



Third Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Member	Constituency	Political Affiliation
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Ind.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.
Vacant	Portage la Prairie	

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 16, 1997

The House met at 7:30 p.m.

ORDERS OF THE DAY

(Continued)

Hon. James McCrae (Government House Leader):

Madam Speaker, I understand at six o'clock, Bill 47 was under consideration, the honourable member for Wellington (Ms. Barrett) had not yet completed her comments. Perhaps the honourable member for Crescentwood (Mr. Sale) can shed some light on what is going to happen next.

DEBATE ON SECOND READINGS

Bill 47—The Adoption and Consequential Amendments Act

Mr. Tim Sale (Crescentwood): Madam Speaker, I rise to speak on Bill 47. I am very concerned about this important complex and detailed piece of legislation which we only received last week.

The context for my remarks on this bill are that I spent about 25 years of my working life working in human services in one place or another, approximately 10 years with various churches, Anglican and United, in a number of different capacities, and then for a period of nine years with the Social Planning Council of Winnipeg, and after that I worked in government, but largely in the area of social policy, education, health and overall public policy. So, I have a kind of mixed background with a lot of concern about the whole issue of Child and Family Services.

Madam Speaker, some members opposite will know that when the Pawley government decided that we ought to try and base our Child and Family Services more deeply in the roots of our communities rather than in a central and self-replicating board, the old Children's Aid Society of Winnipeg, that the Social Planning Council was retained by the government to assist in the process of democratizing Child and Family Services. In that process, we built a membership of over 3,000 individual citizens who wished to become members of the new regional agencies. We went

through approximately an 18-month period of reorganization and primarily decentralization into community-based structures.

While I have a great deal and an undiminished amount of concern over the way in which this government recentralized Child and Family Services, I do acknowledge that at least they left in place some of the community-based structures which gave greater access and allowed services to be more responsive to local communities. So, I have that kind of perspective, I guess, in coming to this question, a very serious question of adoption and child-abuse related services.

Madam Speaker, one of the most profound decisions that a human being can make is to relinquish a child into the care of another party. I think, when we as legislators approach this issue, we need to take a very deep breath, and if we can, recall just how profoundly meaningful it was for us to become parents, those of us who have done that and have been privileged to do that, and equally to recall just how painful it is to even consider giving up a child to which you have given birth. In the very bad old days, unfortunately, days which to some extent seem to be returning, it was not uncommon for parents to have to give up children because they could not afford to care for them.

I have a very close and very dear personal friend who was himself given up for adoption because he was a severe asthmatic. His mother was on social assistance, and this was in the 1940s, and the costs of medication were such that she could not bear those costs, and he remembers. He was four years old at the time, and he remembers walking to the Children's Aid Society with his mother and saying goodbye to her, and never to see her again until some 35 years later when he was finally reunited with his birth mother through the process of open adoption records. I cannot even conceive of the feelings that mother must have had and that terrified four-year-old must have had in those circumstances.

So when we start to talk about how will we change, how will we modernize, how will we make more humane our adoption procedures, I think we first have to get some really deep, personal sense of just how

close to the core of our being is the whole issue of whose child am I, what child have I given birth to, whose child have I adopted, how close and how deep and how personal those kinds of experiences are.

So there is a very good reason, I think, to approach any kind of major changes to these social practices of adoption with a great deal of caution and a great deal of openness to listening to those who have gone through these experiences in the past or who are going through them today.

That being said, Madam Speaker, I think it is also important to acknowledge that in our culture we went through a period of which Judge Kimelman wrote a report which has become quite famous in North America. Judge Edwin Kimelman wrote a report called *No Place Our Own*. In that report he was dealing with the tragic practice of adoption of aboriginal children by nonaboriginal families. For the most part and in almost all cases those families were deeply caring, committed families who believed that they were both meeting their own needs to parent and they were doing their very best to meet the needs of a child for whom parenting had failed. I believe that virtually all of the parents who offered to try and parent aboriginal children were very well-intentioned people.

But one cannot study the records of interracial adoption without coming to the conclusion that there is a great deal more difficulty, regardless of the races involved and regardless of the parents and regardless of the economic status, regardless of all of those factors, Madam Speaker, there is a great deal of difficulty in adoption situations where race of the child is different from race of the parent. That is not hard to understand, particularly in the past when adoption carried with it a certain stigma. When children of obviously nonaboriginal parents were themselves aboriginal in appearance, one can easily imagine the questions that they were asked by their playmates, and one can easily imagine the difficulty that they had in responding. That would be compounded in the past by the kind of systemic racism that was part of our society.

Madam Speaker, I can recall another event in which a child was adopted by very good friends of ours, a very loving family. The child was aboriginal, and the family was a very progressive family, and they tried to

interpret to the child the positiveness of her culture and her background. They tried their very best to parent as effectively as they possibly could, but they noticed when she was about five or six that she suddenly became obsessed with cleanliness to the point of washing herself and scrubbing herself with abrasive intensity and with soap that dried her skin out. Finally they went to the doctor and said, you know, can you help us understand what is going on here? After a great deal of difficulty and a great deal of discussion, what was happening was simply that the teacher of this child had made a reference to dirty Indians, and the child had internalized this reference and taken, as children do, probably an innocent but a stupid remark literally. And so she tried to clean herself.

So, Madam Speaker, it takes no great stretch of our either imagination or of our own experience as parents and as friends in a community to know just how difficult an issue interracial adoptions have been for us. That, of course, is why Judge Kimelman's inquiry and report became so important for our aboriginal brothers and sisters to begin to reclaim their ability to parent their children without undue interference.

Let us remember that in years not that far distant, certainly as late as the early '80s, criteria for adequate foster homes were unattainable by many northern communities. reserve or nonreserve, it did not matter because they did not have indoor toilets, and that was one of the criteria for a foster home, let alone an adoptive home. The effect of such criteria is systemic racism. Thankfully, most of that has gone in the last little while, but the adoptions that took place in those times are still very real.

So how do we balance the very real needs of young people, young adults now, who desperately want to understand their heritage and their roots, with the needs and rights of those who parented them, both as adoptive parents and as their birth parents, to have a chapter in their lives remain closed because it is simply too painful for them to reopen? How do we balance that, Madam Speaker? And there is no, I think, right answer. So what we need are legislative tools that allow us to, within each situation, flexibly adopt how we move according to the best needs and best interests of all of the parties. I think that we have to examine this legislation to see whether it meets that test.

* (1940)

The other thing that this legislation gets into in an equally important area is the whole issue of child abuse, the detection and registering of that abuse and the protection of society through the creation of a registry that is open to any who have the care of children. This would include of course church organizations, scouts, sports groups, other young people's organizations, whereas at the present time the registry is not open to such groups to use.

In the past year—actually in the past six months—Canadians have unfortunately had to acknowledge that the spread of pedophilia, the extent of pedophilia into our sports and other youth organizations is much broader than we would ever have liked to admit. So organizations, including, as members will obviously know, our youth hockey organizations, have had to adopt codes of practice, screening arrangements, to try and ensure that children who are in the care of coaches are protected to the maximum extent possible. I think in this kind of situation, too, we have to have some understanding of the depth of the trauma that is involved when a young person is abused by a person in a position of power.

In the various roles in which I have been involved in our community, I have come across too many cases of abuse, and almost always in the abuse there is an imbalance of power. In almost all abuse situations there is an imbalance of power in which the abuser is in some power relationships superior to the abused. Now, thankfully, our society has moved to the point where dealing with abuse is not done only through the standard of the courts in which the abuse has to be proven beyond reasonable doubt, but we have moved to the notion that we should accept a balance of probabilities because, in some way, in some cases, abuse is extremely hard to prove, because essentially we are pitting the word of a minor child and sometimes a very vulnerable child against a powerful adult and no one else would have been present. So beyond reasonable doubt is a very high standard and one which puts children themselves at risk.

Madam Speaker, this legislation proposes that should an adult not be found guilty of abuse and a child not be found in need of protection that a process of mediation

and reconciliation might be used to deal with the alleged abuse situation.

I cannot think of anything that would be more problematic for a child who believes that they have been abused or for a parent who believes that some other adult has abused their child than to be asked to come into a mediation or reconciliation framework. It puts the potential abused person, the alleged abused person, in front of the person who is almost always in a power relationship with them, having to dialogue with them about allegations of abuse. I think that process itself for at least some people would be abusive.

Madam Speaker, this is an extremely important bill. It has long lasting and far reaching consequences for many, many members of our society, adoptees, adoptive parents, birth parents, alleged abuse victims, abusers, and their communities and families. I think the bill deserves a very serious consideration of all members. I hope that there will be an opportunity in committee for numbers of Manitoba groups and individuals to come and share their feelings and views about this legislation.

In concluding my remarks, I simply want to say that I think it is very difficult when members of the House are given a few days to look at legislation that has some 136 clauses going over 70 pages.

Madam Speaker, no organization in the community will have had this bill before them. The organizations that serve in the area of adoptions and abuse and counselling are almost all voluntary associations that have boards of directors and volunteer members. Those organizations simply cannot process this kind of legislative input in the time frame that has been allowed by this government. So I have a great deal of concern about the speed with which we are expected to deal with this legislation. Thank you.

Madam Speaker: As previously agreed, this bill remains standing in the name of the honourable member for Transcona (Mr. Reid).

Mr. Steve Ashton (Opposition House Leader): Madam Speaker, I think there may be leave to reconsider that. I believe, notwithstanding our concern about the speed of dealing with this, we do want to see

it dealt with in committee so that we can hear from members of the public on this complex issue.

Madam Speaker, we are prepared to have this bill go to committee.

Madam Speaker: Is there leave to deny having the bill stand in the name of the honourable member for Transcona? [agreed]

Is the House ready for the question? The question before the House is second reading of Bill 47, The Adoption and Consequential Amendments Act. Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Hon. James McCrae (Government House Leader): Madam Speaker, if you would be so kind as to call Bill 53 and, after that, if you do not hear from us, call the bills in order as listed in the Order Paper.

Bill 53—The Local Authorities Election Amendment and Consequential Amendments Act

Madam Speaker: On the proposed motion of the honourable Minister of Rural Development (Mr. Derkach), standing in the name of the honourable member for St. Johns (Mr. Mackintosh). Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No? Leave has been denied.

* (1950)

Ms. Becky Barrett (Wellington): Madam Speaker, Bill 53, on the face of it, appears to be quite an innocuous piece of legislation.

An Honourable Member: That is what I thought, too, until I read it further.

Ms. Barrett: I said on the face of it, and I do not mean innocuous in a negative sense. From my reading of the

minister's comments when he introduced the bill several days ago, it would appear that it gives the City of Winnipeg and municipalities the authority to use an additional element or take advantage of an additional method of enumerating electors for municipal elections. That additional method is the permanent voters list that was utilized for the first time in the federal election which just concluded, the federal election which, I might add parenthetically, concluded in a positive note for some of us and a not so positive note for others of us, but I will leave that for a later discussion. [interjection] I kind of thought the government members might appreciate not discussing the federal election results.

We are all in favour of increased flexibility and of increased options for municipalities and the City of Winnipeg in dealing with their business, so this amendment is not necessarily a bad thing, and I think we will probably be supporting the piece of legislation. However, it does raise certain concerns that I would like to put on the record. Mostly they deal with the permanent voters list as begun by the federal government in this last election.

I am going to speak a fair bit about the concerns and the problems that arose in the enumeration and the federal voters list, because I think it impacts on the enumeration process for municipal elections when the permanent voters list is being given as an option for municipalities to use in addition to or instead of other forms of enumeration.

I come originally, as most honourable members know, from the United States where there is a permanent voters list, where it is very difficult in many cases to get on the voters list. I think that is shown over the years by huge voter registration drives that have been undertaken by the United States government in order to get people to register themselves to vote. In the United States, that voters list, the onus is on the individual to put themselves on the list.

In Canada, up until this last federal election, the onus was on, the responsibility was the government's to ensure that people's names were on the list. They went through a very long and lengthy and labour-intensive process to ensure that people were enumerated so that they could get on the voters list and exercise their

franchise. This time the federal government changed that process and went to a permanent voters list. I am here to tell you, as a person who was very closely involved with the election campaign in Winnipeg Centre, which includes some of the poorest parts of Canada, the core area, the low track around Higgins, areas that are filled with people who are disenfranchised in many respects, not simply because it is difficult to enumerate them, but they are disenfranchised, they are alienated from society in a number of ways.

The earlier process of enumeration did not catch all of these individuals in these neighbourhoods. It did not catch everybody in middle- and upper-class neighbourhoods either, but, by and large, the enumeration process, historically, has had more success the higher the socioeconomic status of the neighbourhood was concerned. It is difficult to enumerate people who move regularly; it is difficult to enumerate people who do not readily open the doors of their apartments or their houses to people they do not know. In many cases, they have good and sufficient reasons for being concerned about unknown people knocking on their doors.

So, while the enumeration process that was undertaken prior to the last federal election had its flaws, it did rely very heavily on people going back several times to ensure that people were enumerated. Another thing is that the new federal enumeration process made some very definite changes to that old process, changes that have had a chilling effect upon people's ability to get themselves on the voters list, and the chilling effects of some of the federal election act changes will have impacts under Bill 53 in municipal elections to come. That is why I am putting some comments and concerns on the record, because I think it is important that municipalities know, and the City of Winnipeg and this Legislature know, some of the concerns and some of the problems inherent in the current federal permanent voters list process. If you do not have a good voters list to begin with, you are not going to have a good election process. I am not talking about outcomes; I am talking about the process.

We must ensure that people are enfranchised, not disenfranchised. So that is a major concern. I think that, while it does not directly impact on Bill 53, it does

indirectly, because if you do not have an accessible user-friendly enumeration process for the permanent voters list—you are giving municipalities this list as an option to use for the basis for their voters list for municipal elections, and, mostly likely, I would assume, provincial elections as well. I am making an assumption that it is not just going to be municipal elections in which they are going to have access to the permanent voters list, but probably we can expect to see amendments to The Elections Act, the provincial Elections Act in perhaps the next session of the Legislature.

The same concerns, should that happen, would be there as they are for The Municipal Act changes and The City of Winnipeg Act changes. It is important that people are allowed to vote and that it is as easy as possible for them to vote. Again, the federal process is not user friendly. It is very difficult, if your name is not on the voters list, for you to get your name on the voters list. It is extremely difficult. Our provincial Elections Act is a model that I wish the federal government had followed when it put in place the parameters of the permanent voters list. If you are going to go to a permanent voters list, you must ensure that it is as accessible to amendment as possible.

The federal list is not accessible to amendment. There were dozens, hundreds and thousands of individuals left off. There were entire blocks of the city that were not enumerated, entire apartment blocks that were left off, and not just in the inner city where it is more difficult to enumerate, but all throughout the city of Winnipeg, and I assume that there were instances outside the city of Winnipeg where this happened as well. I am just alerting the government to the fact that municipalities and the city need to know that they are getting a flawed document.

Another question is: Which permanent voters list? Is it the original voters list, or is it the revised voters list, or is it the voters list for those who were lucky enough to actually be able to get themselves on the voters list on election day? Which one is the province giving the municipalities the right to use? It makes a big difference, because those three voters lists are very different. I would hope that the government will, through regulations or some other way, ensure that the

voters list that is used by municipalities is the most up-to-date and most accurate voters list possible.

The second element to this piece of legislation is one that I support very strongly, and that is the privacy element making the voters list not an automatically accessible document to everybody, not putting them on telephone poles, not putting them on fronts of apartment blocks, where they used to be. I know that this government prides itself on, particularly the Minister of Health (Mr. Praznik), using the word "transparency." I think in this case, though, the government has come down on the correct side, has said no. The right of the citizens to not have their name and address, and in this case potentially phone numbers, made public without their consent is a good one. I speak as someone who worked with women who were fleeing abusive relationships, and with children. I think there are many examples, but this one in particular allows for the protection, a modicum of protection, for people in this situation. So I applaud the government for this part of the legislation.

* (2000)

Basically, Madam Speaker, there are several other people who want to briefly put comments on the record on this legislation, so I will close my comments by saying, again, as I iterated and reiterated several times in my comments, be very careful about the impact of the permanent voters list because it is a flawed document at this point, a flawed piece of federal legislation, and we must ensure the utmost of accessibility for the rights of people to be able to vote. So I would urge the government to use its best offices in speaking with the federal government saying that we are expanding the use of the permanent voters list, which I think the federal government wanted to see happen, but urging the federal government to make changes to allow for the enumeration process to be more user friendly and more open and more accessible, following on the provincial legislation.

With those comments, I will turn the floor over to my colleague.

Ms. Jean Friesen (Wolseley): Madam Speaker, I would like to add a few comments on this bill as well and much in the same vein as my colleague the member

for Wellington (Ms. Barrett), because I think we had a similar experience, both of us representing inner city ridings. We had the same experience during the federal election.

I think the provincial government is right to look at the experience of the new federal permanent voters list. It is right to anticipate that there should be efficiencies there, but I think it may be hasty in looking for them at this time. I think that the experience that we encountered with the permanent voters list in the inner city should certainly give all members of this Legislature pause to think, should give us a pause, I think, also to speak to the federal government. I know I shall be writing to them about two particular incidents which upset me very much and asking them to ensure that this kind of thing does not happen again.

The permanent voters list is new to this country. It is a document which will provide a basis for a wide variety of applications and not just for provincial voting but also for municipal voting and for, probably in the end, school board voting as well, as those two kinds of elections become tied more closely together. Because of that permanence, because of its significance for the exercise of the franchise right across this province, it is very, very important that the federal government gets it right and that the provincial government undertakes to ensure that the broadest possible franchise is there. I would say that in the last federal election that was not the case. There were many instances—some of them were reported in the newspapers; they were certainly reported to returning officers throughout the inner city—of entire apartment blocks and streets which were not enumerated. In my constituency, for example, one side, one entire side of a block of Ruby Street was not enumerated. Now, this was not a locked-door, shut, inner city apartment building. This is a street with houses that were not closed, that were open to enumerators, and I think I am right in saying it was Ruby where nobody was registered.

Madam Speaker, that was repeated I think with great intensity in the parts of the inner city where there are locked apartment buildings and, increasingly, as we see concerns for security in the inner city, those apartment buildings are becoming very, very difficult for canvassers or for enumerators or for people with no connections to the inside of the building to get access to

and, for the most part, that serves the residents well. But when it comes to enumeration, I do not think that the federal government has dealt well with that issue. They have not given consideration to the needs of enumerators and to ensuring that people in those blocks are enumerated.

It is also the case that in the inner city there is a very high rate of migrancy. People move quite frequently, and that has a serious impact upon the nature of the reliability of the voters list, and so for the City of Winnipeg elections, for school board elections in Winnipeg No. 1, that is going to be of great significance. Nothing can be more important than the vote. People fought for the vote. People chained themselves to railings for the vote. It always annoys me intensely when people do not exercise their vote. Some communities ensure that people vote.

(Mr. Marcel Laurendeau, Deputy Speaker, in the Chair)

We have in Canada a very long history and a very proud history of a high percentage of people using their votes, much less so than our neighbours to the south where, in some elections and in some regions, less than 50 percent of the people are choosing the new government. Registration systems of voters in the southern states, of course, have contributed to this, and it certainly, I think, contributes to a very low estimation in which democracy is held. So the more people we can encourage to the vote, the more people we can encourage to use their franchise, the more people we can encourage I think to have some sense of a stake in governments which are becoming increasingly remote from them. As we move to governments that are increasingly overruled by the powers of global capital, it seems even more important to me that the vote and what it represents for citizen participation be part of the kind of community that we want in Manitoba.

So the inner city apartment blocks, the migrancy rates, the lack of attention to detail, some would call it lack of supervision in some areas of the inner city, of the enumeration of houses I think give serious cause for concern. Is this the time, is it time yet that we can place any kind of reliability upon this document? I would wish we could, but I am not convinced that we can, Mr. Deputy Speaker.

The process of voting and the process of getting oneself onto the voters list this time was also made unnecessarily difficult. In the inner city, it was very difficult to find a place where there were four polling booths and, in order to get yourself on the voters list, that is what you had to have. So, for example, at the polling booth where I was scrutineering, there were only two polling stations. People were coming to be added to the voters list. They were told that they had to, and this is in an area without transportation, turn around at six o'clock at night and they had to walk I think it was about five or six blocks over to Robert A. Steen, where they could then register. Then they were told at Robert A. Steen Community Club that they then had to come back all the way up to Portage Avenue back the five blocks with the two children in order to vote. How many people did we lose in that trek? I think we lost a number, and that is in an area where there is a very high level of percentage of voting.

Because it was a new system, there were many contradictory directions given by the returning officer. One very angry woman in the poll that I scrutineered at had been given instructions that she could in fact register at that particular poll. She brought her two sons, who were voting for the first time, along to vote at that point and were then told they had to go the five or six blocks and then come back the five or six blocks. By that point, they had to be at work and they missed their first chance to vote.

I know that was not an isolated occasion. She was extremely and rightfully angry, and how many times was that repeated across the province of Manitoba? What the government has to look at in that case is how reliable an instrument is this document, and how can it be made more reliable in the future if we are going to give it this widespread currency that the government intends through this bill.

There were other elements, I think, of the voters list that gave rise to concern. Again, in the poll in which I scrutineered, there was one family whose names were completely confused. The first names were written as their last names, middle names were put into middle of the line on the voters list. This was in spite of the family having given a business card to the enumerator, in spite of the father of the family having instructed and, in fact, monitored what the enumerator wrote

down. What the enumerator eventually wrote down was correct, it was the correct name for the family, but by the time it got to the voters list, it was incorrect and not for the first time, the same mistake had been made before. But there was no time for that to be corrected before the vote was held because of the speed at which this election was held. It was again an unusual election and one in which I think we should not rely for our permanent voters list.

* (2010)

So that family, I do not know whether they all voted or not, but certainly I know that one member of that family did not vote because, in order to vote, he would have been representing himself as someone other than the person who was on the voters list—a very strict and honourable interpretation of the voters list and what his role and responsibilities were.

Again, I believe, that was repeated across the province. So the validity of this document, which the government is now about to apply to voting throughout the province of many different levels, is one I think which needs very, very careful consideration. I would be interested when we come to committee to going over this with the government to, in fact, asking questions about whether the government has collected the kinds of stories, I suppose, we could call them, the incidents that members on that side of the House as well as on this side of the House found in their experience of the last election. What kind of complaints have been lodged? Has the government spoken to the Chief Returning Officer of the province to indicate what kind of difficulties were found across the province? How many complaints have been lodged in Manitoba? How many complaints have been lodged, for example, in the inner city? How many people were registered to vote who were unable to vote for reasons such as I have outlined, and how many people who live in the inner city were never ever registered to vote?

Because of the difficulties in gaining access, both by canvassers and enumerators, to those many, many small locked apartment buildings, how many of them ever knew or were ever instructed on how to get onto the voters list in the first place? Even had they received those instructions, Mr. Deputy Speaker, how many of them, seniors or elderly people or people with

disabilities, were able to get to the place that had the four polling stations? Very, very few of them in the inner city get themselves on the list, get back to the place where they were supposed to vote.

It was a very flawed process. Now, it was the first. One would anticipate from the federal perspective that it was going to improve, but that is why I say, Mr. Deputy Speaker, in spite of the fact that I believe the government is right to assume that there should be efficiencies with this process, taking such a large step from a very flawed process, I think, is one that is fraught with difficulties. I anticipate when we come to committee that we shall be able to examine those difficulties with the government. With that, I will conclude my remarks.

Mr. George Hickes (Point Douglas): Mr. Deputy Speaker, I just wanted to rise to put a few comments on record on this bill pertaining to changes in our election act. When you talk about a permanent voters list, I see a lot of problems arising from this.

For one thing the constituency I represent. Point Douglas, is in the inner city part. I know that when I was helping out in the past federal election, there were a lot of people that were not enumerated. In order to be enumerated or to be on the voters list to vote on election day, you had to go to a polling station that had four polls in it, and there were very, very few of those in Point Douglas. A lot of them had two polls, four polls, and that was it. So a lot of the individuals that were unfortunate either to not be at home or unfortunate to have not been enumerated by the person that was supposed to go and do the enumeration, they were unable to exercise their right to vote.

I think that is a right that everyone should exercise, because our veterans, a lot of them, people in Canada, lost their lives in order for us to have that right to exercise our right to vote. You look at the permanent voters list, you can see problems that could arise and could create a lot of—for example, I just gave you about four polling stations—to be sworn in on election day. Well, a lot of people that had to go to other places to be sworn in on election day, it was very difficult for them to get around because a lot of people did not have transportation, do not have vehicles, and a lot of the

individuals that I spoke to do not even drive, did not have licences.

The other thing is when you look at why we have the right to vote, like I said, it was because the veterans that fought in the war, gave us the freedom in order for us to be voting on election days. I just look at in the past how many aboriginal veterans fought in the war to give us that right, then you look at what happens in remote northern communities. First of all, you have low enumeration, and the other thing is when you go to be sworn in you have to have two pieces of ID. We had a lot of aboriginal war veterans that fought. Why could not Elections Canada or Elections Manitoba accept the photo ID of a treaty card? Everyone knows the individual from the community, and you have the photo of that individual there, and it is a recognized treaty card. That should be in respect to our aboriginal war veterans to say, okay, if you do not have two pieces of ID, if you have a photo ID with your treaty card, we will accept it, because a lot of individuals, especially the elders, do not have two pieces of ID. Very few have drivers' licences. Very few have any other piece of paper. I guess now maybe what the government was thinking about was the seniors that go to be sworn in, they need two pieces of ID, they could use their new fishing licence. Maybe that is the second piece of ID.

Maybe that is the hidden agenda of this government. Maybe that is what it is. Why would you be introducing fishing licences to seniors and charge them for that licence to go fishing unless it is a second piece of ID? I never thought of that until right now. Very clever, clever move. It is a very clever move. It is a conspiracy. To get back into a more serious note, if you look at the one piece of ID, which I would recommend, if it is a picture ID, I cannot see anything wrong with that because I do not think anybody would doctor up a photo ID just to go and vote. I think that would be stretching it. So I think if we could have, say, one piece of ID with a photo, or two pieces of ID, one being without a photo, because that way it would make it easier and it would help a lot of people in northern remote communities. Also what we should look at is the enumerations. We have to look at better enumerations in northern communities, better enumerations in apartment blocks not only in the inner city but all throughout, because there are some whole blocks that I went to that had not been enumerated and

people did not get a chance to exercise their right to vote. I think everyone should exercise that right.

If you look at what my colleague earlier was saying, you have the American system, where the onus is on the individual to ensure they are on the voters list, where here in Canada, Elections Canada and Elections Manitoba have the responsibility to get people on the enumeration list in order to exercise their right. So if you change that system, I think what you are going to have is you are going to be marginalizing and taking away the rights of a lot of poor individuals who do not have the means of transportation to go and be enumerated to wherever the office will be set up.

The other thing, if you look at my area there are a lot of individuals who move quite often, so if you take the individuals who move from one address to another address, if they do not go to the Elections Manitoba or Elections Canada office and state their new residence—then if you use a permanent voters list, when it is time to vote they will not be able to exercise that right. A lot of people do not have the fee for bus transportation, and you know that a lot of individuals do not have their own vehicles to get around. What will happen is that a lot of people will say, it is a lot of trouble for me to go to—say, it could be Charleswood or Tuxedo or wherever—and change my address in order for me to vote, so I will not bother.

So what you are doing is you are marginalizing people, and you are making it harder for the poor to exercise their right, unless if you do through enumeration have some kind of a form where individuals can place their change of address—where if they are moving from one address to another—through a post office or whatever have you. I do not know how you are going to do it, because a lot of people move two, three times in a year. If you look at our school system, you just look at the records of some of the students and some of the students have moved two, three times in one school year—[interjection] My colleague is saying sometimes four times.

So how likely would an individual go out, take a taxi or go on a bus to change their address to ensure they are on the voters list? I do not know. Even right now, if you look at our voter turnout, some places it is 40 percent, some places it is 50 percent. I do not think we

want to decrease that any more, because I do not think it is fair to the people.

* (2020)

I would like to go back to the northern remote communities, because a lot of the communities as it is, it is a lower voter turnout in some communities because of the isolation or people out of the community. What we should do is try and make it easier for individuals to exercise the right that our veterans fought for us to have. I think, in their respect, we should do everything we can to ensure that every individual has that right, to exercise their right to cast their ballot. It does not matter what party the individual votes for. That is an individual's business. I know this time there are quite a few that voted a certain way, but I do not want to get into that. The member for Arthur-Virden (Mr. Downey) is smiling there. He has reasons, I guess. He gained 100 percent. That is pretty good.

Anyway, I just wanted to put a few comments on the record. Let us seriously look at remote communities or aboriginal communities where we could look at one photo ID, or even in all of Manitoba if that is possible for our elections, instead of having to have two pieces of identification. Those two pieces of identification, they are just pieces of identification without even a photo. So if you have a photo ID, surely to God you can tell who that individual is. I do not think people are going to be forging those to go and exercise their right. Maybe next election they might, but I really do not believe people will be doing that. So let us seriously look at that, see how we can make it easier to help individuals exercise their right. I just want to put some—but think about some of the comments that have been laid out tonight, some of the enumerations that are difficult, and ensure that people go back to apartments to enumerate and not just take two, three and then say, I am finished and that is it—and do not go back. There have been some whole blocks that have not been enumerated, even some seniors blocks where half the building was enumerated. Let us try and help everyone to—because I am sure every one of us here, we go and exercise that right.

So I just wanted to put those comments on record. Let us work together on this, and let us make it possible

for all Manitobans and all Canadians to exercise their rights. Thank you.

Ms. Diane McGifford (Osborne): I am pleased tonight to rise and join my colleagues and speak on Bill 53, The Local Authorities Election Amendment Act. I note that the act has two main purposes. One is that it paves the way for the optional use of the permanent voters list at the municipal and city levels, and secondly, the act also strikes down the requirements in The Municipal Act and The City of Winnipeg Act that voters lists be available to the public. The reason it does this is because of privacy concerns, and particularly I think those concerns relate to women and women not wanting their names and addresses on a telephone pole, women, of course, being extremely vulnerable when their names and addresses are posted on a telephone pole.

I really do endorse this particular purpose of the act, Mr. Deputy Speaker. When I was elected, one of the first things I did was sit on a committee along with members opposite. I believe the Premier (Mr. Filmon) was part of that group, along with the member for St. Johns (Mr. Mackintosh) and the member for Wellington (Ms. Barrett), and we did some work to ensure that in future provincial elections, voters lists would not be posted on the telephone poles so that names would not be available. I was certainly very pleased and proud to participate in that committee, and I am very glad to see that this act will extend that action to cover municipalities and the city of Winnipeg.

Now, Mr. Deputy Speaker, many of my colleagues have been enunciating problems with the voters list, and I think they have been fairly thorough in the instances of abuse that they have pointed out. The permanent voters lists, as it was established in this past election, I am sure we would all agree, was extremely flawed. The process was extremely flawed. Many, many people who should have been allowed to vote were excluded. I happen to know that in the constituency of Osborne, a good two blocks of Arnold Avenue, very near where I live, were not enumerated. As well, many apartment blocks in my constituency—and of course, by my constituency, in this instance, I am talking about Winnipeg South Centre—were not enumerated. This is an extremely serious issue, because Osborne has more apartment blocks than any

other constituency in the province of Manitoba, and I want my voters to be registered when the next provincial election comes around.

One of the difficulties, as we know, is an increasing—

Mr. Deputy Speaker: Order, please. I hate to interrupt the honourable member, but could I ask the honourable members who want to carry on conversations to do so in the loge. I am having great difficulty hearing the honourable member. There seem to be a number of conversations going on throughout the Chamber.

The honourable member for Osborne, to continue.

Ms. McGifford: Thank you, Mr. Deputy Speaker. One of the difficulties, of course, is for enumerators to access apartment blocks, and certainly something needs to be done about that.

The member for Wolseley (Ms. Friesen) pointed out the migrancy levels in her constituency. It is also a very large problem in the Osborne constituency with students moving in and out, and we need to do something to take into account these people who move fairly frequently.

When I was canvassing, as I did in the federal election, I was told by more than one household—I was told at the door that, although these people were not citizens, the enumerator had told them that they could go right ahead and register to vote, so I do not know how common that particular abuse is, but I certainly hope it is not too common and it is something again that needs to be looked at.

Many of my colleagues have pointed out the extreme difficulty of registering to vote when your name has been left off the voters list. Colleagues have pointed out how people were shipped hither and yon about their various constituencies, some of them with children in tow, often at dinnertime, some of them without cars, often the elderly, who may or may not have a vehicle but certainly find that kind of or tend to find that kind of being shifted about rather disconcerting.

Then there is the rather complex problem of ID that the member for Point Douglas (Mr. Hickes) brought up.

I think he pointed out that people do not always have the requisite two pieces of identification. He did have some comments to make about fishing licences, although I think he might have been speaking in jest at this point.

The member for Point Douglas knows the North. He briefly addressed the difficulties of voting if you were not registered and if you were not enumerated in the North. They certainly must have been challenging ones. I think we need to look very seriously at these situations. I think we need to find creative ways of improving our permanent voters list.

* (2030)

I know there are other things that are disconcerting. Misspelling of names is often upsetting for people. I noticed frequently that people were listed more than once so that Bill Smith was listed both as Bill Smith and then as William Smith. That kind of thing could certainly lead to abuse. It could lead to abuse when it comes to actually voting.

The extreme difficulty of getting on the voters list, if you have not been enumerated, as I have said, has been addressed. Certainly there is great room for improvement. Many of my colleagues have pointed out that what we need is a system that encourages voters, that encourages people to exercise the franchise and that the current system—[interjection]

Mr. Deputy Speaker: I am sorry. Order, please. When the minister is finished his meeting, we can carry on in the House.

The honourable member for Osborne, to continue.

Ms. McGifford: As I have been saying and as my colleagues have been saying, the permanent voters list has not worked successfully during this past election. We certainly believe that great improvements are needed. We urge the government, the members opposite to do whatever they can to make sure that these improvements are put in place. We need a system that encourages voting and encourages our voters to come out on election day. We do not need a system that discourages democracy and works against it.

Quite clearly, the current system is problematic, and I certainly hope that by the time the next election comes, many of those problems will have been solved so that our provincial voters do not have to relive the problems that they experienced during the federal election.

Mr. Deputy Speaker, with those few words, I am the last speaker on this side. We will pass this bill along to committee.

Mr. Kevin Lamoureux (Inkster): Actually, I just rise to put a few words on the record, having had the opportunity to confer with my colleague from St. Boniface and the minister responsible for the bill. I feel actually fairly safe—and, of course, my colleague for The Maples (Mr. Kowalski) too—I feel fairly safe in saying that this is actually a fairly positive bill. In essence, from what I understand, it does allow for municipalities or local governance bodies to be able to opt into choosing to utilize the election list that is on a permanent basis that has been suggested or put into place by Elections Canada.

I think that is a positive thing. In fact, I can recall a number of years ago when we had talked within LAMC—and I do not think I will be divulging any top secrets here, Mr. Deputy Speaker. I know you were a very strong advocate of it yourself in terms of having some sort of a permanent list which we can operate from. I can recall having resolutions debated, or at least talked about, within the Chamber about the need to have some sort of a permanent list. Given computer technology and so forth today, I think that is something that is long overdue. We are still in somewhat of a trial; the permanent list that has been put forward by Elections Canada does need some modifications. There is some need for some changes. I think that what will end up happening is that municipalities will look at it and try and see what their situation is; and, if in fact they believe that they can use that list, this legislation allows them to do just that.

Hopefully, what we will see through time is, in fact, the most up-to-date, accurate list so that it is maintained well enough in the sense that there will be no need to do any sort of a mass enumeration. It will just be the changes, relatively minor, and a lot less expensive in terms of getting those voters lists ready for election

days, no matter what level it is. When I mention what level, I would like to see some direction from our own Manitoba elections office with respect to the concept of the permanent voters list and how we might be able to participate with respect to that. I would hope and trust that our elections returning officer will, in fact, have some sort of consultation with Elections Canada and other provincial jurisdictions so that, as we move in time, we do see a more consistent way in which those voters lists are actually compiled—and not only compiled, but also distributed to candidates. In the past it was to the nonincumbent's disadvantage by not being able to have a data list or a data bank, whereas the incumbents have the opportunity to work and manipulate data banks. So it puts it a little bit more of an equal playing field in that sense.

There are some concerns that have always been expressed in terms of the posting of voters lists. I am personally pleased to see that in fact they are not going to be posted in the traditional way anyway, and I think that that is a positive for a number of different reasons. The primary one being one of safety, and privacy would be the second.

Having said those few words, I see this as a bill that is moving in the right direction in terms of enumeration and permanent voters lists.

Mr. Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 53, The Local Authorities Election Amendment and Consequential Amendments Act; Loi modifiant la Loi sur l'élection des autorités locales et modifications corrélatives.

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

Some Honourable Members: Agreed.

Mr. Deputy Speaker: Agreed and so ordered.

Bill 5—The Mineral Exploration Incentive Program Repeal Act

Mr. Deputy Speaker: On the proposed motion of the honourable Minister of Energy and Mines (Mr. Newman), Bill 5, The Mineral Exploration Incentive

Program Repeal Act (Loi abrogeant la Loi sur le programme d'encouragement à l'exploration minière), standing in the name of the honourable member for Transcona (Mr. Reid). Stand?

An Honourable Member: No.

Mr. Deputy Speaker: Leave has been denied.

Ms. MaryAnn Mihychuk (St. James): Mr. Deputy Speaker, I rise to put a few words on Bill 5, which ends the MEIP, Mineral Exploration Investment Program, launched by the Conservative Filmon government in 1991, a trumpet flag of their government's charge to bring mining into Manitoba.

What we saw through the history of this program is a program that has a very interesting history, and I would assume is the flagship of actually the government's record as we see it coming to a crashing conclusion. This program was heralded back in 1991, and many of the Filmon team have lead the charge starting from back to the first minister, who I believe was Harold Neufeld. Harold brought it in. Then we had Don Orchard, the Honourable Don Orchard, carrying this program forward—and I have in Hansard—trumpeting the good proponents of this program, the Mining Tax Exploration Incentive program. He goes on to point out that it is a \$12.5-million program, \$10 million of which is focused on the minerals industry, \$2.5 million on the petroleum industry wherein we provide \$1 of assistance to a level of \$4 or better of exploration.

Now all of this sounded very good, and if you listened to the minister, Don Orchard, you would have thought, well, this sounded like there was some measure of accountability, would you not, Mr. Deputy Speaker? A program like this which invests public money would have surely been given that thorough analysis of public accountability. But what do we find through those ministers or ministries? In fact in 1995 when the Provincial Auditor had a look at this program, he found huge holes in this program, huge holes in a program where public money is being invested, that is totally unacceptable. Totally unacceptable.

This program was also endorsed not only by Harold Neufeld but also Don Orchard, also Jim Downey, who

I believe is the Deputy Premier who is right there, right next to the top. Then you had it supported by Darren Praznik, the Minister of Health now, and who trumpeted it as a marvellous program and needed a few corrections. Well, those few corrections has actually meant the death mill to this program, and it is timely. It should have been cancelled years ago. The MEIP program should have been evaluated after year one and redone, trashed and a new program brought in because there were serious, serious errors that the department knew about, and it took, unfortunately, too long for this government to take action on this bill.

Now, the Minister of Health is shouting out, trying to defend his record that he founded. Now, I am sure if the ghost of Donnie Orchard was here, he would be shouting out, I found it. Well, you know, as my colleague from St. Johns (Mr. Mackintosh) has it, he had to be pulled out of the by-election, and it is a good thing you pulled him out of Energy and Mines, because we might have been in even more serious trouble with this program.

* (2040)

I want to refer, because this government has the audacity, the nerve, the gall to stand up to the people of Manitoba and claim to be trustworthy managers of the financial commitment of the people of Manitoba. Fortunately we have the Finance minister (Mr. Stefanson) here in this room. Again I am very pleased that we have got his attention because here you had a program using taxpayers' money in a poor program that took you six years to catch on to and finally trashed the program. It should have been scrapped after year one. There should have been an evaluation process, there was not, and millions of our money went into this program, which, as the Auditor points out, Mr. Deputy Speaker—

An Honourable Member: Scrap the government.

Ms. Mihychuk: Well, the Auditor does not say, scrap the government, but definitely that is the opinion of most Manitobans that I talk to. In terms of the Auditor's Report, in terms of the MEIP, which is being repealed by Bill 5, the Auditor states: We recommend that the ministry improve its accountability reporting for MEIP by including in its annual reports results

information that links to the objectives set out in the Estimates supplement.

Well, would that not be a good idea? Would it not be a good idea to report whether we saw jobs increase, exports increase or if we had tax revenues? Would that not make sense? The Auditor thought so. The people of Manitoba hope that you are managing our money properly and with due diligence. Unfortunately, in this program which they trumpeted, they did not. This is a very interesting report, and I think it highlights what a shoddy, poorly managed program this government allowed, and it makes the people of Manitoba question how many other programs, how much of other public money may be managed in such a poor way that it is totally unacceptable.

Here we have a program where there was supposed to be an assessment committee. The Auditor could not find the committee, could not find the members and found no minutes from the assessment committee. The money goes out to exploration companies, but there are no inspectors, no reports, and yet this government stands up and says, this is a great program. Not only that, this government has created a new program. Do they have any inspectors going out to the site to be sure that Manitoba does not end up in a Bre-X? The answer is no. No, there are no inspectors going out there to check to ensure the validity of those exploration programs and that public money is being invested in a sound, economic, secure program. In fact, what I got was that if a geologist happens to be in the area and trips over a mining company, they might check on the site. But does that geologist submit a report? No, not necessarily. What type of accountability measures has this government taken? What message has this government learned from MEIP to carry forward in terms of its other programs that it manages? Very little, Mr Deputy Speaker, very little.

Let me quote from the Minister of Energy and Mines (Mr. Newman) as he presented this Bill 5. He goes on to give a little bit of a history and he says that the act was proclaimed on February 29, 1992, and a subsequent evaluation of MEIP found the program too restrictive.

Now that is an unusual descriptor for a lack of accountability, a lack of inspection, a lack of proper

management of the finances of the people of Manitoba—less restrictive. It is being repealed because the application process was too complicated. Was that the major problem of the MEIP program? It may have been one of the problems, a fairly minor problem. In fact, the reason why it is scrapped now is because it did not work. The government only had about a 40 percent take-up of the money it was giving out—all too quickly. I may add, with virtually no accountability, only about a 40 percent take-up. The program was a failure there. The program was a failure in terms of inspection. The program was a failure in terms of accountability, and the program highlights this government's incompetence in terms of managing the people of Manitoba's money.

And the Deputy Premier (Mr. Downey) sits there acknowledging that he was in charge of this program, being proud of the job that he did as Energy and Mines minister. He never noticed that the money was going out to programs. Did he know if there was any drilling going on? Did he have geologists out in the field checking to ensure that our money was being invested safely? Did he care? People's money of Manitoba, hard earned, given to this government, taken by this government and used by mining companies presumably to the benefit of Manitobans, but were we given the measures to ensure that was done? No, and the Deputy Premier thinks that that is a good idea.

Well, this bill is indeed one that we are prepared to support. We are glad to see this repealed. This was a failure from day one, day two, and all the way to year six. It is extremely unfortunate it took six years for this government to learn that on this program, and it does not look too good for the future.

We were recently in Estimates and had an opportunity to talk to the minister, had a chance to talk to the minister, who had the gall to admit that unfortunately he had not learned his lesson from MEIP and ensured that the inspections were in place for the new program, but the minister assured us there that he had listened, that he was listening, and that he would take action. So, you know this minister, we should give him a chance and see if he is going to take those proper measures to ensure that the people of Manitoba's money is put into exploration programs that are going to create jobs, that are going to create revenues, tax revenues, that are going to stimulate our economy in the North,

which we all hope and pray for. But you know, Mr. Deputy Speaker, this bill the Auditor just could not have enough pages to make notes on—and it is my opportunity to perhaps put on the record why it is so timely that we trash this bill and why we on this House support you in this case.

* (2050)

Actually, this bill repeals the Mineral Incentive Program and what did the Auditor have to say? You know, they inspected. Of the six incentive payments that we examined, and I am quoting, three—that is 50 percent for those who cannot figure that out—were not supported with audited financial information. That is not a good sign, Mr. Deputy Speaker, and this is for a government that says “trust us with your money.” I do not think so. I think the people of Manitoba will have to hear about the MEIP program and how this government decided it was a great program, how the Minister Don Orchard liked the program, how the Minister Jim Downey liked the program. You know these are people that presumably the government trusts and looks for leadership, the former brain trust of the Conservative Party, and we can see that what is happening to this program is exactly what is going to happen to the Filmon team. The people of Manitoba are going to do an audit and decide it is time to scrap it.

So as we go on to look at the Auditor's Report of the MEIP program, Mr. Deputy Speaker, one of the other things that the department is very fond of doing is accepting the word of company officials. Hmm. Let me see. If they say, yes, give me some money I am going to go and explore. Well, you know, maybe some do, maybe some do not, but is it not really up to the government to ensure it happens?

You would think so, but no. A management decision was made to accept the sworn affidavits from senior company officials in lieu of audited financial statements. Well, you know, the story of Bre-X exists and this government should have learned from that, should have learned from MEIP a long time ago, because here in Manitoba we are very short of accountability procedures and especially in terms of mineral incentive programs.

Let me see, in terms of the Auditor's—I mentioned about the committee, that it was a ghost committee with unknown membership. We did not know who was

sitting on the committee. Who was it sitting on the committee? Who was responsible for deciding to give the money and who was not? What committee? What committee? [interjection] Oh, that reminds me of the other committee that never meets and that is the committee on Lotteries. That is another committee that we do not want to talk about. There is a committee. We do not know who sits on the committee. That committee, we know who sits on the committee, but they never get around to sitting.

Mr. Deputy Speaker, this is truly an opportunity for Manitobans and for this House. I can see on that side of the House a certain nervousness as senior members of this government sat there over the years defending a program which lacks accountability, lacks inspection and gives out public money. Six years is an awfully long time to be rolling the dice on Manitoba taxpayers' money, when we have very important things to invest in like upgrading our school buses. For example, \$77 million on the casinos this government decided—this government has money to give to some people and that includes junior mining companies and casinos. The casinos alone—I would say this is major renovations—\$77 million on two casinos. The building itself only cost \$15 million each. That is \$30 million. We are now doubling—talk about renovations, Mr. Deputy Speaker.

It is another example of how the people of Manitoba actually want a serious opportunity to tell the government where they want or do not want their money invested. Do we think we need—what?—that type of commitment, or do we want to be sure? I would say to the government, perhaps, the people of Manitoba believe the casinos need renovations, need new rugs, need more parrots, need another train, but why not go to the public with the so-called ghost committee—

Mr. Deputy Speaker: Order, please. I would like to remind the honourable member that we are on Bill 5, which is The Mineral Exploration Incentive Program and it is not the Lotteries.

The honourable Leader of the official opposition, on a point of order.

Point of Order

Mr. Gary Doer (Leader of the Opposition): On a point of order. I was listening very carefully to the

member for St. James, and she was talking about government waste and that is very germane to the comments on Bill 5. I think when you peruse Hansard, you will find that it is very, very consistent with the theme of this bill. Government waste is their middle name, and I think the member is addressing that quite well.

Mr. Deputy Speaker: I thank the Leader of the official opposition for that, but he did not have a point of order.

* * *

Mr. Deputy Speaker: I would ask the honourable member to refrain back to the bill. I was listening quite carefully. The honourable minister—the honourable member for St. James.

Ms. Mihychuk: The Deputy Speaker referred to me perhaps as minister. Hopefully, one day I will have the opportunity to be minister. What would I have done?. Would it take me six years to understand that we have not had a geologist do a ground site on this program? Would it take six years to realize that the committee has no real members? Would it take six years to decide that this program is a total failure and to scrap it? Hardly.

This government is slow on understanding that the people of Manitoba are fed up with their waste and mismanagement. It is time to scrap the MEIP program and time to get some real accountability in this House, real leadership for the province of Manitoba. That is going to be coming in the next general election when we will see not only the scrapping of this program, but real accountability and the election of a New Democratic government.

Mr. Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 5, The Mineral Exploration Incentive Program Repeal Act.

Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Deputy Speaker: Agreed.

Bill 9—The Public Utilities Board Amendment Act

Mr. Deputy Speaker: On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Radcliffe), Bill 9, The Public Utilities Board Amendment Act; Loi modifiant la Loi sur la Régie des services publics, standing in the name of the honourable member for Kildonan (Mr. Chomiak). Stand?

* (2100)

An Honourable Member: No. No stand.

Mr. Deputy Speaker: Do we leave this matter to remain standing? No. Leave has been denied.

Mr. Gary Doer (Leader of the Opposition): I want to put a few words on the record, and, of course, this bill has already been addressed by our critic in terms of The Public Utilities Board Amendment Act, Bill 9, here in the session.

Now we expected that, when the government came forward with The Public Utilities Board Amendment Act, that amendment would include some positive and progressive recommendations and amendments for consumers in the province of Manitoba, that maybe we could get the gas industry, for example, to have some hoops to go through in terms of the gas prices here in the province of Manitoba, or maybe we could get some protection for our consumers. But, no, this bill again travels the slippery slope of deregulation. It travels the slippery slope of providing less protection for consumers.

It provides for greater profits for corporations. Again, it is consistent with the Tory ideology that those who have the most get the most from this government, and those of us who are consumers in our society get little or no protection from this government and have eroded protection from the Public Utilities Board under the Bill 9 provisions. That is why I am glad to join with the member for Elmwood (Mr. Maloway) at opposing this bill. Our caucus is pleased to join with consumers to vote against weakening of their rights before the Public Utilities Board and vote against Bill 9.

It is kind of ironic, Mr. Deputy Speaker, that when the minister announced this bill, this bill, the minister stated, would allow the Public Utilities Board to step aside from regulating rates for consumers. Now this is a government that steps aside in dealing with all of its responsibilities. Perhaps this is a bill that symbolizes the ineptness and the absolute greed mentality of members opposite with Bill 9, the step-aside government. Those comments were reminiscent of the great recession of 1992, when the great comments from the members opposite were, in terms of dealing with job creation and opportunities for young people, that our philosophy is not to get involved in job creation. Our philosophy is to step aside and let the marketplace roll over people.

Of course, this government is stepping aside in its deregulation by this deregulation bill, and this is very, very consistent with what it has done in other matters dealing with Crown corporations.

Mr. Deputy Speaker, the bill, of course, will affect Hydro, the Public Insurance Corporation, gas companies, and they use as its model the cellular telephone CRTC forbearance decisions of the past, a 1993 decision of the federal government. Of course, these members opposite do not understand that many of the industries that they are dealing with at the Public Utilities Board, whether it is telephones, hydro, gas and other matters, there is no real competition, and the Public Utilities Board is there to protect the public from stated or unstated cartels to raise prices and affect the consumer purchasing power of people in Manitoba.

The whole issue of competition in these markets is a very false term because a lot of times, Mr. Deputy Speaker, we do not have competition. Look at the issue of telephones. You do not have the new phone companies, like Sprint and other companies, AT&T, coming into Manitoba and competing with the Manitoba Telephone System. They are really given legislative licence and government licence to skim off the revenues from utilities and enterprises owned by the public for their own profitable means.

You do not see these companies putting in phone lines to Flin Flon or phone lines to Thompson or phone lines to Transcona and really competing on a phone-line to phone-line basis. No, on the other hand, the

taxpayers or the ratepayers have to pay money for the competition to hook up to our lines and then take away our business. This is the new definition, the Tory definition of competition. We pay them to come onto our assets, to take away our revenue, so they can make money and reinvest it in another market somewhere else around the world.

I would point out to members opposite, as well, that when they are looking at the definitions of forbearance under the CRTC federal act, they may want to look at amendments on this bill, even though it is a bill that we will vote against, because I think if they look at the precedents from the CRTC, their wordings are off, and I would suggest that the minister responsible for this bill meet with industry people who can give him better advice about a more appropriate wording in some of the sections of this act.

Mr. Deputy Speaker, the members opposite, in passing this bill or bringing this bill forward, state that competition in a free market will work well. Well, I would like to ask every member here to go back to their constituents and ask them how they feel about competition and how much competition has gone on without the Public Utilities Board on gasoline price increases here in Manitoba. Members opposite will know the prices seem to go up coincidentally all across the province, and if you live further away from places like Winnipeg or in some kind of niche area, you will pay higher and higher gasoline prices. That is the free market system, and the Deputy Speaker knows, of course, that the prices seem to be coincidentally the same—[interjection] Well, you will find out. Just watch us in a year and a half when we do make the changes under the Public Utilities Board. Just watch what we will do in terms of the gasoline prices here in the province of Manitoba.

(Madam Speaker in the Chair)

Madam Speaker, this bill also affects the Manitoba Hydro deregulation proposal, and, of course, on the one hand, they brag about giving more of these decisions to the Public Utilities Board, and then, of course, in another sneaky little bill, they take away some of the decisions of the Public Utilities Board, and they think that people do not read one bill beside the other bill and do not understand the sneaky little maneuvering that is

going on with this sneaky deregulation that is taking place with Hydro. It is very consistent with the sneaky nature of this Premier (Mr. Filmon) and the deceitful nature of this government to do that.

Of course, we know the pattern for these people opposite in terms of dealing with our public assets. One, you reorganize. Two, you deregulate. Then you promise not to sell a corporation. Then after an election campaign you say the devil made me do it. The deregulation devil made me do it; we had no choice. Then you break your election promise. You sell the corporation and then you legislate.

It is a six-point plan that they use to bring in deceitful privatization and deregulation of our Crown corporations. Well, the people of Manitoba have been fooled once by members opposite. They have reorganized the telephone system, they deregulated the phone system, they promised not to sell the phone system, then they blamed deregulation after the election for the sale, and then they legislated the company away from the people of this province. They will not get away with it a second time. They have already reorganized Hydro. They deregulated Hydro, and they will be stopped at the next election from breaking another election promise, because we are the only ones who can be trusted to maintain Manitoba Hydro in public ownership. Who would ever believe a Tory when they say "we will not sell Hydro" after they believed you on the Manitoba Telephone System?

This bill is just another little, sneaky deregulation. We need the Public Utilities Board to protect consumers. If the marketplace is going to lower the prices, they can go to the PUB and ask for lower prices. What is to stop them from getting lower prices through the PUB? Wherever I see this government say they want to get away from the PUB, I know that only one thing will follow—higher prices for the consumers and less responsibility to this government. That is why I am proud to join with the member for Elmwood (Mr. Maloway) and our caucus to say no to sneaky deregulation, no to Bill 9. We will vote against it. Thank you very much, Madam Speaker.

Madam Speaker: Is the House ready for the question? The question before the House is second reading, Bill 9. Is it the will of the House to adopt the motion?

An Honourable Member: Agreed.

Some Honourable Members: No.

Voice Vote

Madam Speaker: No. All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Yeas have it.

Mr. Steve Ashton (Opposition House Leader): On division.

Madam Speaker: On division.

* (2110)

Bill 11—The Northern Affairs Amendment Act

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister of Energy and Mines (Mr. Newman), Bill 11, The Northern Affairs Amendment Act (Loi modifiant la Loi sur les Affaires du Nord), standing in the name of the honourable member for Burrows (Mr. Martindale).

Is there leave to permit the bill to remain standing? [agreed]

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I just wanted for clarification, this is for Bill 11?

Madam Speaker: Yes.

Mr. Lamoureux: Thank you, Madam Speaker, just to very briefly indicate that northern Manitoba is growing and will in the future become a very significant economic powerhouse, and it always has been very significant in terms of its contributions economically. We see this as a bill that is going to be able to enhance that. To succeed in that quest, more and more northern

communities will seek new roles as urban-municipality type.

Bill 11 helps them move down that path. I do not advocate any community being forced into this form of government if they do not want it at the community level, but we must allow them to explore this option. In the long run, Manitoba will be better for it. This bill allows them to do just that. With consultation and good management, I would predict that there is a strong and brighter future by having this particular bill going into the committee and ultimately passing, because it does provide greater opportunities or has the potential to provide greater opportunities. With that, Madam Speaker, we are prepared to see it go to committee. Thank you.

Madam Speaker: As previously agreed, this will remain standing in the name of the honourable member for Burrows (Mr. Martindale).

Bill 12—The Manitoba Water Services Board Amendment Act

Madam Speaker: To resume second reading debate on Bill 12, The Manitoba Water Services Board Amendment Act (Loi modifiant la Loi sur la Commission des services d'approvisionnement en eau du Manitoba), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing? [agreed]

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I, too, want to put a few words on the record with respect to Bill 12. The development of public-private partnerships for the development projects like water supply systems can potentially be a positive step forward. I would add however that with these new developments, regulation will become of increasing importance. It is also necessary that the interest of the public should be the primary concern in the development of these projects, not commercial ones. We cannot underestimate the importance of the government to play a role in dealing with issues such as this, and, hopefully, we will see government take it on in a very responsible fashion.

Having said those few words, we are again prepared to see it go into committee.

Madam Speaker: As previously agreed, this bill remains standing in the name of the honourable member for Transcona (Mr. Reid).

Bill 14—The Pension Benefits Amendment Act

Madam Speaker: To resume second reading debate on Bill 14, The Pension Benefits Amendment Act (Loi modifiant la Loi sur les prestations de pension), standing in the name of the honourable member for Kildonan (Mr. Chomiak).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No. Leave has been denied.

Mr. Steve Ashton (Thompson): Madam Speaker, I wish to put a few remarks on the record in regard to Bill 14, The Pension Benefits Amendment Act.

This afternoon there was a rather significant occasion for many people in this city and certainly in this country. I must admit that when I attended this event—

Madam Speaker: Order, please. I wonder if I might ask the honourable members who are having meetings at the back to do so in the loge or outside the Chamber. I am experiencing difficulty hearing the honourable member for Thompson.

Mr. Ashton: When I was attending this significant event this afternoon, I wondered when I would first have the opportunity to reflect on some of the thoughts that many of us had. The event, of course, Madam Speaker, was the memorial service for Stanley Knowles this afternoon, and it is appropriate that we are dealing with a bill, Bill 14, the very same day that deals with an issue that was very dear to the heart of Stanley Knowles. You know what is even more interesting is it is not just an issue in the abstract sense of pensions, but we are dealing with an amendment that deals with some of the questions of how pension plans are administered and I believe the very root of what a pension plan is.

By way of background, I want to state very clearly that I have always felt that pension plans are deferred earnings of working people, and the contributions made by both employers and employees are part of those deferred earnings, and all surpluses, I believe, should remain part of those pension plans.

It is interesting that in 1997 those are still words that are not reflected in practice, and I think I understand why. If one was to take the entirety of our pension plans, our private pension plans, and end up with working people having true control over those pension plans, just think of the power that would shift in society from the faceless corporate elite to the people of this country. That is a vision, I believe, whose time will come, but there was a time when pension plans were not even the property of employees, even the right to a pension itself.

Pensions in this country in many ways were rather similar to charity at one point in time. Workers did not have rights, and one of the first things that Stanley Knowles did when he was elected to Parliament was fight—and I think it should be recorded for purposes that the members of this Chamber may not be aware—to make sure that people who had lost their pensions because of the 1919 General Strike would be able to have something in their old age. He was elected in 1942. People who participated, particularly railroaders, in the strike in 1919, were denied any pension plan, any pension benefits whatsoever, because of their participation in the 1919 General Strike.

I mentioned that Stanley Knowles was elected in 1942, 23 years later, but Stanley Knowles went to Parliament on a mission: to build on the kind of work that had been done for pensions in this country going back to 1926 when J.S. Woodsworth and a grand total of two Labour members in Parliament held the balance of power and forced the then Liberal government to bring the first pensions in Canadian history.

You know, I want to reflect on the fact that Stanley Knowles's own father was a railway worker and was fired from his job with no pension, an older worker with no pension, because in those days if you were fired from your job or you were on strike, you would lose all your pension benefits. Stanley Knowles went to Parliament, mastered the rules. I want to stress too,

by the way, that the CCF in those days had some great victories in Saskatchewan, the Ontario election where it formed in the 1940s official opposition at one time. One time it led the polls nationally. Then, of course, the Liberals discovered Canadians' concern over social policies. Unemployment insurance—you know Mackenzie King, I guess when he was not talking to his deceased mother, was reading the opinion polls and all the policies that the CCF had put forward.

It is interesting, Madam Speaker, that after the 1945 election the CCF was in a position of being third party in the House, did not have a large number of seats but had a significant number, and Stanley Knowles worked tirelessly during that period to master parliamentary procedure. He moved amendments and he moved subamendments, and it was not until 1948 that he moved a subamendment that was adopted by the government that reinstated and ensured forever in the future that people would not lose their pension rights because of a strike.

Madam Speaker, it is interesting to remark on the dramatic input that people like Stanley Knowles made on pensions in that period, because that may sound like a significant victory, but within three years the government brought in, under the pressure of the CCF, the national pension plan that we know today, where a significant portion—the Canada Pension Plan—of our pension system is not means based, not the kind of charitable approach of the 1920s but pensions as a right.

* (2120)

If anybody ever doubts what influences Liberals—in 1950 they did not even participate in the election on this issue. There was nothing in their platform. It was the work of Stanley Knowles in the Parliament and the Canadian Labour Congress and labour and working people throughout the country that said it was time. By the way, it was interesting because it was not just the Liberals that adopted it but even some of the Conservatives of the day. In fact, during the 1950s, I know even one John Diefenbaker many times spoke out in terms of pensions.

Madam Speaker, it is important to recognize this not just on this day in the tribute to Stanley Knowles but to

recognize that the fight still continues. I said, before you could be denied your pension plan. I said before how people like Stanley Knowles fought for a fair private system where workers have rights and a public system available to all.

But you know, there is much more that needs to be done in this country in terms of pension plans. I point significantly to the access to surpluses in pension plans. Let us not forget that it is only a matter of years now since we saw the fiasco of Route Canada. We saw a pension plan that was lost by the employees in the late 1980s. I know people in my constituency who have only just recently got any benefits out of the tangled web that surrounded the sale of that company and the collapse of the pension plan.

In the 1980s in this country workers were losing their entire pensions, something they were relying on going into their retirement, and on a daily basis we see pressures from companies seeking to access surpluses. Dare I cite the example of Eaton's, the pressures there in terms of pensions and Eaton's trying to use the pension plans and asking employees to help it out of its tough times?. I find it interesting that with Eaton's, the family members who were directors of that company managed to pay themselves a significant payment, a dividend, something that was done before the bankruptcy hit. It is amazing how they protected their own whatever, Madam Speaker. But, you know, they wanted 50 percent of the surplus in the fund. How much has changed in the 1990s.

I say to Eaton's, I hope they are able to restructure, and I say, you know, to the family owners, I hope they will look at making the same kind of sacrifice that their employees and their creditors are being asked to make. But that is the norm now of the 1990s, and that is that so long as you have access to pensions, you have, I believe, an imbalance.

Dare I say that only a few months ago, and I say this to the former minister responsible for MTS, because I know there will be continuing discussions and debate over the pension plan at MTS and the memorandum that was signed in the committee by the ministers, especially the Minister of Finance (Mr. Stefanson) on the status of that pension plan. One of the ongoing concerns there again is what? Not only the protection

that workers would have under this new pension plan that did not have the same features and protection of Civil Service Superannuation, but the issue of access to surpluses under the pension plan. When you consider that the pension plan of the employees in many cases, with MTS and other firms, can often be of a magnitude that is not far off the value of the company, the net value, it is a very significant issue.

So we dealt with that even in this Legislature, and I say that it is time to enact legislation in this country that as a legal right establishes that fact, that pension plans are deferred earnings and are the right and property of working people.

An Honourable Member: And the surpluses as well.

Mr. Ashton: And the surpluses. You know, how much longer do we have to live, I believe, in the 19th Century when it comes to pension plans? Have we not understood how important that has been for Canadians, even the last 50 years. Go back to 1948, which is now about 50 years we are talking about when these first changes were brought in. If it were not for things like pension plans and many of the social safety nets that we have seen in Canada the last number of years—I want you to reflect on this fact. Since the 1970s, our income distribution between the highest 20 percent and the lowest 20 percent has stayed about the same. Now it is uneven; it is unfair. There are many people who do not share in the benefits of society. But you know what is most interesting is there has not been a shift in that percentage, but the percentage of income of the lowest 20 percent of the population that is coming from transfer payments has increased dramatically from about, I believe, 30 percent to 70 percent. So what has happened in the last 20, 30 years as we have seen rising unemployment, as we have seen the greater numbers of people marginalized in society, is there are social safety support mechanisms that have prevented that being a catastrophe of human proportions that would be equivalent to the 1930s. If it were not for those transfers of income, we would have had a 1930s situation. And where did they come from? They came from pensions, from unemployment insurance, from social assistance.

What I want to reflect on is in the 1990s we have shortsighted governments who wish to erode that very

safety net that has prevented us from going back to the 1930s. This government, with its coldhearted approach and its callous cuts to welfare, a number of people—and I have seen this in northern Manitoba because the federal government enacted the same cuts. It has dramatically hurt the health of populations.

I was talking today, in fact, to the member for Wolseley (Ms. Friesen) as we were leaving the church, and I know it is an impact on her community in Wolseley, the impact of welfare cuts. Unemployment insurance has been rolled back to the lowest levels in terms of percentage of workers eligible since the 1940s. We are back to the days in which Stanley Knowles and the CCF were fighting for decent unemployment insurance in the late 1940s. [interjection] Indeed, the member for Transcona (Mr. Reid) talks about Atlantic Canada, and I must admit that on election night, and I know Stanley was in a difficult situation healthwise—I really believe that Stanley's heart kept beating that one extra, those extra few days because he wanted to see what happened in the federal election.

I am sure that to see Doug Young, in particular—and I cannot even repeat most of what Doug Young had to say about troublemakers and how he could not give a tinker's whatever. I cannot even use half the language he used about the people who protested the cuts of unemployment insurance, and his smug, arrogant attitude towards the labour movement. He would not even meet with the CLC president, and he said how they were running out of steam and how they were a bunch of—well, I cannot use that either. You know what, when I saw him defeated because of the Liberal cuts to unemployment insurance—and I can tell you that in northern Manitoba when I saw the Liberal MP go down to defeat in a large part again because of Liberal cuts to unemployment insurance—I think Stanley Knowles would have been proud of the statement that Canadians made for what was a very vital part of our social safety net.

I want to say, Madam Speaker, they are eroding welfare, they are eroding unemployment insurance, and I say to you that pensions are no safer, no safer at all. I look at the federal restructuring of the Canada Pension Plan. If you look at our pension plan that the CCF fought so hard for, this government is turning its back, because of the way it is structuring the refinancing of

the CPP on the back of many lower- and middle-income Canadians, the working people that the pension plan was put in place in the first place to serve. We are seeing a government that does not recognize that, and I say so long as we deal with this kind of restructuring in pensions, so long as we see the Eatons of this world being able to access pension surpluses, so long as we see uncertainty with pension plans anywhere, the work that Stanley Knowles and the CCF and later the NDP pioneered with, the fight for pensions, will continue.

* (2130)

Madam Speaker, I want to finish on that because, as I left the church today, I was struck by the variety of people who were there. By the way, I want to pay tribute to people from all political persuasions—Liberals, Conservatives, New Democrats, those who are not politically, perhaps, attached, for attending—but you know I thought that one of the most incredible comments that I heard was from Bill Blaikie. Stanley Knowles, it is claimed by many—and I found this ironic with Lloyd Axworthy there because Lloyd Axworthy ran against Stanley Knowles in 1968 actually, so he knew of Stanley Knowles directly.

Stanley Knowles became, I think, many years ago something of an icon for Canadians, and when I say an icon I think there are people even of opposing political views who respected Stanley Knowles, because, as Bill Blaikie said, you know, there was Stanley the parliamentarian, Stanley Knowles the person that was champion of many causes, fought for many people, the great Canadian, the Winnipegger, but fundamentally, fundamentally the church. He was a CCFer, he was a New Democrat, until the day he died. I tell you, he never missed a chance to get involved in any election campaign. That was brought out. I remember seeing Stanley at various functions, and I say to those who would look at Stanley Knowles as an icon: Do not just see the icon, see the message. Stanley Knowles was about a message. It is a message that was valid in the 1930s and it is valid in the 1990s.

I sort of thought of this, Madam Speaker, when I saw Stanley's coffin, when I saw the reports of him lying in state, and this is an unusual honour. Only Prime Ministers have been accorded the same honour. You know, Stanley Knowles may never have been the leader

of a party elected to government, in fact, was not even leader of the CCF or NDP, but when he was lying in state at the House of Commons, I think in a way it was because in a lot of ways he was the people's Prime Minister. Not in the sense of holding the office, but for the entire time that he was in the Parliament, he spoke about working people and ordinary Canadians from coast to coast and had the reverence that even the greatest Prime Ministers of this country, I believe, will never match, the ultimate champion of the underdog. His career, as we reflect on it today, was a constant struggle, and in the 1990s that struggle continues.

I felt a certain sadness this afternoon, and I wondered when I would have the chance to speak on this particular matter, but you know, as I saw this bill and I saw the important issue of pensions, I see the message of Stanley Knowles' life, that is, never, ever, ever to lose the vigilance of fighting for fairness, for social economic justice for all the people of this country, and that is a dream and a vision that we are going to carry on the same way that Stanley Knowles did for so many years in the House of Commons. Thank you.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I too wanted to say a few words with respect to Bill 14, The Pension Benefits Amendment Act.

Prior to doing that, I listened very attentively to what the member for Thompson (Mr. Ashton) was saying and even though I was not at the Westminster Church earlier today, I, too, have a great deal of admiration for Stanley Knowles. In fact, when I first campaigned as a candidate—it was actually back in 1986, and that was against Maureen Hemphill—it seemed that every second door I was knocking on, people were saying, no, I am voting for Stanley Knowles. You would explain, no, this is not a federal election, it is a provincial election, and still so many people recognized, as the member for Thompson so eloquently has put it, just what Stanley Knowles has meant to many people, in particular, people who live in the north end. In fact, both of my children attend Stanley Knowles school, which was named after, obviously, Stanley Knowles for the type of contributions that he has done.

Having said that, Madam Speaker, when we look at Bill 14 and we see what it is that is being suggested in terms of the tightening up of pension benefits, of

ensuring that there are heavier fines, for example, from the \$10,000 to \$100,000 where there is a breach, I think that those types of amendments are in fact long overdue. Pensions are absolutely critical, and we do not give anywhere near as much attention as we should. So all in all the bill itself is fairly positive, fairly straightforward, something in which we can support going into the committee stage.

I wanted to take the opportunity to very briefly talk about Manitoba's Provincial Auditor and what the Manitoba Provincial Auditor has to say about this government's dealings with one of the most significant, in terms of size, pension programs, that being, of course, the provincial employees and so forth.

What we have is an unfunded pension, a pension which this government has not acknowledged in its books, and we have had the Provincial Auditor time and time again argue that this government needs to take that money into account. I guess I would take this opportunity to appeal to the government to be more straightforward with Manitobans with respect to where we really are with respect to our actual accumulated debt. We are not because we do not calculate the unfunded pension dollars into that debt.

I think that that is unfortunate, because it is there, and everyone outside of the province, even everyone outside of the Conservative caucus, recognizes that that debt is, in fact, there, and it is something which the government has to come to grips with. No longer can they say other provinces, for example, are not claiming it, Madam Speaker. I believe that Manitoba is, if not the last, going to be one of the last provinces to acknowledge that that debt is actually there, and this is something which we would like to see the government come clean with.

It is wonderful to see the strengthening of the act, but there are other ways in which the government itself could take actions to better pensions into the future. It is an issue which, no doubt, in time will continue to receive some debate. We will, no doubt, receive other suggestions for amendments well into the future, but the ones that are there that are being proposed currently we have no reason to object to.

With that, Madam Speaker, we, too, would like to see it go to the committee. Thank you.

Madam Speaker: Is the House ready for the question? The question before the House is second reading, Bill 14, The Pension Benefits Amendment Act.

Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Bill 15—The Government Essential Services Amendment Act

Madam Speaker: To resume second reading debate on Bill 15, The Government Essential Services Amendment Act (Loi modifiant la Loi sur les services gouvernementaux essentiels), standing in the name of the honourable member for Burrows (Mr. Martindale).

Is there leave to permit the bill to remain standing? [agreed]

Bill 16—The Council on Post-Secondary Education Amendment Act

Madam Speaker: To resume second reading debate on Bill 16, The Council on Post-Secondary Education Amendment Act (Loi modifiant la Loi sur le Conseil de l'enseignement postsecondaire), standing in the name of the honourable member for Kildonan (Mr. Chomiak).

Is there leave to permit the bill to remain standing? [agreed]

Bill 17—The Retail Businesses Holiday Closing Amendment Act

Madam Speaker: To resume second reading debate on Bill 17, The Retail Businesses Holiday Closing Amendment Act (Loi modifiant la Loi sur les jours fériés dans le commerce de détail), standing in the name of the honourable member for Kildonan (Mr. Chomiak).

Is there leave to permit the bill to remain standing? No? Leave has been denied.

* (2140)

Mr. Daryl Reid (Transcona): I am pleased to rise to speak on Bill 17, The Retail Businesses Holiday Closing Amendment Act, that the Minister of Labour (Mr. Gilleshammer) introduced some time ago.

Madam Speaker, I had the opportunity to talk with staff of the minister's department to receive some further explanation with respect to this piece of legislation, and while it is not extensive in nature, I do appreciate the minister giving us the opportunity to ask some questions with respect to the bill. I will include those comments that I placed with the minister before on the record here today, as well.

Now, what this bill proposes to do is to take away a part of a procedure that has been in place with government for some time. I cannot say exactly how many years, Madam Speaker, but I know that having looked at the Orders-in-Council that come to us from time to time through the Department of Labour that there is a procedure that has been in place for some time, and it requires that where a particular business establishment wishes to operate its facilities outside of the normal hours of the act, that there are certain provisions that are available. They have to make a request to the government.

Under the act itself, under Section 4.1(2)(b)(ii), it allows for a certain retail business establishment that wishes to remain open on a Sunday only to be open between the hours of 12 noon and 6 p.m. on a particular holiday as defined under the act, and there is a list of holidays which would include New Year's, Good Friday, Easter Sunday, Canada Day, Labour Day, Christmas Day and Sundays.

For companies that wish to open in particular on Sundays, they can make application to the Department of Labour for which the minister has power to grant exemptions under the act. Madam Speaker, I have looked back in records that I have kept since I became Labour critic and note that there are only a couple of applications per year that companies have made, and, in particular, what they are asking for is that the act provisions saying you can only be open from 12 noon to 6 p.m. on a Sunday be waived. What these stores are asking for is the opportunity to open in the evening hours, usually between the hours of 6 p.m. and 9 p.m., on a Sunday or that they would designate.

From what I can see in the existing Orders-in-Council is that these particular stores that have made application want to have their stores remain open for special events for their employees and the immediate families. As I say, there are only a couple of applications that I have seen. There were two in 1996, and I have only one for 1995. So there are not an extensive number of applications that do come forward.

Essentially what this does then, Bill 17, is take away the provisions and put powers into the hands of the minister, to allow the minister the opportunity to issue permits under powers and authority of his office instead of having to proceed as we have in past through Orders-in-Council whereby the minister and then the President of the Executive Council would have to sign it, which would be the Premier (Mr. Filmon). That will no longer be the case after this legislation passes in that anyone, any business making application will now be able to make a request to the Minister of Labour's office asking for exemption, and the minister will be able to issue a permit.

While this is not an extensive piece of legislation and obviously not anywhere near as important as some of the other matters that we are dealing with in legislation here in this Chamber, I have asked, just as a matter of trying to keep track of the number of applications that may come forward from particular businesses in the province asking for exemption to the retail holiday closing act, that the minister perhaps would take into consideration an inclusion of that information and the requests that may come forward from those particular businesses, the dates, for example, that they may want to have those applications granted and the names of the particular business establishments, so we might be able to keep track of the numbers and some of the details that are associated with those applications. I have asked the minister to record this information, if it is possible, even in an abbreviated or summary form within the annual reports that come out through the Department of Labour, so that we might be able to keep track of the business establishments that would be requesting this type of information. I hope the minister will give it that consideration.

Madam Speaker, the particular stores that have asked for requests in the past would include retail chains, which would, from what I have here as examples,

include the Saan and K Mart stores within the province. There may be others that have made application to the department from time to time. When this bill moves into committee, I will be asking for that information just to educate myself. Perhaps the minister, to give him advance notice, will have that information available from staff who would be there with him at that time advising on the bill.

I can think back, there have been other changes to the retail holiday closing act. Just last year when we had The Remembrance Day Act that was brought forward by this government at the time, too, to allow for retail businesses to be open on Remembrance Day, and I remember the fiasco that happened with that particular implementation. I do not foresee that happening with this particular change. I think that there will be, because it is just requesting permits for authorization to open and that these particular applications would take place in the month of December to allow for special shopping opportunities for the employees and their families, that there should be little, if any, serious concerns raised with respect to these changes. We would hope that this bill would move through to committee, and that we will be able to hear the comments, if any, of presenters that may come from the public to speak on Bill 17.

Madam Speaker, with those few words, I am prepared to allow Bill 17 to pass through to committee, and we will have our opportunity at that time to ask more detailed questions of the minister and the department with respect to this legislation.

Madam Speaker: Is the House ready for the question? The question before the House is second reading, Bill 17, The Retail Businesses Holiday Closing Amendment Act. Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Bill 21—The Jury Amendment Act

Madam Speaker: To resume second reading debate on Bill 21, The Jury Amendment Act (Loi modifiant la Loi sur les jurés), standing in the name of the

honourable member for St. Johns (Mr. Mackintosh), who has 39 minutes remaining.

Mr. Gord Mackintosh (St. Johns): Madam Speaker, this bill proposes to do away with the nominal fees that are paid to Manitobans who are called on to serve on the juries of this province. The government has estimated that by doing away with these jury fees, they will save approximately \$96,000 a year.

Now, we know from the minister's own admissions that most of the juries in this province average six days. It is interesting, Madam Speaker, that the jury fees are abolished under this bill for those that serve on juries of 10 days or less. In other words, most jurors in Manitoba now will not even enjoy a nominal per diem fee. What is particularly disturbing is that the per diem fees for serving on juries is \$30, and it has been \$30 since 1987. The government has never paid attention to that amount, and over the years all that this government has done is first attempt to abolish those fees back in 1993 and, again, today. Yes, in fact, this is the second time that this Conservative government has moved to abolish jury fees.

The last time they were caught. Actually by mistake, a letter had gone out to potential jurors telling them that they were no longer entitled to the per diem fee, but the member for Wellington (Ms. Barrett), the Justice critic of the time, raised the matter in Question Period, and the member for Brandon, then Minister of Justice, said: Well, there are people who serve on juries and through their collective agreements or through their relationships with their employers, their wages continue. Then he goes on to say this and I think it is worth repeating: Those who do not enjoy that kind of relationship or protection from their employers are the ones that we would be most concerned about as we look at these issues. We see jury duty as a very noble public duty that citizens in our country provide for their fellow citizens. He said: We do not want to see people punished by virtue of having to serve on a jury. He then went on to say that those people not protected by employment, and I quote, may well need that from the government. May well need jury fees, in other words.

Now back in 1993 the government changed its mind, but here in 1997, they went back with a vengeance. I think this is proof that at that time, this government at

least had some compassion, had some understanding of the importance of having ordinary people serve on juries. Today, Madam Speaker, by their introduction of this bill, it shows that this group across the way are meaner. They are certainly more arrogant and, more importantly, and I think this is the essence of this bill, this is the theme, they are elitist even more so than they were in 1993. We have had people that have sat back and looked at issues like this, because often, you know, these are not the sexy political issues of the day that there is a lot of media attention focused on.

* (2150)

Back in 1980, the Canada Law Reform Commission, as law reform commissions are asked to do, looked at this issue, and then with all good sense, they said if jury fees are too low, jury service will impose an undue economic burden on many jurors or make it difficult to obtain a jury that represents a true cross section of the community. Furthermore, the commission said, jurors who are required to endure economic hardship are perhaps more likely to be dissatisfied with their experience and, as a result, to discharge their functions less responsibly. They concluded, indeed, our survey revealed that those who are unhappy about the fee were also less likely to be favourably disposed to the jury system as a whole, a disturbing note, Madam Speaker, because those dissatisfied with the jury system are dissatisfied with the justice system. The jury system provides a window onto the justice system for ordinary Manitobans.

The words of the Law Reform Commission are also important, because they recognize the importance that juries represent a true cross-section of the community. Unfortunately, in Manitoba we have not had a good reputation for ensuring a cross-representation of our community, of our Manitoba community in our juries. The Aboriginal Justice Inquiry speaks loudly to that. The Aboriginal Justice Inquiry notes that if a significant portion of that public is not properly represented on juries, it would not be surprising to discover that a portion of the public never comes to view the justice system as anything other than a foreign and imposed system. No surprise that the Aboriginal Justice Inquiry made some very strong recommendations to assure greater representation of aboriginal peoples on juries, but I regret that the most meaningful recommendations

of the Aboriginal Justice Inquiry in that regard have been ignored. It is my information that the aboriginal peoples represented on juries in Manitoba is hardly distinguishable from the sorry record that was discovered by the Aboriginal Justice Inquiry at the time of its investigation.

The inquiry also went on to say that jury service may not only appear irrelevant to those not familiar with it, but it can be quite costly, and they talked about how the cost of serving on juries can be a disincentive to certain individuals. They said the travel costs associated with serving on juries are not paid in advance but reimbursed after the fact. I know the minister has said, well, do not worry, you can still get reimbursement for your costs. But for those who are facing real challenges of surviving on a daily basis, Madam Speaker, even being reimbursed after the fact imposes a hardship and a deterrent to those who might otherwise serve on Manitoba juries.

The local media has been looking at this issue, and I note that Professor David Deutscher of the University of Manitoba Law School says that rather than getting rid of the jury fees, the province should be increasing them. He warns, and I quote, you are limiting the potential pool of jurors. He went on to say, you want a fair trial with a jury that is going to be prepared to deliberate, not just sit there and worry about losing another day's pay.

Madam Speaker, 1996 saw this government bring in amendments to The Jury Act, and they did not go as far as we said they should have to ensure that at no time is there any disadvantage or any pressure put on jurors as a result of having to leave their employment to serve. As part of our debate, we reminded the government that the per diem rate had not changed since 1987. At that time, I said, despite the intelligence that is offered from the Law Reform Commission to deal more effectively with how we can ensure supports and income for jurors, this government goes on its merry way and ignores these issues. I noted that in Newfoundland, salaries must be paid by employers when one serves on a jury, but I noted that raises a lot of questions. What is the impact on the small business if that legislation was enforced, and what happens, for example, to the per diems that are paid? Should they be paid in the event that wages are paid at the same time?

We urge the government to consider the Law Reform Commission report, and particularly a recommendation there that said the daily remuneration, in order to remain relevant in today's society in terms of cost of living and to avoid frequent adjustments by law, should be based on the provincial minimum wage or expressed as a percentage of that sum. But there was no positive response at all to the Law Reform Commission report, no positive response to the Aboriginal Justice Inquiry recommendations, no positive response at all to our urgings here in 1996. No, Madam Speaker. What we got instead was this statement from the minister when he introduced this bill for second reading. He said, as one of the arguments for doing away with the per diem rate, this, and I quote: The per diem rate of \$30 per day is not representative of a realistic compensation for a wage earner.

He said because \$30 is too low, then get rid of it. Any other person looking at that would say, \$30 is too low, then raise it, respect juries, respect those who must serve. You know, I would think that if you embrace the value of juries as you must, you would be doing everything you can to think how can you better ensure that cross-representation of the community? If you cared about the input of those whose input matters, if you tried to level things out just even for this, you would be trying to see how you could reduce the economic impact of jury service, particularly on those who are disadvantaged in this province. But, no, what do they do? They say \$30 is too low, well, then we are not paying you anything.

The minister then says, do not worry, you can be excused for economic hardship. You can make a plea and say it is too hard on me, I cannot serve. Well, what is that going to do? That is going to skew juries in this province, particularly those, the working poor, are going to be the ones that are applying to be excused from jury service. Disproportionately now, who is going to be making the decisions in jury trials? Is it a true cross-section of the community? No. This government has made sure that that will not happen in this province, these elitists across the way.

No, the minister makes these arguments right in the face of AJI, right in the face of the Law Reform Commission, right in the face of common sense. Well, removing the per diem payments, we believe, will likely

lead to more working people being excused from jury duty due to financial hardship. It is more than just a symbolic gesture from a government that seems to be saying it does not respect the input of all people into the justice system. That is what they are saying. They are saying it loud and clear.

Madam Speaker: Order, please. The hour being 10 p.m.—

Hon. James McCrae (Government House Leader): Madam Speaker, would there be leave not to see the clock while I make a brief announcement?

Madam Speaker: Can I finish with the honourable member for St. Johns? When this matter is again before the House, the honourable member for St. Johns (Mr. Mackintosh) will have 28 minutes remaining.

Is there leave not to see the clock so that the government House leader can make an announcement?
[agreed]

House Business

Mr. McCrae: Madam Speaker, I wish to announce that the Law Amendments committee will meet on Tuesday, June 17, at 7 p.m. to consider the following bills: Bills 5, 9, 14, 17, 30 and 38.

Madam Speaker: For the benefit of all members, I will repeat the announcement. The Law Amendments committee will meet on Tuesday, June 17, at 7 p.m. to consider the following bills: 5, 9, 14, 17, 30, and 38.

The hour being past 10 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 16, 1997

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