



Fifth Session- Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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The Honourable Louise M. Dacquay
Speaker*



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
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<i>Vacant</i>	St. Boniface	

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 27, 1999

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

**PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES**

**Standing Committee on
Privileges and Elections
First Report**

Mr. Peter Dyck (Chairperson of the Standing Committee on Privileges and Elections): Madam Speaker, I would ask for leave to present a report.

Madam Speaker: Does the honourable member for Pembina have leave to present the Standing Committee Report on Privileges and Elections? [agreed]

Mr. Dyck: I beg to present the First Report of the Committee on Privileges and Elections.

An Honourable Member: Dispense.

Madam Speaker: Dispense.

Your Standing Committee on Privileges and Elections presents the following as its First Report.

Your committee met on Monday, April 26, 1999, at 7 p.m. in Room 255 of the Legislative Assembly to consider bills referred.

Your committee heard representation on bills as follows:

Bill 17—The Elections Amendment and Elections Finances Amendment Act; Loi modifiant la Loi électorale et la Loi sur le financement des campagnes électorales;

*Mr. Fred Toker, Private Citizen
Mr. Paul Neilson, Private Citizen*

Your committee has considered:

Bill 17—The Elections Amendment and Elections Finances Amendment Act; Loi modifiant la Loi électorale et la Loi sur le financement des campagnes électorales;

and has agreed to report the same with the following amendment:

MOTION:

THAT section 13 of the Bill be amended by renumbering it as subsection 13(1) and by adding the following as subsection 13(2):

*Coming into force: sections 2 and 3
13(2) Notwithstanding section 178 of The Elections Act, the amendments to The Elections Act, as enacted by sections 2 and 3 of this Act, come into force on the day this Act receives royal assent.*

Mr. Dyck: I move, seconded by the honourable member for Sturgeon Creek (Mr. McAlpine), that the report of the committee be received.

Motion agreed to.

Introduction of Guests

Madam Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon twenty-one Grades 11 and 12 students from St. Maurice School under the direction of Mr. Shaun McCaffrey and Miss Maria Marasco. This school is located in the constituency of the honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey).

Also, ninety Grade 7 students from Stanley Knowles School under the direction of Miss Joanne Kroemer. This school is located in the constituency of the honourable member for Inkster (Mr. Lamoureux).

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

ORAL QUESTION PERIOD

CentreVenture Government Support

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, it has been reported today that there is a plan from the City of Winnipeg, CentreVenture plan, a dynamic set of ideas to deal with housing, entertainment and attracting people to downtown Winnipeg, the capital city of our great province of Manitoba.

I would like to ask the Premier: has his government been involved in discussions with the city, and what is their position on these ideas and plans for the future of the city?

* (1335)

Hon. Gary Filmon (Premier): Of course, the health and vitality of the city of Winnipeg is important to all of us in Manitoba. The throne speech speaks to that in terms of our willingness and desire to continue the efforts to revitalize Winnipeg, particularly the downtown area. We, of course, entered into the tripartite Winnipeg Development Agreement, a \$75-million, five-year plan that included significant development and contributions towards the revitalization of the centre of Winnipeg. I know from my discussions with the mayor that he is very much aware of how many of the economic programs and initiatives of this government have contributed towards the strengthening of Winnipeg's central downtown area. Certainly we have, through ourselves and our Crown corporations, moved thousands of jobs out of the suburbs and into the centre of the city and helped to dramatically begin the effort of revitalizing what was becoming a very serious area of deterioration. We have not been directly involved in the development of this plan and so I have not personally seen it, nor do I believe our Minister of Urban Affairs (Mr. Reimer) has. We will be very interested in seeing it and working with the city to develop a co-ordinated and co-operative response.

Mr. Doer: Madam Speaker, I know the government would also be responsible for

developing its own vision for the downtown area of the city of Winnipeg, so I would like to ask the Premier what is his vision and how close is the proposal that was released today by the city to the provincial vision for the ability to bring more people downtown in terms of entertainment, housing and other developments that will excite the dynamic nature of our city.

Mr. Filmon: Madam Speaker, as the member opposite knows, it takes more than just doing capital works. He was a member of a government that spent tens of millions of dollars on the North Portage redevelopment but at the same time, in co-operation with others, saw many, many hundreds and thousands of jobs move out of the core of the city. We have done the reverse, and indeed we have created a circumstance whereby in the telecommunications field there are probably 5,000 or 6,000 jobs that are created in the downtown area. This is people who are there for a considerable period of the day. They are there in the evening; they are there longer periods of hours. They are shopping in the stores; they are eating in the restaurants; they are making access to all of the amenities.

We are involved with taking 30,000 square feet, I believe, for the Department of Health in a revitalized heritage building that is being redone. We have another request for proposal that I believe will see some 15,000 square feet and the Department of Family Services down in the core area bringing hundreds of people there throughout the period of the day and the evening so that we will get the vitality, we will get the revitalization. We will ensure that we are doing the right things to get the core area of Winnipeg revitalized, unlike what was done by the member opposite when he had a chance as the Minister of Urban Affairs.

City of Winnipeg—Downtown Government Vision

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, I had the privilege of working with former Minister Epp and former Mayor Norrie on the planning with the public of The Forks. I was pleased to see that this government carried on with those plans, and I think we should start taking the high road about our city

and the need to revitalize our city, unlike the shots opposite.

I would like to know, besides telemarketing jobs, what entertainment proposals, what proposals for housing—we were involved in the Ashdown warehouse—what other proposals for transportation are part of the provincial vision?

Hon. Gary Filmon (Premier): Madam Speaker, the University of Winnipeg is taking over the Citadel building and going to be creating opportunities for expansion of its performing arts and film industry training. We have by way of recreation a ball diamond becoming very close to completion in the downtown area. We have literally hundreds of jobs, the entire Workers Compensation operation centralized there, the jobs for the Department of Health, jobs for the Department of Family Services. I certainly am an admirer of Minister Epp and former Mayor Norrie. They just needed a better partner.

*(1340)

Labour Force Skills Training

Ms. Jean Friesen (Wolseley): Madam Speaker, we have raised the questions of skill shortages in Manitoba and Winnipeg on a regular basis in this House. But it is not just the opposition who is raising this, but also the Canadian Federation of Independent Businesses, the construction industry, Duff Roblin, and CIBC have all expressed concerns over many, many years.

I would like to ask the Minister of Education to confirm the most recent KPMG report on Winnipeg which concludes that there is a serious and growing shortage of skilled people for high-tech industries and that the growth of some industries, and hence Winnipeg itself, is constrained by this continuing shortage of skilled labour.

Hon. James McCrae (Minister of Education and Training): We certainly recognize the challenge implicit in the honourable member's question, but I do say it is a very, very different environment from the one we had in the mid-'80s when there was massive unemployment in

our province to today when we have jobs looking for skilled people.

We are pleased to have been part of the development of that "problem," and we are also very pleased to be part of the solution, for example the college growth fund which is enjoying this year an infusion of \$4 million so that we can put another 1,000 students to work in our college institutions in Manitoba to meet the very demand that we helped create as a government. In addition, it is important to have colleges, universities and the workplace working closely together, which might be something new to honourable members opposite, but it is seen by us on this side as being the solution and something that will create opportunity in the future. That fund is amounting to \$1.3 million in terms of strategic measures to be taken in the post-secondary sphere.

Ms. Friesen: Madam Speaker, the real issue is the decade of neglect of this government.

I would like to ask the minister: could the minister tell us why after 11 years in power the government's own report from the Economic Innovation Council last year directed the government to (1) initiate human resource policies to improve information technology training, and (b) even directed them to produce an annual report forecasting supply and demand in this area? Surely, these are fundamental things a government should have done over 11 years in power.

Mr. McCrae: Well, Madam Speaker, I will be so pleased to compare the performance of the past 11 years with the performance of the six and a half years previous to that. I cannot wait to be engaged in a discussion whereby the people of Manitoba can be reminded of the progress of the last few years.

Ministers on this side of the House can speak more eloquently than I about the growth in capital investment, about the growth in exports from our province, about the growth in value-added industries throughout this province, and all of the jobs that has created, bringing us to the point where we need to have a college growth fund and we need to have responses like that. They are not only responses, they are also on the

leading edge, getting people ready for the kinds of high-paying, high-tech jobs.

I remind the honourable member what Nuala Beck said recently when she told us that some 39 percent of Manitobans were involved in high-end, high-education employment and compared that with the rest of the world and found only one anywhere in the world that was any better than Manitoba and that—

Madam Speaker: Order, please.

* (1345)

Ms. Friesen: Could the Minister of Education tell us how he has measured not just the decade of neglect but the five years of actual cuts to colleges and universities, in one year amounting to \$22 million, the continuing cuts in actual dollars to public schools? How has that impacted upon the future of Winnipeg and upon the provision of a skilled labour force for this province?

Mr. McCrae: Madam Speaker, I find it quite incomprehensible that the honourable member for Wolseley can expect to be believed when I see the progress that has been and is being made in Manitoba. Here we are, just at the tail end of some of the worst economic problems that governments face and providing funding for our college sector to put 1,000 more students to work at their studies in this coming year, fully doubling, for example, the numbers of places at ACC for licensed practical nursing. These things are happening—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Minister of Education and Training, to complete his response.

Mr. McCrae: Madam Speaker, it might be remarkable to many but not to me that this is happening so soon after the second worst recession in the history of this century in this country, after the massive cutbacks coming from our federal government in respect to health and post-secondary education, and all the while this government has had to carry the debt, the burden of debt to financing left to us by honourable

members opposite. Still we are able to make these improvements in our education system.

Office of the Fire Commissioner Fire Code Inspections—Schools

Mr. Daryl Reid (Transcona): Madam Speaker, at the beginning of this decade the Fire Commissioner's office provided fire code inspections for some 700 Manitoba schools at no cost to the school divisions. Effective April 1996, the government designated the Fire Commissioner's office as a special operating agency with the mandate to provide inspections on a fee-for-service basis, on a profit basis. It is our understanding that many Manitoba schools have not been inspected since at least 1996 when the government last changed the mandate of the Fire Commissioner's office. I want to ask the Minister of Education to confirm that some Manitoba schools have not had fire code inspections performed by the Fire Commissioner's office or other qualified inspectors in at least four years. Is this your new policy of only inspecting what can make money, not what is right for public safety?

Hon. James McCrae (Minister of Education and Training): Madam Speaker, I do not have at my fingertips the information respecting where, when and how frequently inspections are done, so I will obtain information and make it available to the honourable member.

* (1350)

Mr. Reid: Can the Minister of Labour then, since the Minister of Education does not know, explain why the Fire Commissioner's office is now making a profit by offloading the costs of fire code inspections on to personal care homes, on to daycares and on to schools? Is this the way you run your government?

Madam Speaker: Order, please. The honourable Minister of Labour.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. I would remind all honourable members this is not a time for debate. This is Question Period, and the

honourable Minister of Labour was recognized to respond to the question asked.

Hon. Mike Radcliffe (Minister of Labour): Madam Speaker, I thank the member opposite for that question, because that gives me an opportunity to tell members here the new role of the Fire Commissioner's office in Manitoba.

The Fire Commissioner's office has become a resource in order to instruct municipalities to offer opportunity for municipal officials to learn how to do the fire inspection function in Manitoba. They have a college out in Brandon which does a very fine function out there.

Madam Speaker, I commend members opposite to find out more about the Fire Commissioner's office and the fact that they are the source of information, skill and resource in order that the safety and fire inspection of premises be done on a local level.

Mr. Reid: Since those two members do not know, I pose my third question to the Premier, Madam Speaker.

Will the Premier explain why the Fire Commissioner's office can provide services to Libya, to Cuba, to Chile, to Brazil, to Argentina, but they cannot ensure that the inspections of our very schools to which our children go every single day are inspected by the Fire Commissioner's office? Is this the way you operate your government?

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

Hon. Gary Filmon (Premier): Madam Speaker, because I take that matter as a serious issue, I will take the matter as notice and have the information that the member opposite has brought forward verified as to its accuracy and have the Minister of Labour bring back the answer.

Children's Hospital Fatalities Inquest Report Status

Mr. Dave Chomiak (Kildonan): Madam Speaker, one of the sorriest periods in Manitoba history of course was the occasion of the 12

deaths of the children at the Health Sciences Centre Children's Hospital. In September when the inquest after four years wound up, the head of the inquest said, and I quote: I believe I will be able to formulate and finalize the report within the next few months, and some time early in the new year the report, I anticipate, will be delivered.

My question to whomever minister wishes to respond is: can you please update us as to the exact status of that report with respect to the 12 deaths at Children's Hospital, insofar as it is very crucial to the planning of the hospital system and all of the changes that are anticipated in the next few years?

Hon. Eric Stefanson (Minister of Health): Madam Speaker, that report has not been received as of yet. I am certainly prepared to follow up again when it can be anticipated. I gather from the most recent information I have been provided that it is still a few months before the report will be completed. But I am prepared to certainly look into the matter one more time and get back to the member opposite.

Mr. Chomiak: Madam Speaker, I wonder if the minister might also report to the House, since we have been contacted by several of the parents in this regard who had anticipated at least recommendations from the report would be finalized, whether the minister can inquire whether or not recommendations with respect to the report can and will be forwarded in the near future so that these matters can be dealt with. It has been long standing, as we all know, for a long time, and clearly this issue should be dealt with as quickly as possible.

* (1355)

Mr. Stefanson: Again, certainly as part of my follow-up on the status of the report and various aspects and nature of what one can expect, I am certainly prepared to undertake the request from the member opposite, Madam Speaker.

Children's Hospital Accountability Review

Mr. Dave Chomiak (Kildonan): My final supplementary to the minister is: since

significant changes are taking place with respect to Children's Hospital and some recommendations that we have made, such as the interim intensive care beds that are being anticipated be put in place, can the minister indicate whether or not the planning with respect to Children's Hospital and accountability in the hospital function in general will be reviewed in light of this report, which will obviously have recommendations dealing with accountability and other matters as it relates to the operations of hospitals in Manitoba?

Hon. Eric Stefanson (Minister of Health): Madam Speaker, I am glad the member acknowledges some of the announcements recently relative to some changes in terms of the intensive care unit for pediatrics at the Health Sciences Centre which is part of that. There are also going to be some additions of additional equipment required, an echocardiogram and other additions and improvements. But his specific question as to the relationship to the full-scale development of the Health Sciences Centre, I am certainly prepared to look into the issue of how any other changes might interact with what will be ultimately a hundred-million-dollar renovation and rejuvenation of the Health Sciences Centre.

Health Care Facilities

Capital Projects—Community Contribution

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I look to the Minister of Health in the hope that he will acknowledge that the expectations built up by this government when it announces a capital program in excess of hundreds of millions of dollars—that they look to the government to be straightforward and honest with what they really and truly expect to construct.

My question to the Minister of Health: does the government have guidelines in terms of criteria in terms of getting the projects off the ground, the shovel to be hitting the soil? Part of that is that 20 percent. My question to the Minister is Health is: what percentage of the programs that are in that capital program actually have the community resources raised which would initiate the beginning of those programs?

Hon. Eric Stefanson (Minister of Health): Madam Speaker, as I indicated to the member the other day, a good number of the capital projects, the \$123-million health capital projects that were just recently announced will not require any community contribution. I have also indicated that to the best of my knowledge, with the number of capital projects that are currently underway across Manitoba, the community contribution has not been an impediment because communities are able to make that contribution, in most cases an up-front contribution of 10 percent through a number of options and funding sources. I am certainly prepared to provide the member with detail as to which projects on that listing will require a community contribution, and I will undertake to do that.

Emerson Health Care Centre Capital Projects—Community Contribution

Mr. Kevin Lamoureux (Inkster): Madam Speaker, a supplementary question for the Minister of Health in the sense that, given that there already has been four announcements with respect to the Emerson health care facility, can he indicate to this Chamber when they actually initiated any sort of fundraising to get their percentage requirements?

Hon. Eric Stefanson (Minister of Health): Madam Speaker, let us first of all recognize that in Manitoba there has always been a form of community contribution. If you go back several years, it used to be 50 percent. Then it became that you had to contribute serviced land and other amenities to the facilities. Now the policy is that the total project is costed out, including the serviced land and so on, and then there is a community contribution of 10 percent if it is done up front or 20 percent if it is done over ten years interest free. So, again, when we look at Emerson, that is a \$5-million project approximately. The community contribution will be on an up-front basis of about \$500,000. If the community owns the land, which I believe is the case there, they will get credit for the land being contributed against that cost. Again, they then have options to look at any foundation funds that are in place. They have options to raise within the community and the surrounding area. They have the options of having the

municipalities make a contribution. Again, communities have played a very active role in all of these policies, and I think that has been very healthy in terms of being absolutely certain we are getting the most appropriate facility in place in all of our communities right throughout Manitoba.

Mr. Lamoureux: Madam Speaker, I am sure the Minister of Health can appreciate that the expectation is—

Madam Speaker: Order, please. The honourable member for Inkster was recognized for a final supplementary question to which there should be no preamble.

* (1400)

Mr. Lamoureux: Can the Minister of Health indicate to this House how much of that 10 percent actually has been raised, given that it does have an impact with respect to what the community's expectations are in terms of what this government's real intent is? So, in fairness to them, indicate to the House what the current status is.

Mr. Stefanson: Madam Speaker, I can certainly undertake to determine the current status, but I think the member opposite has to recognize in the development of health capital projects we obviously work with the communities, we work with the regional health authorities within their region. They prioritize the various health capital projects. The Department of Health works with them in terms of determining the final allocation, the final projects that are going forward. Certainly, from the Central Regional Health Authority, the Emerson facility is one of the highest priorities. So we have made a commitment to that project. I do not see the community contribution being an impediment for all of the reasons that I have outlined already. It has not been an impediment in any other area. Quite the opposite. Communities are ready, enthused and prepared to get on with their capital projects. We certainly expect that to be the case in the community of Emerson.

First Nations Gaming Negotiations

Mr. Eric Robinson (Rupert's Land): Madam Speaker, I have some questions for the Minister

responsible for Lotteries. Two years ago the government released a First Nations gaming policy review, and this review stated that consolidation and refurbishment of Club Regent and McPhillips Street Station was expected to be completed by the spring of 1999.

I would like to ask the Minister responsible for Lotteries as to the state of negotiations with First Nations in Manitoba especially with respect to gaming. I would like to ask him to what degree the negotiations have been occurring with the First Nations of this province.

Hon. Darren Praznik (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Madam Speaker, there are two particular issues in that area. One, of course, is the issue of aboriginal casinos; the second, of course, are a number of First Nations who, when the first freeze and reduction in VLTs came, were caught in a situation in that freeze because they were in the process of having their gaming agreements as First Nations concluded with the provincial government. So there are two sets of particular issues. We have had recommendations made from a variety of committees and sources, and cabinet is still in the process of making decisions on these issues before we get into negotiations if they are warranted with the respective First Nations.

Mr. Robinson: Madam Speaker, Saskatchewan has a model where an agreement was reached and signed four years ago and has had some success with bringing jobs, development and revenue to First Nations communities. I would like to ask why this government has been the only western province not to have an agreement on a First Nation casino in the province of Manitoba.

Mr. Praznik: Madam Speaker, Manitoba was one, if not the first, jurisdiction, I believe, to begin the process of entering into gaming agreements with First Nations. Although those did not involve, in themselves, the casinos, they did establish a mechanism for First Nations to where they so chose within their jurisdictions to be involved in gaming. As I think the member is very well aware, the issue of expansion of casino operations in this province is one that has had a great public debate, and obviously I think we all

have to be somewhat cognizant of the feeling of Manitobans with respect to this issue. As I have indicated, a decision has not yet been made as to how we as a province will proceed on this matter.

Mr. Robinson: Madam Speaker, it is widely known that Manitoba probably has more VLTs per capita than any other province in Canada in First Nations communities. It is also estimated that 20 percent—

Madam Speaker: Order, please. Would the honourable member please pose his question.

Mr. Robinson: I am trying to pose a question, Madam Speaker.

It is estimated that 20 percent of the patrons of the Regent Street and McPhillips Street Station are aboriginal people. My question is simply this: is there a fear that in the event there is a casino operated by First Nations people it would give competition to the Province of Manitoba?

Mr. Praznik: Madam Speaker, I would indicate very clearly to the member that that is not a fear at all. In fact, if one looks at the development of gaming in our province, I think there are now some 600 tour buses a year that frequent our province, bringing people in from outside to participate in gaming, and it is estimated that there is at least another 400 potential tour buses coming into our province. So the industry is one that has had some growth driven by people from outside of our jurisdiction coming here to enter into gaming.

Madam Speaker, I think the whole concern for any government dealing with this particular issue is the feelings of Manitobans. There is a debate among Manitobans about gaming, how much, concerns about the effects of gaming, and I am sure that the leadership in the First Nations community must experience the same debate too within their communities. It is a very difficult issue, I think for all of us in public life, to wrestle with because there is such a great variety of points of view, all of which have some very legitimate concerns on both sides of the argument.

Health Care Facilities Food Services—Patient Weight Losses

Hon. Eric Stefanson (Minister of Health): Madam Speaker, responding to an issue I took as notice from the member for Crescentwood (Mr. Sale) the other day.

The other day the member for Crescentwood tabled information in this House having to do with an issue of weight loss for patients at the Deer Lodge facility. I undertook to look into the matter and to get back. I would like to table some information, a release from Deer Lodge and the Winnipeg Hospital Authority, for this House. It outlines that the new food service at Deer Lodge is not causing weight loss. It goes on to say that: "There has been no change in weight patterns among residents of Deer Lodge Centre since the new food service was introduced." A second weight audit was conducted last week by the Winnipeg Hospital Authority Rehab/Geriatrics Team, who obviously are the experts in this area, at Deer Lodge as a response to some suggestion. "The results of the audit were consistent with weight patterns of a long-term and geriatric care centre." In fact, "the average weight loss was greater before the USSC food was served at Deer Lodge." I quote—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Minister of Health, to complete his response.

Mr. Stefanson: It is a very serious issue, Madam Speaker, and Dr. Elizabeth Boutscha, the medical director of the geriatrics team, says: "Results have been consistent. For those who have chronic illness, there is an inevitable loss of weight associated with physical and cognitive decline. Many clients take medications that can affect weight." For example, certain of them lead to weight gains, others lead to weight losses, and she outlined the changes over that period.

But I think what is equally as important is out of the 36 records that were tabled by the member for Crescentwood, only three had no errors. So the information provided was either

inaccurate or manipulated or that was done by the member opposite, because it is absolutely incorrect. Less than 10 percent of the information provided had any degree of accuracy, and that is absolutely fundamentally wrong. When we come to this House—

* (1410)

Madam Speaker: Order, please.

Mr. Tim Sale (Crescentwood): Madam Speaker, I thank the minister for tabling the information which I actually received yesterday and which I note—actually on the page he was quoting from—absolutely to the tenth of a pound confirms the data that we released last week, to the tenth of a pound: from July '98 to October '98 average weight loss, 2.5 kilograms, exactly 5.4 pounds, which is exactly what we tabled, to the tenth of a pound.

Will the minister confirm that far—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable member for Crescentwood, to quickly pose his question now.

Mr. Sale: Will the minister confirm that far from an acceptable state of affairs, the continuing weight loss has now caused Deer Lodge Centre's staff to order a very wide range of blood work and other tests to ascertain why patients in that facility have lost on average 22 pounds since last July? Will he confirm that diagnostic work is now underway?

Mr. Stefanson: Madam Speaker, it is shameful what this member does, because again, he is absolutely wrong with what he says that the average that they showed in that chart that they tabled was 5.4 pounds; in fact, the average is 1.6 pounds, a significant difference. He only had three right out of 36. Out of 36 records, he had three right, less than 10 percent. What kind of an accuracy ratio is that? That is pathetic. So either the information was incorrectly provided to him, or he is either incompetent in terms of bringing it here, or he manipulates it when he brings it here. In either case, that is absolutely

unacceptable. When we bring information to this House, it should be accurate, particularly when we talk about health care issues and the health care of the citizens of Manitoba.

Mr. Sale: Madam Speaker, will the minister explain to the House how data that is tabled with numbers against patients, no names, no initials, no identifying information, no ward identified, how is he able to tell this House that there are any errors in this data, and how can he explain that the data show a weight loss from November to March of 5.4 pounds on average, exactly what the data from Deer Lodge shows, precisely?

Mr. Stefanson: Madam Speaker, put quite simply, obviously Deer Lodge, the WHA, the physicians, everybody involved, took this issue very seriously, and they dedicated the resources to go and try to track down what the source of this information was, even though, again, members opposite like to bring anonymous information. They will not bring any sourcing of it.

They were able to determine what the source of these 36 records were. They were able to determine that only three out of the 36 were accurate, and again—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Minister of Health, to quickly complete his response.

Mr. Stefanson: Well, again, Madam Speaker, so they were able to confirm that only three out of 36 were accurate, a pathetic performance on the part of the member opposite, and one can only wonder what his objective is but nothing better than to try and scare people, to try and scare families. That is absolutely shameful when it comes to the health care of Manitobans.

Madam Speaker: Time for Oral Questions has expired.

Speaker's Rulings

Madam Speaker: I have two rulings for the House.

The Deputy Speaker on April 7 took under advisement a point of order raised by the honourable member from Crescentwood (Mr. Sale) about language he claimed had been used in reference to him by the honourable Minister of Urban Affairs (Mr. Reimer). The Deputy Speaker, when taking the matter under advisement, undertook to examine Hansard to see what record there was of the exchange.

I have read the Hansard of April 7. The minister did not have the floor, and there is no record in Hansard of any words spoken by him. The audio tapes have been listened to, and they show no indication of the comments of the Minister of Urban Affairs. Therefore the Chair is unable to rule on the point of order.

* (1420)

On April 12, 1999, the opposition House leader during Question Period raised a point of order respecting words spoken by the honourable First Minister (Mr. Filmon) about the honourable member for Swan River (Ms. Wowchuk) when the First Minister was responding to a question posed by the member. The opposition House leader contended that the honourable First Minister had attributed motives and had asked that the unparliamentary comments be withdrawn.

Having reviewed the Hansard for April 12, 1999, I would agree with the opposition House leader. I would therefore request the honourable First Minister to withdraw the words complained of.

Hon. Gary Filmon (Premier): Yes, Madam Speaker, I would be happy to withdraw those remarks.

Madam Speaker: I thank the honourable First Minister.

On April 13, during Question Period, the honourable member for The Maples (Mr. Kowalski) raised a point of order respecting an answer provided by the honourable Minister of Energy and Mines (Mr. Newman) to a question posed by the honourable member for Inkster (Mr. Lamoureux). I took the matter under

advisement in order to review Hansard and determine precisely what the minister said.

Hansard shows that the minister stated: ". . . the deal is not completed yet, and I would be very interested in knowing whether the Liberal Party of the province of Manitoba does support the deal in principle and just what—"

The honourable member for The Maples indeed did have a point of order. Question Period is not a time for debate, and when answering questions a minister should not provoke debate.

MEMBERS' STATEMENTS

World Wildlife Fund Report

Mr. Ben Sveinson (La Verendrye): Madam Speaker, today the World Wildlife Fund released its 1998-99 Endangered Spaces progress report, and I am pleased that Manitoba is among Canada's leaders in wilderness protection. Manitoba's B-minus grade is now the highest grade in the country, given that Ontario's grade is under review. Manitoba's progress in establishing protected areas is directly related to the co-operative relationships fostered by the 1998 memorandum of understanding with Manitoba's First Nations, in addition to support from the Mining Association of Manitoba.

The WWF pointed out in its announcement today that the two provinces receiving the highest grades both had the personal involvement of their respective provincial Premiers. Premier Gary Filmon has championed the effort in Manitoba and is the only Premier who has been in office throughout the entirety of the WWF's Endangered Spaces campaign. When the Endangered Spaces campaign began in 1989, Manitoba had only .6 percent or 354,000 hectares of its land base protected. Today I am pleased to announce we are at 8.3 percent or 5.4 million hectares.

Last week, our government announced the creation of three new park reserves: Chitek Lake, Poplar/Nanowin River, Long Point, a new ecological reserve, Whitemouth Island, increased protection for eight wildlife management areas

and the Douglas Marsh within the Canadian Forces Base at Shilo.

The staff are actively working on new areas for next year, the final year of the WWF's 10-year Endangered Spaces Program. There are a number of areas of special interest that we are optimistic can be advanced during the last year of the program. In fact, the Long Point park reserve creates interim protection for a component for the proposed Manitoba Lowlands national park that the World Wildlife Fund targeted for next year. Manitoba and Canada are anxious to work with the First Nations and industry partners to meet the WWF's challenge to establish the new national park.

In closing, I wish to assure all Manitobans that, in order to protect and conserve our natural heritage for future generations, we intend to meet our original commitment to complete a network of protected areas that is representative of Manitoba's diverse landscapes. Thank you.

Provincial Debt

Mr. Leonard Evans (Brandon East): Madam Speaker, I would like to put a few words on the record about the debt in the province of Manitoba. I know the members opposite are forever criticizing the NDP for a debt that increased during the Pawley years in government, but they want to ignore the fact that that was a period of very, very high interest rates, double-digit interest rates. It is a period of time when many other provinces, most other provinces and the federal government also increased the debt burden, but I believe members on the government side are deluding themselves perhaps with fond hopes or they are believing their own propaganda.

So I am suggesting that they look at their own books, look at their own figures and find that the debt per capita for general purposes in the province of Manitoba has gone up enormously since the Filmon government took office in 1988-89. In 1988-89, the per capita debt in the province of Manitoba was \$4,750, every man and woman \$4,750 each. As of December 31, in the minister's own document—there is the number—what is the per capita debt? \$6,049. It is an increase of 27.3 percent in the

per capita debt in the province of Manitoba. So much for fiscal management, so much for great economy, so much for all the great things you are doing.

Madam Speaker, those are the facts. Members opposite want to delude themselves. They want to ignore it, but that is the fact, just as the member from—the Minister of Education (Mr. McCrae) was going on about job creation and investment priority. If he would look at the facts, he would find that the rate of job creation was greater under the Pawley NDP government than it has been under this government. The figures are there. I invite the minister to look at the figures. He will see the rate of increase in jobs was far better under the NDP government than it has been under the last 10 years of this government. Thank you.

Viking Motor Inn Reopening

Mr. Edward Helwer (Gimli): Madam Speaker, this past Saturday I had the pleasure of joining the owners of the Viking Motor Inn, Rick and Monica Kalyn and John and Janice Strutynski at the hotel's official reopening. Six months ago the restaurant and the nightclub portions of this popular Gimli establishment were destroyed by fire. Even in the face of this devastation the decision was quickly made to rebuild, and the people of the Gimli area are certainly pleased that the Viking is back in business.

The three parts of the business, Rick's Two Friends' nightclub, Gordon Lee's Chinese Restaurant and the 21-unit motel are all very important for tourism in the Gimli area. In the summertime, visitors from all over find a nice room, a great meal and an entertaining evening at the Viking. The restaurant and the nightclub are also popular among the people of the community year-round. So I would just like to take this opportunity to once again congratulate the Kalyns and the Strutynskis on the reopening of the Viking Motor Hotel and to wish them even greater success in the future. Thank you.

Bombertown Production

Mr. Gerard Jennissen (Flin Flon): Madam Speaker, last Saturday night at Flin Flon's R.H. Channing auditorium, my wife and I, along with

hundreds of other northerners experienced a delightful new musical entitled Bombertown. Mark and Crystal Kolt and the 150-member volunteer cast from the Flin Flon region put on a truly magnificent production. Bombertown was an explosive multimedia event celebrating the 1957 Memorial Cup victory of the Flin Flon Bombers over the heavily favoured Ottawa Junior Canadiens.

The 150-minute two-act performance, full of original songs, captured in a most dynamic and creative fashion that upbeat feeling of hometown pride that first galvanized the town in 1957. Bombertown was a sophisticated blend of sound, colour, costuming and set design. It was a blend of history and nostalgia. It was a story about hard-rock mining and hockey, a story about love and northern pride. It was our story. Bombertown was a perfect marriage of sports and culture. I only wish that people south of 53 could have had the chance to see this original and powerful musical.

I am sure that all members in this Chamber are happy to join with me in expressing profound thanks to the many volunteers who made Bombertown such a successful musical. Thank you, Madam Speaker.

* (1430)

Wally Fox-Decent

Mr. Kevin Lamoureux (Inkster): I wanted to take this opportunity, on behalf of the party, to congratulate the efforts of Wally Fox-Decent. When the province of Manitoba and indeed our country was in a crisis situation during constitutional debates, Wally Fox-Decent did a first-class job in guiding Manitoba with our response, an all-party response. He was able to build upon a consensus.

Yesterday, it pleased Manitobans to see a tentative agreement, and we will have to wait and see what is actually voted on from the membership of our nurses, but suffice to say we applaud the individuals sitting down around the table and particularly Mr. Fox-Decent, who obviously has great ability in bringing different people at the table in order to handle a situation.

The real winner is going to be all Manitobans as we realize the important role that our nurses and other health care professions play in providing what most Manitobans hold so close to their hearts, and that is our health care system. Thank you.

Committee Changes

Mr. George Hickes (Point Douglas): I move, seconded by the member for Dauphin (Mr. Struthers), that the composition of the Standing Committee on Privileges and Elections be amended as follows: the member for Brandon for the vacancy.

This change was moved during the April 26, 1999, meeting of the Standing Committee on Privileges and Elections, and the same change is now being moved in the House so that the official records can be updated accordingly.

Madam Speaker: It has been moved by the honourable member for Point Douglas (Mr. Hickes), seconded by the honourable member for Dauphin (Mr. Struthers), that the composition of the Standing Committee on Privileges and Elections be amended as follows: the honourable member for Dauphin for the vacancy, and this change was moved during the April 26 meeting of the Standing Committee on Privileges and Elections. The same change is now being moved in the House so that official records can be updated accordingly. Agreed?

Some Honourable Members: Agreed.

Madam Speaker: Agreed and so ordered.

ORDERS OF THE DAY

House Business

Hon. Darren Praznik (Government House Leader): Madam Speaker, just on House business, I am looking to the opposition House leader (Mr. Ashton) just so he is aware of the point I make. I would like to—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. I am certain all members want to hear what the order of House business will be today, and I am experiencing great difficulty hearing it.

Mr. Praznik: By way of information for the House, on Thursday, as has been announced, it will be budget day, and the House will be sitting at 1:30. The budget will be delivered following Question Period.

As we examine our rules, I think there is some issue as to whether or not on that particular day the House would sit in the morning. I think if you would canvass the House in the interests of giving clarity to that, you will find that there is agreement in the House to confirm that the Assembly will be sitting on Thursday morning at 10 a.m. as a scheduled sitting. At that time, it is the government's intention to bring forward the resolution which appears on the Order Paper with respect to rules for the election of a Speaker in subsequent sessions or subsequent legislatures. So, first of all, I think if you canvass the House, that if there is any defect in our rules it will be dealt with by unanimous consent.

Madam Speaker: Is there leave of the House to sit on Thursday morning as well as the regular 1:30 p.m. sitting on Thursday—10 a.m.? [agreed]

Mr. Praznik: Madam Speaker, I would ask if you could call for introduction of second reading the bills as they appear on the Order Paper. That would be Bills 4, 5, 6, 9, 11, 12, and 15. Then I believe you will find that there would be unanimous consent to allow for the report stage for Bill 17.

SECOND READINGS

Bill 4—The Law Fees Amendment and Consequential Amendments Act

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I move, seconded by the Minister of Finance (Mr. Gilleshammer), that Bill 4, The Law Fees Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les frais judiciaires

et modifications corrélatives), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: On October 22, 1998, the Supreme Court of Canada ruled that the Ontario regulation prescribing a fee structure for the probating of estates was unconstitutional. The unconstitutional aspect of the Ontario probate fee, according to the decision of the court, was that it was located in a regulation rather than a statute enacted by the Legislature. Although the Supreme Court's decision dealt solely with Ontario's probate fees, the decision has potential application in jurisdictions across Canada where probate fees are similarly structured. The legislatures of Ontario, Newfoundland and New Brunswick have all responded to the Supreme Court's decision by enacting appropriate remedial legislation. It is expected that other jurisdictions will soon follow suit.

Manitoba's probate fees are significantly lower than those in Ontario. They are roughly 40 percent of those charged in that province. However, the graduated structure of Manitoba's fee is similar to the graduated structure in Ontario, and it is, in part, this aspect of Ontario's fee which led the Supreme Court to its conclusion. The result has been uncertainty about the constitutional status of Manitoba's probate fee.

The purpose of this bill, Madam Speaker, is to bring certainty back to Manitoba's probate practice by moving the probate fee from its current place in a regulation to a statute. The bill will have no impact on the actual probate charges being collected, which will continue at exactly the same levels as under the existing fee structure. The probate fee is currently found in the law fees regulation which was made by the Lieutenant-Governor-in-Council pursuant to powers vested in him under The Law Fees Act. With this bill the probate fee will be removed from the regulation to the act. The act will correspondingly be named The Law Fees and Probate Charge Act.

I would like to make it abundantly clear that this is a change in form only and that it will have

no impact on existing or past probate practice in Manitoba. Probate fees were charged on a graduated scale in Manitoba as early as the 1880s and by regulation since 1959. This bill will ensure that those fees that were calculated, paid, and collected under those regulations will be validated constitutionally in a manner consistent with the recent pronouncement of the Supreme Court of Canada.

In conclusion, Madam Speaker, I would like to add that the probate fee structure has been administered, amended, and enforced in good faith by governments of all stripes in this province. With this bill, this government is responding directly to the uncertainties that have been caused by the decision of the Supreme Court of Canada. This bill will ensure that the revenues generated in the past are protected, and that existing probate practices continue. Thank you.

Mr. Steve Ashton (Thompson): I move, seconded by the member for Selkirk (Mr. Dewar), that debate be adjourned.

Motion agreed to.

* (1440)

**Bill 5—The Highway Traffic Amendment,
Off-Road Vehicles Amendment and
Consequential Amendments Act**

Hon. Darren Praznik (Minister of Highways and Transportation): Madam Speaker, I would move, seconded by the honourable Minister of Agriculture (Mr. Enns), that Bill 5, The Highway Traffic Amendment, Off-Road Vehicles Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et la Loi sur les véhicules à caractère non routier et modifications corrélatives, be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Praznik: Madam Speaker, this particular legislation will address a number of important issues, one of course being the drinking-and-driving, driving-while-disqualified countermeasures for operators of off-road vehicles. I

want to in particular at this time thank the former Minister of Highways and Transportation, who did a great deal of work in bringing this bill to the stage where I, as the new Minister of Highways, am able to introduce it here today. I know it was an issue in which he felt very, very strongly, and I want to thank him for his excellent work. I am very honoured to have this piece of legislation here today.

Madam Speaker, these particular provisions do a number of things. They will add a new element to our government's highly successful drinking-and-driving and driving-while-disqualified countermeasures strategy. In 1989, this administration introduced some of the toughest laws in Canada against motorists who drink and drive. Alcohol- and traffic-related fatalities decreased significantly following introduction of those countermeasures. In fact, I dare say that today there are many Manitobans who, if it had not been for the actions of this government, would not be alive today.

In 1997, Manitoba saw a dramatic rise in snowmobile fatalities, almost doubling the average rate from the previous five years. We saw a growth in the rate of fatalities from 7 to 13. Madam Speaker, as an MLA who represents an eastern Manitoba constituency with a lot of snowmobile clubs and a rather very extensive snowmobile network where some of these fatalities occurred, I know all too well just how dangerous it can be to be operating a snowmobile while impaired.

What is interesting, Madam Speaker, of that increase in fatalities, clearly in 65 percent of those collisions, not just the fatalities, but in collisions, involving off-road vehicles and snowmobiles, alcohol was a factor. Sixty-five percent. A working group was convened by the previous minister to look at problems, at this particular problem. It included representatives of the Department of Highways, the Department of Justice, the Department of Natural Resources, the Manitoba Public Insurance Corporation, the Royal Canadian Mounted Police, and Snowman, which is the umbrella organization representing snowmobile clubs across our province.

Based on recommendations of that working group, the government is proposing to extend

through this legislation, drinking-and-driving, driving-while-disqualified countermeasures to operators of off-road vehicles. We will also introduce new a disqualification from ORV operation. Disqualification will apply wherever the privilege to drive a motor vehicle is suspended as a result of an alcohol-related or driving-while-disqualified infraction. Disqualification will apply whether the off-road vehicle operator holds a driver's licence or not. Off-road vehicles will be subject to vehicle impoundment if the operator is found to be driving while disqualified. Extending the drinking-and-driving, driving-while-disqualified countermeasures to operators of off-road vehicles will provide enforcement agencies with stronger legislative sanctions.

The second initiative to be dealt with under this legislation is the off-road maintenance machines. This is a new subcategory of off-road vehicles which is now being proposed to be introduced through this legislation. Off-road maintenance machines are specialized maintenance vehicles used by snowmobile clubs and ski resorts to groom trails and slopes, similar type implements of husbandry, and special mobile machines that currently exist under the act. Neither of these categories of vehicles is required to be registered or insured, but all off-road vehicles are. Off-road maintenance machines are being recognized as a separate category of off-road vehicle in order to establish exemption from registration. The requirement for liability insurance will be maintained. Registration exemption will provide a small financial benefit to nonprofit snowmobile clubs.

The third issue being dealt with by this legislation, Madam Speaker, is liability protection regarding off-road vehicle by-law approval. New provisions are being proposed to ensure that the Minister of Highways does not assume undue liability as a result of approval of off-road vehicle by-laws by a municipality.

Municipalities submitting off-road vehicle by-laws to the department seeking approval to permit mixed snowmobile and motor vehicle traffic on highways are the subject of this particular section of the act. Municipalities are also protected from liability in the event of an accident involving an off-road vehicle. The

Minister of Highways is not protected from any liability on these roads where he is not the traffic authority. Legal advice to the department has indicated that the minister's approval of off-road vehicle by-laws might be seen as a link to responsibility for all off-road vehicle activity under the by-law. This new provision will provide the minister with liability protection in the event of an off-road vehicle accident or an off-road vehicle route that was approved at the request of a municipality. Proposed amendments also limit the requirement for ministerial approval of off-road vehicle by-laws to only those that affect provincial highways and roads. This of course extends or gives greater authority to municipalities for roads within their jurisdiction.

Madam Speaker, as I am sure you are aware, across our province we have seen a greater growth in the snowmobile industry, the sport of snowmobiling. This particular legislation ensures that those who partake of that sport can travel safely on those trails, hopefully without fear of encountering a fellow snowmobiler or off-road vehicle driver who is under the influence of alcohol and poses a threat to them. As well, it I think gives greater ability to see appropriate rules made by municipalities to allow for off-road vehicles to use roads at appropriate times of the year in appropriate ways without putting undue liability on the minister and consequently the taxpayer. I would hope that members of the Assembly see fit to give passage to this important piece of legislation. Thank you, Madam Speaker.

Mr. Gregory Dewar (Selkirk): Madam Speaker, I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be now adjourned.

Motion agreed to.

Bill 6—The Highway Traffic Amendment Act

Hon. Darren Praznik (Minister of Highways and Transportation): Madam Speaker, I would move, again seconded by the honourable Minister of Agriculture (Mr. Enns), that Bill 6, The Highway Traffic Amendment Act; Loi modifiant le Code de la route, be now read a

second time and be referred to a committee of the House.

Motion presented.

Mr. Praznik: Madam Speaker, this is the second of the two bills being introduced by this department in this session. It addresses a variety of housekeeping amendments required to be made to The Highway Traffic Act to deal with a number of particular issues that have come up over the last while.

The first one, Madam Speaker, is the use of farm truck by emergency medical responders. The amendments being proposed through this act will allow farm trucks to be used by a farmer in the course of his or her duties as a volunteer firefighter or emergency medical responder and receive compensation for that use. Currently, farm trucks are not permitted to be used for emergency response activities, as they are not recognized as a permitted use under The Highway Traffic Act for a farm vehicle. As use is not prescribed, vehicle insurance is invalid if an accident occurs while the vehicle is used for emergency response activity. The truck must be reregistered in a different class, usually at a higher cost to the farmer.

* (1450)

Emergency responders play a critical role in Manitoba's rural communities. Additional costs, of course, discourage their continued involvement. This government supports the use of farm trucks by volunteer firefighters and emergency medical responders, and I think that the passage of this amendment will, I think, send a signal to those individuals who come forward to volunteer, that they will not be inconvenienced by their service to their community.

The second area, Madam Speaker, is the increased speed of operation for tractors. Amendments proposed here are being made at the request of the farm community to increase the maximum speed of operation of farm tractors on a highway. Currently, The Highway Traffic Act restricts tractors to 40 kilometres per hour. This was not an issue until recently as tractors manufactured in North America were designed

to travel only at a top speed of 40 kilometres an hour.

An Honourable Member: Then agriculture went into high gear.

Mr. Praznik: High-speed tractors imported from Europe in that high gear, as the Minister of Agriculture (Mr. Enns) states, as agriculture is moving ahead in our province—thanks to his foresight, thanks to his foresight—are becoming increasingly popular with our farm community. These tractors are engineered to truck standards, and they operate at speeds of up to 70 kilometres per hour.

These amendments, if accepted by the Assembly, will harmonize speed of operation for all types of agricultural equipment. Implements of husbandry currently are permitted to operate at a maximum speed of 70 kilometres an hour. Higher speed of operation allows for greater efficiency of that particular tractor in the farm operation, and given the fact that the original restriction at 40 kilometres was, I suspect, designed around the maximum speed of tractors, this is an appropriate time, I believe, to be raising that, given the engineering and better vehicles, tractors, that are now available in the marketplace for Manitoba farmers.

The third area of amendment in this act, Madam Speaker, is with respect to prohibited radio receiving sets. This amendment will expand the range of radio frequencies identified for police use or emergency response use. The Winnipeg Police Service has installed a new trunk radio system. The frequency bands of this new system are not now currently identified in The Highway Traffic Act. The Highway Traffic Act prohibits equipping a vehicle with a radio capable of receiving police emergency response transmissions within specified ranges. Exception is provided for persons such as ham radio operators, taxi drivers, courier companies, et cetera. The intent is to prevent persons from using these transmissions to aid them in committing a criminal act or interfering with emergency responses. New provisions will also allow for confiscation of radios when charges are laid and for the Department of Justice to determine if the radio is to be forfeited or returned. Madam Speaker, these amendments

were requested, I understand, by the City of Winnipeg police department.

The fourth area of amendment is the authority by the minister to waive fees. Provisions proposed in this legislation will provide the authority for the Minister of Highways to waive fees at his or her discretion. This authority, of course, will be delegated to department administrators who are responsible for programs that charge fees for services. The registrar of motor vehicles has historically waived fees on the basis of longstanding policy, for example, temporary registration fees during emergency situations such as the flood. So, in 1997, there were a whole host of fees that the law required to be charged that were waived as a matter of departmental policy, but, quite frankly, the authority to do so did not exist. I do not think anyone in the province would argue against the use of that decision made within the department to waive those fees, but I think it is important that we bring our law up to date to allow for it.

As well, last year, approval in principle was granted by cabinet to the department to consider the waiving of fees for replacement driver's licences for victims of crime. This is also another area that I think would be covered by these amendments. Our legal counsel, of course, has advised that such authority should be clearly established under The Highway Traffic Act. New provision based on similar waiver authorities provided under The Vital Statistics Act and The Financial Administration Act are the models for the amendments being proposed here today.

The fifth area is there are several amendments being introduced to address a variety of motor carrier issues. Amendments are being made to clarify types of sanctions and combinations of sanctions that may be imposed on errant mode of carriers following hearings by both the department and the Motor Transport Board. The intent is to ensure carriers understand implications of failing to comply with requirements of The Highway Traffic Act and regulations by clearly identifying sanctions that may be imposed following a hearing. Sanctions identified reflect long-standing department and

Transport Board practice. This will not result in new sanctions being imposed, just ensuring that what has become practice of the board is in fact fully in compliance with the act. Also, new provisions are being proposed to allow motor carriers to appeal show-cause decisions to the Motor Transport Board. The act will provide for an independent review of the department's sanctioning of motor carriers.

The sixth area is for co-drivers and hours of service log book requirements. Amendments will clarify the application of hours of service log book requirements to co-drivers of public service vehicles and commercial trucks. The change is precipitated by a court ruling. The Highway Traffic Act being amended to clearly identify or indicate co-driver obligations regarding hours of service log books, and requirements for immediate production on request of a peace officer, I believe, are important given that recent ruling. This will ensure consistency and avoid any possible misinterpretation in the future.

The seventh area is the registrar's authority to maintain motor carrier records and conduct hearings. Amendments will, if passed, move responsibility for motor carrier record keeping and show-cause hearings from the registrar of motor vehicles to the Minister of Highways, the change precipitated by an organizational restructuring within the department. The department has created a new division to serve the needs of the trucking industry. Motor carrier issues now dealt with by a division of transports are now dealt with by the division of Transportation Safety and Regulatory Services. The minister will delegate responsibility for motor carrier record keeping and show-cause hearings to the director of transport safety and regulations. The problem, as I have indicated the ability to restructure the department, was really impeded by the current act because it made a specific delegation. By changing that delegation or that authority to the minister, it can be delegated to whomever the appropriate officials are within the department however that department is organized at a given time. So there is much more flexibility for the department to organize itself to better suit the needs of its client base and the people of Manitoba.

Madam Speaker, as I have indicated, these are a number of amendments to The Highway Traffic Act, and I hope that the House will see fit to give them passage.

Mr. Gregory Dewar (Selkirk): Madam Speaker, I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be now adjourned.

Motion agreed to.

Bill 9—The Securities Amendment and Commodity Futures and Consequential Amendments Amendment Act

Hon. Shirley Render (Minister of Consumer and Corporate Affairs): Madam Speaker, I move, seconded by the Minister of Labour (Mr. Radcliffe), that Bill 9, The Securities Amendment and Commodity Futures and Consequential Amendments Amendment Act (Loi modifiant la Loi sur les valeurs mobilières et la Loi sur les contrats à terme de marchandises et apportant des modifications corrélatives), be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. Render: In the past number of years this government has established a number of special operating agencies. The Manitoba Securities Commission became a special operating agency effective April 1, 1999. It is the fourth special operating agency in the Department of Consumer and Corporate Affairs, joining the Vital Statistics agency, the Companies Office and the Property Registry.

Bill 9, Madam Speaker, consists of technical amendments to The Securities Act and The Commodity Futures Act related to the change in status for the commission. Under The Financial Administration Act, all funds received by government agencies must be paid into the Consolidated Fund; however, The Special Operating Agencies Financing Authority Act specifically overrides these provisions and directs the SOA funds to be deposited in trust within the Consolidated Fund, but this act does not override one section of The Securities Act

that directs funds to be payable into the Consolidated Fund.

* (1500)

This section of The Securities Act will be repealed. In addition, provisions of The Securities Act and The Commodity Futures Act provide for refunds to be paid from the Consolidated Fund, at the direction of the Minister of Finance (Mr. Gilleshammer). In Bill 9, these refund provisions will be amended to allow the director of the special operating agency to direct refunds from the trust account within the Consolidated Fund account.

Madam Speaker, as the Manitoba Securities Commission became a special operating agency on April 1, 1999, the provisions of Bill 9 are to be retroactive to that date.

Special operating agency status for the Manitoba Securities Commission will provide the commission with greater flexibility of operation to better enable it to maintain and expand its role in the protection of Manitoba investors in ensuring that the securities market is fair, efficient and transparent. Thank you, Madam Speaker.

Mr. Gerard Jennissen (Flin Flon): I move that debate be now adjourned.

Madam Speaker: It has been moved by the honourable member for Flin Flon, seconded by the honourable member for Selkirk (Mr. Dewar), that debate be now adjourned.

Agreed? Agreed and so ordered.

Bill 11—The Statute Law Amendment (Nunavut) Act, 1999

Hon. Vic Toews (Minister of Justice and Attorney General): I move, seconded by the Minister of Agriculture (Mr. Enns), that Bill 11, The Statute Law Amendment (Nunavut) Act, 1999 (Loi de 1999 modifiant diverses dispositions législatives (Nunavut)), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: Madam Speaker, it is my pleasure to introduce for second reading Bill 11, The Statute Law Amendment (Nunavut) Act, 1999. The amendments to The Crown Lands Act, The Income Tax Act, The Real Property Act, The Registry Act and The Water Rights Act are necessary to ensure that the legislative arrangements previously in place with the Northwest Territories are also in effect for the newly established territory of Nunavut.

All the laws of the Northwest Territories are being duplicated for Nunavut. This amendment simply ensures that the necessary revisions to Manitoba statutes are in place. Manitoba congratulates the people of Nunavut for the creation of their territory and expresses its ongoing commitment to work with them as another government. This includes ensuring that the needs of its residents are fully addressed in the law. Thank you, Madam Speaker.

Mr. Clif Evans (Interlake): I move, seconded by the member for Selkirk (Mr. Dewar), that debate be adjourned.

Motion agreed to.

Bill 12—The Statute Law Amendment Act, 1999

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mrs. Render), that Bill 12, The Statute Law Amendment Act, 1999 (Loi de 1999 modifiant diverses dispositions législatives), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: Madam Speaker, Bill 12, The Statute Law Amendment Act, 1999, is before us primarily for the purpose of correcting minor errors in the statutes. Honourable members will note that the bill corrects typographical numbering and other editing errors in the English and French versions of the acts. There are, however, some substantive matters included in the bill which I would like to mention.

Bill 12 includes amendments to The Crown Corporations Public Review and Accountability Act to ensure that the legislation reflects the practice in this House as to distributing copies of reports.

As well, The Legislative Assembly Act is being amended to maintain the current state of the law with regard to Legislative Assembly records.

The French version of The Manitoba Public Insurance Corporation Act is being amended to correct a translation error in a provision dealing with death benefits payable to nondependent survivors of deceased automobile accident victims.

The Real Property Act is being amended in the provisions relating to the registration of amendments to existing mortgages to remove the requirement for consent of other registrants where the amendment merely adds a covenant and to clarify priorities where the principal amount is amended.

Madam Speaker, I believe that concludes my remarks on Bill 12. I will be pleased to discuss the bill further at committee stage. Thank you.

Ms. Becky Barrett (Wellington): Madam Speaker, I move, seconded by the member for Interlake (Mr. C. Evans), that debate be now adjourned.

Motion agreed to.

Bill 15—The Cemeteries Amendment Act

Hon. Shirley Render (Minister of Consumer and Corporate Affairs): I move, seconded by the Minister of Agriculture (Mr. Enns), that Bill 15, The Cemeteries Amendment Act (Loi modifiant la Loi sur les cimetières), be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. Render: Madam Speaker, the amendments in Bill 15 concern Part III of The

Cemeteries Act dealing with perpetual care funds. They will benefit both the industry and its customers.

Under The Cemeteries Act, a portion of the money received by a for-profit cemetery owner for a plot or other space in a cemetery, columbarium or mausoleum must be paid into a fund to be used for perpetual care. This perpetual care fund is paid over to a trust company trustee. The income from the fund is paid by the trustee to the cemetery owner to cover the perpetual care costs.

At present, Madam Speaker, the owner must submit the accounts of the fund to the Court of Queen's Bench every five years for examination, audit and passing. Through Bill 15, we are transferring the authority to audit and pass these accounts to the Public Utilities Board. The public will not be affected by the change, but we believe that transferring this authority will enable the court to attend to its other important business.

In addition, a Public Utilities Board review of perpetual care accounts is consistent with the board's responsibility as a licensing authority for cemeteries and will make possible more timely and effective reviews, with no net increased cost to government.

Secondly, Madam Speaker, we are proposing to allow the board to authorize the payout of funds in cases where conditions for cemetery licensing no longer exists. This is an amendment of some importance for both the industry and its customers. Customers expect and, in some cases, are entitled by contract to have perpetual care funds placed in an irrevocable trust. The amendment to the act will allow the board to alter that obligation in the public interest. At the same time, it will enable the board to attach very strict conditions on the use of the fund and the income.

* (1510)

Madam Speaker, this bill will allow the disbursement of funds that are now held in trust at some administrative cost in industry for no useful purpose. The amendment will allow the board to authorize the disbursement of funds

paid into trust for a cemetery that never went into operation. In addition, cemeteries that change status to nonprofit organizations will be allowed to use perpetual care funds and the interest thereon consistent with their purpose and only under conditions allowed by the board.

Madam Speaker, these amendments will provide greater consumer protection and at the same time are sensitive to the needs of the marketplace. For these reasons, they are in the interest of the public.

Ms. Becky Barrett (Wellington): I move, seconded by the member for Broadway (Mr. Santos), that debate be now adjourned.

Motion agreed to.

* * *

Madam Speaker: Report stage—is there leave of the House to proceed to report stage on Bill 17?

An Honourable Member: Leave.

Madam Speaker: Leave? Leave has been granted.

REPORT STAGE

Bill 17—The Elections Amendment and Elections Finances Amendment Act

Hon. Darren Praznik (Government House Leader): Madam Speaker, I would move, seconded again by the honourable Minister of Agriculture (Mr. Enns), a fine friend to all, that Bill 17, The Elections Amendment and Elections Finances Amendment Act; Loi modifiant la Loi électorale et la Loi sur le financement des campagnes électorales, as amended and reported from the Standing Committee on Privileges and Elections, be concurred in.

Motion agreed to.

* * *

Mr. Praznik: Madam Speaker, if you could please call for continuation of debate on third

reading, Bill 2, The Electoral Divisions Amendment Act.

DEBATE ON THIRD READINGS

Bill 2—The Electoral Divisions Amendment Act

Madam Speaker: Third reading, Bill 2 (The Electoral Divisions Amendment Act; Loi modifiant la Loi sur les circonscriptions électorales), on the proposed motion of the honourable First Minister (Mr. Filmon), standing in the name of the honourable member for Radisson (Ms. Cerilli).

Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Speaker: No? Leave has been denied.

Mr. Steve Ashton (Thompson): Madam Speaker, I do know that we have a few more comments. Our Leader may wish to add a couple of comments, as well, on this, but what I did want to do is add to some of the comments that were made earlier on and in particular point out that we in this caucus respect the independent nature of the boundaries report. While there were some improvements, certainly as we saw them from some of the original maps, to the credit of the Boundaries Commission, I think it is important to put on the record our concern about the issue of representation, particularly in northern Manitoba.

I want to stress that we do not expect necessarily the Boundaries Commission to be able to deal with this problem in its entirety, although this is the second time we have had a boundaries commission in Manitoba that has had the ability to go to the 25 percent variation. While certainly compared to the last set of boundaries there has been some movement towards that, I would point out that we are still left with the situation whereby there is, I believe, a need for further reflection on the kinds of barriers that we referenced earlier on in the debate.

I want to stress that we are concerned about the fact that there is a real reason why the 25 percent is in place. I think it is unfortunate in a way that the wording is placed in such a way as to allow some flexibility. Obviously, it is difficult to require that boundaries be an exact percentage in terms of variation. I state that because, obviously, communities do not necessarily add up to a nice even number, so there is some intention in the act of allowing for that flexibility. But I do not believe it was the intent of the act when it was originally passed by this Legislature to have 25 percent in place, and then have the Boundaries Commission ignore that. The Boundaries Commission in 1989 did that because of fear of the Supreme Court. They feared there would be difficulty related to the Charter of Rights, and I want to stress they were wrong—

An Honourable Member: They were wrong.

Mr. Ashton: They were wrong at that time, and the member for Lakeside (Mr. Enns) is certainly aware of this. The Supreme Court, I believe, in 1992, in a ruling involved Saskatchewan—involving Saskatchewan, by the way, where there is a much higher variation of population for the northern seats—ruled that that was not only appropriate under the Charter but was quite legitimate because when one deals with the parliamentary system one is reflecting a number of key factors. That is, in our system, the British parliamentary system, based as it is on the first-past-the-post constituency system. We are not a proportional representation system; we are not a party list system. Primarily we are based in Manitoba on a system that recognizes that people in the constituency elect an MLA to represent their constituency. That is fundamental, and I will fight for that.

Coming from northern Manitoba, believe you me, that is important. I think it is absolutely critical that people be able to elect an MLA that is in a position of representing them in this Legislature. I want to stress that that is critical to the functioning of our system. It is particularly important, I would suggest, in rural and northern Manitoba. I say rural Manitoba as well, because I think that, if one reflects on the situation, in Winnipeg there are certainly communities of interest—and I certainly respect

those communities of interest—but there are how many MLAs in the city?

An Honourable Member: Thirty-one.

Mr. Ashton: Thirty-one, and I appreciate my colleague from the city pointing that out—31 members. I often say this in my own constituency [interjection] Well, the member for Inkster (Mr. Lamoureux) says: well, that is the population. Obviously, Winnipeg is the largest area by population in the city, so it has the largest number of seats. If the member for Inkster bears with me, he will see my point here. My point is if you live in a constituency in Winnipeg and your MLA does not represent you, you have got 30 other MLAs that are going to represent you, and I respect that. But, if you are in rural Manitoba, apart from the city of Brandon, where you have two MLAs—I must admit Brandon has played that very well over the years, sort of one in opposition, one in government. There was a brief time when both were in government, but that is another story and hope springs eternal. [interjection] Henry was not around for very long, but Henry did bring a different style here with his convertible Mercedes, oh, yes, and a very flamboyant life style, very fine man. I have a lot of respect for him, but I was saying that, outside of Brandon, every other rural and northern area, you have one representative—Thompson, The Pas, Flin Flon, or whether it be in Gladstone, whether it be Springfield, Lakeside, Gimli. So, if you are living in Gimli, either your MLA does the job for you or that is it. Nobody else is going to necessarily represent the community in the same way.

I compare that to Winnipeg where you have 31 MLAs. [interjection] It is the same thing in Lakeside. The point is, you see the importance of representation right there. Just the simple fact that we represent entire communities. I represent and I may be the MLA for Thompson, but that is a bit of a misnomer. In many ways I should be the representative for Thompson, and if you want to get like the House of Commons, I have often suggested that you might call that Thompson/Bayline because I represent the bayline communities of Thicket Portage, Wabowden, Pikwitonei and Ilford, but, of course, I would not want to leave out Nelson

House and Split Lake and York Landing. I do not know if you could extend it that distance, but it really is the MLA for Thompson's area, for the Thompson region, and I think that is something that has to be reflected.

When we are electing MLAs, your first responsibility, I believe, is still to represent your constituents in this Legislature. I have often said to my constituents that I have been fortunate, certainly, to play a number of roles in this House, most recently as opposition House leader. But as far as I am concerned, the first commitment I made when I was first elected was to my constituents. It was to put Thompson first, and it is still my top priority. That, I stress again, has a base in the electoral system itself in the sense that we do not elect people from a party list. There are many countries where you pick from a party list. There are systems of proportional representation where essentially that happens.

In this House, the member for Inkster (Mr. Lamoureux) is elected by the people of Inkster. He represents Inkster, period. He has wider responsibilities, obviously, elected as a Liberal. By the way, I often say too in my own constituency that I not only represent the people who voted for me, I make a point of representing everybody in my constituency, Conservative, Liberal, New Democrat, and the many people who do not vote, and I would assume—

* (1520)

An Honourable Member: That is so obvious. I do not think anybody needs to say that. Is it not automatic?

Mr. Ashton: Well, the minister says: That is obvious. Do you not automatically do that? ·

You know, I want to tell about a circumstance I ran into to the minister, because this sort of sums it up, the Minister responsible for MPIC (Mrs. McIntosh). I was at— [interjection] Well, she obviously does not talk to some of the people I have talked to.

I was at the meeting of the Port of Churchill Development Board, which had representation from Saskatchewan and Manitoba. One of the

MLAs from Alberta, and it is not hard to pick which party the person was from, because in those days I think there were two opposition members. No, he was a Conservative. He said to me: you know what really bugs me, he says, is when right after the election the first person in my office, you can guarantee it is somebody who did not vote for me. I just sort of say to myself—he told me, he said: I feel like kicking the guy out of my office. It is like, you know, you do not vote for me and then a couple of weeks later you show up in my office and you want help.

Now, I kind of looked at that and I sort of said to him, I said, well, you know, I consider it the ultimate compliment when someone comes to me that did not vote for me but respects the fact I represent the constituency as MLA for Thompson, and I respect the fact that whether they voted for me or did not vote or whoever they voted for, if they are there with a problem, I am there to help them. I am the MLA for Thompson, not just the MLA for people who happened to vote NDP in Thompson. I say that to the minister because it may sound obvious to her, but I think by her actions we can demonstrate quite clearly that if we take it seriously that we represent everyone, it makes a real difference.

I know other members in the House follow the same thing. I am sure the members for The Maples (Mr. Kowalski) or Inkster (Mr. Lamoureux) or the member for Wellington (Ms. Barrett), the member for Interlake (Mr. C. Evans), the member for Broadway (Mr. Santos) do the same thing.

An Honourable Member: Which member for Wellington?

Mr. Ashton: They do the same thing. I am talking about existing boundaries. I remind the member for The Maples (Mr. Kowalski) that we do not have the new boundaries yet.

An Honourable Member: And we will though.

Mr. Ashton: And we will fairly soon, and I am sure that will be a very interesting household discussion.

An Honourable Member: The cheque is in the mail.

Mr. Ashton: We will not get into that.

The fact is we are a constituency-based system, and I want to stress in Canada why, and I appreciate the argument sometimes that will come about proportional representation in other systems of government. But you know, I want to suggest that our system of government is particularly good for rural and northern areas, because I do not know how Thompson would fit in any other system. I do not know how the North would. We are four MLAs, four MLAs out of 57. You turn it up the other way, 53 MLAs from the rest of the province. We are four.

Now, even with rural Manitoba, rural Manitoba, now there are 31 city MLAs, so you have a situation, you have 26 from rural and northern Manitoba, so you have 22 from rural Manitoba. You are in a position where you do not have that representation in other systems. But what we assure by a constituency-based system is that people's voices will be heard, not just the party's voices, but the voices of the people living in constituencies all across this province.

I believe, by the way, in a strong party system. I believe the Canadian system has achieved a lot more than the American system because of that. We have parties that mean something, that stand for something. I am proud, certainly, to be part of the New Democratic Party, which has a clear stand on issues.

I just point to the fact one of the tremendous benefits we have in Canada I believe comes from the party system itself—medicare. Medicare has not happened in the United States with their system, even though polls consistently show that people want medicare in the same way we have it in Canada, universal health care insurance, but it happened here because you had the CCF in Saskatchewan, the NDP in 1962 in Saskatchewan. You had movements nationally, first in the Diefenbaker government and then the Pearson government. You know the party

system is the strength of what we are dealing with. Bottom line though is we are a constituency-based system. That is why we need to deal with some of the issues that were raised in this debate. I want to put them on the record again, just briefly in summing up, because I know our leader has a couple of comments—or in fact I believe I may be the final speaker from our side, because I know he made a number of comments.

I want to stress again that for effective representation to work, it requires a number of things. One is we need to ensure that the people of this province have reasonable access to their MLAs and vice versa. I note for those who contributed in the debate, and I will not mention them by name—

An Honourable Member: That is okay.

Mr. Ashton: Okay, I will mention the member for Inkster (Mr. Lamoureux). But you know I have four communities that do not have roads. Many of the people in those communities do not have phones. Once the rates go up in the next couple of years, those few who have phones will no longer have phones. You cannot even begin to think—those who have not travelled extensively in remote northern communities—the difficulty. It is very easy to say, well, we just set up better constituency allowances, but you know there is only one MLA for Rupertsland, and there are a heck of a lot of communities. Between being an MLA in this Legislature and representing those communities, it is very difficult if not impossible physically to do it, but he does. He tries hard; he works hard. What I am saying is the variation we have that is put in place is to reflect that.

By the way, I want to be fair to the many rural members on that side. A lot of members in this House do not realize the amount of travelling back and forth and travelling within constituencies that is involved. I look at some of the people in the House who have been through that. The members from Brandon just access their constituency travelling a couple of hours back and forth, but some of the other constituencies that people do not think about, the Emerson constituency for example, Dauphin, Swan River, Interlake. How many communities

does the member for Interlake (Mr. Clif Evans) represent? [interjection] Eight, ten, eleven. You know what happens? When we draw the boundaries, we do not do them in logical ways. I have often said we should have a Highway 6 constituency, because I actually travel through Highway 6—one end of the MLA for Interlake's riding—probably as much as he does. It is crazy. You know I spend more time in Ashern when I am driving back and forth to Thompson than I do in communities in my own constituency. But we tend to do it in other ways.

The point is the member for Interlake (Mr. Clif Evans), the member for Emerson (Mr. Penner), not only have come to the point where they have to fork out money from their own bank account to serve their constituents, but you compare what they are going through. The member for La Verendrye (Mr. Sveinson), and I know there are many members in this House who spend a lot of time travelling back and forth.

Mr. Marcel Laurendeau, Deputy Speaker, in the Chair

I say to members, if you have any question about the difficulty of representing rural and northern constituencies to urban members, you know, think of the amount of downtime you have as an urban MLA. The member for Inkster (Mr. Lamoureux) says it takes him 25 minutes to drive back to his constituency. I do not know what route he takes or what kind of car he drives, but I—[interjection] Well, I do not know. I know where the member's constituency does start, and I am wondering about that 25 minutes. I know the member for The Maples (Mr. Kowalski) who is a former and soon-to-be policeman—

An Honourable Member: I can get there in 10 minutes.

Mr. Ashton: —can get there in 10 minutes, but I do not want to touch that. Maybe he gets a police escort when he goes back to his constituency. But think about the amount of downtime you have. When I travel back and forth to Thompson, I drive back and forth, nine hours on the road. You know even the cellphone corridor lasts for about an hour, hour and a half.

For nine hours you are in your car. You have nothing you can do as an MLA other than sit, watch the road go by, think. It is actually quite an enjoyable experience at times, and a way to get away from it all. Believe you me, by the time you are up at Devils Lake, you are away from it all.

But you are still not accessing constituents. I find it is very difficult, even returning phone calls, when I have to stop at every pay phone, Devils Lake, Ponton, Grand Rapids, just to catch up on various messages.

What I want to stress is, that is why you have this variation. That is why you have this variation in virtually every jurisdiction in Canada you have a representation of that margin, the 10 percent or the 25 percent. It is something that has been supported now in the Supreme Court. It is legal, legitimate, but it is unfortunate that this Boundaries Commission chose to only partially implement that.

I think it is important to put on the record the experience of this round of boundary discussions because I want to suggest that next time around we can avoid this problem. Number one, I want to stress we want to see a change in the composition of the Boundaries Commission. It is not acceptable, I think, given this experience, to have representatives on that commission who are fine people but are from the city of Winnipeg only. I would suggest we need to look at rural representation, perhaps the president of Brandon University. There are various different ways we can look at it.

We need northern representation. I want to stress that because that can be done before the next boundaries. I would hope to see all-party support in this House for accomplishing that. I would suggest we could look at keeping the existing composition and adding two more people. That has been discussed.

*(1530)

I do not know whether the Minister responsible for MPIC's (Mrs. McIntosh) concern is about that, but I would say most rural people, most northern people, would feel a heck of a lot more comfortable about the fairness if you had a

rural and a northern representative. I look to the member for Brandon West (Mr. McCrae)—

An Honourable Member: You should have a rural MLA like Jim Downey.

Mr. Ashton: Well, yes, Jim Downey on the Boundaries Commission. The member for Arthur-Virden (Mr. Downey) has got a career ahead of him in terms of ethics. We look forward to his reincarnation.

An Honourable Member: Drawing up ethics rules.

Mr. Ashton: Ethics rules. I have also offered to introduce the member for Arthur-Virden to Jules Benson just in case he does not know what he looks like, but that is another story.

Anyway, I want to talk in all seriousness about this because could we not agree, consensus basis—and I say to the Minister responsible for MPIC (Mrs. McIntosh) that it is fair to have rural and northern representation on the boundaries. In the end, bottom line is, I think the minister actually agrees with me. I am surprised here she is not disagreeing with that proposal.

Number two, I think what we have to do in terms of the margins that are in place, we have to look at amendments to the act that will require—not make it optional but make it a requirement of the Boundaries Commission to apply those margins in rural and in northern Manitoba. I want to stress that in the first round the Boundaries Commission actually had said that they had no intention of even following that, not even close.

An Honourable Member: Good for them.

Mr. Ashton: The member for Inkster (Mr. Lamoureux) says good for them. He speaks safely tucked inside the Perimeter against rural and northern Manitoba being able to have the full access to representation that it requires.

It is interesting, the Minister responsible for MPIC (Mrs. McIntosh), because what she is missing here is this time around the Boundaries Commission initially said no to that, and the

revised map reflected a partial element of that, but the bottom line here is this is an independent commission. What we want to do next time around is make sure that it is more reflective of the province. I would hope, by the way, that would lead to another thing which would be not just reflecting the province but travelling.

I think it is really unfortunate that this Boundaries Commission did not travel to aboriginal communities. We want to see that changed. I think there have to be some serious questions asked about the accuracy of census figures in a lot of areas of the provinces. That has to be changed. I think fundamentally we have to ensure that the next Boundaries Commission does not have to wait for public hearings before it actually decides that it is going to apply even partially the elements of the act that are in place for the 25 percent in the North and the 10 percent in rural Manitoba. I would suggest that on an all-party basis we make sure next time that we have an act that says not "they shall." You do not have to be a lawyer to understand that "shall" does not mean a heck of a lot, but "may" in this case—pardon me, "may" does not mean a heck of a lot and "shall" does.

If we have some element in there, and there may be some wording that can allow for the fact it is very hard to make boundaries the exact element, but the intent was clear. The intent was to go to the 25 percent as close as is practicable, and that was not followed, and it is only partially followed in these boundaries. That is why a number of us have spoken from northern Manitoba. That is why a number of other MLAs have spoken. I commend our Leader, by the way. I am always careful when I talk about Perimeteritis because we have a lot of friends in rural and northern Manitoba who live inside the city of Winnipeg. We have a lot of friends in this Chamber in all parties who respect and reflect our views. [interjection] Well, I will not get into the member for Inkster's (Mr. Lamoureux) comments because I hope that he will become a friend too of the North by travelling to northern Manitoba. I know he has travelled before, but actually asking people in northern Manitoba what they think about the 25 percent and the five northern seats because I can tell you—[interjection] I invite the Minister responsible for MPIC (Mrs. McIntosh) to come

up as well. We look forward to that. I certainly welcome her to come up and ask that question because I can tell you, my area, it is pretty well unanimous. At the hearings, we had a cross-section of the community. In fact, the returning officer is a very well respected person in our constituency, certainly not a New Democrat. She is someone who said, as a returning officer, five northern seats make sense.

So, I conclude then by saying we have to change the way we deal with boundaries in the future. Obviously we would have liked to have seen some better elements in this report, but we respect the fact it is an independent process. That is why certainly I will be supporting the boundaries. But, in supporting it, I want to stress that I am supporting the element of its independence. I am not totally happy with the end results, but respecting that, I am working on next time, and I hope all members, because I think we have a consensus in this House—[interjection] Well, okay, apart from the member for Inkster, perhaps, but we have a relative consensus, and I still have hope for the member for Inkster. I would suggest next time around, let us do it properly. Let us make sure the North has better representation, the representation it is entitled to. Let us make sure we are committed to fairness for rural Manitoba. Yes, we can have fair representation for all Manitobans. [interjection] I am not going to get into that. We will not get into who might be what representative. We have not passed the new boundaries yet, but I actually think we can do that now. Then we can start that debate. Thank you, Mr. Deputy Speaker.

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, I think it is somewhat appropriate, last time in second reading I spoke and the member for Thompson (Mr. Ashton) followed and addressed some of my points. Now, being third reading, I guess I might get the final say, at least between the two of us, on the record, between the member for Thompson.

Mr. Deputy Speaker, I do want to be very, very clear on it. I personally, and would advocate from within our party, would oppose any sort of a change from a "may" to a "shall" on the 25 percent variance. So it is something which the member for Thompson has not

enlightened me to the degree to have changed my opinion.

One of the things, and I checked with the dean of the Chamber about seniority inside the Chamber. If we take a look at the six most senior individuals inside this Chamber, it is the member for Lakeside (Mr. Enns), the member for Brandon East (Mr. Leonard Evans), the member for Steinbach (Mr. Driedger), the member for Arthur-Virden (Mr. Downey), the member for Tuxedo (Mr. Filmon) and the member for Thompson (Mr. Ashton). These are almost all rural MLAs. Now the turnover within the city of Winnipeg, whether by option or by no choice, would imply that rural MLAs do have some stability inside this Chamber. But, having said that, I want to emphasize, if you want good quality representation, what you have to do is ensure that the resources are there.

That is why, if we go back to '88, we will see that the Liberal Party as the official opposition enhanced greatly the opportunities for all MLAs, in particular rural MLAs, in ensuring that good quality representation would be there. We saw huge increases in travel allowances to other sorts of benefits for rural members so that they would be able to provide better quality representation to those constituents. You cannot ensure that by dividing or by saying, well, Rupertsland is now going to be divided into 14 provincial ridings so that the MLA will not have to go throughout half the province in order to achieve the same sort of representation that an MLA in a city of Winnipeg riding might have.

Mr. Deputy Speaker, it goes without saying that there are certain advantages that an urban MLA will have. There are also certain advantages that a rural MLA will have. I would think, in fairness, that Elections Manitoba should be looking for not only all-party support for this but also to do what I believe Manitobans would believe, and that is that the importance of equality of vote in a democratic society has to be taken into consideration. I believe Elections Manitoba has done that in the past. I would suggest they have a role in the future in terms of doing it.

* (1540)

The other point that the member for Thompson (Mr. Ashton) brought up was the enlarging of the size of the commission. I do not see any reason why that cannot be done. I think that the Conservatives have indicated support in the past for that. I and I believe the party would not have any problem in ensuring that there is fair representation on the commission to take into consideration many other things that might be out there.

In closing, Mr. Deputy Speaker, we do want to see this bill pass. This is something which we have been waiting for. The Leader of the official opposition was correct in the sense that no rules have had to have been waived in order to see this bill pass, and I applaud all MLAs in recognizing the importance of this legislation passing prior to the budget. I think that it reinforces the support that we as elected officials have for the independence or the need for independence in Elections Manitoba and look forward to its passage and its receiving of Royal Assent. Thank you.

Mr. Deputy Speaker: Is the House ready for the question? The question before the House is third reading, Bill 2, The Electoral Divisions Amendment Act; Loi modifiant la Loi sur les circonscriptions électorales.

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

Some Honourable Members: Agreed.

Mr. Deputy Speaker: Agreed? Agreed and so ordered.

Madam Speaker in the Chair

Hon. Darren Praznik (Government House Leader): Madam Speaker, would there be leave of the House to proceed with third reading of Bill 17? [interjection]

Madam Speaker, we will be bringing in the Lieutenant Governor.

ROYAL ASSENT

Deputy Sergeant-at-Arms (Mr. Garry Clark): His Honour the Lieutenant Governor.

His Honour Peter Liba, Lieutenant Governor of the Province of Manitoba, having entered the House and being seated on the throne, Madam Speaker addressed His Honour the Lieutenant Governor in the following words:

Madam Speaker: May it please Your Honour:

The Legislative Assembly at its present session passed one bill, which, in the name of the Assembly, I present to Your Honour and to which bill I respectfully request Your Honour's consent.

Bill 2—The Electoral Divisions Amendment Act; Loi modifiant la Loi sur les circonscriptions électorales.

Mr. Clerk (William Remnant): In Her Majesty's Name, his Honour the Lieutenant Governor doth assent to this bill.

His Honour was then pleased to retire.

Hon. Darren Praznik (Government House Leader): Madam Speaker, I would ask with leave of the House, if there is leave, first of all, to have third reading of Bill 17.

Madam Speaker: Is there leave of the House to proceed with third reading of Bill 17? [agreed]

* (1550)

THIRD READINGS

Bill 17—The Elections Amendment and Elections Finances Amendment Act

Hon. Darren Praznik (Government House Leader): Madam Speaker, I would therefore move, seconded by the honourable Minister of Agriculture (Mr. Enns), that Bill 17, The Elections Amendment and Elections Finances Amendment Act; Loi modifiant la Loi électorale et la Loi sur le financement des campagnes électorales, be now read a third time and passed.

Motion presented

Mr. Clif Evans (Interlake): Madam Speaker, I would certainly like to put a few words on the

record with respect to Bill 17 and why Bill 17 actually came about. It had to come about.

We all know of the situation that had occurred in '95. As I read here from one of the newspapers: Monnin inquiry confirms vote-rigging plot and cover-up. We all know and we have all heard and people have made comments as to what has occurred. The Monnin inquiry lasted for a great deal of time. I was part of that inquiry and it shows from what I have read through the inquiry and heard and seen in the papers and on TV that certainly this bill is much needed to be able to preserve the quality of the people who are not only running for electoral office but for those that are voting for those same people.

I could start my comments at pretty well any time and I may jump back and forth, but I want to say that it was unfortunate that this situation did occur, unfortunate for all elected and to-be-elected representatives, whether it be in the Legislature or as members of Parliament or in our local jurisdictions as councillors or reeves.

Madam Speaker, it is everybody's right to vote, and it is everybody's right to vote for whom they please. It is everybody's right to hear the truth from the candidates and to hear what the party is going to promise and why they are running for that particular party. The incident in '95, I was rather surprised when I read the Monnin inquiry—I will comment from it and quote from it periodically—at the scheme itself. The scheme itself, according to Monnin, was put together or allegedly put together some week or so before the election writ was dropped.

Madam Speaker, Mr. Monnin refers many times to people being liars during this inquiry, not only lying to his investigators but lying to the inquiry itself and to him. One of the quotes that surprised me was from page 18. It says: "Sokolyk is an admitted liar. His testimony must therefore be considered with caution. I do however accept it in part."

It is this part, Madam Speaker, that not only surprised me but rather made me feel uneasy to my stomach. The meeting, a plot had its origin in Winnipeg in an office, the party headquarters. In addition to Sokolyk, Aitken, Barrett and

Trachuk were present, some week or 10 days before the writs were dropped.

That is what made me feel, Madam Speaker, very, very sad, was that the gentleman whom I had gotten to know in 1990 when we ran against each other, whom I thought was an honourable man—and I still do associate and discuss different things with him when I do see him—I was surprised to find out that Mr. Trachuk was indeed involved somehow or knew about the scheme. It shows later on that he also, reluctantly not admitting it, was at a meeting with Mr. Aitken and Mr. Sinclair from Little Saskatchewan First Nations in Fairford, and that, Mr. Monnin says: "This conversation makes it clear that Trachuk was aware of what Aitken was up to, and I believe he was aware of the general scheme from the time of the first meeting when Aitken and Sokolyk were discussing the possible effects that aboriginal independent candidates might have on the vote."

Madam Speaker, we have heard and read of many of the people involved in the scheme, how it came about, the issues that were brought forward, when they were brought forward. I remember a comment made to me in June that if I knew about the scheme in January, why did it take me five and a half months to raise it. I remember it. I remember that quote. I do not remember whom it was said by, but I do remember it.

It took me five and a half months, yes, to raise it, but it took them three and a half years to bring it forward too—three and a half years of cover-up, covering up a scheme that has brought a lot of hardship and sorrow to a lot of people. Not only those that were involved directly, not the Taras Sokolyks only, not the Jules Bensons only, not the Gordon McFarlanes, the Darryl Sutherlands, the Allan Aitkens, the Cubby Barretts and all the other witnesses that were brought forward. Over 100 people were interviewed; 37 appeared before the inquiry. Some of the quotes and the comments that Mr. Monnin brings forward show that perhaps in some aspect of the political system, in some small aspect, there is a lack of respect for the people of this province and for the system that we govern ourselves under.

He goes on to say: "A vote-rigging plot constitutes an unconscionable debasement of the citizen's right to vote. To reduce the voting rights of individuals is a violation of our democratic system." However, he writes, despite the strong words, vote rigging is not illegal. So the scheme to vote-rig and to take votes from one to the other so that another can come in, Mr. Monnin says, is not illegal. With the time element, I believe, that is involved, nothing can be done legally to certain people.

* (1600)

Madam Speaker, in reading through the inquiry and the newspapers—and I was, fortunately or unfortunately, one of the first to appear before the inquiry and had an opportunity then to watch and listen and be able to make my presentation as best I could without having an input or a knowledge of anything else that was going on—in many ways, I was amazed. People in my riding were amazed that something like this could go on, not necessarily that they were not saying that this happens all the time, something to this effect happens all the time, not saying that anybody particularly was so at fault for doing this that they should go to jail, yet Mr. Monnin feels that Mr. Sutherland and Mr. McFarlane and Mr. Barrett have perhaps been involved to the point that they should be prosecuted, and perhaps once the inquiry by the independent body finds out or decides whether there will be any charges laid.

I have read through the recommendations, Madam Speaker. The recommendations that are from his report all relate to attempting to make sure that this does not happen again, whether it be by the Tories or by the Liberals or by the NDP or just in your local community town election.

He quotes, in one of his recommendations in the background, that the statute of limitations on prosecutions be extended to within one to two years in date upon which the electoral officer has reasonable and probable grounds to believe an offence has been committed.

Madam Speaker, that relates to the finding during the Monnin inquiry that Sokolyk and

Aitken and Barrett broke Section 145(1) by inducing Darryl Sutherland to run. It also relates to findings that Mr. Sutherland and Mr. Wilson and McFarlane breached The Elections Finances Act, and they could be prosecuted.

Madam Speaker, on one hand, you look, you say, well, those that covered up the scheme and knew about the scheme and tried to cover up the money and the cheques and that, there has to be something in fault there for prosecution, but I wonder, and I wonder about Mr. Sutherland. I did not know Mr. Sutherland. I met Mr. Sutherland in June here of '98 in the hallway of the Legislative Assembly the first time. Even running against him, I never had the opportunity to debate with him, meet him or talk to him.

There are a lot of people, Madam Speaker, who are named, who have been interviewed that I had no idea up until seeing them on TV, in the newspaper or listening to their report on the inquiry who they were. I must have passed some of these people numerous times in eight years and did not know who they were, yet they were involved—it says in the inquiry—they were involved in this scheme and cover-up.

Jules Benson, I knew who he was. Why would perhaps the second-most powerful man in government want to be a part of such a scheme? Why would people like Mr. Aitken and others deny the fact that a scheme was in place?

Madam Speaker, during the summer of '98 and prior to the questioning of the investigators, as I was making my way around my communities, people were saying to me that I knew about it. We heard about it. We heard there was something going on, yet nothing and nobody came out until the night that Mr. Sutherland called Mr. Uruski to tell him about it. It was there. People, Mr. Sinclair phoned me directly to tell me. This happened in April of '95, and he knew, others knew, and no one said anything.

Elections Manitoba was told, were written to, were requested to get to the bottom of this. That was not done. Because if it was done, Bill 17 would not be before us, 37 people would not have gone to the inquiry, a hundred and some odd people would not have been interviewed and

many lives would not be damaged forever. That is what bothers me as a person, not as a politician, as a person. Because even though I did not know Mr. Sokolyk very well, his implication in this scheme has brought a hardship on him and his family, Mr. Benson's, Mr. McFarlane's and the others.

We also hear, through Mr. Monnin, well, one of the other parts of Mr. Monnin's recommendations that I would like to quote from is that all parties prepare a code of ethics. I ask you, Madam Speaker, for those involved in the initial scheme and for those that were involved in the cover-up, what were they thinking of as ethics? That all parties prepare a code of ethics relates to the culture of the Tory party around the election scheme and the comments that are made.

Madam Speaker, one comment that I found, because right to the end the Conservative lawyer kept going after everybody but the Conservatives, but the ones that were involved, but the ones that did the wrong doing, but then he is quoted: this inquiry is not about judging or commenting on matters of morality. This is a lawyer, ethics, political gamesmanship and political strategies. The plan was not illegal, it was just stupid. So not only is what has been done in some parts illegal, this lawyer says it is all so stupid. Perhaps even more stupid than illegal. A lawyer using words to implicate those that were involved in the 1995 scheme and cover-up.

Madam Speaker, some of the other quotes that we have from the Monnin inquiry when it comes to the code of ethics—and we bring in people like Mr. Thorsteinson and Mr. Kozminski, to name a few. Quite frankly, Mr. Kozminski says, with my political leanings and what the NDP has done to the province over the years, I would do anything to take votes away from them—from the NDP. I would provide cheques of \$249 or \$100, not to my candidate, not to the party candidate that I support. Was Mr. Trachuk's name or the Interlake Progressive Conservative Party name on these cheques? They were made out to Darryl Sutherland.

* (1610)

Mr. Thorsteinson—I do not know and does not fall into anything illegal. The plan was not illegal according to the lawyer, but my personal contributions to their campaigns were entirely appropriate and legal. However, the lawyer says, political strategy, the plan was not illegal; it was stupid. So now is this lawyer implicating that people who had got themselves involved did this immorally, illegally?

Mr. Benson—you know, Madam Speaker, I remember the day, the evening, January 8, that Mr. Sale and I attended, and it was after reading the Monnin inquiry and going through it. I have tried to keep as much away from it. I have read it once. I have only read one other transcript, have gone through the notes. The notes that I found about Mr. Trachuk and some of the other people implicated, first time reading and first time surprised, not even hearing about it on TV, that evening when Mr. Aitken said to Mr. Sale and I and Mr. Sigurdson, there were high-ranking Tories involved. There were cheques. You would be surprised who is involved. High-ranking Tories, who might that be? Is Mr. Benson a high-ranking Tory? Is Mr. Sokolyk a high-ranking Tory? Who would have even thought of Mr. Thorsteinson or Mr. Kozminski as high-ranking Tories?

Madam Speaker, what Mr. Aitken had indicated to us that night was that there was a scheme, there was a plan, there was a cover-up. So, as hard perhaps at that time as it was to understand what Mr. Aitken was saying and confirming, it was very, very disturbing at that time, but it seemed far beyond the people of the stature that Mr. Aitken was referring to would be involved in something like this, but I cannot speak for those people for doing what they have done.

Further to Mr. Monnin's quotes on ethics: "The attempt here at vote splitting (or 'vote fracturing', which phrase some of the witnesses seemed to prefer) was in my opinion clearly unethical and morally reprehensible." "I cannot ignore the fact that throughout this episode, especially during the investigation and at the hearings, some of these witnesses exhibited a degree of arrogance or an 'I know better' attitude."

That is what the Conservative code of ethics committee is going to be looking at, along with ours and the Liberals: reporting the financial cover-up, the blaming one on the other; was I fired, am I a liar, did I retire, was I a liar? I do not know how many times Mr. Monnin said about the amount of liars that he encountered through the 37 that were interviewed, I am sorry, that appeared before the inquiry and of the hundred-and-some who were interviewed by the investigators. Again, I knew not of most of these people, and if Val Hueging or Sue Hoplock came up to me today and introduced themselves to me I would not know, unless they said their names, who they were.

So, why the involvement, why is the wish of the power spread so far, spread so deep that the ethics and that families that this whole political system, unless we ourselves as legislators improve on it, this will still continue?

Madam Speaker, some of the other comments that Mr. Benson was involved, that he was trying to help out a friend, he was trying to help out a friend the day before election day, did he know prior to that what was going on, what had been going on, how in the matter of a day this was all brought to light, that one friend would come to another with a cheque for \$4,000 and tell him what happened, what he did and could he cover it up for him, and there is no problem, that unfortunately became a bigger issue and caused a lot more hardship for people than the scheme of the vote rigging.

There are others who admittedly deny knowing anything about it. There are many who have admitted and have said to me that they had known about it, that were told by Mr. Aitken, were told by Mr. Sutherland that this was occurring, not just Mr. Sinclair. Media, a person on the street, a person in a bar, a person at the door during an election, this is what we are doing. There is a comment made by Mr. Sinclair, if you do not want to vote for the Tories, at least vote for your own; can you at least do that? Now, there is a wonderful attitude, candidates standing there, the campaign manager saying, according to Mr. Sinclair, well, if you cannot vote for us, vote for your own.

Some of the other issues, Madam Speaker, that have been brought up is the fact that Mr. Monnin quotes how if people would have told the truth earlier, had come forward earlier, truthfulness to the investigators—how many times did Mr. Sokolyk make a statement? How many times did the investigation show one quote from a witness and the inquiry showed another quote—oh, I did not mean it then; I mean it now, but I did not mean it then; I did not understand the question; I understand it now; or, if I was going to do it I would do it over again.

It is surprising what Mr. Monnin quotes, says in many of his statements, that had people like Mr. Barrett, people like Mr. McFarlane, Mr. Sokolyk, Mr. Benson, told the truth, had Mr. Barrett told the truth when interviewed, a great deal of time and expense could have been saved. The same goes for Mr. Sokolyk, Mr. Gordon McFarlane, Mr. Benson. Had the bank records not disappeared and reappeared, we would have saved plenty of money.

Madam Speaker, I find that reading through the Monnin inquiry and the recommendations that he has provided and that we are hopefully passing today, I am hoping that these recommendations will, in fact, provide a better system so that people who are voting on voting day know that they are voting for a true candidate, know that they have not been induced or fooled into thinking that they should be voting for someone else, that the Monnin recommendations for the ethics and for The Elections Finances Act be changed so that, in fact, we can have the proper report system that this province duly needs.

* (1620)

Madam Speaker, Mr. Cubby Barrett, who indeed in the report—Mr. Monnin seems to go back to Mr. Barrett and his comments many times. It seemed from reading the report that Mr. Barrett did and said what he wanted to say. I was not there. I have not read his transcript, but the report alone: Had Mr. Barrett told the truth, had the long-time Tory fundraiser, life member of the Tory party, told the truth earlier, a lot of money and time could have been saved.

Was Mr. Sutherland at your house, Mr. Barrett? asked the inquiry investigators. No. Was Mr. Aitken there? No.

Monnin's report says afterwards: Yes, he was. Yes, Allan was there too. Yes, my son was there. Yes, we offered money, as a loan.

Madam Speaker, it does bother—people will always bother people. For some it will stay forever. For others, they have forgotten it; for others, it is nothing. Who really knew about it on the other side? Who really knew? Was it from Mr. Benson down, or was it from Mr. Sutherland up? Was it from Mr. Benson down? We will never know.

One of the quotes in one of the things that I refer to, Madam Speaker, when I make comment on that, is in the last paragraph prior to recommendations by Mr. Monnin. I will read them into the record. I do not know if anybody else has or not: Even after having seen and heard all of the witnesses, annotated the voluminous transcripts, and reviewed and considered the various exhibits, I am left with the lingering feeling that perhaps I am not in possession of all of the facts of this scheme or plot involving the three aboriginal candidates, as well as the subsequent cover-up. I am dismayed with the lack of truthfulness by some of the major witnesses.

Now, Madam Speaker, that is Monnin's quote. That is after he has heard, seen all the interviews, read through it with his counsels. So where does that leave us? Where does that leave Mr. Benson and what may happen to him? Where does that leave Mr. McFarlane, and to him, a renowned accountant for the renowned firm, appointed by the head of the Conservative Party? What is going to happen and what has happened to Mr. Sokolyk? Mr. Barrett goes on his pleasant way, runs off to Cuba with the Minister of Agriculture (Mr. Enns), does what he wants. Mr. Aitken, we do not know. Mr. Sutherland is still probably living on welfare on Peguis.

An Honourable Member: And working for Cubby.

Mr. C. Evans: And perhaps working for Mr. Barrett.

But one of the quotes—and I will close with this quote—that brings a little bit of shame and, even though retracted, shows the arrogance, shows the unethical behaviour of people. Madam Speaker, I will ask you how you would feel: Tempers flared. Kozminski said he would go to any length to take votes away. Mr. Barrett viewed the NDP as rats, and we must get rid of them. This is a man, a leader in the community, referring to people that he not only knows for many years—

An Honourable Member: That is not right. He said they act like rats.

Mr. C. Evans: Madam Speaker, the Minister of Agriculture is then chirping his way away, saying today that what Mr. Monnin has said and written is wrong. That is what the Minister of Agriculture is saying. Barrett viewed the NDP as rats. How many of those rats on that side have jumped off the ship? I do not like to be called a rat. I do not like to be referred to as a rat. That brings it a little closer to home, those kinds of comments that we heard in the inquiry, and those quotes will come back to haunt not only those involved, and I know that the ones involved were few. Again, was the scheme and the plot from the top down, from Mr. Benson down, from Mr. Sokolyk down, or did it come from the bottom up?

That day at the Norwood was a troublesome day for me, and it will always stick in my mind. It will always be with me to hear what Mr. Sigurdson and Mr. Aitken told me and Mr. Sale and confirmed to me and how true, even though he denies it, those comments that Mr. Aitken made and confirmed about high-ranking Tories, about cheques, about a scheme, aboriginal candidates. It was all true, and somebody should have known about it, should have found out and should have done something about it in 1995, not in 1998, and not destroy the lives it destroyed as it has today.

* (1630)

Ms. Becky Barrett (Wellington): I am pleased to rise on the third reading for Bill 17 and put

some additional comments on the record. Unfortunately my time ran out when I was doing second reading before I had a chance to actually speak about the bill itself in more detail, and now on third reading we have an opportunity to do that.

As I was listening this afternoon to the member for Interlake's (Mr. C. Evans) eloquent comments, comments that more than almost any other member in this House, with the possible exception of the First Minister (Mr. Filmon) and perhaps the member for Arthur-Virden (Mr. Downey) and the member for Fort Garry (Mrs. Vodrey) and also the member for Crescentwood (Mr. Sale), ring true as coming from personal, first-hand experience with the devastation that has been wrought on the people of Manitoba individually and collectively by the unfortunate and disreputable actions of people in this province during the scandal of the 1995 provincial election.

While I was thinking about what led to Bill 17, I thought about something that I recall from my Grade 9 Latin, and that was reading about Julius Caesar. Julius Caesar was a great general and, in the minds of many, a great leader in the sense that he had an enormous impact upon his time, but he might not have been that leader, most likely would not have had the impact on history that he did, if at one point in his life he had not made a momentous decision, a momentous decision that we recognize today in the phrase "crossing the Rubicon."

The Rubicon is quite a small river actually, Madam Speaker, in Italy and Julius Caesar with his armies got to that point and had a decision to make. Was he going to stay on one side of the Rubicon with his victorious armies or was he going to cross the Rubicon and make a major statement to the people of Rome and to the Senate, a statement that I am in charge now? We know what he did. He crossed the Rubicon with very important and influential consequences to the history of western civilization.

I think that there were probably several Rubicons in the life of the First Minister (Mr. Filmon) since April 20—or perhaps earlier—1995, but as Justice Monnin said in his report, we may

never know the full story. But we do know what happened on, I believe it was June 23, 1998, when the Premier has said that Mr. Sokolyk spoke with him after Question Period where the official opposition had been asking for answers and saying: was Mr. Sokolyk involved, what was going on in the vote-rigging allegations that had occurred in 1995? The First Minister had for days been saying nothing had happened. There was nothing.

Mr. Sokolyk met the Premier outside and said: They are on to something. Madam Speaker, at that point I believe the First Minister crossed his Rubicon, at least that point if not earlier, but from what we know of the situation, that, in my mind, was the crossing of the Rubicon for the First Minister. He had a choice to make at that point, and I do not care what he says publicly or privately or what the people who are supporting his view say, he had a choice to make as the Leader of the Progressive Conservative Party and as the Premier of the Province of Manitoba. He knew there was a major crisis. He knew there were major questions being asked. He had to have known at least some of it, but even if he knew nothing other than what Mr. Sokolyk said to him on June 23—They are on to something—he should have said: What are they on to? Come to my office.; let us talk. We have to get to the bottom of this.

No, Madam Speaker, he chose to turn his face away, as he has chosen to turn his face away from the people of the province of Manitoba over 11 long years. By the Premier's action on June 23, if not prior, we are now today reaping the whirlwind of his actions when he chose to cross his own personal Rubicon on June 23 of last year.

Bill 17 is the outcome, as we all know, of the Monnin inquiry, and it deals with five of the seven recommendations that Justice Monnin made. I would like to speak actually about the bill and the particulars and the process, not the process, the unfortunate process that led to the creation of the Monnin inquiry, but the process that was undertaken by members of this Legislature to deal with the recommendations coming from the Monnin inquiry.

We have heard in this House time and time again from members of the government and also from the independent members of the Legislature, most particularly and many times recently by the current member for The Maples (Mr. Kowalski) that we do not work together, that the political process is too partisan, that all we do is make cheap political points—I believe is a comment that the First Minister (Mr. Filmon) is very wont to make—and that we are just in it for our own political benefit. Well, I think the process that has led to the creation of Bill 17 gives the lie to those comments at least in this one particular instance. I for one am very pleased to have been a small part of the implementation or the production of Bill 17, and I think it is something that we all here can look forward to talking to our constituents about as a job well done by all honourable members. Again, as the member for Interlake (Mr. Clif Evans) so eloquently stated, it is too bad we have to have Bill 17, but the reality of it is that we had a huge mess to clean up. We still have not got all the stuff off the rug. We may never get it off the rug, but at least as much as we can do now, I believe, we have done in a very effective, efficient manner, and a very tripartite manner.

Madam Speaker, Justice Monnin made seven recommendations to the Legislature, and on April 13 there was a meeting held at the invitation of Elections Manitoba of The Elections Act and the Election Finances Act Advisory Committees. These are advisory committees that are made up of representatives of all three registered political parties in the province. The composition of these committees changes as the needs change, but for the last year or so, I have had the honour and privilege of being a member of the advisory committees and the ad hoc committees as a representative of our caucus and as someone who, over the last 20 years, has had a direct relationship with The Elections Act and The Elections Finances Act.

* (1640)

As I stated in my comments at second reading, I helped interpret those two pieces of legislation for NDP candidates and campaigns both in 1981 and 1986 provincial elections and had the honour of working with the then Chief

Electoral Officer, the late Richard Willis, in putting together, very quickly I might add, 57 returning officers for the 1988 provincial election. So I have a great deal of experience in the administration and interpretation of these acts and an enormous amount of respect for the office of the Chief Electoral Officer and Elections Manitoba who do enormous amounts of work with generally very positive results.

When you talk about election campaigns, it is virtually never stated in the province of Manitoba that there were election irregularities that should have been caught by Elections Manitoba or the returning officer. I am sure we all have stories about our local returning officer at one point or another who did not do exactly what we wanted or made a ruling that we did not quite like, but by and large, the proceedings and the administration of elections in this province are done with a great deal of honour and integrity and openness, and Elections Manitoba needs to take a great deal of that credit.

There is some question, I know, about the investigation that was undertaken in 1995 after the provincial election by Elections Manitoba. I believe that many of the recommendations found in Bill 17 today will put to rest any possible lack of power or authority on behalf of Elections Manitoba.

Unfortunately, we do need to make changes and did need to make changes to the two pieces of legislation. As I have stated, it is hugely unfortunate that it came about as a result of this dark stain on the electoral process in the province of Manitoba, but the results, I think, are very positive and the members of the committee and the Elections Manitoba and the legislative drafters are to be commended for the alacrity with which they produced Bill 17. We met on April 13 and the bill, I believe, was printed and distributed one week later on April 20. That is an incredibly fast turn-around time. We had the public hearings last night, and we are preparing within a short period of time to pass it through third reading. I think it is, as I have said, a very positive statement on behalf of all members of the Legislature and everybody involved in this process.

I would like to speak about some of the recommendations of the Monnin report. The first recommendation of the Monnin report was that the time limit on prosecutions be changed. The former time limit on prosecutions was two years after the commission of the alleged offence. What that was, in effect, Madam Speaker, was the statute of limitations of two years. We know that after the initial finding of Elections Manitoba after the 1995 election that there was no problem, more than two years went by before Darryl Sutherland came forward. So there was no ability under the old legislation to come up with any punishment, if you will, or sanctions because it had come to light more than two years after the alleged offence.

The new legislation follows specifically on Monnin's recommendation and changes the time limit on prosecutions to not later than one year after the date on which the Chief Electoral Officer has reasonable and probable ground to believe that an offence has been committed. That means that the CEO can institute an investigation into an alleged offence virtually at any time once an alleged offence has been made public. Now, I say, Madam Speaker, virtually at any time because a later recommendation of Monnin does put a time constraint on the effective ability of the Chief Electoral Officer to do an investigation, but I will get to that recommendation in a moment. Also, another recommendation addresses the reasonable and probable grounds scenario that is in Monnin.

So now we have a situation where the two-year time constraint has been eliminated and the Chief Electoral Officer can initiate an investigation if he has reasonable grounds to believe an offence has been committed or may have been committed. But he does, Madam Speaker, have a time limit. He has a year in which to complete his or her investigation. I think, as we have seen with the unfortunate events that have taken place in the United States with the Special Prosecutor, that it is not a bad idea to have a time limit on an investigation, particularly when under Bill 17 the Chief Electoral Officer also has additional authorities that will enable him or her to do an effective investigation within that year limit.

The next recommendation I am going to talk about is Recommendation No. 7 which states that rather than the current time limit for records to be kept—and I will admit, Madam Speaker, I cannot remember what that time limit is, but under the Bill 17 amendments, under The Elections Finances Act, the records of candidates, constituency financial officers and chief financial officers of all registered political parties are required to keep records for at least five years from the election and/or from constituency associations which make annual reports for five years.

The reason five years was chosen, Madam Speaker, is that is the election cycle. If a government goes for its full term, its full mandate, that is five years, so Monnin recommended in Bill 17, responds to that by saying every financial officer, whether it be of a constituency association or registered political party or a candidate in an election, has to keep those records for five years. That goes along with the first recommendation which enables the Chief Electoral Officer to have records available for an extended period of time so that if an allegation comes forward, as it did in the vote-rigging scandal, records will be there and will not have been destroyed.

Now, Madam Speaker, if an allegation comes forward after five years, then that is a potential problem because the records are not required to be kept, but the assumption is that within a five-year period, you are likely to have a bringing forward of any concerns or allegations.

Another recommendation, part of this same recommendation, is that not only must the records be kept for five years, but if the Chief Electoral Officer under another provision of Bill 17 institutes an investigation for which he or she has one year to complete. The records that are under investigation need to be kept for the length of that investigation. Let me give you an example. Under the new rules, if Darryl Sutherland had come forward and the Chief Electoral Officer has assumed that there were reasonable grounds for an investigation of allegations of misconduct, four years, 363 days, i.e., two days before the five-year limitation was to expire, the Chief Electoral Officer could

require that the records of everyone who were involved in that allegation of potential wrongdoing would have to be kept for the duration of the investigation, i.e., up to another full year. That gives the Chief Electoral Officer enough time to undertake the investigation.

* (1650)

Madam Speaker, another very important recommendation that finds reflection in Bill 17, Justice Monnin suggested that the Chief Electoral Officer have far more sweeping powers to do investigations and to have access to records, and he spoke of the powers given to the British Columbia Chief Electoral Officer. The committee looked at the powers given to the Chief Electoral Officer in British Columbia and decided that they were not necessarily the kinds of powers that we were prepared to give to the Manitoba Chief Electoral Officer, partly because the political climate and situation is very different here in Manitoba than it is in British Columbia.

The recommendation that has been accepted and finds fruition in Bill 17 states that under The Elections Finances Act, the Chief Electoral Officer may conduct an inspection or audit of records that relate to information that is in or should be in the statements or returns required to be filed under The Elections Finances Act.

When you put that together with the five-year requirement to keep records and the ability of the Chief Electoral Officer to undertake an investigation that concludes, if not begins, after that five-year period with this third recommendation that the CEO have access to all the records that could reasonably be expected to be found by a constituency association, a registered political party or a candidate, you have, I believe, a very good set of recommendations and an extremely workable process whereby the Chief Electoral Officer can have the power and the authority and the right to do the investigation that is needed to be done, while at the same time preserving the rights and responsibilities of the parties and candidates and constituency associations. The Chief Electoral Officer cannot, like the special prosecutor in the United States, go on a fishing expedition, but if he or she has reasonable grounds to believe that

there may be an irregularity, then the Chief Electoral Officer has the right to go in and investigate those records.

Now, Madam Speaker, this does not mean that under this section the CEO would only investigate where he or she thought it was a major problem like we have seen in the Monnin inquiry. It is a very complicated process to do audited statements for elections, and the legislation rightly requires a great deal of detail and many, many forms to be filled out and many records to be kept. Each of the political parties keeps their records in different ways, and each of the political parties has within the legislation different reporting mechanisms, et cetera.

So it is a complicated process, and these regulations allow the Chief Electoral Officer to work with, in the vast majority of cases, the auditors and financial officers to make sure that the public's rights to information and to well-run and honestly run elections are upheld, while at the same time not going in, as I said, on a fishing expedition.

Another recommendation, and this follows again, another series of elements to Bill 17 strengthens the auditing proposals relating directly from Monnin. I am certainly not an auditor, nor do I pretend to have any major financial expertise, but I do want to congratulate and commend Mr. John Kelly, who has worked with Elections Manitoba on these audit elements of the election of Bill 17 and others for presenting to our advisory committee a very clearly thought out and simple to understand series of recommendations which have found their way into Bill 17, the recommendations that will help strengthen the auditor's ability to do their job, at the same time protecting the auditors from situations where the organization that they may be auditing might want to get rid of them.

Briefly, it requires an auditor who realizes that he or she is not independent of the person or organization being audited to resign. What that means is that if an auditor realizes they cannot do an independent audit for whatever reason, they are obligated to resign. A second element is that if an auditor resigns or is replaced by the organization, whether it be a constituency association, a political party, or a candidate,

before the audit is complete, then the auditor who is being replaced or who resigns must put in writing to the Chief Electoral Officer and to the incoming auditor the reasons why he or she feels that they are being replaced or the reasons why he or she is resigning.

Now, that may seem to be a small matter, Madam Speaker, but this is a great protection for auditors. It protects the person who is leaving and it protects the person who is coming in. If an auditor feels that they have been let go because they wanted to put in something that the constituency association or the party feels they do not want to have in and the auditor feels that to be true to their professional ethics they have to disagree, then it is incumbent upon the auditor to make that view known, that situation known to the Chief Electoral Officer and to the new incoming auditor. That provides a protection, as I said, for the process, and it provides a protection for the people of Manitoba as well. It requires the auditor to use generally accepted auditing standards in auditing all records so that the auditors, when they undertake these very difficult situations, are using generally accepted auditing standards, so they can be held up to those standards by the Chief Electoral Officer if need be.

The auditor must also—must, not may but must—report any questionable matter or practice such as the failure to maintain proper accounting records or the failure to maintain a trail of cheques. This also makes the process more fair, and it gives the Chief Electoral Officer more authority to look at the situation if this is not being done. The auditor also has the power to require access to records by the organization or person who is being audited. So this gives the auditor more power to actually say, I must have access to these records.

Also, it provides the auditor with what is called qualified privilege. This prevents a client from suing an auditor for defamation for oral or written reports made under the act. What that says, Madam Speaker, is if an auditor has been released from their duties and writes to the Chief Electoral Officer saying I feel that I was let go because I was in the process of uncovering something that should not have been done, then this other section of the act prohibits the person

or the organization who let this auditor go from suing for defamation of character. So it strengthens the role and responsibilities and rights and protection for the auditors.

Madam Speaker, another major recommendation of the Monnin report deals with a code of ethics. Now, Monnin suggested that all political parties ascribe to the same code of ethics. At the committee, all three parties agreed that while that was a great idea in principle—and Justice Monnin also referred to the Lortie commission report, which was a federal report produced in 1991 which suggested codes of ethics for political parties. The Lortie report recommended not the same code of ethics for all political parties but a code of ethics and a standard of conduct to be prepared by each political party, so that their members, the people who work for the party, the people who are candidates for the party and the public at large would know the values and the principles upon which each political party bases its activities. We agreed that because of this there would not be a section in Bill 17 dealing specifically with a code of ethics. We also agreed that Elections Manitoba would bring us together again with some suggested general guidelines that all political parties could agree to that would be overarching and then expanded on by the individual codes of ethics of the political parties.

One other recommendation of Justice Monnin dealt with the reporting formats for Elections Manitoba and political parties. Justice Monnin, Madam Speaker, was dealing with The Elections Act and The Elections Finances Act as they were put in place for the 1995 election because that is when the alleged offence took place. You will not find in Bill 17 any reference to the recommendations that Justice Monnin had in his Recommendation No. 4, because it was felt by all concerned and agreed with by Elections Manitoba that those issues had been dealt with in the massive changes and amendments to The Elections Act and The Elections Finances Act that we debated and passed in this House last June. So, therefore, you will not find any of those in this bill because they are already in the legislation.

* (1700)

Madam Speaker: Order, please. When this matter is again before the House, the honourable member for Wellington (Ms. Barrett) will have nine minutes remaining.

The hour being 5 p.m., time for private members' hour.

PRIVATE MEMBERS' BUSINESS

Madam Speaker: Private Members' Business, Second Readings—Public Bills, Bill 200.

An Honourable Member: Stand.

PROPOSED RESOLUTIONS

Res. 4—Canada-U.S. Agricultural Trade

Mr. Peter Dyck (Pembina): I move, seconded by the honourable member for Charleswood (Mrs. Driedger), that

"WHEREAS the agricultural sector plays a vital role in the overall health of the Manitoba economy; and

"WHEREAS many of Manitoba's agricultural producers rely on ready access to markets in the United States in which to sell their products and services; and

"WHEREAS the Canadian and United States governments have recently been involved in a series of disputes regarding the restrictive trade actions undertaken by individual American states, which included the obstruction of access of Canadian cattle, hogs and grain to the United States; and

"WHEREAS a strong two-way trading relationship between Canada and the United States is beneficial to both countries' economies; and

"WHEREAS Canada's farmers will benefit from a strong and unified approach to bilateral trade discussions with the United States.

"THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba encourage the Federal Government to continue engaging in

discussions with the United States Government which will facilitate the unimpeded export of Canadian agricultural products to American markets."

Motion presented.

Mr. Dyck: Madam Speaker, it is a pleasure to have the opportunity to discuss the importance of agriculture in Manitoba and the trade relationship between Canada and the United States. By the applause that I have just heard here, there are a number of agriculture producers who are colleagues of mine and who are very supportive of what is taking place.

Agriculture has a significant role in the overall health of Manitoba's economy. Agriculture and related industries contributed in the average of 11.2 percent to Manitoba's gross domestic product for 1993 to 1997. In fact, in 1997, agriculture accounted for more than one dollar in nine of Manitoba's economy. For every dollar of gross farm income produced in Manitoba, almost \$2 is generated in the overall provincial economy. In Manitoba, one job in nine depends on agriculture.

The U.S. market is very important to Manitoba's agriculture producers. Total Manitoba agri-food exports to the U.S. increased by 17 percent in 1997 to reach a record \$1,176,200. Almost half of all of Manitoba's agri-food exports by value go to the United States.

The U.S. is concerned with Canadian agricultural exports. The U.S. has maintained a number of long-term issues such as the Canadian Wheat Board, live cattle, live swine exports, as well as investigations into other exports such as potatoes. However, in the last year the level of harassment of Canadian exports by individual states has increased dramatically.

On September 16, 1998, the governor of South Dakota William Janklow began refusing to allow trucks carrying Canadian grain, cattle or swine to travel in South Dakota. Canadian truck traffic for the most part rerouted travel through neighbouring states bypassing South Dakota. A number of other U.S. states: Minnesota, Idaho, Iowa, North Dakota, Montana and Nebraska

supported South Dakota by conducting truck inspections for documentation, although they did not issue travel restrictions.

My own experience as a producer has been one where we have had good access to the U.S. markets, and it has certainly helped us in our export business. Canada requested consultations with the U.S. under both the World Trade Organization which I will refer to as the WTO and the North American Free Trade Agreement or NAFTA. The blockade was resolved in October of 1998 after Canada and the U.S. agreed to meet to discuss bilateral agricultural issues. These discussions led to a December 2, 1998, signing of a record of understanding, later on referred to as ROU, which included a 17-point action plan addressing a number of trade issues.

The majority of the action plan items have been under discussion between Canada and the United States for some time. For these items the action plan formalizes the final details of the agreement. The ROU, or again the Record of Understanding, includes a general statement reinforcing the mutual benefits of both countries of open two-way trade, reaffirms both countries' commitment to NAFTA and to the WTO, sanitary and phytosanitary or SPS agreements and establishes a meeting schedule for officials and an early warning and consultation process.

The greatest potential benefit of the ROU could provide is to improve communication and understanding between Canada and the United States. There is nothing new in the agreement, but it may provide greater transparency and awareness of the Canada-United States trade issues. If the agreement leads to greater awareness of the importance of two-way trade in agricultural products, the relative levels of subsidization in both countries and an understanding of the SPS regulations in both countries, it may reduce the level of Canada-bashing and trade harassment.

In the spring of 1999, the North Dakota Legislature introduced several pieces of legislation that could restrict exports of Manitoba products. The most significant of these proposed that it would be a Class B misdemeanour for any person to transport any

agricultural product or livestock into North Dakota from another country or to pass through North Dakota with an agricultural product from another country unless the product or livestock had a phytosanitary certificate stating that, first of all, you state that the agricultural product or livestock does not contain any chemical levels in excess of established maximum residue limits. Another criteria: the agricultural product or livestock shows no trace of any chemical for which no maximum residue limit has been established; and lastly, the agricultural product or livestock shows no trace of any chemical not approved for use on such agricultural product or livestock in the U.S.

On April 1 of 1999, Canada requested NAFTA consultations on this bill. If this bill had become law, the U.S. would have been in violation of its international trade obligations under both NAFTA and the WTO. Canada would have been able to pursue panels arguing that the legislation is being applied inconsistently with U.S. obligations under national treatment and that the standards of enforcement are not based on science. This bill was approved in both the North Dakota House and the Senate.

We are pleased that on April 12 of 1999, Governor Schafer vetoed this bill, and that on April 13 of 1999, the House and Senate ratified the governor's veto. We are confident that the good working relationship between Mr. Filmon and Mr. Schafer contributed to Mr. Schafer's veto of this bill. We will continue to promote a positive relationship between our two governments. Nevertheless, we remain very concerned with the progress that this bill made in the North Dakota Legislature and the potential threat that it had to our export interests.

* (1710)

I am going to be referring to several acronyms as I move on, the first one being the Ranchers-Cattlemen Action Legal Foundation, which I will refer to as the R-CALF and the antidumping and countervail duties which I will refer to as AD/CVD on beef. On October 1 of 1998, R-CALF or again the Ranchers-Cattlemen Action Legal Foundation filed an AD/CVD,

on beef petitioned with the U.S. government on live cattle from Canada. Now R-CALF is a nonprofit foundation formed to act on behalf of U.S. ranchers and cattlemen. It is based largely in Montana, but has received support for the petition against Canada from the National Cattlemen's Beef Association. After several delays, the U.S. Department of Commerce indicated there was sufficient industry support for the petition and initiated the AD/CVD investigation on December 22, 1998. On January 19, 1999, the U.S. International Trade Commission determined that there is a reasonable indication that the U.S. industry is materially injured or threatened with material injury by imports of live cattle from Canada.

Now, moving on to the countervail investigation, the largest portion of the subsidy alleged by the petitioners, R-CALF, comes from the Canadian Wheat Board's monopoly on barley exports. Now here is the interesting part. R-CALF claims that the Canadian Wheat Board's exclusive control over feed barley exports allows the Canadian Wheat Board to maintain artificially high export prices and artificially low domestic prices for our feed barley, which provides a benefit or a subsidy to livestock producers.

Now, the Net Income Stabilization Account, known as NISA, is also identified in the petition. The U.S. has previously found NISA noncountervailable in live swine investigations, but it is not specific to an agricultural industry. A preliminary determination of subsidy levels is expected in early May. A preliminary duty can then be assessed at the border if significant subsidies are found. Canadian exporters would be required to post a bond or cash deposit to cover an estimated amount for the duties which may be collected in the event that the CVD order is issued upon completion of the investigation.

Antidumping or the AD investigation. Dumping occurs when a producer sells a product in an export market at a price that is below the price received in the whole market or at a price that is lower than the cost of production. Now R-CALF is alleging that during the 1997-98 fiscal year, Canadian cattle producers sold cattle to U.S. purchasers at below the Canadian cost of production. A preliminary determination of

dumping is expected in early May. If dumping is found, a preliminary duty can be assessed at the border. As with CVD, Canadian exporters would be required to post a bond deposit to cover an estimated amount for the duties which may be collected in the event that the AD order is issued upon completion of the investigation.

Now, what are Manitoba's actions? Manitoba supports the strong action that the Canadian Cattlemen's Association, the Manitoba Cattle Producers Association and the federal government have undertaken on each of these trade actions by the U.S. Maintaining access to the U.S. market is very important for Manitoba's cattle industry. The U.S. must be reminded that it must live up to its international trade obligations as outlined in NAFTA and the WTO. However, strong actions that are based on enforcing international trade agreements are only part of the solution. Long-term solutions must be based on a greater awareness of the importance of two-way trade in agricultural products: the relative levels of subsidization in both countries, and understanding of the SPS regulations in both countries. This can be achieved by a dialogue between producers, industry and governments. If we can achieve an improved level of understanding between our two countries, it will reduce the level of Canada bashing or trade harassment which emanates from the United States.

I would like to refer to an article which I just picked up in the last Agriweek, but it also talks about the U.S. and the decisions that they have made. It is entitled Second Thoughts. A state law that would have barred Canadian export dies. I quote here: "North Dakota Governor Ed Schaffer last week vetoed a bill that would have drastically interfered with grain and livestock shipments from Canada through this state. The bill would have banned entry into the state of both grain and livestock from Canada, but not other states, unless certified to be free of residues of chemicals and drugs not approved for use in the United States. The bill has easily passed both houses of the state legislature, and the governor himself has supported it.

"However, it appears that pressure from Washington and Ottawa changed the governor's mind. The bill was to take effect in the year

2001. Canada would have taken the matter to the NAFTA dispute settlement panel where it probably would have been struck down.

"Another bill which would have prevented sellers of farm chemicals in the state from charging higher prices than in Canada for products also registered in Canada was watered down by the amendments. This removes a flash point but by no means heralds a new age of trade harmony."

Madam Speaker, in conclusion, that is my concern, that certainly at this point we have been able to prevent some of the restrictions that we thought may become evident in the next number of months. We have been able to prevent that but, on the other hand, in the long term we have not resolved the problems that we need to resolve.

So I would urge all members to support this bill with the encouragement that we give to both our own Agriculture minister and the federal government to continue to work with the U.S. to make sure that the movement of product can go unrestricted north and south. Thank you very much, Madam Speaker.

Mr. Clif Evans (Interlake): I welcome the opportunity to speak to this resolution presented by the honourable member. Certainly, on this side of the House, Madam Speaker, if there is anything, one of the few things that we must agree on is co-operation amongst not only Manitoba farmers but Canadian farmers, between us and the United States and across Canada. So we do intend on making some comments and certainly supporting Mr. Dyck's resolution today and hopefully hearing something from the Minister of Agriculture (Mr. Enns) so that we get a better understanding, a more educated understanding as to what is really happening.

But, of course, we all know, Madam Speaker, and I am sure the member for Pembina (Mr. Dyck) has indicated, that there are challenges. We certainly agree with that, that there are some challenges, as the member mentioned, the pesticides and the U.S. regulations that certain producers and production and export of certain commodities across to the

United States could be greatly affected by the way that the U.S. is making these regulations preventing us, from the pesticides that we use, to be able to export that product. Putting a stop to this—as Keystone Agricultural Producers president and agricultural producers across Manitoba and Canada said, putting in regulations is going to cost our producers millions upon millions of dollars.

*(1720)

Madam Speaker, there are quotes from the Keystone Agricultural Producers saying that certain regulations, a certain act that I understand is being looked at and is being held back with support of our federal government and support of our provincial government, that we are holding the U.S. back and making certain regulations law so that we can in fact look down the road and see whether we cannot negotiate something to be able to bring some sort of sobriety amongst the two countries into having these exports allowed under certain conditions with the pesticides that we use here on this side.

There are other issues that have affected producers, perhaps not the larger producer. One of the issues is the single-desk marketing for hogs, Madam Speaker. We know that the Minister of Agriculture (Mr. Enns)—I will want to hear how he defends that—has created perhaps a boom for these large, large corporations, some that he is quite tight with and in with. We want to hear what he has to say about the small or medium producer and how the single-desk marketing board is going to support those producers. [interjection] The Minister of Justice (Mr. Toews) talks about crony capitalism, and if the shoe fits, wear it, I guess.

But, Madam Speaker, as I say, there are other issues, and if this particular government is in support of assisting our producers and our farmers in exporting to the United States—and with the situation that we have now, we do know that the producers in Manitoba, Saskatchewan and western Canada unfortunately have had a bad year and are looking for some assistance from the federal and provincial governments, and one of the issues that has been brought to light is that with the conditions that some of our farmers, our smaller producers, are having, this

government has cut the rural and farm stress line at a time when many, many of the smaller producers are having the most difficult times of their agricultural careers.

Madam Speaker, other issues that affect our producers are subsidies. The United States subsidies have basically stayed the same. Where Canadian crops received 9 percent in 1997, a 9 percent subsidy for its crops, the Americans received an 18 percent subsidy. Our producers cannot export in situations and conditions such as those. We have to try and work collectively between this Minister of Agriculture, the federal Minister of Agriculture, the federal U.S., and, of course, the individual states. As the member indicated, there are some situations and preventions that are in place in some of the states. North Dakota, Minnesota and others are making it difficult for our producers to be able to expand their export into the United States where the market is, of course, very lucrative with our dollar.

But, on the other hand, Madam Speaker, we hear American farmers saying that we are further ahead than some of them because of the low Canadian dollar and the opportunity to provide more of that product to the United States at a lower cost. Well, that may be, but they are receiving the subsidies, and we have to be able to convince those American states and those producers and those politicians in the United States to rethink the legislation that they want to put in and force upon our producers.

Speaking earlier of the problems that our producers have had, the federal farm aid package that calls for a 60-40 provincial-federal contribution, it seems that the Minister of Agriculture (Mr. Enns) told our Agriculture critic that this minister and this government had almost nothing to do with the negotiation of this very important package. I find that rather ludicrous for it to be such an important part, 60-40. We are putting in 40 percent of the farm aid package for our provincial producers, and the Minister of Agriculture says: I did not really know much about it; I was just told. So we will want to hear—[interjection] Madam Speaker, that reminds me, and I will make comments about that.

But I want to comment, first of all, on the minister's lack—is it lack of or his government's lack of interest in being able to negotiate a good deal for our producers in this province? I ask: Is this provincial government, are they taking the interests of Manitoba farmers to Ottawa? If he does not know what the negotiation was, how do we know whether he has done what he is supposed to be doing and sending the message across?

I agree, and we agree on this side, that farm and agriculture produces one in nine jobs across this province, but we know how important the agricultural scene is and how important agriculture is to this province, to Canada, and our exporting not only to United States but to the Asian countries is extremely important.

One of the questions I want to ask the Minister of Agriculture (Mr. Enns) whether he will respond to is what is this government and what stand has he taken on the Estey report? Does this minister agree that the Canadian Wheat Board should no longer have a role in the handling and the transportation of grain? I want to hear from the minister what his role is on this. I want to be able to hear the right answers from this minister, so that as we have indicated we can pass this resolution brought forward by the member. This minister—we are going to hear him respond to some of the questions.

A question that we have, does this government think that the cap on freight rates should be removed? Should publicly owned hopper cars be sold to the highest bidder? What is the minister and his government's stand on that? Is this government showing some life towards our producers? I do not know. The question was how much? The minister says, I do not know; I was not involved. Why were you not involved? Well, I was told. I believed the feds would do this, and I believed the feds would do that.

That is why, Madam Speaker, I am hoping that this present provincial Agriculture minister, for the time being, does what is necessary in negotiating and working in good faith with our federal counterparts and the U.S. in making sure that our Manitoba producers are able to export as much product and commodity that we can

through proper negotiations, so what is fair is fair. I want to hear what the Minister of Agriculture has to say on this, and we will continue to dialogue with him. Thank you.

Hon. Harry Enns (Minister of Agriculture): Madam Speaker, I want to first of all put on the record and thank my friend and honourable colleague from Pembina (Mr. Dyck) for putting this issue before the Manitoba Legislature. This is a very important issue. The issue that he refers to in the resolution, all of us have seen some form of it, even our urban friends, about the harassment that our farmers have faced throughout the year from our biggest trading partner, the Americans, despite the fact that we have formal trade agreements with them, initially the Canada-US Free Trade Agreement, then expanded to include Mexico under the NAFTA agreement. So we continue to have these difficulties and only dialogue, only consultation, only bringing out the information will help doing that.

I appreciate that the member for Pembina put this resolution on the Order Paper. It would be my wish, my hope, honourable colleagues, that we deal with it and pass this resolution. It does send a statement to the Americans and to our trading partners, and it is important that we choose and look for every opportunity to do that.

I am going to desist from making any lengthy response to this resolution at this time, Madam Speaker, because although appearing to be my usual modest self, I am not in any way wishing to look into the future in a somewhat braggartly manner. But I have every intention of returning to this Chamber shortly, after interregnum of some 35 days, where we carry on with the Estimates of the Department of Agriculture and where I, as minister, will have ample opportunity to explain in broader detail the kind of agriculture concerns as raised by my friend the honourable member for Interlake (Mr. Clif Evans). But I recommend speedy passage of this resolution by all members of this Chamber. Thank you.

* (1730)

Mr. Stan Struthers (Dauphin): Madam Speaker, it is with pleasure that I rise to

compliment the member for Pembina (Mr. Dyck) for bringing forth a worthwhile resolution, a resolution that I certainly have no trouble in supporting here in the Legislature. I also believe that when we have the opportunity as legislators to stand up for a segment of our population that contributes so much to our provincial economy, we should take that opportunity. That is what I believe we will be doing in a few minutes here today in the Legislature.

I want to, Madam Speaker, set the context for why I believe this is an important resolution to move forward on. We have seen a lot of changes in agriculture over the last number of years. I do not think there is a single Manitoban who ever believes we can go back to having a homestead on every quarter section and have it like it was 50 years ago. I do not think there are many Manitobans who think that that is a reality. I also think, though, that Manitobans are a little bit nervous about the trend in which we see fewer and fewer farms populating our rural areas. Along with fewer farms, there are fewer communities. Communities that had been thriving and vital at one time are now less of an entity in rural Manitoba, and each of us in this Legislature can think of a little community that at one time was a hustling, bustling centre for districts in rural Manitoba.

My hope is that we as a Legislature will attempt to reverse the trend towards fewer farms, towards fewer resources for rural people. We need to look no further than the statistic that indeed the honourable Minister of Agriculture (Mr. Enns) has drilled us on over and over in this Legislature, that people involved directly in putting food on our table only represent 3 percent of the population. That tells us that we have to be doing some things to help out.

One of the other changes that has taken place, something that I think was working in farmers' favour which is lost to farmers now is the two-price system for wheat. I think that was a real benefit for farmers. Now that is no longer available to farmers, it has meant \$250 million out of farmers' hands. That, in my opinion, was a move taken to prepare us for free trade. It was a move that was taken to prepare us for negotiations on the Canada-U.S. trade agreement

which eventually led to the North American Free Trade Agreement. Also gone is the Crow rate which was a real benefit to farmers. That was \$720 million taken out of our industry, taken out of our communities, taken out of the hands of western Canadian farmers.

Now, what was supposed to happen was a greater diversification and a growth in the value-added industry, value-added operations in Manitoba, but do you know what? If you went back to 1974 and if you want to check with the Keystone Agricultural Producers or the National Farmers Union, they will show you graphs that they have got showing that we were beginning the value-added and the diversification in the early to mid-1970s, and it was growing since then. The graphs that you will see will not indicate a big bump when we lost the Crow rate. It will not indicate that all of a sudden we started running out and becoming more diversified and more value-added. Manitobans have been doing that because it makes sense. Manitobans did it years ago. When we opened up the prairies, we did that, and I think we should continue to do that.

Madam Speaker, maybe the biggest advantage that prairie farmers have right now is the single-desk selling advantage of the Canadian Wheat Board, something that this government is a little bit leery of coming out and embracing. They will say they are in favour of the Canadian Wheat Board, that is easy to do, but are you in favour of single-desk selling? That is the advantage that farmers have. That is what will provide stability for producers, stability for people who use the products that are produced on our fields.

If members across the way can scoff at that when I say it, then surely they have the courage to go and campaign on that in the next election. I do not think they will, because they know that single-desk selling and the Canadian Wheat Board is something that is very popular with farmers because it works for farmers. We can make it a little more transparent, and we can make it more accountable. I do not mind that. I do not think you will find many farmers that would disagree with that, but I would challenge the people across this room right now to go out and campaign and say that they would get rid of

single-desk selling, which I think is their ultimate goal. I think that is your ultimate goal. Go and tell that to farmers. Do not say: oh, we are in favour of the Wheat Board, and then take actions that actually denigrate the single-desk selling advantage of the Canadian Wheat Board.

Madam Speaker, the minister just mentioned the word "harassment" and I agree with him. When the Americans make rules that end up nothing else other than harassing farmers as we try to trade across that border then I think we have to take action. That is why I think that we need to move forward with this resolution today. I want to point out that this harassment is taking place in spite of the trade agreements that this government supported in the hope that we would actually free up trade with our farmers to Americans south of our border.

Along these lines, I am nervous, like others, about the future talks of the World Trade Organization, negotiations which our leaders are entering on the world trade scene. I am very nervous, since we are sending the same people over to negotiate who I think let us down in the first round. I think we have to, as a Legislature, be there for the greater interest and the greater benefit of farmers to make sure that the people negotiating on our behalf understand that they should be there for the betterment of the farmer and to understand that we do not want to be putting up with the kind of harassment we see at the border today.

So with those few words, I commend again the member for Pembina (Mr. Dyck) for putting forth this resolution, and I suggest that we pass it with all due swiftness. Thank you very much.

Mr. Jack Penner (Emerson): Madam Speaker, just a few brief connotations on the private member's resolution that is before us. I was listening with interest to some of the things that the honourable member for Dauphin was saying during the debate and I think we should all pay heed to some of the things that he said, because I think what we need to do is understand the agricultural community and the agricultural issues on both sides of the border. We should also understand the concerns expressed by producers on both sides of the border. I think we need to first of all before we put all sorts of

innuendoes or incorrect information on the record sit down and discuss, implement forums, invite American producers to the Canadian side of the border to talk to their Canadian counterparts

* (1740)

Similarly I think it would be very useful if we would do the same thing on the U. S. side. I think there are opportunities from time to time to attend conferences, whether they are wheat growers conferences or oilseed growers conferences, soybean growers meetings and those kinds of things. I think we should apprise ourselves of the ability to attend those functions and from time to time invite ourselves to be speakers at these functions to demonstrate to them how willing we are to sit down and dialogue with them the issues of the day.

There has been much said about the Free Trade Agreement that was drafted about five or six years ago between Canada and the United States, and, then, of course, later, just a year or two ago, the World Trade Agreement. I think it is badly misunderstood because one of the key elements of the Free Trade Agreement that Canada and the United States agreed to was a dispute-settling mechanism. I say to all of the members in this Legislature, indeed to Manitobans, would it not be for the dispute-settling mechanism that Mike Gifford and company negotiated on behalf of Canadians and would it not be for the Trade Agreement, we would have faced much, much stiffer competition and much, much stiffer opposition for our products crossing the border.

We should not think for a minute that the American lobby in the United States, whether it is the tobacco lobby or whether it is the soybean lobby or whether it is the wheat lobby or indeed the oil lobby, as an industry, is a weak organization. These are not weak organizations, and they have a tremendous impact, and they spend large amounts of money to ensure that their legislators, their senators, are well informed about the impact on them regardless of the kinds of actions that Europeans have taken in respect of the world pricing mechanism.

We say a lot, Madam Speaker, about the effect the Canadian Wheat Board has on the marketing of our grain in this country. Well, that might well be true, but I think we should look very closely at what happened during the '30s, when wheat dropped to roughly about 50 cents to 60 cents a bushel in western Canada during the 1930s. Some would say that it would at times not even pay the freight, but similarly we are today in that similar kind of situation. Even though we are under the control of the Wheat Board and/or the marketing agency be the Canadian Wheat Board, there have been instances cited lately, this last year, that the freight could not be paid by the products shipped in a carload of barley.

So I ask honourable members to be very careful when we make those kinds of analyses because we need to know the whole marketplace, and we need to know the effect. I would suggest to you, Madam Speaker, that if you did the analysis, that the price that was received by farmers during the '30s for wheat was probably no less in comparable dollars than the price received just three years ago for wheat by western Canadian farmers. That was even at the level of the Crow, even with the \$720 million included in the Crow benefit, because we were facing prices at less than \$3 a bushel. I think if you would do the dollar-for-dollar value based on the 1934 dollar versus the 1997 dollar, you would have seen that the price equality was very similar. Yes, the Canadian Wheat Board marketed all the grain.

Now, I ask, as farmers, where was the net return increase that some members have talked about here? I think we need to be very careful when we do those kinds of analogies. I have, without question, been one of the staunchest supporters of the board's structure and the board's system. I truly believe that we need a national marketing agency to export, but I question, Madam Speaker, whether we need the kind of involvement and control that is currently being put in place in the domestic process. I think that is what we should be looking at. I think those are the kinds of things that we need to discuss with our American friends and our American counterparts in the agriculture community.

I think we need to be very careful, and I know that some of the farm organizations have dramatically changed their position, maybe not so much the policy position but the rhetoric that I have heard come out of their organizations during the last two years. It was a well-known fact that the previous Conservative government, call it the Mulroney government in Ottawa, was very hesitant to make the changes of the Crow because they knew the dramatic impact that would have and the dramatic changes that would cause in western Canada.

An Honourable Member: Did not stop the Liberals.

Mr. Penner: The Liberals paid no attention to that and just moved en masse to make the dramatic changes. I think we are now starting to experience the true ramifications of those kinds of decision making.

Madam Speaker, I stand here as I have done before, and I say to all of you in this Chamber that agriculture will not be the same in the next decade as it has been in the previous 10 decades. It cannot be because all the fundamentals have changed now. Your freight costs are no longer equalized across this great western nation. They are now differentiated, and therefore the costing will be different. That will lead, in my view, to a much greater degree of diversification in this province. It will have to, because otherwise the grain farmers in this province will be hard pressed to be able to exist. Therefore you are going to see a much greater degree of that diversification in such products as experimenting with hemp. I understand that the hemp industry has this year contracted some 20,000 acres of hemp production in this province. They are looking for more seed. They are limited to the acreage that is going to be planted because there is not enough seed around to be able to plant more. I think that in itself is again a demonstration that people are truly searching for other alternatives to increase their return per acre. Those of us who are involved in the agricultural industry know full well how the nets have shrunk, even though we export a major portion of our production to our American friends.

However, let us not be led to believe that the change in percentages crossing the border from the Americans to the Canadian side or the Canadian to the American side have changed much. It is still around 61-62 percent on both sides. We import roughly about 61 percent of our agricultural requirements, be it in vegetables, be it grains, be it in corn, be it in soy bean meal and all those kinds of products that we import. We still import about 61-62 percent of our needs from the United States; similarly, we export roughly about 61-62 percent to the Americans. That is not well known by the American farmers living in the southern United States; or, I would dare say even 300 or 400 miles south of the Canadian border into the United States, it is not well known at all.

We import most of our agricultural equipment, tractors, combines. All those kinds of productive needs we import from the United States. Many of our chemicals that we use on our farms, be they fertilizers or other chemicals, are manufactured in the United States, licensed in a different process in Canada. I concur with that, and that is where we need some uniformity because if we are going to change all the other rules of trade and marketing and pricing, then those must be changed as well.

There must be a confirmation of those kinds of processes. It makes no sense at all today to import vegetables that have been sprayed with one kind of chemical in the United States and not allow that chemical to be used in Canada, because the consumer is the net benefactor of both sides of it. So it makes no sense to me that we impose those kinds of restrictions. If you are going to export products out of Canada to the United States that have chemicals applied to them that are not licensed in the States, it makes no sense to me to have that differentiation. I think we need to clearly understand as producers on both sides of the border that they exist and that they need to be changed, and that there needs to be a harmonization process put in place.

* (1750)

But, if you talk truly about harmonization, then you are opening a whole Pandora's box that was driven in large part by the change that the Liberal government in Ottawa forced upon us by

changing the Crow and the Crow benefit. That is simply the competitive price structure. If we are going to have a competitive price structure in Canada and the United States, then you need to do away with many of the restrictions that are currently there that have a major impact on products that are now produced in Canada under supply management.

But I can make that same argument about the supply-management sector and how we apply the quota system on the supply-management system, and that also needs major reconsideration, not so much from a Canada-U.S. kind of trade situation, but internally, Quebec to Manitoba, Ontario to Manitoba, Ontario to Saskatchewan, Alberta, B.C. Why do we as a country apply quotas based on population? Should we not apply quotas based on your capacity to produce on a competitive basis? Does that not make sense to Madam Consumer out there? Why should Manitoba not be allowed to produce as much as Manitoba can produce within that requirement of domestic consumption, if you want to allow, if it can produce it cheaper than any other province can? Now, based on the elimination of the Crow benefit and the freight rate differentiations, we can; we can produce almost anything that is grown cheaper than other provinces can simply because we cannot get it to the marketplace in its raw form at the same cost that other provinces can because we are right in the centre of the continent. So I make those arguments; therefore, it gives me a great deal of pleasure to put those remarks on the record today and ask members for support to pass this resolution before we adjourn here today. Thank you, Madam Speaker.

Hon. Frank Pitura (Minister of Government Services): Madam Speaker, I will be very brief. I notice that there is a willingness, I think, on both sides of the House to pass this resolution. [interjection] Well, I just wanted to mention a couple of things here, and then we can vote on and pass this resolution.

Madam Speaker, I think that one of the things that I would like to share with the House here today is the fact that earlier this month my colleague from Emerson (Mr. Penner) and my colleague from Steinbach (Mr. Driedger) and

colleague from Steinbach (Mr. Driedger) and myself met with the Keystone Agricultural Producers from District No. 3. They placed before us a very major concern about this Bill No. 1335 that the North Dakota State Legislature has passed, and rightly so, because it really does provide North Dakota the chance to put up a trade barrier with respect to products moving into North Dakota from Manitoba. You know that with the trade agreements between the two countries, although you can couch a trade agreement in terms of language and make it say what is supposed to be said within a trade agreement, but the spirit of the agreement has to be upheld by those that are participating in it and they will honour that trade agreement.

One of the things that I noticed when I was involved in the agricultural area earlier on, and it really drove me to the point where we worked to have some resolve was the fact that when the U.S. farmers wanted to plant canola and get into the canola industry, the seed that they obtained from Canada, they could not use it to plant in their fields because the chemical that was used to treat the seed was not registered in the United States. So I think, as my colleague for Emerson (Mr. Penner) indicated, that the harmonization of the registrations of pesticides between the two countries is a very important step and one that we should take and pursue very quickly.

As a result of seeing some of these trade inequities, I think that is one of the things that prompted us as people involved in the agricultural field about a decade ago, in fact it is about 12 years now, to resurrect and put on an international farm symposium. This farm symposium, we have altered it from North Dakota, Minnesota and Manitoba on a revolving basis, and what we have attempted to do was to

attract producers from both sides of the border to sit down and discuss the issues that affect them in their agricultural industry and their industry at home and to share these issues back and forth.

By sharing these issues between producers on both sides of the international border, we were able to appreciate each other's industry much more and we were able to work together and attempt to come to a resolve in terms of, yes, we have differences, but as producers if we work together we can work these things out, and there is no sense putting up road blocks in our way because, in essence, we are all in the same industry. We all want to make a living in the agricultural industry, so why prevent each other from getting ahead in their industry?

So, Madam Speaker, with those few comments, I urge the speedy passage of this resolution.

Madam Speaker: Is the House ready for the question? The question before the House is private members' Resolution No. 4, Canada-U.S. Agricultural Trade.

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

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Is it the will of the House to call it six o'clock? [agreed]

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

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