Support**

**Ms. Becky Barrett (Wellington):** During the 1988 federal election campaign, here in Winnipeg, at the Western Glove Works daycare, the Premier stood side by side with the Prime Minister when he announced for the second of at least nine times the federal government's commitment to a national child care strategy. The Premier reiterated his support after First Ministers' meetings in 1988 and 1990. Does the Premier support today's statement by the federal Minister of Health and Welfare, and I quote, that I have the privilege on daycare to be the killer?

**Hon. Gary Filmon (Premier):** I would have to assume that, if the context of her question is as inaccurate as her preamble, the member for Wellington just simply is talking in circles, because I did not appear at Western Glove Works side by side with the Prime Minister in 1988 or any other time.

**Ms. Barrett:** Madam Deputy Speaker, will the Premier call the Prime Minister today and ask that he honour the commitment made in the 1988 election campaign and several times since then by both this government and the Tory cousins in Ottawa, for the people of Manitoba and Canada, to allow for and support a national child care strategy? Will he now—

**Madam Deputy Speaker:** The question has been put. Order, please.

\* (1350)

**Mr. Filmon:** Madam Deputy Speaker, I assume by her response that she is acknowledging that she was in error in the preamble that she gave, because she is dead wrong about her preamble about my standing side by side with the Prime Minister at Western Glove Works. If she has that corrected—

**Madam Deputy Speaker:** Order, please.

**Mr. Filmon:** Madam Deputy Speaker, the second aspect to that question is that this government has

consistently supported the development of additional spaces in the daycare sector in Manitoba to the extent, I believe, that the daycare community is suggesting that no additional spaces ought to be licensed in Winnipeg in the immediate future, that we have so many vacancies in daycare spaces in Winnipeg now that we do not need additional spaces.

I think that the member for Wellington ought to be, as a critic, looking into these things much more closely and trying to find out what really is happening in the daycare community instead of trying to just take political cheap shots.

**Ms. Barrett:** Madam Deputy Speaker, if this government had not ruined the daycare system—there are indeed empty spaces.

**Madam Deputy Speaker:** Does the honourable member for Wellington have a final supplementary question?

**Ms. Barrett:** Yes, she does, thank you, Madam Deputy Speaker.

I would like to ask the Premier of the province of Manitoba, who is responsible with his government for the dreadful condition that the child care system in this province is in, why he will not call the Prime Minister and say, honour your commitment made at least nine times since 1988 for a national child care strategy? Why will he not pick up the phone—

**Madam Deputy Speaker:** Order, please. The question has been put.

**Mr. Filmon:** Madam Deputy Speaker, I think the member for Wellington must be embarrassed to ask that question, because it was New Democrats and Liberals in Ottawa who prevented the passage of that national daycare act, prevented the passage of that act in 1988—

**Madam Deputy Speaker:** Order, please.

### Point of Order

**Ms. Barrett:** Madam Deputy Speaker, it was not the New Democrats and the Liberals who stopped the original national child care strategy—

**Madam Deputy Speaker:** Order, please. The honourable member for Wellington does not have a point of order. It is a dispute over facts.

\* \* \*

**Mr. Filmon:** Madam Deputy Speaker, I would be happy to correct the record to say that New

Democrats opposed it in Parliament. Despite the fact that it passed and went to the Senate, the Liberal majority in the Senate was able to prevent it from passing. As a result of that, we had a federal election in 1988 that did not allow for the passage of that legislation. Now we have the New Democrats trying to come back and say, well, we really should have had it and so on and so on. Give us another chance.

The fact of the matter is, I would have thought that they would have been standing up and applauding the increase of \$1,000 per child in care of child care credits in the budget, but they choose instead to try and take some kind of political angle on this. The fact of the matter is, those increases in child care will help many people who have children in child care in this country.

\* (1355)

### Federal Budget Finance Minister's Position

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Madam Deputy Speaker, the Minister of Finance has a phrase he likes to use. He says, it is passing strange.

**Hon. Clayton Manness (Minister of Finance):** I have not used it this year that much.

**Mrs. Carstairs:** Well, this may be his opportunity, because when the Premier went to the First Ministers' meeting, he asked for 12 commitments out of this budget. He got one of his 12.

Will the Minister of Finance tell the House why, in his own words, he was encouraged with the budget when they have a grade of 8 percent on the exam set by the Premier (Mr. Filmon) of the province of Manitoba?

**Mr. Manness:** Madam Deputy Speaker, the Leader of the Liberal Party must not forget the two leading ranking items in the request from the First Minister. They were: keep the taxes down, reduce them if possible; secondly, reduce the deficit if at all possible and; thirdly, use Manitoba as an example to try and maintain government expenditure at a lower level.

Madam Deputy Speaker, that was the essence of the federal budget yesterday. I would have to say, inasmuch as this government has been leading the way in Canada with respect to many of those initiatives, that finally the federal government woke up and finally they put into place a budget that

mirrored in many respects what we have been doing in this province for years.

**Mrs. Carstairs:** Madam Deputy Speaker, in the list in the Premier's speech, his first was a Canada-wide tax freeze. His second was capital spending. There is no capital spending in this budget, and the tax freeze, in fact, benefits someone earning \$100,000—55.5 times more than someone earning \$15,000. Is that what keeps the Minister of Finance in the province of Manitoba so happy?

\* (1400)

**Mr. Manness:** The moderate pleasure that I expressed with respect to the budget—[interjection]

Madam Deputy Speaker, when one crafts a budget, you try to instill a fair degree of balance. In this budget, I saw some balance. I saw a reaching out to the community at large with respect to taxation, with holding the deficit down, with trying to hold and control government spending. I also saw, with respect to those savings, some attempt to reach out to families and to the children within families with respect to the tax form. I also saw a commitment to try and take the peace dividend, so called, and direct it into good government programming.

Now, Madam Deputy Speaker, I can say, though, I am also concerned about some of the long-run forecasts. I am hoping that they are based on a strong foundation. They have been missed significantly before in other budgets. Indeed, they had better come to be, because if they do not, then we are no further along with the problems that we have with respect to debts and ultimately deficits and, therefore, after that, taxation.

Madam Deputy Speaker, I am hoping I am making myself clear. I am hoping that our budget can continue to follow in the mold that we have developed over the last three or four years and indeed followed for once by the federal government.

### **Economic Growth Employment Creation Strategy**

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Madam Deputy Speaker, the reality is there is \$4 a month in a child benefit in this budget, \$4 a month. That is not very good for a family where the father and the mother, either or both, are unemployed.

Can the First Minister of this province tell us, since their federal counterparts are doing absolutely

nothing, what they are going to do to get some jobs created in the province of Manitoba?

**Hon. Gary Filmon (Premier):** Madam Deputy Speaker, no province has a more progressive child tax credit system than we do in this province. That is something the Leader of the Liberal Party ought to be aware of. We already do have the most progressive and the best system for child tax credits.

In addition to that, Madam Deputy Speaker, I guess the question has to be turned around to the Leader of the Liberal Party. The only way in which massive monies could have been spent on any of these programs was to raise taxes. Does she really honestly believe, in the circumstances that face this country and this province today, that higher taxes would have been a better answer than the kind of balanced approach that the Minister of Finance (Mr. Manness) talked about?

If she does believe that, she is further out of touch with the people and the needs than I believed she was. That would be the wrong way to go, and I reject that suggestion totally.

### **Employment Retraining Programs Government Initiatives**

**Ms. Jean Friesen (Wolseley):** Madam Deputy Speaker, when the Premier went to Ottawa, he asked for more federal money for training for Manitobans. Perhaps it was somewhat lower on his list than I had anticipated, but he did say that he had asked for that.

The clear response of the federal budget has been to transfer another \$100 million out of the Canadian Job Strategy to reduce yet again EPF funding, and the Conservatives are offering no hope, Madam Deputy Speaker, for the 57,000 Manitobans who are unemployed today.

I want to ask the Minister of Education and Training, has she spoken to or faxed the federal government in the last 24 hours to speak on behalf of those 57,000 people or is she, too, going to stand aside and wait until the federal government has offloaded every last bit of post-secondary education training onto Manitoba?

**Hon. Rosemary Vodrey (Minister of Education and Training):** Madam Deputy Speaker, I would like to tell the member that I have met as recently as a week ago with the co-chair of the Labour Force Development Board to discuss training issues, and that my department has met with the Minister of



Employment and Immigration to discuss future directions of training. We are in constant contact in an effort to pursue the best agreement for Manitoba.

**Ms. Friesen:** Will the Minister of Education and Training, whose own government has cut in the past year ACCESS Engineering, community college support, New Careers, Core Area training programs, make a commitment today to this House to reinstate those programs for Manitobans?

**Mrs. Vodrey:** Those results will be known to the member when the budget is tabled in this House.

**Ms. Friesen:** Madam Deputy Speaker, I would like to ask the Minister of Education and Training, is the silence that we hear from this department a deliberate plan to ensure that Manitobans—

**Hon. Harry Enns (Minister of Natural Resources):** How can you hear silence?

**Ms. Friesen:** It is a deafening silence, from this government, on higher education. Madam Deputy Speaker—

**Madam Deputy Speaker:** Would the honourable member for Wolseley please put her question now.

**Ms. Friesen:** I would like to ask the Minister of Education and Training, is this part of a deliberate plan to ensure that Manitobans can compete on the low-wage level playing field of Mexico and the southern United States?

**Mrs. Vodrey:** Madam Deputy Speaker, there has not been silence from this side of the House on the issue of training programs. This government is in fact very committed to training programs on both sides, where we support Workforce 2000, which is aimed at employers becoming involved, and we also continue to support ACCESS programs, New Career programs aimed at employees.

### **Farming Industry Financial Assistance**

**Mr. John Plohman (Dauphin):** Madam Deputy Speaker, while this Premier (Mr. Filmon) and Minister of Finance (Mr. Manness) are busy apologizing for the federal budget and justifying that budget, the Premier of Saskatchewan is expressing his outrage at the lack of support for agriculture in yesterday's budget.

Last November, the Minister of Agriculture was dragged to Ottawa as part of a nonpartisan farm rally to raise the desperate concerns that farmers were facing with regard to inadequate emergency support

from the federal government and asking for another \$500 million immediately. This was identified yesterday in the budget, Madam Deputy Speaker. We got the dismal answer from the federal government, nothing for farmers.

Can the minister indicate why he did not show any leadership following that lobby, why he did not take any specific federal action with the federal minister to ensure that he would follow through with the requirement after that lobby?

**Hon. Glen Findlay (Minister of Agriculture):** Madam Deputy Speaker, farmers in western Canada and particularly farmers in Manitoba want to realize their income from the marketplace. The marketplace in the grain industry has recovered rather dramatically in the last number of months. Grain movement has been exceptional. In fact, the Wheat Board, at the end of the first six months of this crop year, are 25 percent ahead of a year ago. We will probably set a Canadian record for grain exports. We had a good crop last year, very high quality. We are obviously selling it in the world market. The farmers are getting the income from the product they produced and getting the income from the marketplace, much improved over the conditions of even five or six months ago.

The realized net income projections for Manitoba are now back up to the levels of the 1986-89 period of \$360 million, a significant improvement over the lows of 1990 and '91. Farmers are starting to see a little bit of optimism in terms of better grain movement, better prices and the degree of support that the stabilization programs have given them through this difficult period over the past two years.

**Mr. Plohman:** Madam Deputy Speaker, is this minister in fact indicating, since he took no substantive action, and his Premier (Mr. Filmon), in his own quiet way—

**Madam Deputy Speaker:** Does the honourable member have a question?

**Mr. Plohman:** —never took any substantive action, that this minister is in fact satisfied—[interjection] Madam Deputy Speaker, I started with a question.

**Madam Deputy Speaker:** Would the honourable member for Dauphin please complete his question now.

**Mr. Plohman:** Madam Deputy Speaker, I will repeat it for those who were not listening.

Is the minister indicating that he is satisfied with the dismal response, the nonresponse, the cutback response of the federal minister, since he did not take any substantive action, neither did his predecessor?

**Madam Deputy Speaker:** Order, please. The question has been put.

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

**Madam Deputy Speaker:** Order, please. Does the honourable member for Dauphin wish to have his question responded to? Thank you.

**Mr. Findlay:** Madam Deputy Speaker, the farm community in Manitoba and western Canada was in probably the worst, the most depressed state of mind that they have ever been, in my 50 years on this planet, last fall, because of conditions that have emerged internationally in terms of market access, in terms of prices. A lot of things have changed to improve that. Farmers do not want to hear the gloom and doom, the fact that they are going to fail and that they have no future. They do not want to hear that NDP philosophy. They want to hear about positive things that are happening.

To give you some indication of the degree of support from federal and provincial governments to the farm community in Manitoba this fiscal year, of the \$2 billion of gross income, \$600 million will come from farm support programs. That is helping the farm community have the realized net income that we have talked about. Madam Deputy Speaker, there is better news ahead for the farm community, and that is what the farm community wants to hear. They want to hear the positive, optimistic tones, not the negative, negative, negative that always comes from the NDP.

\* (1410)

**Mr. Plohman:** Can this minister promise today, in light of the fact that farmers are behind—they need at least \$500 million to tide them through this year, regardless of what the minister says is coming—that he will take a more aggressive approach, discard this quiet back-room diplomacy that the Premier (Mr. Filmon) is engaged in and go after the federal government to come through with the required aid that is needed now?

**Mr. Findlay:** We have continually led the farm delegations to Ottawa, to the federal minister. We have continued to negotiate very aggressively to have the level of support the farm community wanted, the kind of programs they want to support,

and the kind of market access and aggressiveness in achieving those market accesses around the world, whether it is going on a mission to Japan to help sell turkey and pork or whether it is going to Ottawa or going to Geneva to solve the international problems.

Madam Deputy Speaker, our farmers want a deal in GATT. They want at least as good a deal as on the table right now for grains, oilseeds and red meats, because they know that will improve their market access. They know that will give better prices in the future, and we have an ability to produce that will also stimulate the economy of this province. The agriculture minister of Saskatchewan would dearly love to have as good a GRIP program in his province as we have in Manitoba here today.

### **Federal Budget Post-Secondary Education**

**Mr. Reg Alcock (Osborne):** Madam Deputy Speaker, I, for one, was profoundly saddened by what I heard yesterday. I am increasingly saddened by what this federal government is doing to our country. I am absolutely distressed by a country that accepts 10.5 percent unemployment as the norm.

It is very interesting to me to note the joyous attitude on the front bench of this government in the face of the Premier's (Mr. Filmon) bold statements in Ottawa a few weeks ago about education and training, and the fact that yesterday this government continued what is now amounting to a \$1.6 billion annual cut in support for post-secondary education. This Finance minister has done nothing to protest it.

I would ask him, will he today contact his federal counterpart and protest the lack of support for post-secondary education and training?

**Hon. Clayton Manness (Minister of Finance):** Madam Deputy Speaker, I am prepared to do that, but that would be about the fifth time this year already that I have protested just that. That is contained, of course, within the freeze under Established Programs Financing. The federal government has locked that into place for several years. We have all protested that action, all Ministers of Finance of all political stripes from across Canada. First Ministers have protested that action.

I can say to the member, I will send that protest. As a matter of fact, I hope to talk to the federal minister later on this afternoon and again mention it to him, again, for at least the third or fourth time this year. I can assure the member it is an issue that is very important to us. I will continue to protest that action by the federal government in last year's budget and the budget before.

### Federal Budget Student Aid

**Mr. Reg Alcock (Osborne):** Madam Deputy Speaker, will the Minister of Education and Training, in light of the new damage done to students in this country, protest that damage, protest the cut in the six-month deferral of student loan repayments? I was astounded to see that the Minister of Education and Training has not done anything.

**Hon. Rosemary Vodrey (Minister of Education and Training):** Madam Deputy Speaker, I am also concerned. I will tell the member that I have had a communication from Mr. de Cotret's secretary of state to attend a meeting to discuss student aid in the next month, and I will be in touch with him before that time.

### Federal Budget National Science Council

**Mr. Reg Alcock (Osborne):** Madam Deputy Speaker, will the First Minister speak to the Prime Minister about the cut of the National Science Council, given his introduction of Bill 9 and his vaunted support for research and development?

**Hon. Gary Filmon (Premier):** Madam Deputy Speaker, I know that the members opposite are trying to put the worst face on the budget as possible. It is in their political interest to do so.

The reality is that, when you look at all of the elements of a budget, you want to have taxes kept down, you want to have the deficit kept down, you want to have a stabilized fiscal framework for the future of our children and the young people of our society, we obviously have to look at some areas in which we did not get all of the spending we would have liked to have seen. Only the Liberals would spend the money, tax people and raise their taxes in a time as desperate as this.

I just have to repeat that I do not believe that the member for Osborne or any of his caucus fully appreciate how concerned people are out there about their tax load. It has gone too high. There is

too much. They are not advocating greater taxes like the Liberals are. I wish they would get in touch with that feeling, Madam Deputy Speaker.

### Social Assistance Government Priorities

**Mr. Doug Martindale (Burrows):** Madam Deputy Speaker, the federal and Manitoba governments have an abysmal record when it comes to attacking the problems of child poverty. In December, the federal government initiated a small step towards helping children in poverty by giving Canadians with disability pensions and children an additional \$35 per month. This month, without warning, Manitobans who qualify for this federal program are having this \$35 taken off their provincial social assistance payments.

How does this Minister of Family Services justify such a punitive and regressive policy when his government has repeatedly stated that children are its first priority?

**Hon. Harold Gillehammer (Minister of Family Services):** Madam Deputy Speaker, I welcome the opportunity to respond to the safety net that this government offers to vulnerable Manitobans, that in a time when governments have difficulty with raising dollars, this government has provided a substantial increase to the basic social allowances to all of the Manitobans on the caseload that we have. At the same time, we have created new programs for the disabled, and we have also flowed the tax credits on a more timely basis to put that money in the hands of vulnerable families in this province.

We have other reforms in mind that we hope to be able to announce in the near future, and we will also call on the federal government to bring forward programs on child poverty. In a recent meeting with my colleagues from across the country and the federal minister, Mr. Bouchard, he has indicated that there will be programs coming forward to deal with that question of child poverty.

\* (1420)

**Madam Deputy Speaker:** Time for Oral Questions has expired.

### Nonpolitical Statement

**Mr. Edward Connery (Portage la Prairie):** Madam Deputy Speaker, do I have permission for a nonpolitical statement?

**Madam Deputy Speaker:** Does the honourable member for Portage la Prairie have leave for a nonpolitical statement? Leave has been granted.

**Mr. Connery:** Madam Deputy Speaker, I rise today to ask this Legislature to join with me in congratulating 11-year-old Amanda Wright from the Prince Charles School in Portage la Prairie. Amanda recently won the Manitoba section of a winter fun poster contest sponsored by the National Capital Commission. This contest is designed to help students learn and be proud of Canada's northern climate and heritage. Her winning entry depicts a cross-country skier and a person going down a hill on a toboggan. The border around the scene has "winter" written on it in French and English. Amanda's parents are Alan and Linda Wright. We in Portage are very proud of Amanda.

### Committee Change

**Mr. Neil Gaudry (St. Boniface):** I move, seconded by the member for Osborne (Mr. Alcock), that the composition of the Standing Committee on Economic Development be amended as follows: Inkster (Mr. Lamoureux) for The Maples (Mr. Cheema).

**Motion agreed to.**

### Nonpolitical Statement

**Madam Deputy Speaker:** Does the honourable member for Wolseley have leave to make a nonpolitical statement? Leave? Leave has been granted.

**Ms. Jean Friesen (Wolseley):** I would like to offer the congratulations of this side of the House and of our party and caucus to Jim Compton, CBC documentary producer, who has won an award. Mr. Compton is an Ojibway producer who has won the Canada Award to be presented at the 1992 Gemini Awards this March.

The award was given for a documentary called Drums, which is a two-hour presentation on the current situation and attitudes of aboriginal people in the Manitoba region, Madam Deputy Speaker. It was a film which I know had a wide-viewing audience. It was one that I certainly discussed in my own classes. I think it is a film that will have actually a long-lasting value for educational institutions and for teachers and aboriginal students, particularly in Manitoba.

I think, Madam Deputy Speaker, what it shows to all Manitobans is the very significant role that the CBC and other institutions such as the National Film Board, the federal cultural institutions, play in our cultural life. I know that all members of the House would recognize this, that we are very conscious that the National Film Board and CBC are one of the ways in which Manitobans are enabled to speak to each other.

I join with my caucus and with members of my party in offering our congratulations to Jim Compton and to the regional offices of the CBC in Winnipeg.

### Committee Changes

**Mr. Edward Helwer (Gimli):** I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Economic Development be amended as follows: The member for La Verendrye (Mr. Sveinson) for the member for Seine River (Mrs. Dacquay); the member for Lakeside (Mr. Enns) for the member for Gimli (Mr. Helwer); the member for Turtle Mountain (Mr. Rose) for the member for Emerson (Mr. Penner) and the member for Sturgeon Creek (Mr. McAlpine) for the member for Kirkfield Park (Mr. Stefanson).

**Motion agreed to.**

### Nonpolitical Statement

**Ms. Judy Wasylycia-Lels (St. Johns):** I am wondering if I might have leave for a nonpolitical statement?

**Madam Deputy Speaker:** Does the honourable member for St. Johns have leave to make a nonpolitical statement? Leave?

**Some Honourable Members:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

**Ms. Wasylycia-Lels:** I rise in my place, Madam Deputy Speaker, to ask this House to, once again, join me in offering congratulations to a constituent of mine. His name is Doug Olsson; he is a Grade 12 student at St. John's High School.

Members in this Chamber will recall that I have brought his name and his achievements to the attention of this House previously over his experiments and innovative work in the area of mosquitoes. I previously indicated to the House that his projects have been recognized at the

science fair at the Winnipeg School Division's fair and at the Manitoba Schools Science Symposium. He has won that recognition for a project which has helped us learn about ways to control mosquitoes.

I hope I will not offend anyone in this House of either gender if I reference the nature of that experiment since it is an experiment that involves identifying the female's wings beat frequency, artificially reproducing that sound and attracting the males so that they can then be zapped and the mosquito population kept under control without the use of a lot of worrisome chemicals.

For that experiment and his ongoing work in this area, Doug Olsson was nominated for and received the YTV Youth Achievement award in the innovation category. He will be heading to Ottawa to receive that award, and that award ceremony will be broadcast live on YTV on March 11.

I am very proud of this young man's achievements in my constituency. He has demonstrated a very innovative, creative approach to a serious problem. He is making a serious contribution to the quality of life in this province, and he has also demonstrated just how important one's own community is. I close my remarks by quoting from Doug Olsson, who said: I am very proud of my school and my part of town. I have lived in the north end all my life. I think if you put the right effort into it, anything can happen.

Thank you, Madam Deputy Chairperson.

## ORDERS OF THE DAY

### House Business

**Hon. Clayton Manness (Government House Leader):** Madam Deputy Speaker, on House business first, before I forget, unfortunately I will ask the House to accept a cancellation of next Tuesday's Standing Committee on Economic Development. Unfortunately, the minister is not available to be in attendance, so I would like to cancel the Standing Committee on Economic Development set for Tuesday next. That committee was going to deal with Venture Tours Manitoba.

Madam Deputy Speaker, would you call the Address for Papers, followed by second readings, Bills 43, 44, 49, 53 and then adjourn debate on second readings starting with Bill 6 and continuing down the Order Paper as listed.

\* (1430)

## ADDRESS FOR PAPERS

**Ms. Judy Wasylycia-Leis (St. Johns):** I move, seconded by the member for Point Douglas (Mr. Hickes),

THAT an Address for Papers do issue praying for:

The text of the formal opinion requested from the Department of Justice by Health Department officials on whether there is anything that would interfere with enforcement of The Public Health Amendment Act, Statutes of Manitoba Chapter 62, formerly Bill 91, also known as the anti-sniffing legislation.

**Motion presented.**

**Hon. Clayton Manness (Government House Leader):** Madam Deputy Speaker, I would like to address the issue in the motion. The government does not accept the motion of the honourable member for St. Johns (Ms. Wasylycia-Leis).

The basis for this decision is found on page 129 of Beauchesne, Sixth Edition, Citation 446, where it outlines the guidelines which the government should use when presented with a motion like the one we have before us now.

Citation 446(1) states, and I quote:

"To enable Members of Parliament to secure factual information about the operations of Government to carry out their parliamentary duties and to make public as much factual information as possible, consistent with effective administration, the protection of the security of the state, rights to privacy and other such matters, government papers, documents and consultant reports should be produced on Notice of Motion for the Production of Papers unless falling within the categories outlined below, in which case an exemption is to be claimed from production."

Madam Deputy Speaker, when referencing Citation 446(2) the first item listed is, "Legal opinions or advice provided for the use of the government."

Clearly, the information being sought by the member falls within this category, and I would conclude by saying the motion should not be accepted and cannot be accepted by the government.

## Point of Order

**Mr. Jerry Storie (Flin Flon):** Just before this matter is concluded—

**Madam Deputy Speaker:** Order, please.

The honourable member for Flin Flon on a point of order. This is not debatable at this point in time.

**Mr. Storie:** I would like some clarification from the Chair as to whether we can get some clarification from the Minister of Finance (Mr. Manness) with respect to their decision not to accept—

**Mr. Manness:** I made it very clear.

**Mr. Storie:** Well, Madam Deputy Speaker, he did provide some explanation, but the explanation in itself begs a number of questions, including questions of precedence. Orders for Returns, Address for Papers have virtually never been refused. On top of that, as a point of order in this House and as a matter of precedence, the legal opinions have been tabled. Regardless of the sensitivity of the matter, I reference, of course, the debate on the French—

**Madam Deputy Speaker:** Order, please. The honourable member for Flin Flon (Mr. Storie) does not have a point of order. [interjection]

Well, if indeed the honourable member for Flin Flon has a point of order, it is an extremely lengthy point of order. The order Address for Papers is not debatable at this point in time and I had indicated that earlier. The point of time at which it could be debatable is if it is adjourned and moved to private members' hour.

**Ms. Wasylycia-Lels:** I would seek the guidance of you, Madam Deputy Speaker, in helping me with a motion.

I understand that the Rules of the House allow a motion to be made by the individual, the member who puts forward a motion for Orders for Return. If that request is turned down or not answered in full by the government's spokesperson, that the matter can then be referred to the first order of business for the next private members' hour. I am not sure of the exact arrangement, but I would like to make a motion along those lines.

**Madam Deputy Speaker:** The honourable member for St. Johns is partially correct. There is no formal motion required, just the request that it be transferred as the first order of business to private members' hour on the following day—transferred for debate. Is the honourable member for St. Johns—

**Ms. Wasylycia-Lels:** Yes, Madam Deputy Speaker, thank you for the clarification. I would request that this matter be transferred to the first

order of business under private members' hour for the following day, for tomorrow.

### House Business

**Madam Deputy Speaker:** Bills 43, 44, 49 and 53, to be followed by adjourned Debate on Second Readings as listed, commencing with Bill 6.

### SECOND READINGS

#### Bill 43—The Farm Income Assurance Plans Amendment Act

**Hon. Glen Findlay (Minister of Agriculture):** Madam Deputy Speaker, I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 43, The Farm Income Assurance Plans Amendment Act (Loi modifiant la Loi sur les régimes d'assurance-revenue agricole), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Findlay:** Bill 43, The Farm Income Assurance Plans, is a bill that is put in this House to provide authority to make advances to stabilization accounts to enable payments to producers to participate in various income support programs. My department has received advice from the departments of Finance and Justice, indicating that legislative authority is the most appropriate mechanism by which advances can be made to stabilization accounts, to enable payments when there are insufficient funds in the accounts from the premium revenue.

An example of such a program would be the GRIP program to which interim payments have been made. The amendment would permit the Minister of Finance (Mr. Manness), with the approval of the Lieutenant-Governor-in-Council, to provide an interest-bearing advance. A request for such an advance would be initiated by my department, and the amendment would ensure the continuation of the economic benefits to existing income support programs as well as future programs to producers.

Madam Deputy Speaker, with those brief comments, it is a very brief bill, but it is designed to facilitate the ability of my department to have program payments in the hands of the farmers as quickly as possible. I recommend to all members of the House that they approve this bill to have this appropriate amendment done. Thank you.

**Mr. John Plohman (Dauphin):** Madam Deputy Speaker, could I have leave to ask a question for clarification from the minister?

**Madam Deputy Speaker:** Does the honourable member for Dauphin (Mr. Plohman) have leave to pose a question to the honourable Minister of Agriculture (Mr. Findlay)?

**Some Honourable Members:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

**Mr. Plohman:** Thank you, Madam Deputy Speaker. My question to the minister regarding this issue is, he has made reference in the introduction to Bill 43, that program that would come under the jurisdiction of this act would be GRIP, and he says in which interim payments have been made. My question to him is: Is he indicating to this House that in fact he has done something, his government has already taken some action without the legislative authority as a result of not passing this act prior to payments being made for GRIP?

**Mr. Findlay:** Madam Deputy Speaker, we believe we have the authority as it presently exists, but to make absolutely sure that no challenge could occur in terms of making advance payments, we believe that this amendment is appropriate. The member has to remember that the program has been developed, and the principle of advance payments has occurred between the last sitting of the House and the present sitting. There was really no opportunity to have had this amendment in prior to the principle of advance payments.

\* (1440)

If we did not put those advance payments out obviously producers would have been injured, so it was our decision that we felt we had the authority under the existing act. To be absolutely sure in the future that there is no hitch in advance interim payments for producers under a program, this amendment is appropriate. There is no problem with making the final payment, it is just making interim advance payments before the whole program is completed.

This is to facilitate the assurance that farmers get the degree of support as fast as possible.

**Mr. Plohman:** Madam Deputy Speaker, I move, seconded by the member for Swan River (Ms. Wowchuk), that debate be adjourned.

**Motion agreed to.**

### **Bill 44—The Milk Prices Review Amendment Act**

**Hon. Glen Findlay (Minister of Agriculture):** I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 44, The Milk Prices Review Amendment Act (Loi modifiant la Loi sur le contrôle du prix du lait), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Findlay:** Bill 44, The Milk Prices Review Amendment Act, is a little more involved than the last bill that I just introduced. The dairy industry of Manitoba, as well as the rest of Canada, is undergoing a number of changes primarily in response to adjustments in consumer demand and market conditions for dairy products.

The proposed amendments are intended to address these changes as well as to clarify how Manitoba agriculture will administer the act. The amendments that we are proposing in this bill can be classified into four categories.

The first category is to allow for the pricing of milk according to the value of its components; secondly, to provide for a more flexible schedule of milk producer price changes; and thirdly, to reduce the operating expenditures of the Milk Prices Review Commission; and fourthly, to simplify procedures for filing and consolidation of regulations.

Just a little more background on each of those amendments, those four categories, I have just talked about. On the first, in regarding the component pricing that the dairy industry is going into. The dairy industry in Manitoba has targeted August 1, 1992, to implement this new approach to milk pricing. This new approach is called multiple component pricing. It has been put in place in at least one other province at this point in time. The dairy industry in every province is looking at moving into multiple-component pricing.

Madam Deputy Speaker, historically, milk has been priced on the basis of its butterfat content. The dairy industry has bred its cows to have higher and higher butterfat content, because they got a higher value for the milk.

The consumer, over the last number of years, has actually changed their preference on milk. We have gone from years ago of consumers consuming whole milk, to 2 percent milk, to 1 percent milk, to skim milk. What happens in the dairy industry is you

move butterfat. You have an excess butterfat in the system that you have to put into some other product or dispose of.

The dairy industry thinks that they are basing the price of milk on the wrong component, because obviously in terms of meeting consumer demand, the best milk is that with the least fat in it, not the one with the most fat in, which is what they are pricing on right now.

To move to multiple component pricing, the pricing will be done on the basis of proteins and other solids, other milk solids, minerals and components of that nature. The dairy industry wants to move in that direction, and this bill facilitates that approach.

The second component is dealing with the more flexible schedule of milk price review changes. In terms of establishing the producer price of milk, the act requires continuous monitoring of the cost-of-production formula.

Price changes are currently not permitted unless a variation in the cost of at least 2 percent from the current price is indicated. That means plus 2 percent or minus 2 percent. If it does not exceed that, there is no change.

The monitoring of the cost-of-production formula has been on a monthly basis. There is general agreement that we should monitor the cost-of-production formula on a semiannual basis.

Recent discussion with representatives of the Manitoba Milk Producers Marketing Board indicate a need to adopt a less regimented approach to establishing the producer price—in other words, greater flexibility—while still maintaining the cost-of-production formula and an individual's right to appeal such milk price changes.

Thirdly, the administration of the act requires that the Milk Price Review Commission maintain separate books of accounting, bank account and be responsible for paying its own expenditures.

The Provincial Auditor is required to undertake an audit of the commission's financial records. The commission is also responsible for preparing and presenting an annual report of its activities including an audited financial statement.

The proposed amendments would delete the requirements for a separate account and annual report. The commission's financial statement would be included within the Department of

Agriculture's regular administrative expenditures, which themselves are part of the Provincial Auditor's review.

Similarly, the report of the commission's activities would be included within the department's annual report, obviously reducing cost to the overall operation of the commission and the Department of Agriculture.

Fourthly, the final amendment to be considered relates to the requirement for the commission to obtain Order-in-Council approval of certain regulations, which is not customarily required under other legislation; it is primarily an administrative function of the commission. Obviously, this again simplifies the procedures.

The proposed amendments are intended to address the anticipated changes forthcoming in the dairy industry, to introduce a more flexible pricing mechanism which does not lessen the commission's independent supervision of milk prices, and to provide a more cost-effective method of administering the act.

Madam Deputy Speaker, we have had considerable discussion with the milk producers of this province through their organization, and they agree that these changes are appropriate and necessary, especially for their industry with regard to component pricing and the cost of production, more flexibility in administering the cost-of-production formula.

I recommend this bill and these changes to the House for speedy passage. Thank you.

**Mr. John Plohman (Dauphin):** Madam Deputy Speaker, I have a couple of questions for the minister, if I have leave to do so.

**Madam Deputy Speaker:** Does the honourable member for Dauphin (Mr. Plohman) have leave to ask questions of the minister?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave.

**Mr. Plohman:** Thank you, Madam Deputy Speaker. I want to ask the minister on the four sections that he has outlined in terms of changes in The Milk Prices Review Amendment Act.

First of all, with regard to the first section, the multiple component pricing, does he see this as, from his discussions with the industry, leading to the development of new species of, not species of cows, but strains that will produce milk with very low fat



content as opposed to, as he has outlined, always generating greater fat content as that was the basis for pricing?

Does he see that happening, and is it in fact already happening in some jurisdictions? Could we see a rather substantial change in very short time here in Manitoba? Keeping in mind of course, as he said, as the Minister said, more and more people are moving toward skim milk and—

**An Honourable Member:** Is this a question?

**Mr. Plohman:** Yes, it is—low fat content milk. The minister of cultural affairs does not understand this issue and therefore is interjecting in a very inappropriate way and a rather impolite way.

Secondly, Madam Deputy Speaker, I wanted to ask with regard to the schedule of milk prices review changes for triggering review, the minister said plus or minus 2 percent triggers a review at the present time. Does he see that the price would change at much smaller intervals or much smaller amounts from day to day, week to week, or what is meant by flexible approach?

\* (1450)

Thirdly, Madam Deputy Speaker, I wonder whether the Minister could outline some examples of changes that might be made without Order-in-Council approval as a result of this act, just some examples of the kinds of things that now have to go before the minister to take to cabinet and to get Order-in-Council approval when in fact it would not be necessary following these changes. What kinds of things would be dealt with there? If the minister does not have examples at this time, he can perhaps provide us some within the next short period of time.

**Mr. Findlay:** With regard to the first question on whether dairy producers will start to have new emphasis in their breeding programs, I would think most likely they will. Clearly for 40, 50 years they have been breeding for higher and higher milk fat content. The norm used to be less than 3.5 percent and everybody tried to achieve 3.5 percent. You now have lots of cows that are producing milk at over 4 percent fat. That creates a lot of surplus fat for the dairy industry to dispose of.

I would think that as the response that we are injecting here in terms of multiple component pricing starts to have an impact on the producer's cheque, he will now look at seeing that he gets paid for higher protein as an example, which is clearly something

the consumer wants. If he has to look at where he is at relative to the industry norm, and if he is below the industry norm in terms of the protein content for his cows, it will definitely be a stimulus to look for breeding stock, particularly bulls, that have a higher genetic capability of passing on high protein to milk.

I think the first pressure should come back on the universities involved in dairy research to try to find ways and means to speed up the generation cycle of trying to breed improvements into the dairy cow. It is a long, many-generation process, and we would be looking at several years to have any dramatic influence here in that direction. It clearly will take away the emphasis off breeding for higher fat content, but it will put in place emphasis on higher, particularly protein, content. It is a response to the consumer's preference, and it is highly desirable that we have in place regulations that do allow the dairy industry to respond to what the consumer wants. That is critical to their survival.

In the other ones—the schedule for milk prices review, plus or minus 2 percent, as I said in my comments, the cost-of-production formula had to go up by 2 percent before there was an increase to the producer. We will now allow the formula, when it is triggered or when it is evaluated or monitored, if it goes up 1 percent, they will get that 1 percent right then and there. If it goes down 1 percent, they will get a 1 percent reduction.

**An Honourable Member:** Half a percent too?

**Mr. Findlay:** Yes, any amount, whatever the review triggers, whether it is a half of 1 percent or 1 percent or 1.5 percent, those changes will be instituted. The dairy industry says that is much more responsive. They seem to think that if it is done on a semiannual basis, that meets their needs, provided that it recognizes exactly what the change in the cost of production is.

With regard to examples regarding the Order-in-Council and regulations, I will give the member more specifics in some due course fairly soon.

**Mr. Plohman:** Madam Deputy Speaker, I move, seconded by the member for Wellington (Ms. Barrett), that debate be adjourned.

**Motion agreed to.**

### **Bill 49—The Environment Amendment Act**

**Hon. Glen Cummings (Minister of Environment):** Madam Deputy Speaker, I move, seconded by the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson), that Bill 49, The Environment Amendment Act (Loi modifiant la Loi sur l'environnement), be now read a second time and referred to a committee of this House.

#### **Motion presented.**

**Mr. Cummings:** Madam Deputy Speaker, this bill is an updating of some clauses in The Environment Act intended to deal with some technicalities and concerns that we want to have clarified.

Changes allow for certainty of panels to be able to have a defined quorum and make a decision on the basis of that quorum based on the knowledge of the people who actually heard the information at the Clean Environment hearings. We wish to provide also some certainty in the concept that the director or the minister may allow for stage licensing. Existing stage licence provision is a little bit unclear as to its intent and its usage, so we intend to propose that we can now set out clearly stages in series, each one issued for a specific component of a development. It is made clear that each stage of the licence will authorize only that portion of the development that it specifies. It will allow the director or the minister to authorize preliminary activities and site preparation where there is little or no environmental consequence and where the public does not have significant objections.

Madam Deputy Speaker, we wish through this bill to be able to have the ability on behalf of the taxpayers of the province to have the proponent pay hearing costs associated with joint assessments or Class 3 assessments. Amendments will require the proponent to pay the departmental costs also where they are associated with monitoring of a particular licence. These may well be particular circumstances where some additional monitoring is deemed to be prudent because of concerns that have been raised or because the department believes that they have reason to do more on-site monitoring than would normally be required for the validation of a licence. We propose to be able to give ourselves that ability.

These amendments will be also consistent with The Dangerous Goods Handling and Transportation Act as they relate to cost recovery,

so that we can recover costs associated with certain environmental work by issuing an order and without having to file suit in the courts. This is not an unusual authority that we are asking through this act, but it is new in the manner in which this act would be administered and, I believe, is prudent and useful for a proper administration and recognition of some of the real costs of administering The Environment Act in this province.

I believe these amendments are prudent and rational, and I recommend them to the House, Madam Deputy Speaker.

**Ms. Marianne Cerilli (Radisson):** Madam Deputy Speaker, I would like to ask some questions of the minister relating to the legislation.

**Madam Deputy Speaker:** Does the honourable member for Radisson have leave to ask questions of the minister? Leave? Leave has been granted.

**Ms. Cerilli:** Thank you, Madam Deputy Speaker. The minister referred to—I am not sure which section, but one of the sections would allow that there would be room for public objection in the preliminary use or work on a site before development. I just wanted to ask: How will the public object in that case? In which section did that refer to specifically?

**Mr. Cummings:** I believe the member is referring to Section 13(2) where the minister or director may in advance of approval of any stage in construction issue the first of a series of licences authorizing preliminary construction. This would be put on public notice the same as any other environmental licensing process would be done. It is through that process that the public would be informed and have an opportunity to bring forward concerns.

\* (1500)

**Ms. Cerilli:** How would this staging of the licensing help with the environment protection for the environment with regard to a development? How would this staging of the licensing help from that environmental point of view?

**Mr. Cummings:** The member should consider that topic in conjunction with the fact that there is a specific provision provided as well to make sure that it is very clear and is spelled out in law that the issuance of a stage does not guarantee the issuance of any further licences. That is the context in which we should look at this.

Secondly, and directly to the question, very often the preliminary work that needs to be done in order to provide the information required in an environment licence may well require some preliminary work which needs to be licensed.

The question was, does this have any beneficial aspects to it in terms of environmental protection. I say yes it does, because we can then, with some certainty, know that tests done on a particular site, that the core samples, as an example, for whatever project—and we have to talk in generic terms—would in fact be able to be provided then so that some certainty could be provided in front of the commission as to what they were actually dealing with.

**Ms. Cerlill:** I just want to try and get some clarification on that. The minister was giving an example of how this could be applied. I encourage him to give some other examples, because I was not quite following the one that he was giving of how staging of the licensing under the environment licensing would be used.

**Mr. Cummings:** Madam Deputy Speaker, it is used today. We wanted to make sure that there were clearly defined parameters, as these amendments I believe do provide for, so that both the proponents and regulators are clearly in a position to understand the limitations, first of all, that are provided by this act and what the parameters are in terms of any capability to allow someone on to a site.

Again I think, dealing with specifics—the member might want to raise additional specifics in committee—but the fact is that there are situations, as I said a moment ago, where proponents need to have access to an area upon which they are applying for a licence. There may well be circumstances. I do not think we need to have too much imagination to point out what some of them might be, where they have to go onto a particular site and may well need environmental clearance in order to go on there to take samples, if you will. I gave core samples as an example. Obviously, if it is related to construction that is quite important.

There are also situations that arise that would not necessarily be in remote locations where similar needs could arise. One cannot always assume that anything physically short of going onto a site can provide all of the information that the Clean Environment Commission could be requesting.

**Ms. Cerlill:** Am I to understand that this is legislation so that people who are doing testing for an environmental impact assessment can go onto a site to take samples? That is what the intent of this is, is that correct?

**Mr. Cummings:** This is not a blanket amendment. Obviously each situation would be treated individually as is always the case with environmental licensing. If I am assuming the same context that the member is, I believe the answer to her question is yes. An example of an opportunity to go on to a site that will require some work being done, either the contractor or the proponent may be asked to go on site without any preconditions, and the Environment department could well find themselves in the situation where they have to go in and stop them. Yet we know we could well be requiring the information that they are looking for to be presented in substantiation of a licence at the Clean Environment Commission. This provides for a controlled and logical approach and is certainly not to be considered in any other light.

**Ms. Cerlill:** Would this not allow for part of a project to be authorized with an environment licence while the entire project is not authorized with an environment licence, especially if the whole project has not gone through a full environmental impact assessment?

**Mr. Cummings:** I think that would be a misrepresentation of the intention.

**Ms. Cerlill:** Could that occur under this legislation?

**Mr. Cummings:** No.

**Ms. Cerlill:** I will adjourn debate on Bill 49.

I move, seconded by the member for Swan River (Ms. Wowchuk), that we adjourn debate on Bill 49.

**Motion agreed to.**

### **Bill 53—The Dangerous Goods Handling and Transportation Amendment Act**

**Hon. Glen Cummings (Minister of Environment):** I move, seconded by the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson), that Bill 53, The Dangerous Goods Handling and Transportation Amendment Act (Loi modifiant la Loi sur la manutention et le transport des marchandises dangereuses), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Cummings:** Madam Deputy Speaker, in addressing this bill, we recognize that there are a number of problems that we wanted to deal with. I think it is fair to talk about what some of those problems that we see ahead of us and how we see this bill as part of a short-term and a long-term solution to those issues.

The problem, of course, largely has centred around contaminated sites. Very often that contamination may have taken place some years ago, or it could have been recent. Nevertheless, site cleanup and restoration is a costly process. The question very obviously arises as who would pay costs: those directly responsible or would it come from the public purse, those who own or occupy the property; those who own or control the product, previous owners or occupiers if they are tied to the time of contamination, or those having lent money and undertaking the activity giving rise to the contamination, or those involved in management and foreclosure and receivership in a number of situations? Those are the problems that we have had to deal with.

\* (1510)

Manitoba, as part of presenting this bill, has taken a two-pronged approach. We want to deal with both national and provincial issues in doing that. At the national level, we are participating in a task group under the auspices of the CCME, which is the national organization for ministers of the environment to review the issues and provide recommendations to the various ministries regarding possibility for a consistent approach across the country.

We have been invited to take part in a number of meetings across the country, primarily a session coming up in Alberta within a couple of weeks, that we will be actively participating in. We will also be putting it on the agenda to talk to my fellow ministers at the national meeting of Environment ministers which comes up at the end of the next month.

Manitoba has The Dangerous Goods Handling and Transportation Act which was passed in 1984 that allows this department to take some action with respect to contaminated sites. It does, however, leave us not as well positioned as we would like to be to deal with some of the current issues that we face. The act currently allows orders to be issued against the present owner of the property or the owner or handler of the product. In many instances,

however, the contamination was caused by a previous owner against whom we have no recourse. Manitoba will be looking at this, as I said, in both the short- and long-term approach.

Dealing with it in the short term to resolve some of the existing contamination problems that require resolution in a fair and equitable manner, we want to deal with them consistent with the polluter pays principle. As a result, our action will be that amendments to The Dangerous Goods Handling and Transportation Act to expand the net for the issuance of remedial orders, to include the party responsible and the property owner, the occupier and the product owner or handler, now or at the time of contamination or the culpable party.

We recognize, Madam Deputy Speaker, that the onus will be on the department to prove the relationship of the person to the contamination. That is, the order cannot be issued to any person who previously happened to own the land except where it can be shown who the ownership belonged to at the time of contamination. This is most difficult to prove in many cases and thus cannot be used indiscriminately. I wish to expand these amendments the ability to include in the order the work required to be done and expedite the cost recovery where the work is not done.

In the longer term, over the six months, we will be addressing these issues on the broader basis through public discussions on issues associated with environmental liability. These multistakeholder decisions and discussions will endeavour to work towards consensus regarding these issues.

Madam Deputy Speaker, one of the things that I am most conscious of in introducing these amendments is that, whether it is Manitoba or anywhere else across Canada, we must not create ghettos from one province to another, nor must we allow ourselves to ignore the problems, the nature of which we have been facing in this province. We have chosen through the introduction of this bill and through other actions that we are taking, to deal with the problems as I have described, but to also engage other jurisdictions and the public in further discussions as to how they see this problem appropriately handled over the long haul and on a national basis.

Madam Deputy Speaker, this is not an issue that is unique, particularly unique to Manitoba. Other jurisdictions have taken various approaches. A

number of jurisdictions are on the verge of introducing legislation, some of which is similar to what I am introducing today. Some jurisdictions are actively pursuing what their options are. In introducing this legislation, I want to make it very clear that we will be looking to the future for further input from the public and from other jurisdictions and trying to develop a national policy so that the polluter-pays principle and the fact that we know nationally we have contaminated sites that need to be properly remediated, can be dealt with in a fair, practical and universal manner across this country.

I believe that this is a sound act, that it is the first step in dealing with the issues that I outlined. There are still further issues that need to be dealt with in this respect, and I look forward to that debate in the House. Thank you, Madam Deputy Speaker.

**Ms. Rosann Wowchuk (Swan River):** Madam Deputy Speaker, I move, seconded by the member for Point Douglas (Mr. Hickes), that debate on this bill be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### Bill 6—The Denturists Amendment Act

**Madam Deputy Speaker:** To resume debate on second readings, on the proposed motion of the honourable Minister of Health (Mr. Orchard), second reading of Bill 6 (The Denturists Amendment Act; Loi modifiant la Loi sur les denturologistes), standing in the name of the honourable member for St. Johns (Ms. Wasylycia-Leis). Is there leave to permit the bill to stand? Leave?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

### Bill 9—The Economic Innovation and Technology Council Act

**Madam Deputy Speaker:** On the proposed motion of the honourable First Minister (Mr. Filmon), to resume debate on second reading of Bill 9 (The Economic Innovation and Technology Council Act; Loi sur le Conseil de l'innovation économique et de la technologie), standing in the name of the honourable member for Brandon East (Mr. Leonard Evans). Stand. Is there leave to permit the bill to stand? Leave has been granted.

### Bill 10—The Manitoba Hydro Amendment Act

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Energy and Mines (Mr. Downey) to resume debate on second reading of Bill 10 (The Manitoba Hydro Amendment Act; Loi modifiant la Loi sur l'Hydro-Manitoba), standing in the name of the honourable member for Flin Flon (Mr. Storie).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

### Bill 11—The Bee-Keepers Repeal Act

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Agriculture (Mr. Findlay) to resume debate on second reading of Bill 11 (The Bee-Keepers Repeal Act; Loi abrogeant la Loi sur les apiculteurs), standing in the name of the honourable member for Swan River (Ms. Wowchuk). Stand? Is there leave to permit the bill to remain standing? Leave? Leave has been granted.

### Bill 12—The Animal Husbandry Amendment Act

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Agriculture (Mr. Findlay), to resume debate on second reading of Bill 12 (The Animal Husbandry Amendment Act; Loi modifiant la Loi sur l'élevage), standing in the name of the honourable member for Dauphin (Mr. Plohman).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing? Leave? Leave has been granted.

### Bill 14—The Highways and Transportation Department Amendment Act

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Highways and Transportation (Mr. Driedger), to resume debate on second reading of Bill 14 (The Highways and

Transportation Department Amendment Act; Loi modifiant la Loi sur le ministère de la Voirie et du Transport), standing in the name of the honourable member for Transcona (Mr. Reid). Stand? Is there leave to permit the bill to remain standing?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave? Leave has been granted.

### **Bill 15—The Highway Traffic Amendment Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Highways and Transportation (Mr. Driedger), to resume debate on second reading of Bill 15 (The Highway Traffic Amendment Act; Loi modifiant le Code de la route) standing in the name of the honourable member for Thompson (Mr. Ashton). Stand? Is there leave to permit the bill to remain standing?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave? Leave has been granted.

### **Bill 20—The Municipal Assessment Amendment Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Rural Development (Mr. Derkach) to resume debate on second reading of Bill 20 (The Municipal Assessment Amendment Act; Loi modifiant la Loi sur l'évaluation municipale) standing in the name of the honourable member for Swan River (Ms. Wowchuk).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing? Leave? Leave has been granted.

### **Bill 21—The Provincial Park Lands Amendment Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), to resume debate on second reading of Bill 21 (The Provincial Park Lands Amendment Act; Loi modifiant la Loi sur les parcs provinciaux), standing in the name of the honourable member for Interlake (Mr. Clif Evans). Stand? Is there leave to permit the bill to remain standing?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

### **Bill 22—The Lodge Operators and Outfitters Licensing and Consequential Amendments Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), to resume debate on second reading of Bill 22 (The Lodge Operators and Outfitters Licensing and Consequential Amendments Act; Loi sur les permis relatifs aux exploitants de camps de chasse et de pêche et aux pourvoyeurs et apportant des modifications corrélatives à d'autres dispositions législatives), standing in the name of the honourable member for Interlake (Mr. Clif Evans). Stand? Is there leave to permit the bill to stand?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave? Leave has been granted.

### **Bill 34—The Surveys Amendment Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), to resume debate on second reading of Bill 34 (The Surveys Amendment Act; Loi modifiant la Loi sur l'arpentage) standing in the name of the honourable member for Interlake (Mr. Clif Evans).

Is there leave to permit the bill to remain standing?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

**Ms. Rosann Wowchuk (Swan River):** Madam Deputy Speaker, I would like to take this opportunity to put a few comments on the record regarding this bill, The Surveys Amendment Act.

When we first look at the bill, it is a very short bill and appears to be inconsequential, but in reality, it could be a very important bill.

This bill, takes what looks to be a minor change, could be giving the minister quite a bit of power. At the present time, any normal increase of fees for services is approved by cabinet, done through Order-in-Council, and this bill would allow the minister to have the authority to make changes to increases in fees.

\* (1520)

In this particular bill, it is the increases to maps and surveys. It is my understanding that the costs of maps are quite high right now and should be dealt with by council. The real point, Madam Deputy Speaker, is what is the next thing that is going to open up? If the minister is going to be given the power to deal with maps and surveys and not have to go through council, what other fees are ministers then going to have the power to change and not have to deal with through council?

There are many people who have to pay fees. There are Crown land fees, camping fees, all of those sorts of things that are now controlled by cabinet, and I think that is the way it should be.

There may be a particular minister, and not necessarily the minister responsible for this bill, but in other cases where a minister wants to change fees, and if he does not have to go through cabinet, there is no scrutiny on what he is doing, or she is doing, or why they are doing it. I think that it is very important that that power does stay with cabinet.

We know that the government has done a lot of increasing in fees in the last little while, and this could allow much more of that to happen.

I guess some of the questions that my constituents, as I have said, have raised on the matter is where will this end. What will be the next fees that are going to increase, and how are they going to find out about the increase of fees? If this power goes directly to the minister and does not have to become known to other members, are the fees going to be bulletined out? How will people find out about different increases, or is it just something that is going to be passed on through bureaucrats in the department, and it will just be added on with no information coming out?

As I say, there are constituents who have raised concerns about this, that the government, every time they turn around, is increasing the cost of some other service that is presently being provided, and they are quite concerned with where this is going to end. As I said, they are also concerned with the power this could give a minister. It may not only be in this department, but once we begin the process of allowing fees, the minister to have the discretion on increased fees, we could see this happen in many, many other areas.

Services should be provided for people at a reasonable cost, but costs that should be recovered by the department should be scrutinized, and I do

not think that this should just be another tool for the government to increase its revenues. The minister should have to justify to his cabinet why it is these increases have to come about.

We are prepared to let this bill go to committee, but I think that my colleagues also have other comments that they would like to put on the record about this bill, so we will be taking a little bit more time to look at it before it is allowed to go to committee. Again, Madam Deputy Speaker, we have some concerns about, what appears to be a very minor bill, the powers that ministers could have with it.

Madam Deputy Speaker, there are many people in the rural communities—and not only rural communities but people in mining and resources—who make use of maps. We have to be careful that these services are available for the people to make use of, that we do not put prices so exorbitantly that they will not be able to use these services. The same thing applies to other areas that could be affected by changing from Order-in-Council to regulation—that we will price ourselves out of being able to provide services for those people who need it.

Again, I refer to the Crown lands. There are many people who live on Crown lands, who lease Crown lands for agricultural purposes. If these fees were increased to a very high level, they would not be able to afford them and, as I said, I am concerned that we would be taking services away from people, services and the other things that we look at. There are many, many other fees that are legislated, implemented by government. This will give every minister, it appears, the ability to adjust fees wherever they want them and possibly give the ability that government would decide to use it as a revenue source and not really to recover their costs.

With those points, Madam Deputy Speaker, I look forward to discussing this further and bringing forward other concerns in the committee that have been raised by constituents, as we do a little more consulting with them as to what their concerns are with this legislation and what powers it may give to a minister.

As I say, in this area, it is the Minister of Natural Resources (Mr. Enns), but if we begin with this one, there could possibly be other areas that we would then be opening up. We would then be opening up an area and allowing regulations to be

handled—fees to be handled—through regulation rather than Order-in-Council. That does not allow members of the opposition or members of the public to know when these fees come up. We have to have clarification on how we are going to find out, how the public is going to find out. Will the government put out news releases? What will be this process on how people will find out what changes government has made to regulations?

Thank you very much, Madam Deputy Speaker.

**Ms. Becky Barrett (Wellington):** Madam Deputy Speaker, I move, seconded by the member for Selkirk (Mr. Dewar), that debate be adjourned.

**Madam Deputy Speaker:** As previously agreed, this bill will remain standing in the name of the honourable member for the Interlake (Mr. Cliff Evans).

### **Bill 38—The Manitoba Evidence Amendment Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Justice (Mr. McCrae), to resume debate on second reading of Bill 38 (The Manitoba Evidence Amendment Act; Loi modifiant la Loi sur la preuve au Manitoba), standing in the name of the honourable member for the Interlake, is there leave to permit this bill to remain standing? Leave.

**Mr. Dave Chomiak (Kildonan):** I can indicate, Madam Deputy Speaker, that I will be the only speaker for our side of the House with regard to this particular matter, and that we will be passing it on to committee at the conclusion of my remarks.

Madam Deputy Speaker, at the onset I can indicate that we view this bill and this amendment with a good deal of approval from this side of the House. There is no question that we will support its passage into the committee stage, and I see no reason why the bill itself should not result in expeditious passage in this House, certainly by members on this side of the House. The amendments have been recommended by individuals and by parties and by groups that participate in the judicial system, and it is a very useful amendment, particularly in light of the times and particularly in light of the changing circumstances of our society.

The law of evidence, Madam Deputy Speaker, is probably appropriately termed the law of evidence insofar as it in itself constitutes an almost complete

body of law, one that is studied individually, one that is dealt with by statute individually, and something that in itself is part of the judicial process, is a complex, convoluted, but integral part of the judicial system.

\* (1530)

Many individuals may not agree with many of the procedures and many of the technicalities as they are often termed with respect to the law of evidence, Madam Deputy Speaker, but they have been largely drawn up over the centuries, over hundreds of years of judicial and court experience. The laws of evidence evolve and change, not only in common law, but by virtue of statute. For some involved in the legal system, they do not move fast enough, but for others the changes have to take place in a very progressive and a very timely fashion.

I recall quite vividly, as all individuals who graduate from law school do, the intense amount of effort and energy spent in studying the law of evidence and the various precedents and the evolution of that law throughout history. Indeed, I can recall probably debating the law of evidence and many ramifications of it with my friends more than perhaps any other aspect of the law that I studied, and that we studied, at law school.

With respect to this specific amendment and this specific bill, Madam Deputy Speaker, I have to relate a bit of a personal experience and involvement with this particular section of The Evidence Act. When I had my first court appearance, in fact, as a law student articling with Legal Aid, and my very first trial that I attended as a participant with a law professor, involved a challenging of a child witness based on this very aspect of this application of the law. I can recall quite vividly the judge questioning the child of tender years and, interestingly, or fortunately or unfortunately, depending upon one's particular viewpoint, the judge did have a great deal of difficulty having the child swear the oath.

Consequently, as a result of the failure of the child of tender years to swear the oath, the case which I believe was a case of assault, I think of a sexual nature, was thrown out, unfortunately. It is ironic that we had mixed emotions. At the time a member of the public would quite properly state that the charge was thrown out on a technicality. In fact it was thrown out on a technicality; it was thrown out through the application of the law of evidence.



We as law students had mixed emotions. We were pleased that we had won our case, quote, but I think all of us came away a bit jaundiced and a bit saddened by the fact that a matter was thrown out, and a charge was tossed out against the child because of the application of this very section of The Evidence Act. I can remember the mixed feelings and the mixed emotions that I had as a law student when confronted in my very first court appearance with the application of this particular law.

To the public, quite rightly so, the charge would be thrown out for technicality. To a member of the law profession or to someone who had studied the law of evidence in general, I suppose the axiom would be pronounced: Better that ten men should go free than one man be wrongly convicted.

Members of the profession and members involved in the judicial system very strongly feel that all of these aspects of the law of evidence should be strictly adhered to, because of the fact that the law of evidence has evolved to right many of the wrongs that occurred in our common law from years and years ago when the laws were not as rigid and when the laws were more at the discretion of the sovereign or the discretion of the state.

Some would very much argue that the law of evidence has been set up to establish a shield; indeed, the classical shield, to protect individuals from arbitrary justice, to protect individuals from the law of the sovereign, the law of the state. It does evolve, and this particular amendment is a very appropriate amendment and it is a proper amendment with respect to the evolution of law and how we view the attitudes of children and how we as society view the evidence given by children at judicial proceedings.

Madam Deputy Speaker, there was a time when a child's evidence was considered completely unreliable. Indeed, I suspect, though I do not know with certainty, that there was a time probably when a child's evidence in the courtroom was not accepted at all. The common law then evolved to the position, and it evolved to the state where a child who could comprehend and take the oath would be allowed to testify, but that their testimony had to be corroborated by some strong material evidence or some strong material fact.

In fact, that law, as the minister indicated in his remarks, is the state of the law in Manitoba today with respect to our particular Evidence Act.

Consequently, matters of a civil nature and matters in the family proceedings, are governed under that particular section.

Although as I understand it from a review of Sopinko and Letterman, *The Law of Evidence in Civil Cases*, a text which I refer to often which respect to evidence, the standard of proof and the standard of material corroboration with respect to that child's testimony in civil proceedings is not necessarily as strong, nor is the standard or requirement that high with respect to civil proceedings.

Frankly, whether the standard is high or low is not relevant to our particular discussion because we are asking, by virtue of this amendment, that particular requirement, that need for corroboration of the evidence in a material fashion of a child of tender years will no longer be required in the province of Manitoba.

As I indicated earlier, this is timely, this is correct, and this is the way to proceed, particularly when we view the state of law in the province of Manitoba and Canada, and the attention which has been devoted to—I hesitate to say the word "crimes" against a child—but the attention which has been devoted towards the rights of children in our society, Madam Deputy Speaker.

We certainly have seen a change in terms of the view of children and how we approach them in our society. There was a time, historically, when children were viewed legally as chattels, mere chattels. We now view them as human beings with all of the rights and privileges—almost, which is an interesting point, but I diverge—accruing to all of us in society.

Indeed, we have seen very strong measures taken to protect the rights of children in our society. We have seen the efforts of governments and jurisdictions everywhere in this country and on this continent turn their attention to some of the horrendous and absolutely terrible, despicable occurrences that happen, unfortunately far too often, in our society with respect to children.

This amendment and this particular change will allow children to testify and to be treated in a fashion of a serious nature. I cannot but completely and strongly agree with not only the intention of this particular act, but its spirit, and that is that we allow children to speak up. We have discovered, contrary to perhaps what was a misconception of old, that the

testimony of children is in fact as valid, or as accurate, or substantial, or honest as that of adults, and indeed some might argue even greater, and that we can place faith in the testimony of children and in what they say in court.

That is what the empirical evidence states, Madam Deputy Speaker, and that clearly is what our experiences in the court system, in the judicial systems, demonstrate.

We see that in the evolution of our law, we have moved now in Manitoba to provide the same protection, I should not say the word "protection," I should rather say, provide the same rights to children under our provincial statute as is provided in the federal statute and is provided in other provincial statutes across the country.

In this count, I think it is a very valid piece of legislation, it is a necessary piece of legislation and, in fact, it is a timely piece of legislation.

\* (1540)

We on this side of the House strongly support this amendment to The Evidence Act. We will do our part to expedite the passage of it. We may have questions at committee, and we may seek or require some clarification when we reach the committee stage of the bill, but we certainly are quite pleased to deal with this matter of the amendment to The Evidence Act, to bring the Manitoba statute and to bring the legislation in line with that of other jurisdictions and, more importantly, in line with the way society has evolved, with the way society views children, with the way we as a society want to deal with children. In fact, that is probably the most important aspect of it, and that is a very positive aspect of it.

Some criticism is often levelled at our legal system and at the way that law evolves, Madam Deputy Speaker, and—indeed, I have often done it myself—at the slow manner in which it evolves. Certainly in this area, we are very pleased to see that we are moving to the reality of the situation, which is to accept the testimony of children without the requirement of material corroboration. To do that is a positive evolution of the law. It is a change from common law, and of course we have its statute, it is in statute anyway through The Manitoba Evidence Act.

We on this side of the House are going to do our part to expedite passage of this bill, and with those comments I will close, indicating that I will be the

only speaker on this side of the House with respect to this act. Madam Deputy Speaker, thank you.

**Mr. Nell Gaudry (St. Boniface):** Madam Deputy Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux), that debate be adjourned.

**Madam Deputy Speaker:** It was previously agreed that this bill remain standing in the name of the honourable member for Interlake (Mr. Cliff Evans), as a point of clarification.

### **Bill 42—The Amusements Amendment Act**

**Madam Deputy Speaker:** To resume debate on the proposed motion of the honourable Minister of Labour (Mr. Praznik), second reading on Bill 42 (The Amusements Amendment Act; Loi modifiant la Loi sur les divertissements), standing in the name of the honourable member for Thompson (Mr. Ashton).

**Mr. Kevin Lamoureux (Inkster):** I will be the only speaker from the Liberal caucus on this particular bill, and I want to get a few remarks on the record as the critic for this particular bill.

Madam Deputy Speaker, I have been somewhat led to believe that this is legislation which we can support in a sense that what it really is doing is dealing with today's time through modernization. The legislation today is not necessarily warranted as it was a number of years back, when we had flammable film and carbon arc lamps, or when those particular films and lamps were more commonly used throughout the province of Manitoba. In fact, I understand that only in the three cities of Winnipeg, Brandon and Thompson where we have the licensing requirement still in place. It seems to be a natural flow. If we take a look, as the minister has pointed out to me, at the agreements or more recent union agreements from the projectionists and management that the whole licensing aspect is being left out of the agreement and instead the request is for competent projectionists.

Madam Deputy Speaker, it is because of the times. As we proceed today, for example, where we have much more different types of films, whether it is the current films that we see at the cinemas or what is becoming more and more popular virtually every day is our VCRs. There seems to be a large amount of concern in terms of the whole film classification and what is going to be happening in those areas that the projectionist is a very

honourable profession to have and no doubt requires a great deal of training and expertise.

We feel very confident that the union will protect this particular trade and will, of course, do what is in the best interests of the projectionists, that in fact this might ease some of the pressure from those who are in the city of Winnipeg, because I am not aware of any that are still using the old system. In fact, the new projectors that we now have in most of the theatres are fairly safe, albeit still require a great deal of expertise in order to be run by the projectionist.

We will be wanting this particular bill to go to committee, so that if there is some concern or if in particular the union has any comments as to why they feel that a licence still might be required, we would be very receptive to what they might have to say on it. I think we have to keep in the back of our minds that if it is a question of licensing, I know that there was a change in the legislation previously where we have seen it is a licence requirement just for the bigger urban areas as opposed to rural Manitoba. If there is a licence that is required in the city of Winnipeg or in the city of Brandon or in fact Thompson, one could justifiably argue that a licence should be required in some of the more smaller remote communities. I can appreciate that it would be a bit harder to possibly get those projectionists or licensed projectionists, but if it is a question of safety, then it is something that should be throughout the province.

For that reason I think that, in part anyway, Madam Deputy Speaker, by withdrawing or by repealing this particular aspect of the legislation, that in fact the industry will have equal standards, both in the three cities and rural Manitoba. As I say, we would be more than happy to allow it to go to committee at this stage in hopes that if there are some concerns that have not been brought to, in particular, our caucus, that we would be most definitely interested in hearing from members of the public at that time.

Thank you, Madam Deputy Speaker.

**Madam Deputy Speaker:** Is there leave to permit this bill to remain standing in the name of the honourable member for Thompson (Mr. Ashton)? Leave?

**An Honourable Member:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

### **Bill 45—The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Urban Affairs and Minister of Housing (Mr. Ernst), to resume debate on second reading of Bill 45 (The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Ville de Winnipeg, la Loi sur les municipalités et d'autres dispositions législatives), standing in the name of the honourable member for Wolseley (Ms. Friesen). Stand? Is there leave to permit the bill to remain standing in the name of the honourable member for Wolseley? Leave? Leave has been granted.

\* (1550)

### **Bill 47—The Petty Trespasses Amendment Act**

**Madam Deputy Speaker:** On the proposed motion of the honourable Minister of Justice and Attorney General (Mr. McCrae), to resume debate on second reading of Bill 47 (The Petty Trespasses Amendment Act; Loi modifiant la Loi sur l'intrusion), standing in the name of the honourable member for Kildonan (Mr. Chomiak). Stand? Is there leave to permit the bill to remain standing in the name of the honourable member for Kildonan? Leave? Leave has been granted.

### **House Business**

**Madam Deputy Speaker:** What is the will of the House? Is it the will of the House to call it five o'clock?

**Some Honourable Members:** Five o'clock.

**Madam Deputy Speaker:** It is the will of the House to call it five o'clock.

### **PRIVATE MEMBERS' BUSINESS**

#### **PROPOSED RESOLUTIONS**

#### **Res. 4—Reproductive Health**

**Ms. Judy Wasylycia-Lels (St. Johns):** Madam Deputy Speaker, I move, seconded by the member for Wellington (Ms. Barrett), that

WHEREAS the Supreme Court of Canada has ruled that "forcing a woman, by threat of criminal sanction to carry a fetus to term is a profound

interference with a woman's body and thus an infringement on the security of the person"; and

WHEREAS safe abortion services can be provided in a cost effective manner in community-based clinics; and

WHEREAS accessibility and affordability are essential elements in providing services to women who wish to terminate a pregnancy; and

WHEREAS the Manitoba government restricted access, on June 3, 1988, to reproductive health services by regulating that therapeutic abortions be considered an insured service only when the procedure is performed in a hospital.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Minister of Health to rescind regulation number 217/88 under the Health Services Insurance Act and support availability of the full range of reproductive health services at community-based clinics as well as hospitals.

**Motion presented.**

### Point of Order

**Hon. Darren Praznik (Deputy Government House Leader):** Madam Deputy Speaker, a point of order in that one understands and appreciates the essence of the resolution that has been brought forward by the honourable member for St. Johns (Ms. Wasylycia-Leis). As the member may be aware, that particular resolution or that particular provision of law is being currently challenged in the court system in Manitoba as to whether or not it is in fact valid and that whether or not the government had the authority make it.

Given the fact that that matter is currently before the courts, and if the courts rule that the province did not have the authority to make that particular regulation, then the need for this debate and the issue which is to be debated is really redundant and irrelevant. It has been a long-standing tradition of this Assembly, Madam Deputy Speaker, that matters before the courts—and in essence, the issue before the courts has to do with the power to make this particular resolution—the rule of res judicata applies on matters before the courts.

We would make the proposition that as the resolution dealing with the matter is currently before the courts questioning whether or not the government in fact had the authority to make that

particular regulation, that this debate would be out of order at the current time pending the outcome of the court decision as to whether or not the government and the Lieutenant-Governor-in-Council had the authority to make that regulation.

**Mr. Leonard Evans (Brandon East):** There is nothing, Madam Deputy Speaker, in our rules prohibiting this Legislature from debating this topic even though it may be before a court. There is something in our rules and regulations, when a matter is before a criminal court, under criminal proceedings, we have a ruling or we have regulations which prohibit debate, questions, et cetera.

Madam Deputy Speaker, this is a private members' hour. It is a resolution asking the Minister of Health (Mr. Orchard), the Legislative Assembly simply urging the Minister of Health, to rescind a particular regulation. The intent of the resolution is really for a debate on the matter—essentially debate on the matter—and to allow the member from St. Johns (Ms. Wasylycia-Leis) to put forward certain concerns that she has and indeed other members of the Assembly may have. Given the fact that this a private member's resolution, it is in the private members' hour, it is on a topic that is very important to the particular member, I think that the debate should be allowed to proceed.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** On the same point of order, not to be so insensitive to what I understand the deputy House leader (Mr. Praznik) has said, but what we have before us is in fact a resolution that is asking really for the different members to take a position.

Albeit that there are many court cases that are ongoing throughout the country, whether it is in our national courts or in fact our provincial courts, in that if we were to look at any given resolution we are likely able to find something that is within our courts. I would be somewhat hesitant to say because an issue is before the courts that we cannot debate something of this nature, because it is really a question of a policy stand, one of principles from individual members, and it is just really seeking the opinions from individual members, in particular from the three parties.

I do not see it really being the conflict that I understand that the deputy House leader has said, and with respect, Madam Deputy Speaker, I would suggest that we possibly recess for 5 or 10 minutes

so that you can consult with the Clerk and possibly come up with another precedent that indicates something of this nature or would indicate to us that in fact we should be withdrawing this resolution.

**Madam Deputy Speaker:** Order, please. I thank all honourable members for their advice and as this is a very complex matter, I am taking it under advisement and will bring back a ruling.

Due to the unusual circumstances whereby debate on this issue was forestalled by a point of order relating to the application of the sub judice convention, the matter will retain its position on the Order Paper until I am able to rule on it.

\* \* \*

**Madam Deputy Speaker:** The honourable member for Inkster. On a point of order?

**Mr. Lamoureux:** No, not on a point of order, Madam Deputy Speaker, but for clarification. Because this is something that has come up, I understand that the next resolution is from the member for St. James (Mr. Edwards), and there is no way anyone could have anticipated that type of a ruling.

I would ask for leave of the House for us to, if we are not going to call it six o'clock, as a direct result, to at least allow possibly the private members' bills as opposed to the resolution come up, and I would ask for leave to do either/or, six o'clock or allow the member from St. Boniface (Mr. Gaudry) to give his bill.

**Madam Deputy Speaker:** What is the will of the House?

**Mr. Praznik:** Madam Deputy Speaker, if the House would like to have—and I appreciate the time frame of what has happened this afternoon and the inconvenience to some members expecting time, but if the House would like to allow that particular—the next resolution, I believe the one

moved by the member for St. James (Mr. Edwards), to retain its place on the Order Paper and move on to the next resolution. If they would like to proceed with private members' hour, we would be prepared to do that. I believe the member for Niakwa (Mr. Reimer) would be prepared to move on his resolution.

**Madam Deputy Speaker:** Agreed? Is it the will of the House to leave Proposed Resolution 5 in the same order on the Order Paper and to move now to debate on Proposed Resolution 6? Agreed? No?

**Some Honourable Members:** No.

**Madam Deputy Speaker:** There is no agreement. What is the will of the House?

**Mr. Praznik:** Madam Deputy Speaker, I thought I heard across the way a suggestion that we call it six o'clock. It is opposition time. We are prepared to proceed on this side on this House or to call it six o'clock depending on the will of the opposition parties. It is their hour.

**Mr. Leonard Evans:** There are certain people that may wish to speak on this particular resolution that are not available or have not been apprised of the fact that this item is to be discussed at this point. I am not talking necessarily about this side, it could be either side of the House, so I think out of fairness we should call it six o'clock.

**Madam Deputy Speaker:** The honourable member for Brandon East has suggested that the time be called six o'clock. Is that the will of the House? Is it the will of the House to call it six o'clock? Agreed?

**Some Honourable Members:** Agreed.

**Madam Deputy Speaker:** Agreed? Agreed and so ordered.

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

# Legislative Assembly of Manitoba

Wednesday, February 26, 1992

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