



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

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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41 Elizabeth II

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

**Members, Constituencies and Political Affiliation**

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
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
GRAY, Avis	Crescentwood	Liberal
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
PALLISTER, Brian	Portage la Prairie	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
<i>Vacant</i>	Rupert Island	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 16, 1992

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, I beg to present the petition of N. Kyrluk, W. Atamanchuk, Jim Taylor and others requesting the Minister of Consumer and Corporate Affairs (Mrs. McIntosh) to use existing department resources to conduct a major investigation of gas prices in rural and northern Manitoba and to meet with the suppliers to discuss what can be done to reduce gas prices in those areas.

### READING AND RECEIVING PETITIONS

**Mr. Speaker:** I have reviewed the petition of the honourable member for Osborne (Mr. Alcock). It complies with the privileges and the practices of the House and complies with the rules (by leave). Is it the will of the House to have the petition read? [agreed]

To the Legislature of the Province of Manitoba

WHEREAS each year smoke from stubble burning descends upon the province of Manitoba; and

WHEREAS the Parents Support Group of Children with Asthma has long criticized the harmful effects of stubble burning; and

WHEREAS the smoke caused from stubble burning is not healthy for the general public and tends to aggravate the problems of asthma sufferers and people with chronic lung problems; and

WHEREAS alternative practices to stubble burning are necessitated by the fact that the smoke can place some people in life-threatening situations; and

WHEREAS the 1987 Clean Environment Commission Report on Public Hearings, "Investigation of Smoke Problems from Agriculture Crop Residue and Peatland Burning," contained the recommendation that a review of the crop residue burning situation be conducted in five years time,

including a re-examination of the necessity for legislated regulatory control.

THEREFORE your petitioners humbly pray that the Legislative Assembly will urge the government of Manitoba to pass the necessary legislation/regulations which will restrict stubble burning in the province of Manitoba.

\* (1335)

\* \* \*

**Mr. Speaker:** I have reviewed the petition of the honourable member for Thompson (Mr. Ashton). It complies with the privileges and the practices of the House and complies with the rules. Is it the will of the House to have the petition read? [agreed]

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

WHEREAS the provincial government has not implemented the major recommendation of the Kopstein report which was to bring in no-fault auto insurance; and

WHEREAS over four years ago, the Kopstein report found that if Manitoba adopted no-fault auto insurance it could have saved \$40 million; and

WHEREAS over two years ago, a second government report found that over \$63 million could be saved if Manitoba adopted the Quebec plan of no-fault auto insurance; and

WHEREAS the provincial cabinet this year after being extensively lobbied, rejected a business plan that would have saved Manitoba motorists a further \$2 million; and

WHEREAS the rates for auto insurance are now being raised on average by 9.5 percent to 14.5 percent when the inflation is less than 1.3 percent making this the highest actual increase in the history of this province; and

WHEREAS one in five car drivers in this province will now face increases of 13.5 percent; and

WHEREAS the provincial government has not implemented other aspects of the implementation of the Kopstein report.

THEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be

pleased to request the Minister responsible for MPIC to consider implementing no-fault auto insurance, and bringing in other recommendations of the Kopstein report that the government has delayed acting on.

\* \* \*

**Mr. Speaker:** I have reviewed the petition of the honourable member for the Maples (Mr. Cheema). It complies with the privileges and the practices of the House, and it complies with the rules. Is it the will of the House to have the petition read? [agreed]

The petition of the undersigned residents of the province of Manitoba humbly sheweth that:

WHEREAS the principles of health care, namely the universality and comprehensiveness, should apply to the Pharmacare program; and

WHEREAS the Pharmacare program's effectiveness is being eroded; and

WHEREAS in the most recent round of delisting of pharmaceuticals, approximately 200 have been delisted by the government of Manitoba; and

WHEREAS the strict submission deadline for Pharmacare receipts does not take into consideration extenuating circumstances which may have affected some people; and

WHEREAS pharmaceutical refunds often take six weeks to reach people; and

WHEREAS a health "smart card" would provide information to reduce the risk of ordering drugs which interact or are ineffective, could eliminate "double prescribing," and could also be used to purchase pharmaceuticals on the Pharmacare program, thereby easing the cash burden on purchasers.

WHEREFORE your petitioners humbly pray that the Legislative Assembly urge the government of Manitoba to consider taking the necessary steps to reform the Pharmacare system to maintain its comprehensive and universal nature, and to implement the use of a health "smart card."

\* \* \*

**Mr. Speaker:** I have reviewed the petition of the honourable member for Inkster (Mr. Lamoureux). It complies with the privileges and the practices of the House, and it complies with the rules. Is it the will of the House to have the petition read? [agreed]

To the Legislature of the Province of Manitoba

WHEREAS each year smoke from stubble burning descends upon the province of Manitoba; and

WHEREAS the Parents Support Group of Children with Asthma has long criticized the harmful effects of stubble burning; and

WHEREAS the smoke caused from stubble burning is not healthy for the general public and tends to aggravate the problems of asthma sufferers and people with chronic lung problems; and

WHEREAS alternative practices to stubble burning are necessitated by the fact that the smoke can place some people in life-threatening situations; and

WHEREAS the 1987 Clean Environment Commission Report on Public Hearings, "Investigation of Smoke Problems from Agriculture Crop Residue and Peatland Burning," contained the recommendation that a review of the crop residue burning situation be conducted in five years' time, including a re-examination of the necessity for legislated regulatory control.

THEREFORE your petitioners humbly pray that the Legislative Assembly will urge the government of Manitoba to pass the necessary legislation/regulations which will restrict stubble burning in the province of Manitoba.

## TABLING OF REPORTS

**Mr. Speaker:** I am pleased to table the report of the Chief Electoral Officer on The Election Finances Act 1991. Also, I am tabling the Ombudsman's Annual Report dated 1991.

**Hon. Darren Praznik (Minister of Labour):** Mr. Speaker, I would like to table the Annual Report for 1991-92 of the Department of Labour.

**Hon. James Downey (Minister of Energy and Mines):** Mr. Speaker, I would like to table the Manitoba Energy Authority Tenth Annual Report for the year ended March 31, 1992, together with the Financial Statements for the 15 months ended June 30, 1992.

**Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs):** Mr. Speaker, I would like to table the Report on the Administration of the Rent Regulation Program for the fiscal year ended March 31, 1992. As well, I would like to table the Manitoba Liquor Control Commission 69th Annual Report.

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, it is my pleasure to table the Annual Report for 1991 for The Freedom of Information Act, the Annual Report 1991-92 for the Manitoba Lotteries Foundation and the First Quarter and Second Quarter Reports for the period of April till September 1992 for the Manitoba Lotteries Foundation.

**Hon. Harry Enns (Minister of Natural Resources):** Mr. Speaker, I would like to on this occasion now table the annual report of Venture Manitoba Tours Ltd. Financial Statements as at March 31, 1992 and 1991, together with the Auditor's Report.

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Speaker, I would like to table two reports: first, the Report of the Agricultural Producers' Organization Certification Agency respecting the determination of a certified organization; and secondly, a report from the same agency respecting the maximum membership fee of the certified organization.

\* (1340)

**Hon. Jim Ernst (Minister of Urban Affairs):** Mr. Speaker, I would like to table the Annual Report '91-92 of the Fiscal Stabilization Fund, the report under the Financial Administration Act Relating to Supplementary Loan and Guarantee Authority and the 1991-92 Annual Report of The Manitoba Housing and Renewal Corporation.

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of honourable members to the gallery, where we have with us this afternoon 15 visitors from the Constable Development Program. They are under the direction of Mr. Brian Norris. They are guests of the honourable Minister of Justice (Mr. McCrae).

Also, this afternoon we have 18 adults from the English Language Program from the William Avenue Training School. They are under the director of Alice Landry. This school is located in the constituency of the honourable member for Point Douglas (Mr. Hickes).

On behalf of all members, I would like to welcome you here this afternoon.

## ORAL QUESTION PERIOD

### Immigrant Investor Fund Application Approval Process

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, my question is to the Premier (Mr. Filmon).

Yesterday, in answers to questions, and in past occasions on questions we have posed to the government on the Immigrant Investor fund, the government has portrayed itself as removed from the process, distant from the process, kind of a technical bystander to the process, and has named the federal government and officials in their own department as the key decision makers in the process.

I would like to ask the Premier directly: Are ministers of his government directly involved in various projects that are before the federal government for immigrant investment projects for the province of Manitoba?

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Speaker, yesterday in some detail, both inside and outside of this House, I outlined the procedure for the approval of Immigrant Investor Programs, whether they are a project specific fund or a syndicated fund.

As I outlined yesterday, the fund request originally came in to the provincial government. All of the necessary information is attached, draft prospectuses, financial information, business plans and so on. Our administration reviews that. If they make a positive recommendation, that then goes forward to the federal government, then they do their analysis and they have the final authority to decide whether or not a fund is in fact approved or not approved. They can either accept the recommendation and approve it or they have the authority to reject it, because they have all of the ultimate clout in terms of the issuing of the visas and the necessary regulations and control on the ultimate plan.

So we make a recommendation; if it is positive that is the process. If it is negative, it goes back into the system and the people making the application deal with any concerns. If they can address them, they can bring it forward again.

**Mr. Doer:** Mr. Speaker, the minister and the Premier did not answer the question again, as they did not answer on six occasions yesterday.

### **Immigrant Investor Fund Application Approval Process**

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, I have a copy of the letter from one Mr. Ernst, the minister responsible for Industry, Trade and Tourism, to one Honourable Barbara McDougall, on February 6, 1991, wherein the minister asks the federal government, and I would quote, the Ottawa quest in Lakeview's eligibility to continue in the program relative to \$35 million size guideline. I might mention that I wrote to you on June 6 recommending that Lakeview be permitted to continue in the program, and was pleased to learn in September following extensive negotiations with your officials, the new conforming program was approved.

Mr. Speaker, I would like to ask the Premier: What is the involvement of his cabinet ministers in the Immigrant Investor fund. He is carbon copied on this letter. This letter was written and carbon copied to the Premier before he answered questions in the House in his own Estimates saying, oh, we are not involved in this, the cabinet is not involved.

I would like to know the direct political involvement of the Conservative government.

**Hon. Gary Filmon (Premier):** Mr. Speaker, the member opposite seems not to want to understand or listen to the response of the Minister of Industry, Trade and Tourism (Mr. Stefanson). He said precisely that. He said it is reviewed by the department as to the job creation benefits for the Manitoba economy and based on that a recommendation is made to Ottawa, and they give the final approval. Nothing is different in the letter that he put forward and nothing is different in what has been said by the minister or myself.

### **Immigrant Investor Fund Review Terms of Reference**

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, a final question to the Premier.

Mr. Speaker, the government has had two different reviews that they have announced publicly and now they are on their third review, a so-called internal audit, that they have commissioned under the Immigrant Investor fund. We would like those terms of reference tabled.

Do the terms of reference include the political decision making in the Filmon government at the deputy minister level and the ministerial level? Has

that audit been completed yet? Has it been forwarded to the Attorney General's department yet, and will we see an expanded terms of reference dealing with the political involvement of the Filmon government in this process?

\* (1345)

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Speaker, I outlined yesterday in this House, the current audit that is in process by an independent public accounting firm, a reputable firm here in Winnipeg is in the process of that audit. I also outlined very clearly that we are expecting the results of that audit very shortly. When the recommendations are received by me, I definitely intend to make them public, and we intend to act on those recommendations. So I have no difficulty whatsoever indicating to this House, to the Leader of the Opposition, that those recommendations will become public and will be matters that will be addressed by this government.

But I do take exception, Mr. Speaker, to once again the approach and style of the Leader of the Opposition in terms of the kinds of innuendoes and suggestions he makes about political interference in a program that we have put in place regulations and guidelines to address when it was introduced in 1986 when the Leader of the Opposition was part of a government when it was introduced. They did not bring in any rules and regulations to deal with it. They did not show any concern about this particular program. We put in the regulations to address potential problems.

### **Health Care System Reform Dr. Connie Curran Contract**

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, according to December 7 documents entitled Health Reform Update in which very specific details are enclosed about this Minister of Health's contract and contractual arrangements with one person by the name of Connie Curran with a firm called APM Consultants, according to documents provided by this own minister, the goal of APM associates is to help clients create the best market positions and defensible competitive advantages for their clients and later on in the document says, we will do whatever it takes for our clients.

I would like to ask the Minister of Health: What is the value of the contract with Connie Curran and APM Consultants? Will he table the contract with

this firm and tell us why a Manitoban or Canadian organization was not qualified to assist this government on health care reform issues?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I am quite pleased my honourable friend is posing this question. The individual who is referenced in my honourable friend's question is Dr. Connie Curran who by all reports is probably the pre-eminent nursing specialist in North America, Sir.

Now, Mr. Speaker, I simply want to tell my honourable friend how the province first came to know of Dr. Curran and her credibility in the nursing profession in the United States as well as across Canada. That was because the nurses of Canada in planning for the first ever national nursing symposium proposed by myself to my colleagues the Health ministers and hosted in Winnipeg in November of 1990, those nurses from across Canada asked Dr. Curran to present as the pre-eminent expert in nursing in North America.

It is nurses in Manitoba and across Canada who want Connie Curran to share her wealth of expertise with us in our health care system, not vice versa. Mr. Speaker, in this case, I have accepted the advice of the nurses, whether they be union nurses, professional association nurses or nurses working in the facilities to bring Connie Curran in to help us plan nursing's future in Manitoba. I have taken the nursing advice on this issue, Sir.

**Ms. Wasylycia-Lels:** Mr. Speaker, I want to ask the Minister of Health why he has employed an American firm located in Chicago, Illinois, to play a central role, not just to provide advice on nursing issues, but to provide a central, integral role to this minister's health care reform endeavours. What are the details of this contract, which include 16 demonstration site projects to be selected by January 4, 1993? Could the minister tell us precisely the nature of the contract, how much it is worth and name the 16 demonstration projects that the minister has selected—

**Mr. Speaker:** Order, please.

\* (1350)

**Mr. Orchard:** Mr. Speaker, I will provide my honourable friend with those details when they are concluded because that is exactly the nature of Dr. Curran's presence in Manitoba, to work with MARN, MNU, the nursing vice-presidents and nurses in Manitoba to determine the extent of her involvement in those demonstration projects, which, Sir,

enhance the role of nursing in a reformed health care system.

I sense from my honourable friend's question (a) that there is something the matter with Dr. Curran, not because of the knowledge she can bring, but by the fact that she is American, and I find that offensive.

I further find it offensive that my honourable friend the New Democratic Health care critic would find fault with a recommendation and with an endorsement by nurses in Manitoba that Dr. Connie Curran assist us in planning health care reform. Why is she against that desire by nurses in Manitoba, Sir?

**Ms. Wasylycia-Lels:** My question, Mr. Speaker, is why this government has chosen to work very closely with a firm whose bottom line is to create competitive advantage to turn our hospital system into a market-driven system. It is the Americanization of our system, and I want to ask the Minister of Health why he has chosen to do this major consulting work with an American firm when in fact the United States administrative costs are that much higher than in Canada. Why has he not chosen to work with Canadians who have expertise in this—

**Mr. Speaker:** Order, please.

**Mr. Orchard:** Sir, for the third time, I want to indicate to my honourable friend that despite the fact that the member for St. Johns, as the New Democratic Party Health critic, does not believe Dr. Curran has the credentials to provide advice, to provide us with information on how nursing's role can be enhanced in the Canadian health care system, in the Manitoba reformed health care system in particular, I want to repeat to my honourable friend so it becomes obviously clear that the nursing professionals in Manitoba first of all chose, in preparation for the first ever national symposium on nursing, hosted in Winnipeg in November of 1990, to have Dr. Curran as one of the lead speakers. From that, they were so impressed with her contribution that they are wanting us to work with her. Nurses want that. The NDP—

**Mr. Speaker:** Order, please.

### Education System Reform Advisory Board

**Ms. Avis Gray (Crescentwood):** Mr. Speaker, teachers, students, parents and school trustees are

anxious that there be educational reform in Manitoba, but these same people are apprehensive as well. So far, educational reform has amounted to a vague sentence in a vague throne speech. The minister does have a resource available to her; The Education Administration Act establishes an advisory board and mandates it to meet every two months.

Can the minister tell this House why the advisory board has not met since 1989, and why is the law being ignored?

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, yes, there is an advisory board which may be active for the minister. However, I think the important point for me to make to my honourable friend and to Manitobans is that a wide variety of Manitobans have wanted to be involved in the educational reform process and in particular, parents have asked to be a part of that process as well as educational stakeholders, business, industry and labour, and so our reform process will make sure and include all Manitobans who have expressed this interest.

### Framework Tabling Request

**Ms. Avls Gray (Crescentwood):** Mr. Speaker, can the minister then table a document which will outline the framework as to what this educational reform will consist of, and will she be using such established groups as the advisory boards?

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, our process of reform is one in which some very central ideas have been put forward in the throne speech. However, one thing that Manitobans and particularly stakeholders in education including business, industry, labour and parents have asked is that they be in on the details of the process and that a process not then be imposed upon them, a fully developed process then given to Manitobans. Instead they have asked to be a part of the process.

**Ms. Gray:** Mr. Speaker, members of The Manitoba Teachers' Society, school trustees, and other organizations do not feel that the throne speech, that document, gives them enough information on educational reform.

Is the Minister today prepared to table a document which will outline to these groups what her framework is, the reform, how it will take place, so that in fact these people can then give their ideas to

the minister so that the process will be a success, which is the goal for all—

\* (1355)

**Mr. Speaker:** Order, please.

**Mrs. Vodrey:** Mr. Speaker, of course, a meeting has already taken place. A meeting took place the day after the throne speech with representative members of all of those organizations to make sure that those organizations had a chance to begin an exchange of ideas and a flow of ideas to begin to answer questions, put questions on the table as they arose.

So, Mr. Speaker, I think it is very important for the member to know that process of consultation has already begun and began immediately following the throne speech.

### Labour Force Development Minister's Comments

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, I want to ask the Minister of Education why she misled the House on December 3, when she explicitly denied, following the Quebec approach to a Labour Force Development Board, where education and equity are not at the table and where business outnumbers labour by two to one.

I want to table, Mr. Speaker, a memo of October 30 where the Deputy Minister of Education and Training committed to make an interim agreement with Ottawa to be, quote, and I am quoting: replaced during its term by a new arrangement similar to the terms of the Canada-Quebec arrangement.

Mr. Speaker, whom do we believe, the minister in the House or her deputy minister acting with Ottawa?

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, an important feature that Quebec has been able to integrate into their model is in fact that they had a great deal of control in the setting up of the boards, the Quebec provincial board, and what Manitoba has wanted is to make sure that Manitoba also has the same input both with the national board and with the Government of Canada, two distinct groups, in the setting up of our process for Manitoba.



### Government Commitment

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, will the minister now, in the midst of the worst recession since the 1930s, make a commitment to developing a labour force development agreement with Ottawa that has equal participation of labour, business, education and equity groups?

It has been three years, Mr. Speaker, that this government has given lost years to Manitobans.

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, I can tell the member that, very personally as minister, I have been working very hard over this past week to bring some closure to the signing of that document. I look forward to be able to sign it in the near future. Within that document, I look for representation of Manitobans on the board, but the member seems to have not completely understood that the signing of the document is one part and the setting up of the board is done in co-ordination with the Canada Labour Force Development Board. That is somewhat different.

### Manitoba Public Insurance Corporation No-Fault Insurance

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I have a question for the minister responsible for increasing Autopac rates in Manitoba.

Mr. Speaker, the past year, MPIC lost over \$25 million, largely as a result of increases in bodily injury claims of approximately \$33 million. Before we sit again next year, there will be thousands of very unhappy Manitobans facing heavy increases in their Autopac premiums.

Will this minister finally change his position and take steps now to implement the no fault system strongly recommended by Judge Kopstein, which offers MPIC the greatest opportunity to reduce costs and also increase benefits?

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Speaker, let the member not leave the impression on the record that he did not involve politically the setting of the rates back four years ago. That has now been turned over to the Public Utilities Board, so it is done in a public fashion. The losses occurred as a result of bodily injury claims and a rather dramatic increase in hailstorm and accidents as a result of very

treacherous driving conditions, but the major portion of that loss is driven by increased bodily injury claims.

I suggest that the member also might wonder how happy those people who received those settlements would be if they were unavailable.

\* (1400)

### Agents' Fees

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, regrettably, the minister did not address the question. The Kopstein report recommendation has to be implemented.

When are we going to get some action from this minister? Let me ask him though specifically—one small step: Will this minister reconsider and now allow MPIC to cap insurance brokers' fees at 3 percent and save at least a million dollars in Autopac hikes? How about some tangible—

**Mr. Speaker:** Order, please.

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** The second bench is going to applaud that.

Mr. Speaker, the corporation is actively pursuing all avenues of containing its costs. When we compare the costs across the country and the motorists of this province look at the relationship between Autopac insurance and the cost of insurance in many of the other jurisdictions, we are still within a reasonably competitive range, but the fact is, the corporation is moving into the rate-setting period for the coming year, and they will be taking measures to contain their costs.

### Agassiz Youth Centre Sex Offender Program

**Mr. Paul Edwards (St. James):** Mr. Speaker, my question is for the Minister of Justice.

Mr. Speaker, approximately three weeks ago, the Department of Justice effectively cancelled the sex offender program at Agassiz Youth Centre in Portage la Prairie. Approximately 25 young offenders were in that program, which was an intensive 24-hours-a-day program for sexually deviant youth who had been sentenced by judges to both open and secure custody but to a sex offender program.

Mr. Speaker, my question: Given that the only other sex offender program is at Manitoba Youth

Centre, which is presently overcapacitated and has too many to handle in that program, where are the 24 young offenders, who have already been assessed as requiring that therapy, going to get the therapy now that the program has been cancelled at Agassiz Youth Centre in Portage la Prairie?

**Hon. James McCrae (Minister of Justice and Attorney General):** As usual, Mr. Speaker, with a question of this nature and coming from where it is, I shall ascertain the veracity of the preamble to the honourable member's question.

**Mr. Edwards:** Mr. Speaker, I am sure the people of Portage la Prairie and, indeed, members of this House would appreciate a substantive answer to that question about 24 young offenders.

In any event, let me ask the minister if he has received any assurance or opinion from the federal Solicitor General responsible for the Young Offenders Act as to whether or not he is even legally allowed to have both open and secure custody offenders in the same cottage now that that program has been cancelled, because the only way that they were allowed to do that previously was because they had the program. Now that there is no program, there is no distinction in how those offenders are being treated in that cottage. Yet, the judge has—

**Mr. Speaker:** Order, please. The honourable member has put his question.

**Mr. McCrae:** It is completely understandable that the honourable member would like to have an answer to a question in this regard, because the issue of violent offenders is one that this government views very seriously.

The honourable member knows that the federal corrections people, supported by myself, have taken a position that violent offenders ought to be treated somewhat differently from the other kind of offenders, the property offenders. So I think it is quite consistent with this government's program respecting zero tolerance, not only in relation to violence generally, but sexual violence as well.

So the honourable member's question may indeed have some elements of truth in it, and if it does, then I will be pleased to ascertain that and answer the honourable member's question.

**Mr. Edwards:** My final question for the minister, Mr. Speaker.

Prior to cancelling the program at Portage la Prairie at Agassiz Youth Centre, did the minister make any plans to deal with these 24 young offenders who have been assessed as requiring therapy? Are there any plans to give them the therapy they need?

**Mr. McCrae:** This question will also be answered when I answer the other ones, Mr. Speaker.

### Indigenous Women's Collective Funding

**Mr. George Hickes (Point Douglas):** Mr. Speaker, my question is to the Minister for Native Affairs.

On August 27 of 1991, the minister announced that his government was going to be providing \$70,000 in funding to the Indigenous Women's Collective. The minister stated his government's commitment that quote, native people and native women especially should have an organization that serves as an effective unifying force within the community.

Is this government still committed to this objective of providing Manitoba's aboriginal women with the means to maintain effective organizations?

**Hon. James Downey (Minister responsible for Native Affairs):** Mr. Speaker, unlike the New Democratic Party that preceded us, where they got absolutely nothing, we, in the budgetary process, will give fair consideration to all groups.

**Mr. Hickes:** Mr. Speaker, that fair consideration that the minister is stating, I will table a letter that he has written to the organization which clearly shows that their funding is in jeopardy.

Mr. Speaker, when you announce a program speaking to the future on one hand and then on the other hand start cutting off the funding—so could the Minister of Native Affairs confirm to the House that the full funding will be there for the organization?

**Mr. Downey:** Mr. Speaker, I am sure the member would appreciate there is a process that has to be gone through as it relates to the development of budgets for next year's expenditures, and details of those decisions will be answered when it comes to the Estimates process of next year.

Mr. Speaker, I think it is fair that this government approached it in an open and honest way, that we have got a situation where our revenues basically have not increased for the Province of Manitoba.

We have taken a sound policy decision not to raise personal income tax and not to raise the sales tax. Now if the opposition are advocating raising all taxes, putting more pressure on the earners of our wealth, then we will let them advocate that policy.

### Gross Revenue Insurance Plan Interest Charges

**Mr. John Plohman (Dauphin):** Mr. Speaker, as we approach the end of this year, farmers continue to be in difficult financial straits in this province, yet this Minister of Agriculture is still charging farmers over 8 percent on unpaid premiums on GRIP and crop insurance even while this minister continues to owe those same farmers millions of dollars in initial GRIP payments, and he is not paying interest on those unpaid GRIP payments that are coming to the farmer.

I want to ask the Minister of Agriculture: Will he now do the right thing, stop this insensitivity and unfairness by this minister and immediately stop charging interest to these farmers while he continues to owe them millions of dollars in GRIP payments?

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Speaker, that member fails to realize we are talking about a joint federal-provincial program. Two or three months ago, I wrote the federal minister if we could have a consideration for not charging interest during this period of time. He reported back, said no.

**Mr. Plohman:** This minister cannot get any results with the federal government and for himself.

I want to ask this minister: Will he now ensure that this GRIP payment is made immediately so that this interest charge that he is making on farmers right now will not eat away as it is doing right now on these GRIP payments that are coming to farmers.

**Mr. Findlay:** Mr. Speaker, it is rather interesting. This member spoke against GRIP; he hated GRIP. He said it is no good, the farmers of Manitoba do not want it, and now all of a sudden he says it is the best thing since sliced bread. It is rather interesting. Manitoba farmers know how good this program is. Those farmers in the area who were affected, particularly north of No. 1 Highway, with conditions like early frost, are really going to receive substantial benefits from revenue insurance.

The cheques have started to go into the mail early this week if not late last week. Those cheques, those interim cheques are on the way, and they will be receiving many of them before the end of this year.

### Sunday Shopping Public Hearings

**Ms. Rosann Wowchuk (Swan River):** Yesterday we saw this government filibuster their own bill, their Sunday shopping bill. Mr. Speaker, rural communities, Chambers of Commerce, councillors across the province are against this bill, but this government is absolutely insensitive to the impacts of it on rural Manitoba.

I want to ask the minister responsible: Are we going to have a vote on this bill today? Is this government going to proceed to public hearings across rural Manitoba? Is this government—

**Mr. Speaker:** Order, please.

\* (1410)

### Point of Order

**Hon. Jim Ernst (Acting Government House Leader):** Mr. Speaker, the question is out of order. The question is a matter of House business; it will be dealt with by House leaders later today.

**Mr. Steve Ashton (Opposition House Leader):** If the minister is raising this as a point of order, Mr. Speaker, the minister should be aware that it is quite common to ask questions. In fact, we have been asking, since this bill was tabled, whether this government would have the courage to take this bill to public hearings throughout the province of Manitoba to listen to all Manitobans. It is entirely in order to ask that.

**Mr. Speaker:** We have consistently said that matters dealing with House business should be dealt with by House leaders, so I would ask the honourable member for Swan River to rephrase her question.

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**Ms. Wowchuk:** Mr. Speaker, I would like to ask the minister responsible for the legislation on Sunday shopping whether or not we are going to have public hearings in rural Manitoba to look at the impacts of this bill on the rural communities and whether or not this government will consider using the Rural Development Institute to do a study on what the impacts of this legislation are.

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** In response to the question, Mr. Speaker, that bill will be called later today, I understand. We have a process here, as part of our parliamentary process, in terms of committees which we have, amongst the most open process in all of Canada for individual Manitobans to have an opportunity to appear at committee in presence or in writing in terms of putting forth their position. Certainly that is a part of a process that will be followed. As the Minister of Urban Affairs (Mr. Ernst) has outlined, this matter will be dealt with further in the day, I am sure.

### Unemployed Help Centre Funding

**Mr. Steve Ashton (Thompson):** Mr. Speaker, in the throne speech only a few short weeks ago, the government made no recognition of the serious situation in terms of jobs in this province. Since that time, we have had the action of the federal government on unemployment insurance, which according to statistics we have obtained, will result in 183 Manitoba families a week being cut off unemployment insurance because of the changes in regulations, 183 families.

I would like to ask the First Minister whether he has raised this matter with the federal government in this horrendous attack on working people, more specifically, whether he will now reinstate, as both opposition parties have been saying repeatedly for the last three years, the funding for the unemployed help centres, to at least have someone in there fighting on behalf of working Manitobans.

**Hon. Gary Filmon (Premier):** Even since the throne speech, there have been a number of announcements that have been positive announcements with respect to job creation in Manitoba, the moving of Utlas from Toronto to Winnipeg, with 45 high-tech jobs, the establishment of a power engineering centre by Black and Veatch in Winnipeg, another minimum of 45 and up to 100 additional high-tech jobs for engineers and technologists and so on, announcements being made, of course, that our growth for 1992, according to the Conference Board, will be at 2.2 percent, tied for second best in the country, Mr. Speaker, indication that there will—

**Mr. Speaker:** Order, please.

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, I realize that the government is allowed to filibuster its own bills, but it is not allowed to filibuster Question Period. I asked a specific question about unemployment insurance and about the government reinstating unemployed help centre funding. I would appreciate it if the Premier would answer the question.

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, on the same point of order, the First Minister was endeavouring to provide the information which the member for Thompson appeared to have wanted and certainly should have the opportunity to provide a full response to the question. One should practice what they preach, and members opposite are known for extremely lengthy preambles even on second and third questions.

**Mr. Speaker:** On the point of order raised, Beauchesne's 416(1): "A Member may put a question but has no right to insist upon an answer."

The honourable First Minister, to finish with his response.

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**Mr. Filmon:** Mr. Speaker, as I indicated in response to the suggestion of the member opposite that there was nothing in the throne speech or since on jobs, that in fact the throne speech talks about the increase in exports from Manitoba, double-digit rates this year versus last year.

All of those exports represent jobs and opportunities for Manitobans. In addition to all of that, of course, the throne speech talks about the fact that this province is expected to have the second highest overall increase of any province in the country in capital investment, the highest increase in private capital investment, the highest increase in manufacturing capital investment, Mr. Speaker.

All of those represent investments and job-creating activities in our province.

### Ku Klux Klan Trial Public Inquiry

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, on June 22, 1992, for the first time in Canada, charges of advocating and promoting genocide were laid under the Criminal Code of Canada. Now this week

in Winnipeg, we have a chance to make history and we have a historic event, the human rights tribunal regarding the KKK hotline that ran in Winnipeg, and the fact that many groups were threatened and individuals were threatened from this line.

My question to the Minister of Justice is: Why is this government downplaying and ignoring this issue and what public inquiry are they preparing on the failed trial from September regarding the klan in Manitoba?

**Hon. James McCrae (Minister of Justice and Attorney General):** This government has done anything but downplay the issue of the dissemination of hatred in our province and in our jurisdiction. While we regret the events which led to the failure of the criminal prosecution, we look with interest at what is going on at the Canadian Human Rights Commission. Indeed, I await a report from the City of Winnipeg Police respecting the investigation. I was discussing this matter only a day or so ago with senior officials in the department. I expect to hear soon as to what might flow from that review.

As far as a public inquiry, which is part of the honourable member's question, that is the second time today I have heard the call from the benches opposite for a public inquiry. Public inquiries, by their nature, tend to stretch out very often the issue, as opposed to allowing us to get on with actually doing something. The honourable member suggests a public inquiry, and I might ask her what it is she hopes to achieve. Are we going to learn that there is the dissemination of hatred? Well, we do not need to learn that, we already know that.

### **Manitoba Intercultural Council Antiracism Recommendations**

**Ms. Marianne Cerilli (Radlsson):** Mr. Speaker, to have some action, I would ask this government, any of the ministers who received letters from the Manitoba Intercultural Council on the implementation of the recommendations to deal with racism in this province, why have none of the departments, except the Department of Education, responded to the letters that were sent on dealing with racism by the Manitoba Intercultural Council?

**Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism):** Mr. Speaker, I think our record on dealing with multiculturalism and antiracism initiative speaks for itself.

Mr. Speaker, like the first multiculturalism act for the province of Manitoba, like the antiracism co-ordinator who was appointed within the government of Manitoba, like the antiracism community outreach officer who was appointed by this government, like the antiracism training project that is ongoing within government right now, our record speaks for itself.

### **Minister of Multiculturalism Antiracism Statement**

**Ms. Marianne Cerilli (Radlsson):** Mr. Speaker, I will ask the Minister responsible for Multiculturalism why she has made no public statements opposing the proliferation of white supremacy and organized racist activity and organized racist organizations in this province. Why has she made no public—

**Mr. Speaker:** Order, please. The honourable member has put her question.

\* (1420)

**Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism):** Mr. Speaker, I am absolutely offended with the comments that that member has made in the House about this side of the House and other members. Those are racist comments. She should be ashamed of herself for even asking that kind of a question when this government and all ministers on this side of the House are out speaking publicly—

**Mr. Speaker:** Order, please.

### **Point of Order**

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, for the minister, in her nonresponse to the question placed by the member, a member who has been targeted by the KKK hotline, for that minister to accuse this member of being racist as an excuse for that government's inaction on racism is unacceptable, and I would ask you to have the minister withdraw those comments immediately.

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, I would submit that the member for Thompson (Mr. Ashton) has not raised a point of order.

The member for Radlsson (Ms. Cerilli) asked a question of the minister. The minister was providing a response. If in that response she expressed surprise, given the remarks of the member in this House in the debate with respect to the throne speech—those remarks are in Hansard for her own

colleagues to read—I would submit that there was nothing, no breach from any rules of this House in the minister's response.

**Mr. Speaker:** On the point of order raised by the honourable opposition House leader, I heard the remark "racist" coming from the honourable minister, but I do not know in what context. The table officers are not sure in which context it was said. Therefore, I will take this matter under advisement. When I get a copy of Hansard and a chance to peruse it, then I will come back to the House with a ruling on that matter.

\* \* \*

**Mrs. Mitchelson:** Mr. Speaker, it is unfortunate some of the comments that were made by the member for Radisson in this House, when the Premier (Mr. Filmon) was responding to the throne speech, did not show up in Hansard, because members of the Liberal opposition and members on this side of the House clearly heard them and were absolutely offended with those comments.

### **Workers Compensation Penalties**

**Mr. Daryl Reid (Transcona):** Mr. Speaker, I have a quote and a question for the Minister responsible for the Workers Compensation Board: For a family on one income to lose 10 percent of his wage puts undue stress on himself and his family. Then to withhold another 6.8 percent of his earnings until income tax refund time takes food and clothing away from the family.

A further quote, Mr. Speaker: I have lost approximately \$150 a week and had to completely liquidate my assets, putting stress on my family and taking food away from my family's table.

My question to the Minister responsible for the Workers Compensation Board is: How does penalizing the injured workers of Manitoba, particularly this injured worker who has a wife and two infirm children, penalizing them 17 percent of their net income, help them to feel secure in the event of a workplace accident when the sole breadwinner is injured, Mr. Speaker?

**Hon. Darren Praznik (Minister responsible for and charged with the administration of The Workers Compensation Act):** Mr. Speaker, with respect to the specific matter that the member for Transcona has raised, one would obviously have to look at the facts involved in terms of the income

amounts to be able to comment on it. I would remind members opposite that when The Workers Compensation Act was reformed, their party took a position that the status quo should remain, which paid on the basis of gross salary. So those income earners who are in the lower part of the scale received significantly less than they do under the new system. Members opposite had no sympathy at all for them at the time.

**Mr. Speaker:** The time for Oral Questions has expired.

### **Speaker's Ruling**

**Mr. Speaker:** I have a ruling for the House.

During Question Period on December 10, 1992, the honourable member for St. Johns (Ms. Wasylycia-Leis) rose on a matter of privilege and claimed that the Minister of Health (Mr. Orchard) was refusing to provide information to the House which he was giving to persons outside the House and charged that the minister was withholding information from the House. She moved that this matter be referred to the Standing Committee on Privileges and Elections.

The government House leader (Mr. Manness), in providing advice to the Chair, argued, it is out of order to raise a matter of privilege during Question Period, citing Beauchesne's Citation 415. While it is not usual to raise matters of privilege in the House of Commons during Oral Questions, we in Manitoba have numerous precedents of this happening.

The government House leader did correctly note, though, based on Beauchesne's Citation 416, that a matter of a minister not answering a question cannot be raised as a matter of privilege. Further, Beauchesne's Citations 31(2) and (3) state that, and I quote: "The failure of a Minister to answer a question may not be raised as a question of privilege."

"Statements made outside the House by a Member may not be used as the basis for a question of privilege."

As well, 31(10) states that, and I quote: "The question has often been raised whether parliamentary privilege imposes on ministers an obligation to deliver ministerial statements and to make announcements and communications to the public through the House . . . or to make these announcements or statements in the House rather than outside the chamber."

The question has been asked whether honourable members are entitled, as part of their parliamentary privilege, to receive such information ahead of the general public. I can find no precedent to justify this suggestion." Citation 352 reads: "The option of a Minister to make a statement either in the House or outside it may be the subject of comment, but it is not the subject of a question of privilege."

Further, the honourable member for St. Johns (Ms. Wasylycia-Leis) did not provide any proof that the Minister of Health (Mr. Orchard) was deliberately withholding information from the House. I am therefore ruling that there is no matter of privilege.

### TABLING OF REPORTS

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, if you are all finished, I would ask if there would be agreement for us to revert to tabling for one moment while I table some documents. [agreed]

Mr. Speaker, I am tabling today the Annual Report of the Department of Justice for 1991-92, and I am pleased to table pursuant to The Regulations Act, a copy of each regulation registered with the Registrar of Regulations since the regulations were tabled in this House in December of last year.

\* (1430)

### Nonpolitical Statements

**Hon. Gary Filmon (Premier):** I wonder if I might have leave for a nonpolitical statement? [agreed]

Mr. Speaker, given that today is the last day of the sitting of the House, on behalf of all members I am sure in this Legislature, I would like to extend best wishes for the forthcoming holiday season.

We have a number of different important religious celebrations taking place during the time that we are having our break for the holiday season, particularly, of course, the celebration of Christmas and the celebration of Hanukkah.

On behalf of all members, I want to extend best wishes for seasons filled with health and happiness to all Manitobans, of whatever faith they are and whatever celebrations they participate during this holiday season, and certainly, on behalf again of all members, to all Manitobans our very best wishes for peace, health and prosperity in the new year of 1993.

I might also extend on my behalf, and indeed on behalf of my caucus, our very best wishes to all the

members of the Legislature on the opposition side, our hope that they and their families will enjoy the holiday season—an opportunity to renew their spirits, as well as their strengths, for the forthcoming resumption of the session in the new year.

We hope that you all enjoy your holidays and have a very happy holiday season, and the very best for the new year of 1993.

**Ms. Judy Wasylycia-Leis (Deputy Opposition House Leader):** May I have leave to make a nonpolitical statement? [agreed]

I would like to join with the Premier in this moment without rancor, out of confrontation and heated moments of Question Period and the usual flavour and temperament in this Chamber, and to join with everyone in extending the very best wishes to everyone in Manitoba throughout this holiday season, and to specifically wish those who celebrate Christmas the most Merry Christmas, and to other members in our community Happy Hanukkah and seasons greetings in whatever religion, culture they celebrate at this period in our time.

I want to also add, as the Premier has indicated, that we, too, wish for health and happiness for all members, all families in our communities right across the province of Manitoba in the new year, and add to that our wish that the future will bring greater peace, understanding and tolerance and that will be our guiding light for the future and the foundation for our society. Thank you.

### ORDERS OF THE DAY

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, I would ask if you could please call Bill 4.

### DEBATE ON SECOND READINGS

#### Bill 4—The Retail Businesses Sunday Shopping (Temporary Amendments) Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Industry, Trade and Tourism (Mr. Stefanson), Bill 4, The Retail Businesses Sunday Shopping (Temporary Amendments) Act; Loi sur l'ouverture des commerces de détail les jours fériés—modifications temporaires, standing in the name of the honourable Minister of Urban Affairs, who has 21 minutes remaining.

**Hon. Jim Ernst (Minister of Urban Affairs):** Question on the motion.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 4, The Retail Businesses Sunday Shopping (Temporary Amendments) Act; Loi sur l'ouverture des commerces de détail les jours fériés—modifications temporaires. Is it the pleasure of the House to adopt the motion?

All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Yeas have it.

**Mr. Steve Ashton (Opposition House Leader):** Yeas and Nays, Mr. Speaker.

**Mr. Speaker:** A recorded vote having been requested, I would ask the Deputy Sergeant-at-Arms to turn on the bells.

Call in the members.

The question before the House is second reading of Bill 4, The Retail Businesses Sunday Shopping (Temporary Amendments) Act; Loi sur l'ouverture des commerces de détail les jours fériés—modifications temporaires.

**A STANDING VOTE** was taken, the result being as follows:

### Yeas

Cummings, Dacquay, Derkach, Downey, Driedger, Ducharme, Enns, Ernst, Filmon, Findlay, Gillieshammer, Gray, Helwer, Lamoureux, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Orchard, Pallister, Praznik, Reimer, Render, Rose, Stefanson, Sveinson, Vodrey.

### Nays

Ashton, Barrett, Cerilli, Cheema, Chomiak, Dewar, Doer, Edwards, Evans (Brandon East), Friesen, Hickes, Lathlin, Maloway, Martindale, Plohman, Reid, Santos, Storie, Wasylycia-Leis, Wowchuk.

**Mr. Clerk (William Remnant):** Yeas 28; Nays 20.

**Mr. Speaker:** I declare the motion accordingly carried.

**Mr. Cliff Evans (Interlake):** Mr. Speaker, I was paired with the Minister of Finance (Mr. Manness).

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**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, on Orders of the Day, I would ask if you could please call for second reading, Bill 13, and for debate on second reading, I would ask if you could please call Bill 7.

\* (1510)

## SECOND READINGS

### Bill 13—The Manitoba Employee Ownership Fund Corporation Amendment Act

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Speaker, I move, seconded by the Minister of Urban Affairs (Mr. Ernst), that Bill 13, The Manitoba Employee Ownership Fund Corporation Amendment Act; (Loi modifiant la Loi constituant en corporation le fonds de participation des travailleurs du Manitoba), be now read a second time and be referred to a committee of this House.

#### Motion presented.

**Mr. Stefanson:** Mr. Speaker, I just want to put a few brief remarks on the record as it relates to this bill that is doing some basic housekeeping to this particular legislation.

The amendment to The Manitoba Employee Ownership Fund Corporation Act has been introduced to specifically address two important issues respecting the Crocus investment fund. The first one is that during the initial five years, the Province of Manitoba is prepared to assume responsibility for start-up expenses of the Crocus investment fund of up to \$1 million through subordination.

The contemplated subordination will assist in maintaining the value of the Class A common shares that will be sold to individual Manitobans, but I want to point out, Mr. Speaker, that after this five-year period, the government's position is restored to its original basis of \$2 million of Class G special shares having priority then over the Class A common share capital. In addition, the Crocus investment fund should have generated an adequate capital base to absorb the start-up costs over the five-year period.

So the first change, Mr. Speaker, is for five years from the government of Manitoba Class G special shares. The start-up costs will be in effect paid for, but the value of our Class G shares will revert back



to their original face value at the end of five years, so we are merely, during that period of time, providing the financing to cover those start-up costs. We are not, I want to point out, underwriting any investment losses. We are only covering the start-up costs during that five-year time frame.

The second issue, Mr. Speaker, the second priority, is to prevent and deal with some weaknesses of the tax credits that are associated with the labour-sponsored Venture Capital funds. There appears to be some deficiencies that could have provided short-term advantage to investors with unintended financial returns. This would clearly detract from the objective of creating long-term capital for the Crocus investment fund to invest in Manitoba businesses.

Very briefly, Mr. Speaker, what is meant by that is a couple of issues. Firstly, the discouragement of any quick flipping or any adjustments is accomplished by requiring any holder of Class A common shares to be subjected to a minimum four-year holding period, rather than the one-year notice period currently provided, before a repurchase of such shares by the Crocus investment fund would be permissible.

As well, Mr. Speaker, another subsection 6(6) is designed to ensure that once a holder of Class A common shares gives notice of his or her desire to redeem, pursuant to subsection 6(1)(a), any subsequent purchases by such Class A common shareholder are subject to the standard seven-year hold period rather than the four-year hold period which may be permissible under another section.

As well, Mr. Speaker, subsection 6(8) is added to ensure that if any holder of Class A common shares gives notice to redeem on such shares, thereafter he or she is prevented from purchasing Class A common shares again for a period of 24 months. Thus a purchaser giving notice to redeem would thereby prevent himself or herself from acquiring further Class A common shares with the corresponding tax credits in the same year and for a period thereafter of 24 months from the original notice of redemption.

Those are the highlights of the changes, Mr. Speaker. It is really, as I have indicated, doing some housekeeping to a very important bill that I believe received the support of all members of this Legislature when it was introduced, a bill we are anxious to see put into action in Manitoba.

Individual Manitobans will have an opportunity, starting in early 1993, to subscribe to this fund. They will be doing that not dissimilar from individuals investing in RRSPs or other investment opportunities in Manitoba.

We are certainly very excited about the prospects that this fund holds for Manitobans in the preservation of jobs and economic activity here in our province, working in conjunction with the Manitoba Federation of Labour. So, Mr. Speaker, I certainly encourage all members of this House to support these amendments that are before us here today. Thank you.

**Mr. Jerry Storle (Flin Flon):** Mr. Speaker, I move, seconded by the member for Point Douglas (Mr. Hickee), that debate be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### Bill 7—The Builders' Liens Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill 7, The Builders' Liens Amendment Act; Loi modifiant la Loi sur le privilège du constructeur, standing in the name of the honourable member for Burrows.

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I would like to speak on this bill, but instead I am going to defer to my colleague from Kildonan and let him speak next.

**Mr. Dave Chomlak (Kildonan):** Mr. Speaker, I do not know how to follow up on those words of the member for Burrows, perhaps by prefacing my comments with the statement that I will be short and to the point.

I want at the onset to thank the minister for providing me with copies of his comments with relation to the bill prior to the actual debate. I think that is a good practice and allows members on all sides of the House to be informed of the issues. We appreciate spreadsheets on technical matters and on most bills, and I appreciate the fact that the minister provided comments on this particular amendment to us prior to my having occasion to speak.

Mr. Speaker, I can indicate at the onset that we will not be opposed to this matter, passing it through the House today and going on to committee in order to facilitate the requirement as indicated by the

minister for the amendment to The Builders' Liens Act.

Mr. Speaker, I will not go into a long technical discussion concerning The Builders' Liens Amendment Act. Certainly the act itself is of extreme significance to all involved in the construction trades and consumer industry in fact in the province of Manitoba as it relates to building and construction. Most members of the public would probably be surprised to what great extent this act directly affects individuals on a daily basis. Any home, for example, that is constructed generally comes under the auspices of this act, and a builder is required to hold back a sum in the amount of 7.5 percent in order to pay outstanding bills and the like of the project.

Mr. Speaker, as I understand it, this bill is required because of a ruling of the Manitoba Court of Appeal that ruled that registration was not required for enforcement under The Builders' Liens Act. I did not have the opportunity to review the jurisprudence in this matter. I presume that decision was made based on common-law lien requirements and common law as it relates to liens of which there is considerable jurisprudence.

However, we have no difficulty in supporting this amendment on principle, Mr. Speaker, because of the fact that we have a Torrens land title system in this province. In fact all matters relating to land titles and to registration fall under the Torrens system, so it is only consistent in principle and in practice for a lien to be required to be registered in order to be enforced, and it seems to me just in principle, which is why we are agreeing to have this matter go on to committee in principle.

\* (1520)

There should be no difficulty with maintaining this principle, Mr. Speaker, and continuing this principle in our system, since it is a registration system, and since it is a system where first-come, first-served essentially is preserved on the land title. You maintain your interest and priority on the basis of registration, consistent with that, of course, therefore, this amendment is requiring that a builders' lien must be registered.

It is interesting, Mr. Speaker, that the actual wording must be placed into the act in order to do that. I understand the requirement for statutory purposes.

When I did review the act itself, that is The Builders' Lien Act, the one that is now being amended, I noted that there was no actual recognition of the requirement for registration in order for enforcement to take place. This oversight generally is the main reason that we are putting this amendment through the House.

Generally, I do not think we have a problem with it. I look forward to committee hearings in order to allow for members of the public, and any individuals who might have a specific reason for not putting this amendment through, to hear their viewpoints, although in principle, as I indicated earlier in my comments, I do not see any reason why this amendment should not go through, based on the existence in this province of the Torrens land system and a registry, which requires registration, which requires enforcement and prioritization based on that.

Otherwise, there are a number of amendments dealing with, I presume, changes to the rules of the court and the reference to *lis pendens*. That is an amendment which is of no consequence other than cleaning up the act.

My only query actually in the act, and I would at some point like to ask the minister why this was missed when we last did statute law amendments and/or when we last did an amendment to The Builders' Lien Act, because I was checking through my files, I was trying to reference the last amendments of The Builders' Lien Act, but as I recall I thought last session we had done that, and I am curious as to why that amendment did not come through at that time. Perhaps I will use the opportunity when we go to committee to query that.

Those are my brief comments, and with those comments, I can indicate there will be no more speakers from this side of the House, and we are prepared to see this matter go through to committee. Thank you, Mr. Speaker.

**Mr. Paul Edwards (St. James):** Mr. Speaker, my friend indicated he was going to be short and to the point. I am going to be short and to the point. The Liberal Party is prepared to have this bill pass to committee.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 7, The Builders' Liens Amendment Act; *Loi modifiant la Loi sur le privilège du constructeur*. Is

it the pleasure of the House to adopt the motion?  
Agreed?

**An Honourable Member:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

### **House Business**

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, if you were to canvass the House, I believe that you would find that there is unanimous consent for me to introduce a motion respecting the reconvening of this House in the new year.

**Mr. Speaker:** Does the honourable deputy government House leader have leave to introduce such a motion? [agreed]

**Mr. Praznik:** Mr. Speaker, I would move, seconded by the honourable Deputy Premier (Mr. Downey), that when this House adjourns today, it shall stand adjourned until Monday, March 1, 1993.

**Mr. Speaker:** Prior to putting the question, I would like to inform the House that on behalf of myself and my family, the table officers, the Chamber branch and Hansard, we would like to take this opportunity to wish each and every one of the members of the

Manitoba Legislative Assembly and your families a very, very Merry Christmas and a prosperous New Year.

We will harken at the fact that we will see you again at the beginning of March to see all of your happy and smiling faces.

The question before the House, it has been moved by the honourable Minister of Labour (Mr. Praznik), seconded by the honourable Minister of Energy and Mines (Mr. Downey), that when this House adjourns today it shall stand adjourned until Monday, March 1, 1993. Agreed?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** That is agreed and so ordered.

**Mr. Praznik:** Mr. Speaker, I believe if you were to canvass the House, you would find that there would be unanimous consent to waive private members' hour as well as to call it six o'clock.

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

The hour being 6 p.m., this House now adjourns and stands adjourned until March 1, 1993.

Merry Christmas!

# Legislative Assembly of Manitoba

Wednesday, December 16, 1992

## CONTENTS

### ROUTINE PROCEEDINGS

#### Presenting Petitions

Investigation of Gas Prices  
Wowchuk 603

#### Reading and Receiving Petitions

Restriction of Stubble Burning  
Alcock 603

Implementation of No-fault Auto Insurance  
Ashton 603

Pharmacare System Reform  
Cheema 604

Restriction of Stubble Burning  
Lamoureux 604

#### Tabling of Reports

Annual Reports: Chief Electoral Officer;  
Ombudsman  
Rocan 604

Annual Report, Labour  
Praznik 604

Annual Report, Manitoba Energy Authority  
Downey 604

Annual Reports: Rent Regulation Program;  
Manitoba Liquor Control Commission  
McIntosh 604

Annual Reports: Freedom of Information Act;  
Manitoba Lotteries Foundation; Quarterly  
Reports: Manitoba Lotteries Foundation  
Mitchelson 605

Annual Report, Venture Manitoba Tours Ltd.  
Enns 605

Reports of Agricultural Producers'  
Organization Certification Agency  
Findlay 605

Annual Reports: Fiscal Stabilization Fund;  
Manitoba Housing and Renewal Corp.  
Return under Financial Administration Act  
Ernst 605

Annual Report, Justice;  
Regulations under Regulations Act  
McCrae 615

#### Oral Questions

Immigrant Investor Fund  
Doer; Stefanson; Filmon 605

Health Care System Reform  
Wasylycia-Leis; Orchard 606

Education System Reform  
Gray; Vodrey 607

Labour Force Development  
Friesen; Vodrey 608

Manitoba Public Insurance Corporation  
L. Evans; Cummings 609

Agassiz Youth Centre  
Edwards; McCrae 609

Indigenous Women's Collective  
Hickes; Downey 610

Gross Revenue Insurance Plan  
Plohman; Findlay 611

Sunday Shopping  
Wowchuk; Stefanson 611

Unemployed Help Centre  
Ashton; Filmon 612

Ku Klux Klan Trial  
Cerilli; McCrae 612

Manitoba Intercultural Council  
Cerilli; Mitchelson 613

Minister of Multiculturalism  
Cerilli; Mitchelson 613

Workers Compensation  
Reid; Praznik 614

#### Speaker's Ruling

Matter of Privilege, December 10, 1992  
Rocan 614

## **Nonpolitical Statements**

Season's Greetings	
Filmon	615
Wasylycia-Leis	615

## **ORDERS OF THE DAY**

### **Debate on Second Readings**

Bill 4, Retail Businesses Sunday Shopping (Temporary Amendments) Act	
Ernst	615

### **Second Readings**

Bill 13, Manitoba Employee Ownership Fund Corporation Amendment Act	
Stefanson	616

### **Debate on Second Readings**

Bill 7, Builders' Liens Amendment Act	
Martindale	617
Chomiak	617
Edwards	618