



Third Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 23, 1997

The House met at 1:30 p.m.

PRAYERS

MATTERS OF PRIVILEGE

Minister of Health

Information—Regional Health Authorities

Mr. Dave Chomiak (Kildonan): Madam Speaker, I am rising on a matter of personal privilege which will be followed by a substantive motion.

Madam Speaker, as I indicated earlier, I am rising on a matter of privilege because I feel that my rights as a member of this Legislative Assembly, as well as the rights of all members of this Assembly, and most particularly, members of the opposition benches, have been violated by the actions of this provincial government and, more specifically, by the actions of the Minister of Health (Mr. Praznik).

Madam Speaker, during the course of my discussion I will outline to you why I believe my and our rights have been violated by the Minister of Health. I will also argue to the merits of the particular case.

To start off with, Madam Speaker, I am rising on the first occasion in this Chamber on which I have had an opportunity to deal with this specific issue, because a matter must be raised at its earliest acknowledgment.

Madam Speaker, in terms of rights in this Chamber, I have risen and we have risen on many, many issues, and the issue and the facts that I am going to cite to you are in support of my argument. Our argument may not seem as significant perhaps as other privilege issues or other matters of substance that we discuss in this Chamber. Today I know, for example, we will be discussing many issues of substance, some quite literally life and death matters. Perhaps the facts in this case are not as significant as some of those issues, but nonetheless when our rights are violated, and when we cannot do our jobs properly and accurately in this Chamber, that indeed is a serious matter.

Madam Speaker, we are all considered honourable members in this House. That is why we are told in this Chamber—and we respect the tradition that we ought not to say to members opposite that we have been deliberately misled because we take on a prima facie basis the fact that members opposite and the members on all sides of the House do not deliberately mislead this House or do not deliberately mislead each other because of the significance of what those words might have.

Madam Speaker, I believe that the Minister of Health did mislead me and did mislead the committee that was studying the health care and did so deliberately. That reflects not only on my rights and my fellow members' rights in this Chamber but reflects on the rights of all Manitobans to have the work done in this Chamber that ought to be done, have the laws passed that ought to be passed and have the rules respected so we can do what is best for the citizens of Manitoba.

Madam Speaker, we rely on the word of members opposite to carry out our jobs. Let me cite one example. Let me cite one example of that in order to set the situation. During the Holiday Haven fiasco that occurred in this House in October of last year when we raised the issue of problems at Holiday Haven, I was assured and we were assured by the Minister of Health (Mr. Praznik) at that time that an investigation would take place and that people in Holiday Haven would be protected. Subsequent to that, people who had families at Holiday Haven phoned me and said, is it safe to have my parent at Holiday Haven? You know what I told those people? The Minister of Health assured me, he assured me that things would be looked after with respect to Holiday Haven, and I said, I do not think your family is in danger at Holiday Haven because I have assurances that they are investigating. Now, subsequent to that, we know what happened at Holiday Haven. There was a death and there is now an investigation.

* (1335)

But that changed my view of this House, and I have said it many times in this House. I am not the same member I was before that, because I relied on the words

that were spoken in this House. I relied on the integrity of members opposite to conduct what they were going to conduct in that regard, and I believe, in that instance, that they did not live up to their words, but that is not the substance of my motion today. As I said earlier, the facts in this case may not seem as significant as some of the other issues, but it is illustrative of a pattern, I believe, that has developed in Manitoba for the past several years for members opposite not to tell the whole truth, to deliberately withhold information, and that is the substance of my motion today. Let me lay out the facts for you on which I am basing my motion.

During the course of the Estimates debate for the Department of Health, we asked the Minister of Health to provide a list to all members and to the citizens of Manitoba of who composes the health boards in all of the regions. Now there has been a longstanding debate about these regional boards. Some have called for elections. Some have called—indeed, the government had suggested that only they have and should have the right to appoint these members, and they have gone on and done it, mostly retired Tory candidates, mostly Tory card-carrying members, but that is another issue. Nonetheless, the government has appointed board members all across this province.

So, when we asked the Minister of Health to provide a list of board members, he complied. The Minister of Health provided us with a list of board members. In fact, he even included on those lists of board members members who had gotten into already political hot water, individuals who were spending some time out of the province. But what is significant, on May 29, when the minister provided me and all of members of this party and the members of the Liberal Party and members of the Manitoba public with a list of who comprised the Churchill Regional Health Authority Board, we have Mark Ingebrigtsen, Linda DuBick, Myrtle de Meulles, Paul Watts, Percy Kabloona and Jean Simailak, and those are what we accepted to be the members of the regional health board in Churchill. I accepted that. That was on May 29 in writing. It was a tabled document in the committee, which is a tabled document in this House, and we accepted it at face value.

Subsequently, we learned of another appointment to a regional health authority of another individual,

Madam Speaker, and that was on June 19 in this Chamber when we asked the Minister of Health whether one Mike Ogborn had been appointed to the regional health board, and the minister confirmed that one Mike Ogborn had been appointed to the regional health board. So we found out that there was another appointment to the Churchill board. Now there is some political controversy over that appointment, but that is not the substance of our arguments before you in this Chamber.

The fact was on May 29 we asked the minister to table a list of all regional health authorities. He did, but a name was excluded—one Mike Ogborn and on June 19, we find out that Mike Ogborn is included on the Churchill regional board. Now perhaps that was an error. Perhaps, in error, the minister did not include the name on the list. That has been known to happen. I am subsequently led to believe that in fact one Mike Ogborn was appointed a chair, was appointed to the Churchill board on May 15, in fact two weeks before we received the list. Whether or not that was the case, it could have been an accident, but there is further evidence. The minister handed out a list on June 19. The minister provided a list on June 19 of those who were on the Churchill Regional Health Authority. Whose name appears on that list that the minister handed out June 19? One Mike Ogborn. Mike Ogborn is on the list the minister handed out June 19. Mike Ogborn was not on the list that he handed to members on this side of the House May 29.

Madam Speaker, perhaps the argument was it was a clerical error. That can happen. Perhaps that was a mistake.

An Honourable Member: Catchup.

* (1340)

Mr. Chomiak: The minister indicates from his seat that it was a catchup, and that is possible. The problem is, on the list that the minister handed out on Thursday, June 19, the list is dated April 23, 1997. So the minister handed out a list dated April 23 that had Mike Ogborn on. He handed out a list to members on this side of the House dated May 29 that did not have Mike Ogborn on, and what is that left for members on this side of the House to conclude?

There are only two conclusions that can be drawn from this set of facts. The first is incompetence, that it was a mistake and incompetence. But you know, I have criticisms of the Minister of Health but incompetence is not one of them. The only other conclusion is that the minister deliberately misled this House by keeping that appointment secret. Madam Speaker, in your last ruling and in previous rulings—I have reviewed your rulings with respect to how we can prove a matter of privilege and the last ruling that you indicated is that we have to show some kind of intent. Now, I know and the member who is also a lawyer, the member for Lac du Bonnet, the minister also knows that the most difficult area to prove in any kind of a charge is intent. Volumes, courses, whole studies are taken on how one proves the matter of intent.

I think the question of intent goes clearly to the facts of this case. It is clear that there was a document dated April 23 that had Mike Ogborn on. There was a document dated May 29 that had Mike Ogborn not listed and that was a document provided to us and all the public. And let me remind you, Madam Speaker, this is not an esoteric argument. These are the people who are responsible for spending hundreds and millions of dollars of taxpayers' money on health care, so this is no minor issue in the scheme of things. These are the people, the people on these lists whom the government has entrusted to develop our health care system. What was the intention? Why did the minister not provide us with the name? Was it accidental? I think not. I think it was deliberate in order to not provide us with the name until after this House no longer sat so it would not become a political issue and again embarrass the government. There is no other rational or reasonable explanation for the minister to have misled members of the committee in this House with the providing of that list.

So I think the issue on its facts is fairly clear. I know you are going to take this and you are going to rule on it, and you are going to subject it to a question of what was the intention of the minister. The intention is fairly clear. The minister handed out a list to members purporting to show that that is who is representing us in health care, but he withheld one name because he knew, and his actions on Thursday illustrate how sensitive the government and the minister are to that particular issue. His actions both in the Chamber and

outside the Chamber are illustrative of how sensitive the government was on this issue. It is very clear, not just from the minister's actions but from his words, that the intention was to let the appointment go by until this House adjourned so the public would not know. Then, if it became an issue in the summertime, no attention would be directed towards it.

That is why I move, Madam Speaker, seconded by the member for Transcona (Mr. Reid), that the Legislative Assembly of Manitoba censure the Minister of Health (Mr. Praznik) for his deliberate breach of privilege of members of this House in the matter of information made available regarding government boards, appointments to the regional health authorities and, further, that this matter be referred to the Standing Committee on Privileges and Elections.

Motion presented.

Hon. James McCrae (Government House Leader): Madam Speaker, the honourable member has to satisfy a couple of requirements with respect to a question of privilege. I will not argue the question of the timeliness, but I will make a comment or two on whether the honourable member has made a prima facie case. That is necessary in order for Your Honour to make a finding that the motion should go forward.

In the ordinary course of events in this House during Question Period, we are not, for example, as ministers—as is sometimes done in the House of Commons and certainly in Westminster it is routinely done, that notice is given of questions to be raised. That is not done in this place, and ministers are very often required to have information at their fingertips. Sometimes they do not have information of a detailed nature at their fingertips. But with regard to the type of question being raised by the honourable member, any requirement for anything further to be said about that, that opportunity can be made available for honourable members. No doubt the honourable member feels quite strongly about this. He will no doubt be entitled by his caucus to ask questions about it in Question Period if there is any further clarification required.

There is nothing prima facie that the honourable member has said that indicates that the Minister of

Health in any way has done anything in a deliberate way to mislead or to withhold. That has not been the demeanor of this minister nor has it been the approach of the honourable member for Kildonan (Mr. Chomiak) in matters dealing with detailed information. I know that from time to time both sides can get involved in some rhetorical questions or rhetorical responses which may sometimes lead the listener or the reader to impressions that probably do not reflect the reality of what happens here, but, Madam Speaker, in a prima facie way it is very clear that the honourable member for Kildonan has not made out a case that would require the mechanism laid out in his motion. I would invite Your Honour to review what has been said today and previously on this matter and return with whatever finding you deem appropriate.

* (1345)

In any event, I suggest that the honourable member could seek further clarification from the minister, and the minister would be forthcoming with that. It is simply not a question of any deliberate handling of the issue on the part of the Minister of Health whatsoever, so there are other ways to deal with this besides through the mechanism of a question of privilege.

Mr. Steve Ashton (Opposition House Leader): Madam Speaker, I regret in speaking on this matter of privilege that it is not necessary, I am sure, to repeat much of the background in Beauchesne about what is a matter of privilege, because all too often we see what I believe is a systemic pattern in this government, an unprecedented pattern of ministers and of the government, in general, refusing to provide accurate information, deliberately refusing to provide accurate information not only to members of this Legislature but to the public of Manitoba.

I want to just deal very briefly with what are the tests for a prima facie case of privilege; that the matter be raised at the earliest opportunity, I believe this clearly meets that test; that the member raising the matter must conclude with a motion that provides for a remedy, a reparation that I believe is met by this member, and that sufficient evidence must be presented to suggest that a breach of privilege has occurred to warrant setting aside the regularly scheduled business of the House.

The key element to decide, Beauchesne Citation 31, is fairly clear on whether this is simply a case of once again our being misled in this House or whether there was any deliberate intent involved with the actions of this minister and indeed whether that intent would lead one, through any objective analysis, to assume that there could have been nothing more or less in this case than a clear intent to deliberately mislead the House.

I want to point, Madam Speaker, to the various Speakers' rulings for the Manitoba Legislature. Speaker Walding in 1985, Speaker Phillips in 1987, Speaker Rocan—I note, by the way, the significant number of rulings that have been made since 1988 in regard to misleading statements made by a minister. That, coincidentally, is the date which this government came into office. Speaker Rocan made two, four, five separate rulings on the question of intentionally misleading the House. I want to go back to a ruling that was made by Speaker Phillips in 1987, and I do this because, ironically, the matter of privilege was raised by the then Leader of the Opposition, now the Premier. I want to read the detailed background provided by Speaker Phillips, and later used by Speaker Rocan, in pointing to the key issue, whether it is intentional misleading or not.

This is from Maingot's Parliamentary Privilege in Canada, page 205. Maingot makes a very specific distinction between misleading and deliberately misleading: To allege that a member has misled the House is a matter of order rather than privilege, and it is not unparliamentary whether or not it is qualified by the adjectives "unintentionally" or "inadvertently." To allege that a member has deliberately misled the House is also a matter of order and is indeed unparliamentary. However, deliberately misleading statements may be treated as contempt.

* (1350)

It is Maingot that is the underlying basis of Beauchesne and the rules of this House in terms of matter of privilege. So what one needs to do is look at the question of whether indeed there was contempt because this minister deliberately made misleading statements in this House. Well, let us look at the evidence, Madam Speaker, because—and I want to table copies of these two listings of the regional health

authority for members and for your own perusal. Now what is interesting is—the member for Kildonan (Mr. Chomiak) pointed to—this is not a matter of clerical error, and I want to note here that there is one that is dated April 23, 1997, and it lists one Mike Ogborn whose address is listed as the fourth floor, 255 Clayton Street, Denver, Colorado. It lists his business and fax numbers both in Denver, a matter that was raised in this House, indeed last week, whether it was appropriate. We were dealing with regional health. The last I heard the Churchill region did not reach as far south as Denver, Colorado. I do know many of the people resident in Churchill, and when I note that there are three members on the board from Churchill, I had the feeling that we could probably find any number of people in Churchill who would suit the purpose of being a regional health authority, particularly if this government gave the people of Churchill the opportunity to have a vote on regional health authorities, something they have refused to do.

But I note, Madam Speaker, that there is another list. Now the date on this is May 28 and guess which name is missing from this list—Mike Ogborn. Now what is interesting is, what is really interesting is, which list was given to the member for Kildonan when it was requested in this House that a list be provided of board members. It was the list that was dated May 28. Last week we got this other list, the real list, dated April 23, 1997.

An Honourable Member: From the minister.

Mr. Ashton: And by the way, both given to us by the minister, both given in this House, both purporting to give information on what has happened. It is interesting, because we all note, I believe, and I use this term advisedly, but I would say the only way to describe the minister's behaviour last Thursday that he went ballistic in this House. He was flailing around. I mean, a very simple question was asked: whether it was legitimate to have somebody from Denver, Colorado, sitting on the board. Then he turned around, went out to the hallway afterwards, said if you are against having this person on the board, you are against the Bay Line, you are against Churchill. He kept raising the ante. Then he said the person was on the board to promote economic development. I look again, and it says the Churchill Regional Health Authority, not the Churchill regional development corporation.

Madam Speaker, I note that the minister went out of his way to respond on this matter, and it showed, I believe, the fact that this minister had been waiting for this question to be raised. I mean, surely the moment he became aware of the fact that there was a request that somebody be appointed from Denver, Colorado, that must have twigged something, and I think his behaviour on Thursday shows that.

So, Madam Speaker, you have nothing more to do than to look at these lists and look at the actions of the minister in this House on Thursday than to come to only one conclusion, and that is that the minister deliberately misled this House when he did not provide information indicating this member of the regional health board, Mr. Ogborn, was on the board going back, according to the minister's own document, to April.

* (1355)

Why should we be concerned about this? I suppose some might suggest it is not unusual for this government to make deliberately misleading statements. They certainly did enough of that in the election, and we know there is nothing we can do other than hope that people will remember in the next election the number of times they deliberately misled the people of Manitoba. I could just mention the Winnipeg Jets, MTS and a few other major examples of the degree to which this government, led by this Premier (Mr. Filmon), will deliberately mislead people in this province, but, you know, we do have recourses in this House. When statements are provided, when information is tabled in this House, we do have ways of fighting back, and it is through a matter of privilege.

I must say there is a bit of a bitter taste on members of the opposition when it comes to this—and, by the way, I want to indicate that Mr. Ogborn was saying publicly back in April that he was going to be appointed to the regional health authority. I just have been advised of that by my colleague the member for Flin Flon (Mr. Jennissen). We may not have had much success in having our matters of privilege always dealt with in the way they should be in this House, and I just think back to the last session.

Madam Speaker, if ever there was a case of privilege, if ever there was a case of someone deliberately

misleading the House, it is shown here in this document, and this document, you can make only one ruling and that is the minister did deliberately mislead the House. It is clearly a prima facie case and let us get to the bottom of stopping this deliberate pattern on behalf of this government of contempt for the Legislature and contempt for the people of Manitoba.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I, too, would like to put a few words on this very serious matter, as all members are very keenly aware of the seriousness of matters of privilege. Having had the opportunity to go through the documents that were, in fact, tabled, there were a couple of questions.

Prior to getting into that, I would strongly suggest that you, as the Speaker, should go through some of the health care Estimates. It is not necessarily to defend the Minister of Health (Mr. Praznik) per se, but one of the things that I have found about this particular minister is that he has been fairly accommodating for requests for information. Now I say that because, using the documents that were tabled, I noticed on the April 23 list that was provided by the member for Kildonan (Mr. Chomiak), it has also the name of Vince Verma, which does not appear on the May 28 document. That is the same list that has Mike Ogborn. It would seem to me on the surface that, in fact, maybe this list—and I have not talked to the Minister of Health (Mr. Praznik)—was not the final document, because not only was Mike Ogborn not on this particular list and not on the list that was tabled on May 28, but there was another individual. So just at a glance, when I look at it, it would appear that the one list was not the individuals. Maybe they did not accept. I do not know.

Madam Speaker, why do I bring it up in the fashion in which I have? On numerous occasions I get very frustrated with this government in many of the actions that this government takes. That frustration often leads to follow-up questions, to trying to get to the bottom of an issue. One of the things that I have found is that different ministers react in different ways to questions. Some of them are a little bit more straightforward. The key here is, have we been successful at demonstrating that this was intentional? Did the Minister of Health intentionally, deliberately attempt to mislead either the member for Kildonan (Mr. Chomiak) or me or any member inside the Chamber using the documents that

were tabled and not having talked to the Minister of Health myself but basing it on the relationship that was there between the Minister of Health and members of the opposition, not just myself? I believe that the Minister of Health could have and should have possibly even asked the question of the discrepancy prior to rising on the matter of privilege. That is what I would think first-hand.

It is not necessarily—I am not doing this to defend the Minister of Health as opposed to establishing that, as a matter of privilege, we could stand up virtually on a day-in, day-out basis and question—like, many could question the Minister of Finance (Mr. Stefanson), in terms of his actions with respect to the financing of the other casinos, McPhillips and Regent, in terms of the Winnipeg Jets and what this government did with respect to the Winnipeg Jets. There are many different issues that come up inside this Chamber, and outside, in terms of the committees. Those issues, Madam Speaker, even though in many cases we disagree wholeheartedly with the government, sometimes we get somewhat frustrated and we want to find out what exactly this government has been up to in dealing specifically with issues.

With those few words, Madam Speaker, I would strongly suggest that you do review the papers that have been tabled, solicit some sort of information from the Minister of Health and possibly review Hansard during the Health Estimates. Thank you.

* (1400)

Hon. Darren Praznik (Minister of Health): Madam Speaker, first of all, as someone who has been a member of this House for quite a number of years and always prided myself on the importance of Parliament and its institutions, let me first of all say that I appreciate that the member for Kildonan (Mr. Chomiak) does have a right to raise this point, but there is a difference in the two documents, and that is worthy of an explanation. Whether one raises it privately or in this public Chamber, he has the right to do so, and I respect that the member does have that right to do so.

Madam Speaker, I have always prided myself as a member on trying to be as accurate as possible in the information that I provide to members. I have tried

during Estimates—I think the member has acknowledged the fact, as has the member for Inkster, that we have been very forthcoming with requests for information. I also say very sincerely to this House, I have never tried nor will I ever try to hide decisions that I make as minister. I am accountable for those decisions, and we have debated that particular appointment last week in this House and we will debate it again. I would just like, for the interests of this House as well, to table today both a copy of the letter recommending him from Churchill as well as the letter appointing him, which was dated May 9.

The issue is the two different lists. I have had during the course of the discussion here today a chance to speak with my staff, and I can indicate to this House that the differences in fact that both the list that was tabled in committee is one, and the member was there present in committee, and when I was asked for a list of those health authorities, I did not have staff from my office at the table. I had staff from the department. They in fact handed over the lists. I did not have a chance to review those lists. Perhaps I am at fault for that. I handed them to the Clerk of the committee and they were distributed. Regrettably, those lists were not up to date. As the member points out, there was another difference between the list that I provided last week. The list that I provided to the media last week was an up-to-date list out of my office on the computer where we keep track of these.

Madam Speaker, yes, an error was made. The copy of the list that was provided that the member has referred to was a list that was kept on my office computer where the most up-to-date lists of appointments are kept. The list that I tabled in committee, regrettably, was one from the department. As the member knows, it was departmental staff who were staffing me on that particular occasion, and it is regrettable. I do apologize to the member that that was not the most up-to-date list. I have no problem defending the appointments that I have made. I have never had an intention not to defend them. If the member was provided a not up-to-date list, I apologize to him and members of the House for that, but it certainly was not and never would be my intention to mislead the House.

It is regrettable that the sensitivity around this particular appointment by members opposite have led

to this, as opposed to an inquiry, but that is their right to do, and that is my explanation, Madam Speaker.

Madam Speaker: Order, please. A matter of privilege is indeed a very serious matter. I will indeed take this matter under advisement and report back to the House.

Minister of Justice—Answers

Mr. Gord Mackintosh (St. Johns): I rise on a matter of privilege today, and I will be concluding my remarks with a motion. It regards the answers to questions posed in this House on Thursday, answers given by the Justice minister (Mr. Toews).

Madam Speaker, as a description of my matter of privilege, I want to refer back to the last election campaign and the election promise made on April 11, 1995, by the Premier (Mr. Filmon) of Manitoba. A news release was issued by the Conservative Party during the election, and it said: Filmon targets pimps, drug dealers. It goes on to say: Get tough stand just got a whole lot tougher.

Two extracts from that press release, Madam Speaker, say the following: Those soliciting sex from prostitutes will lose their vehicles, seized under tough new anticrime provisions unveiled today by Premier Gary Filmon. The release goes on to say: Filmon said the owner of a vehicle used in soliciting a prostitute will permanently forfeit that vehicle if convicted. The proceeds from the sale will go toward programs for counselling and training to assist young prostitutes to return to school and escape a life on the streets.

I understand that later that day a press conference was held. It was held at the Remand Centre, Madam Speaker. Subsequently, significant media attention transpired, and the Conservative Party, to say the least, got a lot of mileage out of this election promise. I believe it was a front page article, for example, in the Winnipeg Free Press that proclaimed in large letters: No wheels for johns, PCs say. Filmon vows to crack down on sex, drug trade by seizing property, and the article says in part: People who solicit sex from prostitutes would have their vehicles seized under a Tory campaign vow to take direct aim at pimps and child prostitutes. Then the Premier is quoted as saying

in the article: The rules will be clear, Filmon said in a news conference at the provincial Remand Centre. If you profit from selling drugs or soliciting or from child prostitution, you will be punished.

There were other articles, Madam Speaker. The Sun talks about how Filmon will give the police the power to confiscate the cars of johns. I noticed an editorial, and I am just referring to the printed media; I cannot bring the videos in here, obviously. The Premier was talked about in a Free Press article, September 3, 1996. It said: Premier Gary Filmon spoke firmly and forcefully on April 11, 1995, about stopping teenage prostitution. The Premier held a press conference in the eye-catching decor of Winnipeg's Remand Centre to say that if re-elected the campaign was on. His government would confiscate and sell the cars of men who had sex with adolescent prostitutes.

Well, sometime later, I happened to hear the new Justice minister, the current Justice minister, say on the CJOB action line on February 21 on the issue of prostitution, I quote: We gave an election promise and I intend to fulfill that.

Madam Speaker, we have not been hearing much about it, and it is beyond two years now since the election promises were made. Then, lo and behold, Bill 38 is introduced into the Legislature, an act to amend The Highway Traffic Act, and in that act there is one section added to The Highway Traffic Act with six subsections. What the act allows for certainly is not seizure, and there certainly is not forfeiture of johns' vehicles anywhere in this legislation.

I read it carefully, Madam Speaker. All this legislation provides for is that if a person who follows alternative measures, in other words, there is a decision made not to proceed with formal court proceedings, the individual charged must go along with the conditions set out in the alternative measures program. What happens if the individual does not go along with those measures? Well, subsection 5 of that proposed section says that the registrar shall suspend or cancel the licence, refuse to issue a driver's licence, and so on. The bill only talks about licence suspension and, indeed, it appears to be a temporary licence suspension. One can actually enter a guilty plea, and then the suspension is off, it appears.

But there were some things that were missing from the bill. I did not understand the alternative measures program and, as a result of further inquiries, determined that the government had in consultation with the Salvation Army worked towards the establishment of a john school, which sounds interesting, Madam Speaker, but actually it is only a one-day, eight-hour seminar. That is to comprise the alternative measures under the bill. So, in other words, the scheme of the legislation, the government's actual new regime to deal with prostitution and johns, is licence suspension in the event a john does not attend john school for the one day. That is the government's scheme, as far as I can see by reading the bill and speaking with officials, and that is absolutely incomparable to what this government promised during the election campaign. There is no seizure; there is no forfeiture.

* (1410)

Now, Madam Speaker, I suppose one could argue that if you drive while suspended, you could have your vehicle seized. I think there is a regime of a 30-day seizure, and I think if there is a second offence in two years or so—and I am not being accurate on this, because I am not entirely familiar with that scheme—but I think there could be a seizure for 60 days or perhaps longer. But in this bill, there is no seizure, there is no impoundment, there is no forfeiture, there is no sale of a vehicle in order to assist young prostitutes. That is absolutely clear; it is in black and white.

So, when I posed the question to the government and to the Premier (Mr. Filmon), in particular, on Thursday, the minister said the following, and I quote: "The bill is, in fact, one which will allow a motor vehicle to be seized, but there are some intermediary steps that the police thought would be more effective in dealing with this particular problem."

Then, in the next supplementary answer, the minister states the following, and I quote: "we believe this is an effective program consistent with what was indicated at the time of the election." Madam Speaker, this bill does not allow a motor vehicle to be seized. It does not, and this bill is not consistent with the election promises of this government. It is not a matter of argument. The bill speaks for itself.

Now, why would the minister make these comments in the Legislature on Thursday? It is quite obvious. He and the entire government is wholly embarrassed by this breach of an election promise, by this breach of a pledge, to the people of Manitoba, to deal with what is a very serious community problem. The minister was so embarrassed that when he introduced the bill for second reading on June 5, he did not even describe this section of the bill dealing with prostitution. He concluded by saying: "We believe that Bill 38, which is now before the Manitoba Legislature, is a crucial tool to help us continue to provide Manitobans with levels of safety they have every right to expect on our highways and we ask honourable members of this House to support this measure." He was only referring throughout his speech to the measures dealing with drinking and driving that are contained in that same bill, even though it is a two-part bill. No, the minister was so embarrassed he wanted to try and liken the provisions of the bill to the election promise. He wanted to find the word "seizure" somehow to be used in connection with this bill when this bill does not deal with seizure.

Madam Speaker, one can have their vehicle seized for driving while suspended for a number of reasons which led to a suspension, but in no way is a refusal or a neglect to attend john school going to result in seizure or impoundment, in no way is one being a john and being charged going to end in seizure or impoundment or forfeiture of a vehicle.

The minister has deliberately misled this House and deliberately misled Manitobans to try and make them believe that the government's response to prostitution is in accord with the election promise. This is not a matter of just being too cute; it is not just a matter of embellishment; this is a matter of deliberately misleading the Legislature. As a result, since the minister's announcements, the public debate on this matter has been skewed; the public has been misinformed.

I went home on Friday, and I was watching on television a newscast. There was the minister again saying that this new regime was consistent with the election promises, and there was the telecast saying that, oh, if you do not go to john school, you will have your vehicle seized. Unfortunately, the Winnipeg Free

Press also had that in there, not surprisingly, when the minister is talking about seizure within the context of one's not going to john school.

Madam Speaker, this is a contempt of the House. This is hardly forthright in what we expect of this government.

Therefore, I move, seconded by the member for Rupertsland (Mr. Robinson), that the deliberately misleading statements of the Justice minister (Mr. Toews) of June 19 be referred to the Standing Committee on Privileges and Elections.

Motion presented.

An Honourable Member: Let him speak.

Hon. James McCrae (Government House Leader): He will speak. I have no doubt about that.

Again, the second time in the same day, we are dealing with another question of privilege which ordinarily should be viewed as a very serious matter. The rules respecting questions of privilege are known to honourable members on all sides of this House. There are two main ingredients. First is being the issue of timeliness in something that needs to be addressed, and the other issue is that of a prima facie case.

With respect to the last question of privilege, I could not argue on the first point and did not, but on this one I will. Bill 38, about which the honourable member for St. Johns (Mr. Mackintosh) talks, was introduced on May 29, was given second reading on June 5. All the while, Citation 115 of Beauchesne, as recorded on page 29 in Beauchesne's 6th Edition says, and I quote: "A question of privilege must be brought to the attention of the House at the first possible opportunity. Even a gap of a few days may invalidate the claim for precedence in the House."

The issue is one that the honourable member for St. Johns (Mr. Mackintosh) tells us goes back all the way to 1995, and the opportunity for further discussion about this bill will take place as we have scheduled that bill for tomorrow morning in the Law Amendments committee. I think that, with regard to the prima facie case of privilege and somebody's privileges in this place

being abridged by the activities of this government or particularly the Minister of Justice, that argument fails, I am sure you will find, Madam Speaker, upon an appropriate review of the matter.

Anything further to be said about it might be said by the Minister of Justice either now or at the time of Bill 38 being before the committee. I will leave that in the honourable minister's hands.

Hon. Vic Toews (Minister of Justice and Attorney General): I rise in response to the statements made by the member for St. Johns (Mr. Mackintosh). First of all, I would like to deal with the issue of the allegation that I was somehow embarrassed by this legislation. The member for Thompson (Mr. Ashton) who maybe has a few comments to add could in due course stand up and make those comments. Again, those comments that he is making from his seat are not very helpful in this discussion. Perhaps he could learn to control himself and rise at the appropriate time.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please.

Mr. Toews: The members opposite are making accusations in respect of people that they sent to my house during a strike to—well, if they feel they can send people to my house to intend to intimidate me, do that.

In any event, I am not embarrassed by this particular bill. In fact I can give a very clear explanation of what happened in respect to the notes. I was provided with speaking notes from the department in respect of Bill 38. Those notes were referred to me by my comments in the House. I would also note that the department at the same time made notes in respect of Bill 37, which is a bill that was introduced by my colleague the Minister of Highways (Mr. Findlay). Unfortunately, there seems to have been some misunderstanding in the department in respect to Bill 37, as though those referred to the John school, as referenced by the member for St. Johns (Mr. Mackintosh), appropriately enough. Bill 37 does not, of course, deal with that school. In fact, the notes are quite extensive, and I have no concern that the member in fact did raise that—it was appropriate for him to do so—why this initiative was not referred to.

Well, the notes in that respect are quite extensive, and I had every intention to refer to them during the committee stage where the minister is entitled to make an opening statement. Those notes set out in quite detail about why we are proceeding in the direction that we are proceeding. So it is not a question of embarrassment, as my colleague for St. Johns attempts to impute. It was a simple oversight that can be corrected easily at the committee stage.

* (1420)

Then the member plays with the idea that this is somehow going to be ignored by the public. The committee in fact reviews all sections of the bill. It is a public hearing. Members of the opposition are there. Questions are asked. The media is there. For him to suggest that type of motive is completely improper. It is similar—this is the same member who stands up and says in respect of Bill 206, asks the government to support Bill 206 when this is in fact a bill that was based on a Department of Health paper that he simply pirated and now passes off as his own legislation. This is the kind—

Some Honourable Members: Oh, oh.

Mr. Toews: I am speaking on a matter of privilege.

Madam Speaker: Order, please.

Point of Order

Mr. Mackintosh: On a point of order, Madam Speaker, perhaps the minister would contain his remarks to the matters at hand, very, very serious issues that he has to deal with. I want the minister not to raise another matter of privilege in this House and tell the House that the bill introduced, Bill 206, to deal with sniffing was our bill; every section is our section. If the government was putting forward that kind of legislation, we would have been supporting it. There has not been any such bill. He is misleading the House once again.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Minister of Justice, on the same point of order.

Mr. Toews: I am simply relying on the opinions received from the department that says this bill, in reference to Bill 206, looks very similar to the 1996 legislative proposal for Manitoba Health. So I am simply referring to that, but I am prepared to leave that.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable member for Thompson, on the same point of order.

Mr. Steve Ashton (Opposition House Leader): On the same point of order, Madam Speaker. I would support the comments by the member for St. Johns. It seems that any time that the minister gets criticized he seems to deflect—trying to attempt to deflect that by making personal attacks against the various people. If he was so concerned a few minutes ago about the department, perhaps he will be prepared to table that, and we can deal with a bill which, by the way, I believe is the intention of both House leaders to call later. So rather than distract from the matter of privilege, I would suggest you rule that the member for St. Johns was indeed in order and that the Minister of Justice should restrict his comments to the matter of privilege.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. On the point of order raised by the honourable member for St. Johns, regrettably the comments I heard were not relevant to a point of order, neither were the Minister of Justice's, so there was no point of order. However, the comments made by the honourable member for Thompson on the same point of order were more relevant. Indeed, the minister should be speaking to the matter of privilege raised and not to issues outside of the topic being discussed.

* * *

Mr. Toews: The issue then, in dealing specifically with this bill, is that indeed the comments and the concerns of constituents back in 1995 let the government look at this or let the government look at this particular issue. There clearly were steps taken by this government in respect of this issue. We know with the constitutional jurisdiction of the province and the federal Parliament, the primary responsibility for the

issue of matters related to prostitution falls within the jurisdiction of the federal government.

We contacted the federal government by letter, by my predecessor, who asked that they in fact adopt the position that we indicated during our election campaign. The federal Justice minister was asked to introduce amendments to the Criminal Code to that effect. Indeed, those will be the subject of further discussions.

In the interim, we realize that there are steps that need to be taken in this area. So in order to ensure that we move in this direction, the government, including myself, consulted with departmental officials, who in turn discussed this matter not only with the police but with community organizations as well, and I find it interesting that members opposite indicate that when we make a statement in respect of what the law should be, if we proceed without consultation, then we are accused of ramming that through the Legislature.

When we pause and consult with—[interjection] Now, the member for Wellington (Ms. Barrett) has some comments to add as well, and I am sure the Speaker will allow those in due course. [interjection]

Madam Speaker: Order, please. I would remind the honourable members, this is not a time for debate or an exchange. This is time for the honourable Minister of Justice who was recognized to put his comments relative to the matter of privilege that has been raised against him.

Mr. Toews: So when we do not consult, we are accused of ramming legislation through the House. When we consult in order to reflect some of the concerns raised by community organizations or the police, then we are accused of breaking an election promise.

Well, Madam Speaker, in that scenario we can never win. If we listen to people, we are breaking some sort of trust with the people, and if we do not consult with the people, we are breaching some kind of trust with the people. Well, I prefer to continue to consult with the people of Manitoba in respect of this very important initiative, even though members opposite have no desire that we consult with the people of Manitoba.

Frankly, I find that very unfortunate, given their stand on other bills, but it does not surprise me that they would continue to take this inconsistent position when it suits their narrow political means.

So the position, then, that we took after consulting with the police, and, indeed, discussing this with community organizations, was their position that there is a more effective way of dealing with this issue, and so we, in fact, took their comments into light. What their comments were is that we should, in fact, deal with the broader social issue that arises in respect of this matter, and they indicated to us the success of a similar program in both Edmonton and Toronto.

* (1430)

The Toronto statistics, in particular, were very, very interesting, Madam Speaker, and very relevant to why we have taken this particular approach. There are very few people—by that I mean johns—reinvolved in the situation that got them into trouble with the law by following this particular program. What this particular program does is it charges the johns an amount of money, the money then which is used to fund programs for prostitutes. This is a mechanism to recognize that the prostitutes have a very difficult life and that there has to be a mechanism to get them out of the very difficult situation that they are in, and this is very much supported by the police and very much supported by the community organizations that we consulted with.

Now, Madam Speaker, we have stated very clearly to the community organizations involved, as well as the police, that if this program is not effective in dealing with this particular problem, we will proceed to examine other legislative mechanisms. [interjection] Now the member for Concordia (Mr. Doer), who perhaps knows better than the social agencies or the police and who is just sitting in his seat and talking, he can stand up and make comments as well. [interjection] Perhaps he can stand up and make his comments at the appropriate time when the Chair recognizes him.

If you look at the mechanism that has been involved or that is brought about by this legislation, in fact there are repercussions for the johns which in various circumstances do lead to the seizure of motor vehicles. We are not saying that this is the best method that one

could proceed if one had the full criminal law power, but it certainly is a method that is an effective method and I believe moving in the same direction and consistent with the election promises that we made. We are committed to bringing about effective legislation and we will continue to do that. Thank you.

Mr. Ashton: Madam Speaker, I am surprised that government members would even applaud for that contribution on this debate, because I have not seen anything quite like it since the Monty Python sketch, you know, the dead parrot sketch, where they go and they sell a dead parrot to the customer. The customer brings it back and says, this parrot is dead. They go on for about five minutes with the pet store owner saying, no, it is not dead, it is not dead. It is alive. Look at it.

They promised to seize cars in the election. On Thursday, this minister said they were going to seize cars. The bottom line is, this parrot is dead. They are not seizing cars. They misled the people of Manitoba.

An Honourable Member: You are the dead parrot.

Mr. Ashton: The only thing that is dead, Madam Speaker, is the credibility of this minister and this government.

Madam Speaker: Order, please. The honourable member for Thompson, to complete his remarks on establishing a prima facie case for a matter of privilege.

Mr. Ashton: Thank you, Madam Speaker. This is a very straightforward matter. In the election they said they would seize cars, and even though we cannot hold them accountable, other than at the next election, for misleading the people of Manitoba deliberately, it is obvious they are not seizing cars of johns. It is a straightforward fact. Any more—I mean, the minister might have wanted to give the same speech to say they did not really sell off MTS and they actually did really save the Winnipeg Jets. It falls in the same category—fiction.

The bottom line is, they promised to do it. Even on Thursday, the minister went apoplectic when the member for St. Johns (Mr. Mackintosh) suggested they broke the election. Well, what did the minister say? Well, they are going to seize cars. Today he comes in

and he says, well, there was an oversight, and he read the wrong briefing notes. It is, blame the staff, blame the staff, blame the staff. The bottom line is, the buck stops with this minister and this Premier (Mr. Filmon). They misled the people of Manitoba in the 1995 election. They are not seizing cars. He repeated that statement in the House, so he did deliberately mislead the people of Manitoba and this House. He should be held accountable through this matter of privilege.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I too would like to put a few words on the record. You know, in the previous matter of privilege brought up by the member for Kildonan (Mr. Chomiak), I think there were some merits to the matter of privilege in which the member for Kildonan had referred to. That is the reason why our recommendation was that you do take it under consideration, and I qualified it in the sense of what I believe that you needed to look at in order to come out with a good ruling.

Having said that, I want to read Beauchesne's Citation 27 where it states: "A question of privilege ought rarely to come up in Parliament. It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy. A genuine question of privilege is a most serious matter and should be taken seriously by the House."

In listening, in particular to the member for St. Johns, what we are talking about is the breaking of a promise, an election promise, and that is where in essence the base of—

Some Honourable Members: Oh, oh.

Mr. Lamoureux: We look at it, and this government has broken promises. I remember the former minister who talked about boot camps which turned out to be more like slipper camps. Now we hear of the tough stand against the johns of teenage prostitutes and how it has been watered down. There has been a great deal of dispute over facts, what I would argue ultimately. You know, it is great in the sense that it provides the opposition the opportunity through Question Period, through debates on second readings. There will be a third reading process on this particular bill.

* (1440)

When I think of matters of privilege, what I think of is—and many members in the House will recall—when the former Minister of Finance Mr. Manness walked out of a committee room, when in fact he believed that he no longer had to answer any questions, chose to walk out, thereby we lost quorum. That, Madam Speaker, denied members of opposition, anyone, from being able to question the government because he walked out of that particular committee. I can recall when we had a matter of privilege on a public entrance into the gallery above, into the Legislative Building with the student rally that was there. We talked about that as a privilege. I can recall shortly after the provincial election when I stood up here for the first Question Period time and time again trying to get recognized because we were not getting recognized. That was a matter of privilege.

The problem, as I see it, is that if you use a matter of privilege as a tactical move, it does marginalize the importance of the citation which I just cited because you start to trivialize the matters of privilege as the Premier (Mr. Filmon) himself just said from the seat. We take them very, very seriously, as Beauchesne's indicates. There are so many disputes over facts that occur inside this Chamber, not only could we be standing up every day, we could be virtually standing up every hour as we debate bills inside this Chamber.

I have sat in here, as everyone else has, and heard the variations of truth, if I can use that, in which people can stand up and say, well, gee, you know, that is a matter of privilege, too. At times, as I would argue, it is necessary for us to bring up matters of privilege. I myself have used that particular mechanism in the past for the protection of my rights and the rights of my colleagues and the Liberal Party, and I will continue to use those.

I think that to a certain extent the member for Kildonan (Mr. Chomiak) did have some legitimacy to the concern. But the member for St. Johns (Mr. Mackintosh) has really and truly a dispute over the facts, and I do not even believe you need to take it under advisement at this point in time.

Madam Speaker: I will.

Mr. Lamoureux: In fact as opposed to prolonging this particular debate any longer than it already has

gone—usually Question Period is well over, and we are into some sort of a debate by now—I think that this is a particular ruling that could be acted upon.

Again, I guess I would conclude by saying I agree with the member for St. Johns (Mr. Mackintosh) and some of the criticism on the government's policy on how it has broken election promises, and between myself and members of the opposition and others outside this Chamber, we will continue to hound this government for what we believe how they are distorting the truth and misleading Manitobans, especially on the whole taxation issue. But we will ensure, through whatever means we can, in holding this government accountable, but we recognize as a parliamentarian that the matter of privilege is something which should rarely and seldom be used, and we do not want to see it get marginalized in any fashion. Thank you.

Madam Speaker: I thank all honourable members for their advice. Indeed, a matter of privilege is a very serious matter, and I will review all comments made and report back to the Chamber.

PRESENTING PETITIONS

Mobile Screening Unit for Mammograms

Ms. Rosann Wowchuk (Swan River): Madam Speaker, I beg to present the petition of Carol Rudski, Millie Fagnan, Larry Stesenko and others praying that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

Obstetrics Closure—Grace General Hospital

Ms. MaryAnn Mihychuk (St. James): Madam Speaker, I beg to present the petition of Dianne Matt, Margaret R. Wilson, Karen Wentz and others praying that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

Mr. Conrad Santos (Broadway): Madam Speaker, I beg to present the petition of Edwin R. Buss, Dana Lee Buss, Linda Johnson and others praying that the

Legislative Assembly of Manitoba request that the Minister of Health consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

READING AND RECEIVING PETITIONS

Licensed Practical Nurses

Madam Speaker: I have reviewed the petition of the honourable member for Inkster (Mr. Lamoureux). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

An Honourable Member: No.

Madam Speaker: Dispense.

THAT many LPNs have been eliminated from most acute care facilities in Manitoba, including the St. Boniface, Health Sciences Centre, Seven Oaks, Concordia, and Victoria hospitals; and

THAT the LPNs of this province are valuable members of the health care system, providing professional, competent, skilled and cost-effective services; and

THAT staffing cuts will only result in declining quality of health care and potentially tragic outcomes; and

THAT it will not be long before the negative results of this shortcut effort are realized, just as they were in Alberta; and

THAT the elimination of LPNs in Manitoba's health care facilities will lead to higher costs and poorer patient care.

WHEREFORE YOUR PETITIONERS HUMBLYPRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the elimination of LPNs from the staffing complement in our health care facilities and recognize the value and dedicated service of LPNs across the province.

Obstetrics Closure—Grace General Hospital

Madam Speaker: I have reviewed the petition of the honourable member for Broadway (Mr. Santos). It

complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

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

THAT the obstetrics program has always been an important part of the Grace Hospital's mandate; and

THAT both people in the community and a number of government studies have recommended against the further closure of community hospitals' obstetrics programs; and

THAT as a result of federal and provincial cuts in the health budget, hospitals are being forced to eliminate programs in order to balance their own budgets; and

THAT the closure of the Grace Hospital obstetrics ward will mean laying off 54 health care professionals, many of whom have years of experience and dedicated service in obstetrics; and

THAT moving to a model where more and more births are centred in the tertiary care hospitals will be more costly and decreases the choices for women about where they can give birth.

WHEREFORE YOUR PETITIONERS HUMBLYPRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

Madam Speaker: I have reviewed the petition of the honourable member for Point Douglas (Mr. Hickes). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

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

THAT the obstetrics program has always been an important part of the Grace Hospital's mandate; and

THAT both people in the community and a number of government studies have recommended against the further closure of community hospitals' obstetrics programs; and

THAT as a result of federal and provincial cuts in the health budget, hospitals are being forced to eliminate programs in order to balance their own budgets; and

THAT the closure of the Grace Hospital obstetrics ward will mean laying off 54 health care professionals, many of whom have years of experience and dedicated service in obstetrics; and

THAT moving to a model where more and more births are centred in the tertiary care hospitals will be more costly and decreases the choices for women about where they can give birth.

WHEREFORE YOUR PETITIONERS HUMBLYPRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

Mobile Screening Unit for Mammograms

Madam Speaker: I have reviewed the petition of the honourable member for Swan River (Ms. Wowchuk). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and

WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and

WHEREAS while improved surgical procedures and better post-operative care do improve a woman's

chances if she is diagnosed, early detection plays a vital role; and

WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and

WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and

WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and

WHEREAS the provincial government has promised to take action on this serious issue.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

Obstetrics Closure—Grace General Hospital

Madam Speaker: I have reviewed the petition of the honourable member for St. James (Ms. Mihychuk). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

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

THAT the obstetrics program has always been an important part of the Grace Hospital's mandate; and

THAT both people in the community and a number of government studies have recommended against the further closure of community hospitals' obstetrics programs; and

THAT as a result of federal and provincial cuts in the health budget, hospitals are being forced to eliminate programs in order to balance their own budgets; and

THAT the closure of the Grace Hospital obstetrics ward will mean laying off 54 health care professionals, many of whom have years of experience and dedicated service in obstetrics; and

THAT moving to a model where more and more births are centred in the tertiary care hospitals will be more costly and decreases the choices for women about where they can give birth.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

TABLING OF REPORTS

Hon. Linda McIntosh (Minister of Education and Training): Madam Speaker, I am pleased to table the 1996 Annual Report of the Teachers' Retirement Allowances Fund.

House Business

Hon. James McCrae (Government House Leader): Madam Speaker, before moving to Oral Questions, I wonder, in view of the proceedings that have just happened and in view of the fact that the Standing Committee on Privileges and Elections deliberations about the Children's Advocate was scheduled for three o'clock, if there might be leave to postpone that till 3:30 or immediately after the end of Oral Questions, so that that meeting could happen immediately upon the end of Oral Questions.

Madam Speaker: Is there leave of the House to defer the starting time of the Standing Committee on Privileges and Elections to review the report for the Child Advocate till the completion of Question Period? [agreed]

ORAL QUESTION PERIOD

Child Abuse Registry Government Support

Mr. Gary Doer (Leader of the Opposition): My question is to the First Minister (Mr. Filmon). During

the election campaign, all parties, including the Premier, talked about the safety and care of children as a paramount concern. In the Healthy Child report, the primacy of meeting children's needs for protection is again articulated in the report conducted by Dr. Postl and others.

I would like to ask the Premier why his government is eroding the rights of children who are abused. Why are they eroding the rights of abused children under the policies articulated in their Child and Family Services Act, under the Child Abuse Registry?

Hon. Bonnie Mitchelson (Minister of Family Services): I thank my honourable friend the Leader of the Opposition for that question, because it does allow me to clarify exactly what the intent of The Child and Family Services Act is. Indeed, the intent of that act is to ensure, first and foremost, that children are protected. There has been some concern about the Child Abuse Registry and the manner in which it exists. It was not our decision. It certainly was an opinion taken by our government as a result of broad, extensive public consultations that asked for a change in the focus of the Child Abuse Registry to ensure that children, first and foremost, were protected through the legislation and, secondly, if in fact there was a question about where the case should be heard once it was determined that a name should go to the Child Abuse Registry, only in certain circumstances, that indeed that would happen through the courts. That is an amendment that is coming forward. We believe that children will be protected through that process.

Mr. Doer: I would like to table a letter for the Premier's attention and the attention of this Chamber, written by Dr. Charles Ferguson, on behalf of a number of child abuse committees in the province. Charles Ferguson, of course, is the director of the Child Protection Centre which deals with 600 to 800 children a year, half of them, regrettably, sexually abused. Some 250 children a year are injured, unfortunately and regrettably, at the hands of their adult caregiver.

Dr. Charles Ferguson states that this bill will erode the rights of children for protection from the abused. I would like to ask the Premier: Why are we going backwards in terms of protecting children who are dealing with very, very traumatic and painful abuse

cases? Why is this government going the opposite direction of what they stated during the election campaign?

Mrs. Mitchelson: Indeed, the process that we will be undertaking, whereby upfront, at the local level, the experts that form the child abuse committees for every agency will have the opportunity to determine in certain circumstances, where the courts have not charged someone with abuse, to determine whether in fact that name should be forwarded to the registry.

The registry, Madam Speaker, will remain the same. The process for determining how those names will get on to that registry will go to the courts rather than to a quasi-judicial process. We believe that, through that process, the same test will be used. I might add the test of probability will be used at the court level rather than at the quasi-judicial level. We believe children will be protected in the same fashion or even better than they have been in the past.

* (1450)

Mr. Doer: Madam Speaker, this is a total disgrace. Dr. Charles Ferguson, speaking on behalf of the abuse committees in Manitoba, police officers, child guidance clinics, child protection units, schools, public health people, has said this bill has serious problems with it. It is going in the opposite direction for protecting abused children. Furthermore, it states that the child's trauma would be repeated when they go to court, as the minister is alleging.

I would like to ask the Premier (Mr. Filmon): Will he listen to the people who are on the front lines of dealing with protecting children of child abuse or involved as victims of child abuse, rather than his minister who has obviously missed the mark dramatically with this bill that is being introduced in this Chamber?

Mrs. Mitchelson: Madam Speaker, again, I think my honourable friend the Leader of the Opposition is having difficulty understanding that the same process will be followed. Children do not appear before the quasi-judicial committee today and they will not be appearing before the court, so they will not have to go through any additional process. It will be the same test. It will be dealt with through the Court of Queen's

Bench rather than through the Child Abuse Registry Review Committee that presently exists.

Child Abuse Registry Government Position

Mr. Doug Martindale (Burrows): Madam Speaker, the social workers on the front lines of Winnipeg Child and Family Services have said, in speaking out against Bill 48, and I quote: The changes are weighted in favour of giving alleged offenders a greater voice in the process but do not give the same rights to abused children. If fewer abusers are named on the registry, children in the general public will also be at risk because there will not be a way to warn organizations about offenders.

Given the remarks of these people who work in child protection, who are on the front lines of Child and Family Services agencies, I would like to ask the minister: Will she repeal these sections of the legislation? Will she not proceed with the sections of the legislation in the interests of giving greater protection to children instead of giving greater rights to alleged abusers? Will the minister do the right thing?

Hon. Bonnie Mitchelson (Minister of Family Services): Again I repeat for my honourable friend, because there seems to be some misunderstanding that children will not be protected through this process, there are several different aspects to the Child Abuse Registry and several different ways in which individuals get on that registry. If, in fact, someone is convicted of child abuse, they are automatically placed on the registry. It is not a recommendation from the local committee. It is not a recommendation from the Child Abuse Registry Review Committee. It is a recommendation from the courts, and those people are automatically placed on the Child Abuse Registry. There is no appeal process and there is no process or no role for the Child Abuse Review Committee, as it presently exists, or for the courts in the process that will take place after the amendments come into place to deal with those, so those people that are convicted automatically go onto the registry.

In the case of a certain number of individuals who, for instance, might—Madam Speaker, I know that you are asking me to finish very quickly but I think it is

important that the House understand that, indeed, if a case is thrown out of court because certain evidence is inadmissible in court but the local child abuse committee honestly believes that person should be placed on the registry, that name was referred in the past to the Child Abuse Registry Review Committee. It will be referred to the courts, and the same tests will take place through that process. Children will not be put through anything additional to further burden them or put them under any undue pressure. The same process will take place, only through the courts rather than a quasi-judicial appeal process.

Mr. Martindale: Will the minister listen to the front-line social workers, and will she listen to Dr. Charles Ferguson, who wrote to her on June 19 saying: Furthermore, the child's trauma would be repeated when and if he or she has to tell his or her story in the Court of Queen's Bench. We know that alleged offenders have the right to go to Court of Queen's Bench. Will she listen to the experts in child abuse and not—

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

Mrs. Mitchelson: I know that Dr. Ferguson will be presenting at committee tonight and I will have the opportunity. We have received that letter, too, and we will have the opportunity to explain to him that in fact his comments that say children will be put through another hurtful process will not happen with the changes that are going to be made, because children will not have to go before the courts in the process that will replace the Child Abuse Registry Review Committee. So, unfortunately, he is not understanding what will happen. We will have the opportunity to explain at committee to him the process and what my honourable friend—the scenario that he is painting is wrong, dead wrong.

Mr. Martindale: Will the Minister of Family Services listen to Dr. Charles Ferguson and to the child protection, child abuse committees of the areas in the city of Winnipeg—30 individuals who signed this letter, along with Dr. Charles Ferguson—and withdraw the offensive sections of this bill, because we need to put the interests and the protection of children and their rights first and not give more rights to other people,

with the possibility that they will be traumatized in court?

Will she listen to the people who are giving—

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

Mrs. Mitchelson: Madam Speaker, I do not know how often I have to repeat to my honourable friend the answer so that it sinks in, but children will not be traumatized any further as a result of this process, because they will not be appearing before the Court of Queen's Bench. If, in fact, my honourable friend would like to take that message back to Dr. Charlie Ferguson, he might do that, or I will be able to clarify that for him, because he is misunderstanding completely the process that will be followed.

The fearmongering that my honourable friend is putting on the record is extremely distasteful, and it is extremely harmful to those children and those families that will not have to suffer unduly as a result of the change in process.

Chief Medical Examiner Independent Review

Mr. Gord Mackintosh (St. Johns): Madam Speaker, my question is to the Premier.

There has been a disturbing pattern of very difficult staff relations, but more importantly, serious allegations about the procedures and practices of the Chief Medical Examiner, and because of the nature of the concerns, we have called for an impartial open and independent review of that office. I now understand the government has finally ordered a review by the Exchange Consulting Group.

My question to the Premier: Would the Premier tell us whether Hugh Goldie, an associate of this group and the person doing the interviews, is a close associate of the Premier, in fact, his campaign manager?

Hon. Gary Filmon (Premier): Madam Speaker, I know that the member opposite does not have issues of substance, so he chooses to look for substance of slime when he comes to Question Period. My—

Madam Speaker: Order, please.

Point of Order

Mr. Steve Ashton (Opposition House Leader): On a point of order, Madam Speaker, I find it absolutely amazing that I have to rise on this point of order to refer to Beuchesne Citation 484. It is absolutely clear that, even though the First Minister would like to be able to resort to personal attacks if he does not like the question that is being asked, that is not only not appropriate, the comments he made are clearly unparliamentary.

I would ask you to ask him to withdraw those comments and address the very serious question that is being raised by the member for St. Johns—in a very responsible matter, I might add.

Madam Speaker: The honourable First Minister, on the same point of order.

Mr. Filmon: Madam Speaker, on the same point of order, I just suggest that, if the member for Thompson wants us to play by certain rules in this House, he ought to ensure that those rules are played by people on his side. The nature of the question was a personal attack on an individual who cannot defend himself here in this House and—[interjection] No, the allegation, the insinuation that someone was given a contract on the basis of a relationship, as opposed to on the basis of competence, and that is clearly a personal attack. If the member for Thompson does not want personal attacks to be the order of the day, he should get his own members in order in this House.

* (1500)

Madam Speaker: Order, please. I would remind all honourable members that indeed one of the matters that determines whether unparliamentary language has been used is the context within which the words have been used. I will take the point of order under advisement and check carefully the comments made by the honourable First Minister.

* * *

Mr. Filmon: Madam Speaker, I am not sure of the nature of the information that the member opposite is seeking, but if it is in any way intended to imply that in

some way the individual or the company who is doing the study on behalf of the Department of Justice received the assignment as a result of some influence or some relationship with me, I can tell him unequivocally I knew nothing about the assignment to the Exchange Consulting Group until I read about it in the paper on Saturday.

Mr. Mackintosh: Would the First Minister who did not answer the question then answer this one? Can the Premier confirm whether the principal of the Exchange Consulting Group is Peter Wintemute, the trustee of the Premier's business assets, business associate and a partner of Janice Filmon?

Mr. Filmon: Madam Speaker, we have certain conflict-of-interest rules in this House, and those conflict-of-interest rules require that any member of the Executive Council, if he or she has anything to do with an issue that involves something in which he may have a personal interest in any way, shape or form, cannot, must not participate in the discussion and the decisions. I have said in response to the last question, I will repeat in response to this question that I knew absolutely nothing about the assignment until I read about it in the paper. I had absolutely no involvement in any discussion or any decision involved with the assignment, and that is as it ought to be under our rules and under our conflict-of-interest legislation.

I take it further, and I challenge the member opposite, instead of operating in the gutless fashion that he does consistently by standing up and creating innuendo and slime in this House, that he challenge it under the conflict-of-interest legislation as is his right and responsibility.

Point of Order

Mr. Steve Ashton (Opposition House Leader): I would point, on a point of order, Madam Speaker, to the fact that the Premier used the term "gutless," which I am sure anyone would recognize as not parliamentary. I find it interesting that the Premier, who expressed concern about taking the high road, et cetera, would resort to this. It is our right as an opposition to ask questions, and whether it deals with matters that the First Minister does not like, particularly when it comes to political connections with this government, the

minister should answer the questions and not indeed try and discredit the messenger.

The person asking the questions in this case has every right to expect answers from this government without that kind of term, "gutless," which the Premier should withdraw.

Madam Speaker: Order, please. On the point of order raised by the honourable member for Thompson, I would remind the honourable First Minister to indeed keep his remarks a little less personal and pertain explicitly to the question asked.

* * *

Mr. Mackintosh: My final supplementary, perhaps more appropriately then, to the Justice minister. This is not a question about patronage but is this question: How can Manitobans have any confidence in a review conducted—and it is not just about business or trade possibilities or government organization or policy options, but conducted into another serious justice matter, including literally matters of life and death, when it is conducted by people so beholden and so tied to political interests of this government and this Premier? It reeks, Madam Speaker.

Hon. Vic Toews (Minister of Justice and Attorney General): I appreciate this opportunity to clarify some of the misstatements spoken by the member for St. Johns. In fact, the Exchange Consulting Group was interviewed along with a number of other corporations that wished to provide their services in respect of this particular issue, this organizational review of the Chief Medical Examiner's office. The deputy in my department and the associate deputy minister interviewed the relevant corporations, and it was their decision that this was the most appropriate corporation to provide those services, and indeed then the Exchange Consulting Group was retained through the organization and staff development of the Civil Service Commission.

Access Program Court of Appeal Decision

Mr. Eric Robinson (Rupertsland): Last Thursday this government lost another court case in its continuing

attempt to cut funding from the Access program. This is a very meaningful program, as all members know. It was created by the NDP—we are very proud of that—for disadvantaged Manitobans, aboriginal people and ordinary people who would not ordinarily have an opportunity for a post-secondary education and opportunities for the future.

I would like to ask the Minister of Education whether or not she will accept this Court of Appeal decision.

Hon. Linda McIntosh (Minister of Education and Training): In response to the preamble, I would indicate how very pleased and proud we are of our Access program. It has grown consistently, especially over the last three or four years, where every year we have a higher intake, more graduates and a greater number of people being able to utilize the services that we provide. We no longer cap the bursary amount as the NDP did. It is an unlimited amount that could be achieved after the government loan has been taken, the federal government providing the loan, the provincial government providing the bursary. So, in response to his preamble, it is an excellent program. We are very pleased with its continued growth and prosperity. As far as the court case is concerned, our legal counsel is presently reviewing the judgment handed down and will be reporting to us with advice in the very near future.

Access Program Student Compensation

Mr. Eric Robinson (Rupertstland): I would like to ask the minister whether or not she could indicate to us whether or not she will be compensating the students who were cut off funding midway through their courses or were forced to make great financial sacrifices to complete their courses because of this government's actions.

Hon. Linda McIntosh (Minister of Education and Training): As I indicated to the member, we will be receiving our analysis from legal counsel who will be providing us with advice in that respect. I indicate that we have more and more students being able to take Access. We have gone from 750 intake three years ago to, I think it is 870—I may have that number a bit wrong—this year, with increased graduation every year.

That, Madam Speaker, and the changes we made in response to the federal withdrawal of funding in order to broaden the scope and to make, for students who have the ability, their loans through the federal government to replace the federal money, our bursary is now far more generous than it was for those who really do need it. It is now for those who need it. Thank you.

* (1510)

Access Program Funding

Mr. Eric Robinson (Rupertstland): I do have a final question for the minister. I would like to ask her whether or not she could explain how cutting the funding to the Access program fits in with the official position that she has stated previously, that the government is attempting to make it easier for disadvantaged Manitobans from the inner city and also from remote communities in Manitoba to obtain post-secondary education.

Hon. Linda McIntosh (Minister of Education and Training): Perhaps the member, if he would like, I would be very pleased to provide him with an in-depth briefing—I offer that most sincerely—so that he can see how by utilizing our money more wisely we are able to provide unlimited, nonrepayable loans to students in need of bursaries—they do not have to pay them back—up to \$26,000 a year, whatever they need. It does not have to be paid back, which was not the case when the party he represents was in power. They capped that around \$10,000. Because we have done that, we are able to service more people, and those graduates have an incredibly good success rate in finding employment. In the high 90 percentile were able to find employment. Like other Canadians, like other Manitobans, they will pay back the loan portion the federal government provides, the federal government, as you know, having pulled \$4.5 million out of the program.

Madam Speaker, I do offer that briefing to the member. I would be pleased to sit down with him to give him the details I do not have time to provide here, because I am being cut off right now from further answer.

Tobacco Industry Compensation Legislation

Mr. Kevin Lamoureux (Inkster): My question is for the Minister of Health. Last week the tobacco industry announced billions of dollars in compensation in terms of a settlement with antismoking forces in the United States. We now have British Columbia, which is leading the way in terms of trying to get some sort of recourse with respect to the amount of provincial tax dollars going in to assist in some of the negative consequences of smoking.

My question to the Minister of Health is: Is this government currently looking at bringing in legislation that will hold the tobacco industry more accountable for the negative side effects of tobacco smoke?

Hon. Darren Praznik (Minister of Health): Madam Speaker, I thank the member for Inkster for that question. As I indicated publicly last week in response to the announcement in British Columbia, we obviously want to see the effects of the detail of their legislation. We have just received a copy of that. I know I will be speaking with Health Minister MacPhail later on over the summer when we meet as Health ministers.

We want to assess exactly what they are, in fact, doing and what their chances are to achieve the bottom line, which is to ultimately reduce the numbers of people who smoke.

I can tell the member that we have done some preparatory work with respect to the costs associated with smoking to our health care system.

Mr. Lamoureux: Madam Speaker, will the minister acknowledge that it has proven very successful in the States in terms of holding the tobacco industry accountable for their actions? Will the minister commit by the end of the following session that we will, in fact, have some sort of a plan that will address this issue head-on so the tobacco industry is paying for some of these health care costs?

Mr. Praznik: One difference between the United States and here—and it varies across the United States—has been the level of taxation. We found in Canada generally over the years we have had a much

higher level of taxation on tobacco products, and that has been a contributing factor to, I believe—and if I am correct, the number was some years ago, decades ago, about 51 percent of our adult population smoked. Today, I believe it is around the 30 percent mark or less approximately.

So we have done those things, whereas in the United States, in parts of the U.S., that has not been the case. We are currently assessing what is going on, assessing the success of those who are trying some of these new methods and, if they prove their value, we certainly would consider them.

Mr. Lamoureux: Madam Speaker, my final question is again to the Minister of Health. I am sure he has seen the legislation that B.C. is proposing. Can the minister explain what Manitobans have to gain by not passing similar legislation?

Mr. Praznik: Madam Speaker, I received a copy of it late last week. I must admit to the member I have not had yet the opportunity to thoroughly read it. We are looking at it within the department.

It is very important, I think, if you are going to strike out on a new venture, particularly when British Columbia is leading in this particular endeavour, to get a sense of the response. I know one part of the British Columbia plan was for Health Minister MacPhail to write to three of the presidents of tobacco companies based in Canada, and that letter, I understand, will be going out shortly and we are interested to see the response. So there is a sense on the part of provincial ministers of Health to see how this moves, and if there is value to be had here, we certainly would consider it.

Chief Medical Examiner Review—Baby Deaths Report

Mr. Dave Chomiak (Kildonan): Madam Speaker, my question is directed to the minister responsible for the Chief Medical Examiner's office.

Madam Speaker, several years ago in this Chamber during the issues surrounding the baby deaths at Health Sciences Centre, we raised very serious concerns about the role and function of many agencies surrounding the baby deaths. One of the concerns we raised and one of

the reasons we called for an independent judicial review, rather than an inquest, was because the Chief Medical Examiner's office ought to have been looked at in terms of how it dealt with the baby deaths.

My question to the minister responsible is: Will a review—we prefer an outside, independent, judicial-type review—be conducted of the issues surrounding the Chief Medical Examiner's office as it relates to the baby deaths at Health Sciences Centre?

Hon. Vic Toews (Minister of Justice and Attorney General): As the House is aware, there is a review being conducted at this time in respect to that issue, and I do not think it is appropriate for me to comment on that now.

Review—Personal Care Home Deaths Report

Mr. Dave Chomiak (Kildonan): My supplementary to the minister: Will the minister then indicate whether or not the role of the Chief Medical Examiner—and we also raised this previous—with respect to deaths at personal care homes and other institutions will be examined as part of a review that ought to be undertaken with regard to the operation of that office?

Hon. Vic Toews (Minister of Justice and Attorney General): As I have indicated, there is an organizational review going on in respect of the Chief Medical Examiner's office right now, and I think there were certain issues that were raised in respect of the operation of that office. I think the government took the appropriate action in retaining a consultant, an outside consultant to review the Chief Medical Examiner's office. Once we have had an opportunity to review those results, we can look at other issues that might be relevant.

Independent Review

Mr. Dave Chomiak (Kildonan): My final supplementary to the minister: Will the minister undertake—because we have asked for it before, and we are asking for it again today—not an internal, not a review of a review, but will he undertake to put before an independent, impartial body, a review force, the concerns that we have had about the relationship between the Chief Medical Examiner and the Health

Sciences Centre concerning the children's deaths, as well as the Chief Medical Examiner and personal care homes concerning deaths in personal care homes? Will he do that today?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, if one reflects on the long history of this government in terms of reviews of its activities, I think that this government has been very forthcoming in respect of reviews where there are appropriate—[interjection] I believe the member for St. Johns (Mr. Mackintosh) has something to add; perhaps he can add it now.

Manitoba Public Insurance Corporation Special Programs—Northern Communities

Mr. Oscar Lathlin (The Pas): My questions are for the Minister of Environment. Madam Speaker, northern Manitobans increasingly are seeking policy decisions of this government in which fee hikes in services primarily affecting rural and northern Manitoba, such as the park fee hikes, result in increased revenue to this government's revenue while services are reduced. Now we have the situation in which Manitoba, northern Manitoba and rural Manitoba drivers will directly contribute toward a special police unit operating only in Winnipeg investigating auto thefts. My question is for the Minister responsible for MPI: Could the minister advise this House what special programs MPI will initiate for northern communities like The Pas, Flin Flon and Thompson in terms of policing services?

Hon. James McCrae (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): No matter where they live, Manitoba Autopac ratepayers have an interest in reducing a very, very problematic trend with respect to auto theft in Manitoba, but specifically and particularly in the city of Winnipeg where the vast majority of car thefts in Manitoba are taking place. There is no doubt but that the question the honourable member asks certainly crossed my mind as we continued to look at this matter about, what about crime and what about car thefts in other parts of Manitoba. Like the honourable member, my constituency, my residence is outside the city of Winnipeg as well, and I want to ensure that all parts of the province are treated in a way that is

equitable, one region with the other. But we certainly have a specific and important problem which is costing people throughout Manitoba, and the problem is most acute right here in the city of Winnipeg.

Special Environmental Levy Northern Communities—Share

Mr. Oscar Lathlin (The Pas): Madam Speaker, my second question is to the same minister. Would the minister in his role as Minister of Environment conduct a review and report back to the Assembly here on what percentage of the special environmental levy—for example, the revenue of the 2 cents per bottle—actually goes back in any form to northern Manitoba? Would he table that report to the Assembly as soon as he is able to?

Hon. James McCrae (Minister of Environment): Any municipal level of government is entitled to come up with programming and to seek funding which flows from that particular levy. I am very happy with the number of municipalities in Manitoba that are taking advantage of the levy so that recycling activities can go forward. We have reduced very, very significantly the amount of materials in the waste stream and put them into the recycling stream.

Again, the honourable member—I think his question—wonders whether a certain region of the province is getting its share of the levy, and the fact is that we look to municipal levels of government for leadership in their areas as well and hope that there will be a high participation rate in all parts of the province. If there is any suggestion that there is a lack of equity in that, I would like to review that in detail, and perhaps the honourable member can make sure I am asking all the right questions.

*(1520)

Bill 50 Passage Delay—Request

Ms. Diane McGifford (Osborne): The Minister of Culture repeatedly defends Bill 50 as a careful balance of freedom of information and the protection of privacy, and yet she is determined to ram this bill through the House without proper time for reflection.

My question is: What is the hurry? If she truly believes her legislation does indeed reflect its purposes, why not give the public the opportunity for the input which it is currently demanding and also give experts the time to scrutinize this very complex, detailed piece of legislation?

Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship): Madam Speaker, the member knows that our intention to move ahead with legislation such as this was announced at a news conference. There was a great deal of input during the discussion process and the formulation of this bill from the public, as well as our own experience as a province, as well as our reviewing of legislation across the country, but there is a necessity to ensure that there is privacy legislation in place for Manitobans. As I said to her when I answered the same question last week, public bodies do hold large amounts of personal information in trust for people, and it is very important that there is legislation which is there to protect that privacy, particularly in an information age where the requests come very quickly.

So I did meet with some of the concerned individuals this morning. I had the opportunity to review some of their concerns. I have taken a number of the points that they raised very seriously. I am looking to see if in some way there may be some accommodation, but this legislation—it is very important on behalf of Manitobans for this government to proceed and to meet its promise.

Freedom of Information Sections—Withdrawal Request

Ms. Diane McGifford (Osborne): In view of the remarks that the minister has just made, I wonder if she would be prepared to proclaim the privacy aspects of her bill and withdraw the freedom of information sections until the public does have the opportunity for proper input and consultation.

Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship): As I said in my first answer, the public has had an opportunity to have input in the development of this bill through the discussion paper. I have also said that the access side of the legislation does maintain the access provisions as they were in the past under the FOI. There have been some

clarifications in that area. So it is important for us as a government and for the people of our province to have information in place which reflects the newest thinking, and we believe very important thinking in terms of both their access and their privacy. We believe this bill is in fact a very good balance.

**The Elderly and Infirm Persons' Housing
Amendment Act
Notification to Boards—Standards**

Ms. Marianne Cerilli (Radisson): Madam Speaker, my questions are for the Minister of Housing. The minister has, after a week, finally provided me with a list of 17 seniors apartments that are going to be protected under The Elderly and Infirm Persons' Housing Amendment Act and retain their exemption from property school tax. However, there are a number of issues that need clarification regarding this matter. I want to ask the minister why none of these properties, their boards or management were notified or consulted and neither was the social housing managers association notified or consulted that there will now be two standards governing this issue. Why do none of these people know about the legislation proposed before the House?

Hon. Jack Reimer (Minister of Housing): Madam Speaker, I look forward to the debate on this bill as it goes into second and third readings and some of these matters that the member is bringing for consideration and discussion. I should point out to the member that one of the provisions in the bill is that for the existing units, there is no change in their applications as to their status. If the member is advocating that there should be a change in that, why, that is something that we will have to take into consideration, but there is no change under these listings that I give to the member for any type of tax differentiation.

Madam Speaker: The honourable member for Radisson, with a supplementary question.

Ms. Cerilli: Madam Speaker, the minister did not answer the question. There is a change. There will now be—

Madam Speaker: Order, please. I would remind the honourable member for Radisson that she has been

recognized for a supplementary question which requires no preamble.

Ms. Cerilli: Madam Speaker, can the minister tell the House how many of the properties listed on his list of 17 seniors blocks have units that are over the new standard for square footage and how could this affect them in the future?

Mr. Reimer: The member, in discussions for the legislation that is being brought forth, asked for a listing of the units that are under the existing EIPH Act. I provided the list to the member with the understanding and her knowledge that these units will not have any change as to their status in regard to their tax exemption. We have indicated that through the legislation, and we feel that to change something in midstream as to something that would affect their taxation and indirectly their rental that they would have to pay on these units is unfair. This is why the legislation will not have any effect on these units. They will still enjoy or still have the advantage of a tax-free portion of their property regarding the educational tax, so there will be no change in the status.

**Seniors Blocks
Square Footage—Standards**

Ms. Marianne Cerilli (Radisson): Perhaps the minister can answer the other question that I asked, which is: How many of these apartments on this list have units that are going to be above and beyond the square-foot guidelines that he is introducing to be the new standard under The EIPH Act?

Hon. Jack Reimer (Minister of Housing): Madam Speaker, a lot of units when they were built in the period when provincial governments were involved with building public housing were built under certain standards of modesty standards in their square-footage basis. There was the standard for the one-bedroom, there was a standard for the bachelor, and there was a standard for the other units. Those are the types of units that were given under The EIPH Act, the status of tax exemption from the educational portion of their taxation.

For me to know particularly what the square footage of unit regarding St. Michael's Villa or Transcona Place

or Prairie Rose Apartments, I would have to have staff go in there to find this, but for me to know this on an individual basis for—I believe there are 1,155 units. I just cannot provide that information.

Madam Speaker: Time for Oral Questions has expired.

* (1530)

Speaker's Rulings

Madam Speaker: I have three rulings for the House.

On October 29, 1996, during Question Period, I took under advisement a point of order raised by the opposition House leader (Mr. Ashton) regarding an answer to a question provided by the honourable First Minister (Mr. Filmon). The point of order was that the Premier was not replying to the question raised. The opposition House leader did have a point of order. I ask the honourable First Minister to comply with the requirements of Beuchesne Citation 417 which directs that, when answering questions, ministers are to deal with the matter raised and not provoke debate.

A further point of order arose while the opposition House leader was raising his initial point of order. I indicated to the opposition House leader that his saying “the Premier still is not the dictator of this province” was, in my opinion, unparliamentary, but I undertook to review Hansard in order to carefully review the context in which the words were used.

I would draw to the attention of the House that Beuchesne Citation 486 advises that “it is impossible to lay down any specific rules in regard to injurious reflections uttered in debate against particular Members, or to declare beforehand what expressions are or are not contrary to order; much depends upon the tone and manner, and intention, of the person speaking . . . and . . . sometimes upon the degree of provocation that the Member speaking had received from the person alluded to.”

Therefore, having reviewed Hansard, it is my opinion that the phrase used by the opposition House leader on October 29 was out of order, and I am calling upon the opposition House leader to withdraw the words.

Mr. Steve Ashton (Opposition House Leader): Yes, Madam Speaker, I most definitely withdraw the phrase that the Premier is not the dictator of this province.

Madam Speaker: I thank the honourable member for Thompson.

I took under advisement during Question Period on November 7 a point of order raised by the opposition House leader (Mr. Ashton) about an answer provided by the Premier (Mr. Filmon) to a question posed by the member for Inkster (Mr. Lamoureux). In raising the point of order, the opposition House leader referenced Beuchesne Citation 417 that answers should be as brief as possible, deal with the matter raised and not provoke debate.

The opposition House leader did, indeed, have a point of order, and I ask the honourable First Minister to comply with the requirements of Beuchesne when answering questions.

I took under advisement on October 31 a matter of privilege raised by the opposition House leader about alleged “misleading statements and misrepresentations of the minister responsible for MTS and the Premier made on the sale of MTS.” I thank all honourable members for their contributions as to whether or not a prima facie case of privilege was made.

In order for a Speaker to find that there is a prima facie evidence of a matter of privilege, there are three conditions to be met.

First, was the matter raised by the honourable member for Thompson (Mr. Ashton) at the earliest opportunity? Beuchesne Citation 115 states that “a question of privilege must be brought to the attention of the House at the first possible opportunity. Even a gap of a few days may invalidate the claim for precedence in the House.”

Also, rulings of Speaker Fox on March 16, 1972, and Speaker Rocan on November 27, 1990, reference the necessity for timeliness. In the case of the matter raised by the opposition House leader on October 31, I do not believe that his matter of privilege was raised at the earliest opportunity. He spoke of statements made by the minister in March and by the Premier in April of

last year as being contrary to what was announced in May of last year.

The second condition for a matter to proceed is that the member raising a matter of privilege must provide the House with a reparation or remedy. The opposition House leader did propose a motion that the matter be referred to the Standing Committee on Privileges and Elections, so the second condition has been complied with.

The third condition to be met is that sufficient evidence must be presented to suggest that a breach of the privileges of the House has occurred. I must find that the third condition has not been met. As referenced in my ruling of November 4, Joseph Maingot in the book *Parliamentary Privilege in Canada* on page 191 states that "allegations of misjudgment or mismanagement or maladministration on the part of a minister in the performance of his ministerial duties do not come within the purview of parliamentary privilege."

Further, the motion moved by the opposition House leader does not charge the ministers with any deliberate or intentional action to mislead the House, and I am not convinced by his argument made when he raised the matter that he has made a case of proof of intent of the ministers to deliberately or intentionally mislead the Legislature.

I must therefore rule that the honourable member for Thompson has failed to establish a prima facie case of privilege and must rule his motion out of order.

NONPOLITICAL STATEMENTS

Canadian Automobile Association Governor General's Lifesaving Medal

Mr. Neil Gaudry (St. Boniface): Madam Speaker, do I have leave to make a nonpolitical statement?

Madam Speaker: Does the honourable member for St. Boniface have leave to make a nonpolitical statement? [agreed]

Mr. Gaudry: Madam Speaker, I would like to recognize Phonnipha Keomanyla, an 11-year-old

patroller from Provencher School in St. Boniface. On November 28 of last year, she and three other patrollers were crossing students at their post when a car stopped in the crosswalk near her partner. A van travelling behind the car was unable to stop and swerved to avoid hitting the car. In doing so, the driver lost control and the van skidded toward Phonnipha's partner. Phonnipha's warning to her partner came just in time as the van narrowly missed her and ran into the corridor signal post that was nearby.

For her heroic efforts, Phonnipha received the Canadian Automobile Association-Governor General Lifesaving medal—

Madam Speaker: Order, please. I am experiencing difficulty hearing the comments by the honourable member for St. Boniface.

Mr. Gaudry: —from the Lieutenant Governor of Manitoba, Mr. Dumont, at a ceremony last week, Thursday, June 19, one of two Canadians.

Madame la présidente, je tiens à souligner que cette médaille est le plus haut degré de reconnaissance accordé à des patrouilleurs des Brigades scolaires de sécurité. Je suis fier de reconnaître l'héroïsme de Phonnipha Keomanyla aujourd'hui dans cette auguste Assemblée.

[Translation]

Madam Speaker, I want to emphasize that this medal represents the highest recognition given to members of the school patrols. I am proud to recognize Phonnipha Keomanyla's heroism today in this August assembly.

[English]

Madam Speaker, there are hundreds of patrollers in Manitoba who use caution and prudence to ensure that children may get to school each day without harm. Occasionally, a patrol is required to take rapid action in order to prevent danger. Phonnipha's quick thinking in a potentially serious situation saved her partner's life.

Je félicite encore une fois Phonnipha Keomanyla à l'occasion de recevoir la médaille de l'Association

canadienne des automobilistes-Gouverneur-général. Merci, Madame la présidente.

[Translation]

Once again I congratulate Phonnipha Keomanyla on receiving the Canadian Automobile Association-Governor General's medal. Thank you, Madam Speaker.

Bids Build Hope

Ms. Marianne Cerilli (Radisson): Madam Speaker, I would like to make a nonpolitical statement.

Madam Speaker: Does the honourable member for Radisson have leave to make a nonpolitical statement? [agreed]

Ms. Cerilli: There was an exciting, unique event in Radisson at Kildonan Place Mall on Saturday night, June 21. It was entitled Bids Build Hope. It was an auction in support of flood relief.

I want to extend congratulations to the management and staff at Kildonan Place Mall for conceiving of and organizing the event, especially, Mike Schwarz, the manager, and Joanna Loney. They raised more than \$26,000, and in total the merchants of Kildonan Place and the surrounding area have raised close to \$200,000, and they have shown a tremendous amount of leadership.

There are numerous volunteers to thank, and again the Legion helped out, Q-94, and 1290 Talk Radio sponsored the event. A big thank you to all the merchants who donated to the balloon pot for prizes. There were 62 businesses donating to the live auction as well as items for the Rainbow silent auction. Branigan's donated catering for the great food and drinks, and entertainment was by Serenata Latina and James Ladkya. The Folklorama youth ambassadors were also there to help out and add a further sense of festive atmosphere with their bright costumes.

There were a number of creative fundraising events that have raised both dollars and collected goods for the families affected by the flood. Manitobans and citizens from all over Canada, and indeed outside of Canada,

have been very generous with donating funds, goods and their time for volunteering. I think we must remember that there is still a need out there to support evacuees that are only now being able to deal with the devastation in their homes. We still have an opportunity to help out, and I would encourage all members of the House to do that. Thank you.

Robert Atkinson Davis

Ms. Diane McGifford (Osborne): Madam Speaker, I ask leave to make a nonpolitical statement.

Madam Speaker: Does the honourable member have leave to make a nonpolitical statement? [agreed]

Ms. McGifford: Madam Speaker, I rise today to congratulate the Manitoba Heritage Council on their ceremony yesterday, during which former Premier of Manitoba Robert Atkinson Davis, Premier from 1874-78, was declared a person of provincial historical significance. Speakers at the event included Jock Bates from the Manitoba Heritage Council, Donna Dul from the Historic Resources Branch, and Celine Kear, president of the Manitoba Historical Society. I brought greetings on behalf of the NDP caucus, and Ruth Swan, several times—the niece of the former Premier—provided a fascinating analysis of her uncle's work, the historical process and the role family stories play in both. Family members from Quebec, Ontario and B.C. were in attendance and participated in the unveiling of an historical plaque. The plaque to be situated just north of Portage and Main on the former site of the now demolished Emmerling Hotel, once owned by Robert Atkinson Davis, is inscribed with historical details of the Premier's life.

As I read about Robert Atkinson Davis, I was struck by his ability to form working coalitions, an important characteristic for a politician with clear aims and purposes, and as well by the contemporaneity of his agenda. His goals included eliminating the provincial debt, obtaining better terms for Manitoba within Confederation and defending French language rights and French educational rights in Manitoba, i.e., preserving The Manitoba Act.

Yesterday, when we sang O Canada, I stood beside Celine Kear. She sang in French, and I sang in English.

It seemed to me a fitting way to honour the memory of Robert Atkinson Davis and to keep alive the bilingualism and tolerance of difference that marked his time in office. His agenda might suggest that history repeats itself, though with a difference. It most certainly suggests this man's progressive thinking and farsightedness. I ask members of the House to join me in congratulating the Manitoba Heritage Council and especially Ruth Swan for their work in bringing the past into the present, and in so doing, suffusing both with new life.

Committee Changes

Mr. Edward Helwer (Gimli): Madam Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Economic Development for Monday, June 23, at 7 p.m. be amended as follows: The member for Lac du Bonnet (Mr. Praznik) for Arthur-Virden (Mr. Downey); Fort Garry (Mrs. Vodrey) for Minnedosa (Mr. Gilleshammer); Sturgeon Creek (Mr. McAlpine) for Assiniboia (Mrs. McIntosh); Morris (Mr. Pitura) for Riel (Mr. Newman); and La Verendrye (Mr. Sveinson) for Niakwa (Mr. Reimer).

I move, seconded by the member for Turtle Mountain (Mr. Tweed), that the composition of the Standing Committee on Economic Development for Tuesday, June 24, at 10 a.m. be amended as follows: The member for Roblin-Russell (Mr. Derkach) for the member for Lac du Bonnet (Mr. Praznik); the member for Ste. Rose (Mr. Cummings) for the member for Fort Garry (Mrs. Vodrey).

I move, seconded by the member for Turtle Mountain (Mr. Tweed), that the composition of the Standing Committee on Law Amendments for Monday, June 23, at 7 p.m. be amended as follows: The member for River East (Mrs. Mitchelson) for the member for Lakeside (Mr. Enns); the member for Gimli (Mr. Helwer) for the member for Minnedosa (Mr. Gilleshammer); St. Norbert (Mr. Laurendeau) for Riel (Mr. Newman); and Pembina (Mr. Dyck) for Turtle Mountain (Mr. Tweed).

I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Law Amendments for Tuesday, June 24, at 10 a.m. be amended as follows: The member for

Rossmere (Mr. Toews) for the member for River East (Mrs. Mitchelson).

Motions agreed to.

* (1550)

Mr. George Hickes (Point Douglas): I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Law Amendments be amended as follows: Burrows (Mr. Martindale) for Wellington (Ms. Barrett); The Pas (Mr. Lathlin) for Flin Flon (Mr. Jennissen); Radisson (Ms. Cerilli) for Elmwood (Mr. Maloway); Swan River (Ms. Wowchuk) for Transcona (Mr. Reid) for Monday, June 23, 1997, for 7 p.m.

I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Economic Development be amended as follows: Kildonan (Mr. Chomiak) for Wolseley (Ms. Friesen); Dauphin (Mr. Struthers) for Elmwood (Mr. Maloway); Osborne (Ms. McGifford) for Transcona (Mr. Reid) for Monday, June 23, 1997, for 7 p.m.

I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Economic Development be amended as follows: Interlake (Mr. Clif Evans) for Kildonan (Mr. Chomiak); Swan River (Ms. Wowchuk) for Osborne (Ms. McGifford); Thompson (Mr. Ashton) for Crescentwood (Mr. Sale) for Tuesday, June 24 for 10 a.m.

I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Law Amendments be amended as follows: St. Johns (Mr. Mackintosh) for Burrows (Mr. Martindale); Flin Flon (Mr. Jennissen) for The Pas (Mr. Lathlin); Wolseley (Ms. Friesen) for Radisson (Ms. Cerilli); Elmwood (Mr. Maloway) for Swan River (Ms. Wowchuk) for Tuesday, June 24 for 10 a.m. Thank you.

Motions agreed to.

NONPOLITICAL STATEMENT

Madam Speaker: Is there leave to revert to nonpolitical statements? [agreed]

AIDS Shelter Coalition of Manitoba

Mr. Tim Sale (Crescentwood): Madam Speaker, I want to rise and pay tribute to the members and staff of the AIDS Shelter Coalition of Manitoba. This coalition dates from 1988, some nine years ago now, when it came into being to try and assist people living with AIDS to find appropriate shelter, particularly as they lost their income due to the progression of this terrible and debilitating disease. The organization undertook what was at the time groundbreaking research which brought into perspective the broad needs of people living with AIDS and people who are HIV positive. The coalition led to the building of the first and to date the only co-operative housing-supported shelter for people living with AIDS which is called Artemis Housing, and it is located in the Crossways complex of the United Church of Canada on Furby and Broadway.

Against great odds, this very small organization in dollar terms—very large in terms of its efforts and its heart and its integrity—has continued to exist while a number of other organizations have come and gone. It has done so on a shoestring budget, sad to say, without any support from the province but with a vast majority of its support coming from the federal government under the ACAP program. The organization also gave rise to the Manitoba AIDS Shelter foundation, which is a nonprofit foundation that provides rent subsidies to people who cannot get into public housing or publicly assisted housing that is suitable to their particular needs of the disease and has been able to assist a number of such persons.

So I want to pay tribute to the ongoing efforts of that organization and to express a hope along with them that there will be found a way within the capacity of the province to ensure that this organization will have the sustained ability to meet the needs of a still-growing population. I think perhaps AIDS has slipped a bit from the public consciousness in the last little while, but those who follow the whole business of epidemic evolution—epidemics tend to have a plateau stage, Madam Speaker. Unfortunately, we are in that plateau stage now, and there will be a sharp uprise in the rate of HIV detection and in the rate at which it is converted into full-blown AIDS in the next few years, particularly in our core areas among women, among young children and among I.V. drug users who, unfortunately, are still

not taking the precautions that should be taken to prevent the transmission and spread of this disease. So I pay tribute to that organization, its volunteers and staff and board members, Madam Speaker.

ORDERS OF THE DAY

House Business

Hon. James McCrae (Government House Leader): Madam Speaker, I think there might be leave to waive private members' hour today.

Madam Speaker: Is there leave to waive private members' hour? [agreed]

Mr. McCrae: Would you be so kind as to call the bills listed on page 6 in the following order: Bills 60, 61 and 56 and, should there be time this afternoon, those bills could be followed with the private members' Private Bills 300 and 301. Just to do those again, Madam Speaker, Bills 60, 61 and 56. [interjection]

Can we go back to the beginning, Madam Speaker, and I would ask you to call the bills in the following order, the ones listed on page 6, Bill 56—[interjection]

Madam Speaker, while we are figuring out what this order will be, after those private bills that I mentioned, we could then go to the report stages, if there is time remaining today, as listed beginning at the top of page 3. But now, I believe, final consultations have been undertaken, and we will deal with the bills on page 6 in the following order: Bills 56, 60, and 61. Have we got that now? I will say it one more time just to be clear. Bills 56, 60, and 61. Thank you.

DEBATE ON SECOND READINGS

Bill 56—The Family Maintenance Amendment Act

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 56, The Family Maintenance Amendment Act (Loi modifiant la Loi sur l'obligation alimentaire), standing in the name of the honourable member for Crescentwood (Mr. Sale).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No? No, leave has been denied.

Mr. Gord Mackintosh (St. Johns): Madam Speaker, this bill is a very significant piece of legislation in that it will significantly change how court awards will look like not only in Manitoba but across Canada, and not only provincially but federally. Since my election, I do not think an area of policy has disturbed me as much as maintenance enforcement, and it is not just because maintenance enforcement in Manitoba sorely lacks needed teeth and effectiveness, and not only because the amount of awards has often been erratic and arbitrary, but because so many Manitobans are not receiving child support at all. It has been estimated that only 65 percent of custodial parents in Canada receive child support. So it is one thing, of course, to talk about the amount the court awards, but it is quite another to face the real challenge and look to see how we can make sure that all children in Manitoba entitled to maintenance can receive it.

* (1600)

I have also been very disturbed since my election because I have heard so many stories, horror stories, revolving around the lack of payment of maintenance, and I have seen the effects on families, Madam Speaker, and children. I do not need statistics to show me how far we have to go to ensure effective maintenance in this country and in this province in particular. The statistics, of course say over and over again, with very little change over the years, that disproportionately those suffering from poverty are women and children, and, of course, when it comes to women it is those who are the single parents. We are breeding in this province, again disproportionately, child poverty, the effects of which we will not suffer in their entirety for years to come. I suspect that it is not just a tragedy of one generation but the tragedy of the huge and permanent underclass that this government seems to be content to live with will have effects beyond a single generation in this province. Despair goes a long way. It is a cancer in our society.

So this bill, Madam Speaker, at least puts in place a framework so that we can better address the issues of poverty, albeit in a relatively limited way. The most

important aspect of the bill is that it requires the child support orders be made in accordance with the child support guidelines which will comprise regulations. So the actual amounts of child support orders are not set out in the legislation. The legislation is merely enabling. We certainly are aware of studies done even in Manitoba, and I look at the study done by the Manitoba Association of Women and the Law in 1995 which showed that the child support payments are very inconsistent and have biases attached to them that are not in the best interests of those who are entitled to maintenance. The study of the Manitoba Association of Women and the Law found in its review, over a course of five years, that child and spousal payments are often considered add-on expenses for the noncustodial parents rather than a primary responsibility.

I know, from reviewing cases that come to my office, how the courts have looked to see first of all what the payments of the noncustodial parent, almost always the male, are. They first look at the car payments, they look at the house payments, they look at the boat payments, and then they say, now, let us get to the child and decide what your child should get. Madam Speaker, these parents did not divorce their children, and it is important that in any legislation we instill the basic principle that the needs of the child must come first.

We will be analyzing this bill in committee with that view. We will be considering with the committee amendments to ensure that that is the case. We tried to move an amendment to ensure that the needs of the child were considered first and foremost, when the maintenance enforcement bill came up for discussion last session, but the government said no. The government said no to moving to ensure that the courts consider the child's needs first and foremost.

Now, the legislation also fails to deal with some other concerns that we have expressed both in the past with our family justice package and subsequent. We think it is important that maintenance payments be indexed automatically to the cost of living. I have heard so many of these cases. These moms come forward and say, you know, every year the costs are going up particularly for recreational opportunities, user fees are

being increased particularly by this government, and inflation continues to erode the spending capacity of the parent. So we think it is important that indexing be provided for.

Madam Speaker, the bill also introduces a \$5,000 fine for those who fail to fully disclose financial information necessary to calculate the amount of child support, but we also think it is important that there be a penalty for providing false information. Providing false information is just as serious and in one sense is just like not providing the information at all.

One interesting aspect of the bill is the establishment of what is called a child support service. Now, I do not know what the government envisions for the child support service. We certainly have had something to say in the past about the need to establish an advocate, particularly for custodial parents, particularly for those who are receiving social assistance to secure maintenance orders which then, of course, we can see the costs of that service offset by savings from social allowance dollars. So we have urged the establishment of a family maintenance advocate's office to help persons with the legal system.

The mandate of this new child support service, though, seems to be too narrow. It is one thing to allow for such a service to be established to assist parents who are before the court, but the study by the Manitoba Association of Women and the Law found that 96 percent of spousal and child support cases are settled out of court, and it is there they found where the women receive even less than they would before a judge. So it is important that the service be available to all. It is also important that there be no user fee for such a service.

Now, one other aspect of the bill that we will be discussing change around is the fact that these guidelines, Madam Speaker, must comprise no more than a floor. They cannot comprise a ceiling, because the word "guidelines" are used here. It is important that the law clearly tell the judges, assist them, so they know that no award should be less than the amount set out in the guidelines. It is important that Manitoba improve where it can on the guidelines even though they were promulgated at the federal level.

Madam Speaker, certainly with regard to the principle of the bill, we support this. I have seen over the years just how arbitrary court orders appear to be from one family to another, and I think the study by the Manitoba Association of Women and the Law has confirmed what was my observation. In their report, they speak to the establishment of federal guidelines, and they say as follows: As recently as 1986, textbook writers wagered that the prospect that a formula admitting of clarity, of direction, uniformity, and application will materialize for ordering support is unlikely. In the past legislative and judicial efforts to harness and steer support laws, twin dilemmas of defining qualification and determining quantum have eluded satisfactory resolution. That was quoted from a 1985 study by Alistair Bissett Johnson and David Day.

* (1610)

So, in 1990, when it was announced that there would be a federal-provincial-territorial study to determine whether there can be more consistent court payments, we saw there a very positive move, and in the subsequent publication of the research report in 1992 and the feedback by the end of that year, we saw what I think is a very positive development in general terms.

So, Madam Speaker, we are in a position now to see this bill go forward, and I hope that we will hear at the committee, as we heard when this Legislature considered changes to the maintenance enforcement legislation, from those who are directly affected by the maintenance enforcement regime and the maintenance awards regime in this province, because I think it is important that this government hear the despair and the pain that people are suffering because of the ineffectiveness of our maintenance enforcement scheme.

It is difficult enough, Madam Speaker—and I know this from my own family, how difficult it is for a single parent to raise a family. There are stresses that one cannot dream of unless they have gone through it. So many of them, so many single parents have said to me, you do not know what it is like until you have been there. Well, I was raised in a single-parent family, and I know how difficult it is, particularly as we were in a family with very little means. It is incumbent on this Legislature, then, to fully understand the impact of

being a single parent living in poverty because that, hopefully, will spur more effective action by policy-makers to ensure not only good maintenance orders but good maintenance enforcement, and as I said at the outset, move toward an effective system whereby those not receiving maintenance and not aware of their right to maintenance can be brought into the system.

With those remarks, we are prepared to see the bill forward.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I, too, would like to put a few words on the record with respect to Bill 56 before it passes to committee.

In fact, we are quite glad that the government has recognized the importance and has taken the approach of working closer, to a certain degree, with the federal government in adapting the provincial statutes to be more in sync with the federal ones. This is indeed a step in the right direction.

The Divorce Act amendment will ensure that a fairer amount of support is paid and that the amount is tax free to the recipient. This bill will also ensure equal treatment for all parents, both married and unmarried. This bill will keep the courts from having almost exclusive discretion over the amount of child support. In that regard, I have personally no problem with this bill moving on to committee stage.

There is a need for us to look at some of the broader issues which the member for St. Johns (Mr. Mackintosh) has made reference to. I can recall a number of conversations in the last number of months, Madam Speaker, with constituents dealing with maintenance enforcement, and one of the strongest statements that I received was from a relatively young lady who expressed a great deal of concern with respect to the way in which loopholes are created that allow for abuse of maintenance and maintenance payments. The reason why I say that is because I believe that there is a need to do a lot more.

Hopefully, what we will see is more ideas coming up through the committee stage. I know from within our party that there will be ongoing discussion in ways in which we can improve the current system that we have. I know in the past we have had very strong advocates

like Norma McCormick and others who have tried very hard to be the conscience of our own political party and ensuring that we are addressing issues of this nature. So when we do see legislation that we have currently before us that does make a positive step in principle, it is something which I am glad to see go to a committee. Thank you.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 56, The Family Maintenance Amendment Act. Is it the will of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Madam Speaker: Agreed and so ordered.

Bill 60—The Elderly and Infirm Persons' Housing Amendment Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Urban Affairs and Housing (Mr. Reimer), Bill 60, The Elderly and Infirm Persons' Housing Amendment Act (Loi modifiant la Loi sur le logement des infirmes et des personnes âgées), standing in the name of the honourable member for Transcona.

Mr. Daryl Reid (Transcona): Madam Speaker, I am pleased to rise today to add my comments to Bill 60, The Elderly and Infirm Persons' Housing Amendment Act, introduced some time ago to this Chamber.

An Honourable Member: A week and a half.

Mr. Reid: Madam Speaker, as my colleague the member for Radisson (Ms. Cerilli) points out, it was not that long ago that it was introduced. It was only a week and a half, she points out, so we understand that the minister might be in some kind of a rush. Otherwise he might have brought this legislation forward to give us the opportunity to have a more in-depth look at it.

I had the opportunity some time ago to look into the elderly and infirm persons' housing legislation that we had in the province; in fact, I had done some extensive research in this area a number of years ago. It is interesting to note going back to some of the Hansard that was available back as far as 1964 when this

legislation first came forward with respect to elderly and infirm persons' housing. I think it was Bill 105 that was brought in by then Minister of Welfare, which is a different term than what we have in this House here today for ministers responsible for this particular act, but to give an explanation of what the intent was, it was to provide non-profitable, charitable or religious organizations to be involved with personal care housing units within the province of Manitoba and would allow these organizations to have the opportunity to be exempt from the school taxation that many of the others, most of the other people in our province have to pay.

Well, it is also interesting to note some of the comments by other members of the Chamber of that day, including one that some time later turned out to be the Premier of the Province of Manitoba, and some of the comments with respect to the legislation that day and the concerns because, at that time, the legislation set out that 65 was going to be the age criteria. Mr. Pawley, who was soon to be Premier of the province of Manitoba, pointed out that even in those days people were retiring at the age of 60, and there was a requirement and that the government should look seriously at reducing the age requirement in their proposed legislation 105 at that time to age 60, recognizing that society was indeed changing and that 60 was becoming the more predominant retirement age.

In our research we found that there are several areas that cause me some concern with respect to the way this legislation is brought forward. We know that there are quite a number of housing units in the province of Manitoba that fall under this particular piece of legislation. This legislation was set up—I believe there was an exemption provided under The Municipal Assessment Act, Part 6, Liability to Taxation under the Real Property section, where there was an exemption from the school tax that was provided under 23(1) of that particular act, where real property is used for or used by a non-profitable organization, charitable organization or municipality as an elderly persons housing unit or a hostel as defined under the act to a maximum exemption of .81 hectares as is shown in the act itself.

Looking at the list that the minister has released to my colleague the member for Radisson (Ms. Cerilli)

here a few days back, he listed a number of properties that fall under The Elderly and Infirm Persons' Housing Act with respect to the licences that are issued by the department. In fact I think there are a total of 1,155 units that fall under that particular exemption.

* (1620)

The time we were doing some research in this a number of years back we found that there was a problem with respect to the way the legislation did not protect against abuses within the system itself. I am not going to single out any particular property, although the property in question does appear on the minister's list. It is one of the housing units on the list that currently has a taxation exemption under The Elderly and Infirm Persons' Housing Act. At that time, we found that the particular property was a leasehold property, which is somewhat different than the life-lease concept from my understanding in the way it was explained to me at the time.

What it does allow for, because these particular leasehold units when they were signed for this complex were only signed to a little after the year 2009, I think was the date on it. At that time, the persons living in those particular complexes can switch ownership. In other words, they would switch hands to another owner and that there was no guarantee, first off, that the people that were living in those units had the age requirement and that there was nothing in the legislation that we could see at the time that would ensure that the people living in that particular housing unit would meet the age requirement which was 55.

The minister does have some discretion. He also can approve the reduction in the age for the people living in that particular unit. There is some discretion in that. I know that the former Minister of Housing did use that discretion to include a particular property in his own constituency. In fact, he even backdated their taxation break back to the year 1989. So there is some discretion that the minister does have in allowing that.

Now I hope that when other units or complexes come forward, should there be any, and I do not know if there is, that come forward with those similar exemptions, the minister would give the same consideration that he gave to that particular property at that time or the

former minister gave to that particular property at that time, backdating the taxes by quite a number of years. I am talking from the year, I believe it was, 1994 back to 1989. So there was quite a tax break that went back to the owners and the property owners and people living in that particular complex, because those monies then accrued to those people living in that leasehold arrangement.

Questions that came to our mind at that time, because the minister does have under his powers, as did the former Minister of Housing, the ability to drop the age requirement for those housing units from 65 down to the age of 55, but as I said under the leasehold arrangements, there is no provision in there to safeguard that people living in there would meet the age requirement which would create an imbalance I would think with respect to people that are continuing to pay their taxes.

One of the concerns that I have is that we have in each of our communities around the province, no doubt, a very, very large number of seniors still living in their own homes and struggling under very meagre pensions to try and meet the payments of those homes, which would include include taxation to the municipality in which they are residing and which would also include school taxation. Those residents continue to pay the school taxation to those municipalities, through them to their appropriate school boards.

What we are seeing under this, under the legislation itself, is that people can opt out of paying school taxes by moving into one of these particular housing units. So we have an imbalance in the system here that, yes, you can still be capable of paying your school taxes and have the financial wherewithal to do that and opt to move into one of these life-lease projects or into these leasehold projects and escape having to pay your school taxes, so you escape responsibility to your community and to the school board and, ultimately, to the students and the families living in that community.

So there is an imbalance in the system here that allows those who make the decision to move into the properties under the elderly and infirm persons' housing to escape paying school taxes while those continuing to remain living in their own homes have the

responsibility and the legal obligation to continue to pay school taxes. So there appears to be, on the surface at least, an injustice here for those seniors who are being treated differently under the legislation.

The other concern that I wanted to draw—and when we look back at what actions this government has taken with respect to changes in taxation, I believe it was just a number of years ago when the government chose to reduce the rebate that was given from \$325 rebate on taxation and reduced it to \$250, a \$75 cut in the rebate that people were allowed under the taxation which was obviously a harder hit on the seniors who were living on a fixed income or those who were living on a fixed income and were living within their own homes. So here we have, again, that people who are living in their own homes got a double hit out of this. They continue to have to pay their school taxes, and the government at the same time reduced their rebates under the property tax section from \$325 down to \$250, so those people living in their own homes as seniors or infirm persons living within the home continue to have to pay their taxes while people living under the life-lease or the leasehold projects got away with only having to have their rebates reduced to the \$250. So they got quite a substantial break as a result of the change.

One of the problems that I see in the current legislation that I do not see addressed in this bill here today is any guarantee that the government has that they actually go in with their inspectors into these leasehold or life-lease projects to ensure that the people who are living in these facilities are actually meeting the criteria of the legislation. I do not know if the minister can confirm, and perhaps he will do so when we move into committee with this bill, that he has inspectors who will actually go into the facilities to do some spot-checking to make sure that the conditions of the legislation are met.

When I referred earlier to the leasehold project, it is my understanding that at that time when we did the investigation of this particular property, that there were people residing in those complexes who owned more than one unit and therefore were receiving the exemption under the school tax portion of The Municipal Act for both of those properties which seemed to me to be unfair.

So I draw that to the minister's attention, that there needs to be some spot-checking that takes place within these particular facilities to make sure, first, that they meet the age requirement under the legislation, and, secondly, that they do not own more than one unit, allowing them to take further or double advantage or quadruple advantage of the taxation break and that people who are actually living in these units are actually, indeed, entitled to live there.

The third point is that it seems essentially unfair that people living in the complexes are receiving the taxation break when at the same time seniors living in their own homes are not entitled to similar treatment under the elderly and infirm persons' housing, and they are not entitled to the same tax break under The Municipal Act. So I draw these points to the minister's attention.

I know my colleagues want to add other comments with respect to this legislation, and I hope to have the opportunity to have the minister respond to the concerns that we have raised. I do not think it is appropriate that we treat one segment of our society in the same age category any differently than we do other persons who are of the same category and that should have the same entitlements, but this legislation, obviously, has been in some ways taken advantage of, and I hope that the minister or the department will take the appropriate steps to ensure that elderly and infirm persons are treated the same no matter where they reside in the province, whether it be in life leasehold projects or within their own home.

So I draw those points to the minister's attention and give my colleagues the opportunity to add their comments on this Bill 60 as well.

Mr. Tim Sale (Crescentwood): Madam Speaker, the member for Transcona (Mr. Reid) has made some very useful observations about the history of this issue. I too want to refer the minister back to some of the origins of this Elderly and Infirm Persons' Housing Act and the purposes for which the exemptions for school taxes have been given over the years.

Madam Speaker, in 1959, when The EIPH Act was put in place, Canada and the provinces were in an era of expanding social services and social service concern.

One of the very pressing issues of that time was the abysmal condition of seniors housing. Those of us who remember those years, and I was still in university at that time, but I was in the downtown area of Toronto and I remember very well the appalling conditions of rooming housing in which seniors on the Old Age Security, which was all there was in those days, there was no guaranteed income supplement, were living in essentially hovels. They might have a hotplate in a single room and were eking out an existence that quite frankly was more reminiscent of Third World conditions than of a country as wealthy as Canada.

* (1630)

I think it was the joint will of the provinces and the federal government to begin to address the terrible housing conditions of seniors through a groundbreaking piece of legislation, namely, The Elderly and Infirm Persons' Housing Act. Most provinces also enacted similar legislation to Manitoba, and the federal government made available to the provinces certain subsidies primarily through the mechanism of interest rate reductions. So in this early push there were very stringent guidelines about income that applied to anybody who occupied a unit in an Elderly and Infirm Persons' Housing Act project.

Madam Speaker, the federal government provided substantial subsidies by way of very major interest rate reductions. Often the effective interest rate might be as low as 2 percent or 3 percent, and that allowed these units to be built and to be operated at substantially below market cost. So if the access to these units was the main concern, then it did not make sense to force those who were already impoverished in terms of their income to have to pay school taxes because, essentially, what that did was simply drive up the cost of all the units and drive up the cost to government of making this program available. That was the key issue here, and it is the same issue that flowed through in a second piece of legislation to which I will refer in a moment.

So the idea was to keep the operating costs of the units as low as possible so that people on fixed and low incomes could have access to these units at a reasonable cost, and that is the origin of the original exemption.

In the 1970s, when public housing, the various EPH, for example, Elderly Persons' Housing Act, not the Elderly and Infirm Persons' Act, but The EPH Act and subsequent federal legislation came into effect, the whole principle of access there was extended in terms of these exemptions and guarantees. In this case, it was even clearer because, when you are in an Elderly Persons' Housing project or in public housing for families, the rents are deliberately geared to income and the subsidies to the buildings, the operating subsidies, come in the form of making up the difference between the actual operating cost of the building in total, including costs for repairs and maintenance, et cetera, and for municipal property taxes. The subsidy comes in the form of the difference between the actual operating cost of the building and the rents derived from the rent-to-income scale. So governments looked at this situation and said, mathematically it makes no sense for us to pay school taxes on these projects, because we are simply paying taxes to ourselves. If we increase the cost, for example, of operating 425 Elgin, which is St. Andrew's Place elderly persons building, and the minister may have been there and may know the building I am speaking of, all that would happen would be that the public subsidy to make the building achieve a break-even would have to rise. So the government would simply wind up paying for the school taxes essentially to itself. So that was the rationale in the second case for continuing the extension of the school tax exemption for that form of Elderly Persons'.

Madam Speaker, we had a situation then where it was a relatively clear and relatively logically founded exemption. The first act, The Elderly and Infirm Persons' Housing Act, was in a situation where the housing conditions of poor seniors were absolutely desperate. The whole issue was to increase access. It made no sense to increase the cost of housing by adding school taxes, so an exemption was granted. In the second case, where the subsidy came in the form of providing the shortfall between the actual operating costs of the building and the rents derived from income, it also made sense to continue the exemption, because not to do so would have meant that governments were simply paying taxes to themselves.

Madam Speaker, what has happened here is that events and circumstances have changed as we have

moved into a different era. So we now have a situation where seniors have somewhat more capacity to pay for housing, not an unlimited capacity obviously, and governments have decided that they would like to limit their liability in terms of the overall housing programs, and so governments have cut back very sharply on the provision of seniors housing programs. Inventive entrepreneurs in the mid 1980s decided that one way that they could make a profit and provide a service to mid-income seniors was to offer the concept of life-lease. Life-lease is indeed a useful concept for seniors who have modest means, are not at the low end of the income spectrum, but they are certainly not at the upper income either. They have modest incomes.

So what we have got here then is a situation where developers came along with a concept and came to a Minister of Housing in this province, under this current government, and said, we are going to provide modest market housing to seniors. We are going to do it in the form of a life-lease, and in some cases we want you to provide an additional supplement to some units, a rent supplement. They are called rent supplement units and they are available—Manitoba Housing has a pool of these units. They can assign them to various projects, whether they are co-ops or whether they are buildings such as the condos that we are speaking of here, the life-lease condos.

So Manitoba Housing did assign some rent-geared-to-income rental income supplement units to some of these projects. At any given time they all may be occupied or only some of them may be occupied. The numbers that the minister has given here under RGI units, on the table that he gave to our member for Radisson (Ms. Cerilli), might go up and down depending on the circumstances at any given time of the housing project.

Here, Madam Speaker, we had, unfortunately, the blurring of principle. The principle that was long established by the Schreyer government and by governments even before that time was that everybody pays property taxes. In the Schreyer government we recognized that for modest-income seniors, particularly school taxes could be a real burden. So we separated out two important ideas, and that is what is becoming blurred in the exemptions that were granted by Ministers of Housing of this government.

The two separate ideas were, first of all, that everyone ought to contribute to the maintenance of education in our community, because whether you are a senior or whether you are a middle-aged person or whether you are a younger person, we all benefit from having a strong public education system. We benefit in terms of our quality of life. We benefit in terms of the quality of the workforce that is produced. There are all kinds of benefits from having a strong public education system, and, to date, at least, we have not exempted groups from paying for education.

Some may feel they should be exempted, but, in general, Madam Speaker, we have resisted any kind of exemptions, I think, in part because the principle is recognized but also because when you start making exemptions, it becomes a wedge, and the wedge can get driven in deeper and deeper, and pretty soon you find yourself in the situation where your tax base is impaired and the ability of school boards to meet their needs has been impaired by the gradual granting of exemptions.

So the first principle was everybody pays school taxes, but the second principle, Madam Speaker, which is an equally important principle, is that people of low income ought not to be unable to live in decent, humane surroundings by virtue of their low income. So how do you combine these two ideas, and the mechanism that the Schreyer government pioneered and developed as the most effective of its kind in Canada was the mechanism of property tax credits.

When the Schreyer government brought in the initial property tax credit system, Madam Speaker, it was aimed specifically at education taxes because the Schreyer government recognized that property taxation is essentially a regressive form of taxation, because we all need housing, and there is a component of all of our property taxes that is regressive because we all need sewers, we all need water, we all need streets, we all need street cleaning and garbage collection, et cetera, et cetera, whether we are rich or whether we are poor.

* (1640)

So property taxes have long been recognized by taxation experts as well as by ordinary folk as a regressive form of taxation, so the Schreyer government

brought in a very progressive form of property tax relief aimed first at school boards and school taxes. What this program achieved was really very remarkable because it held in place the principle, the very important principle, that we all contribute to our school system and to the needs of our communities through property taxes, but it held that important principle in tension with the ability-to-pay principle, and it achieved it by a progressive remitting of school taxes on the basis of income.

So now we have three pieces of this puzzle, the principle of ability to pay, the principle of access to housing, the principle of supporting our public school system. Unfortunately, in the mid-1980s developers who were looking for an advantage broke this principle in a very serious way by saying that people who could afford market housing should nevertheless have an exemption from their school taxes if they lived in a nonprofit life-lease condo.

What happened was that developers reversed the traditional approach. The traditional approach was that a nonprofit organization, a Lions Club, a church, a lodge, a union, would go to a developer and to the government and say help us make possible good housing for our members or for our community, and the government would respond. What began to happen in the mid-80s was developers went to service clubs and said, have we got a deal for you. If you will lend us your name and your status as a nonprofit organization, we will put in place housing that will have a property tax exemption and can provide really nice quality housing for your members cheaper than we might otherwise be able to do.

Madam Speaker, it is important to recognize that the value of the property tax exemption we are talking about here is an average of \$720 per suite per year, not an insubstantial amount of money, and in some cases it is well over \$1,000 per suite, in the case of the Lindholm project, for example.

So we have now a situation where some very important principles have been bent out of shape by a government providing an exemption to what may have at the time seemed like a very small group of properties, but, unfortunately, once you have provided one exemption, it is very hard to turn off the tap. That

is the dilemma this government finds itself in, because it forgot the basic principles of access and everybody contributing to our school system and the relief that was possible through a progressive form of property tax credits. It forgot those key principles and instead gave an easy exemption and access to an act, The Elderly and Infirm Persons' Housing Act, which was never intended for market housing. It was a very unfortunate precedent that was set by the government in doing this.

So now they are faced with a situation of having to try and close a barn door or at least limit the amount what escapes through the barn door, and so they have come up with a mechanism. I would say with all due respect to the minister, it is a bad mechanism that you have chosen, because it is akin to the idea in taxation that at \$1,000 you pay no taxes and at \$1,001 you pay 25 percent taxes on all your income.

Whenever you set in place a guideline that says, under this threshold you are home free and one square foot over this threshold you pay taxes, you know what is going to happen. I think the minister probably knows, I have been in the business of trying to build elderly persons housing and I have been involved in the administration of elderly persons housing, and I know how inventive developers are. What is going to happen is that as soon as these regulations are published, competent, creative architects are going to show developers how they can meet the guidelines and stay under the square footage in buildings that remarkably have just wonderful amenity spaces. They have expanded public spaces. They have, instead of having an in-suite washer and dryer, they have an out-of-suite washer and dryer that is in the public space, but it is a beautiful washer and dryer room. We are going to find lounges in places that would never have had lounges before, and exercise rooms. We are going to find, in other words, compact units with storage, for example, not in the unit anymore but in the hallway adjacent to the unit. It will still be accessible, but it will not be part of the unit, so it will meet the criteria.

Madam Speaker, I think that it is important that we understand the principles that have been bent out of shape by the actions of the government and that we understand that one of the things that they did which made it really hard to respond to the problem they have created was, they cut the property tax credit program.

Had they left it in place, had they been willing to make it more flexible, had they even begun to keep it up to inflation, then it would have been much easier to deal with the problem they have created here, because that would still have been accessible to them.

Finally, Madam Speaker, I hope the minister is able to tell me that we are wrong on this one, but I have a fairly strong feeling that the residents of this building are still taking advantage of the property tax credit because, under the regulations, the property tax credit does not just go to school taxes, it goes to all property taxes. So since they are still paying other property taxes, I believe that these buildings are likely also receiving on a suite-per-suite basis the property tax exemption of \$250 per suite based on the rental that the suite is actually paying, so it will be a slightly varying amount depending on what the rental levels are, but my guess is that the rental levels are such that the units would fully qualify for the \$250 deduction.

So I would ask the minister to ascertain from his staff whether, because of the way the regulations on the current property tax program are worded, these buildings are also enjoying not only a school tax exemption but they are also enjoying the property tax credit program as well. So I think that the minister has seen a problem correctly. It is a problem that his government created, but his remedy is hastily and ill thought out and does not restore the principles that are so important in the whole area of our public school system in ability-to-pay taxation, in affordable and accessible housing, all three of which are legitimate needs and all have to be held in some kind of balance.

I do not believe this legislation achieves that balance, and I believe the minister should reconsider. Thank you, Madam Speaker.

Ms. Marianne Cerilli (Radisson): Madam Speaker, I have benefited, enjoyed listening to the comments put on the record by my two colleagues regarding Bill 60, The Elderly and Infirm Persons' Housing Amendment Act, and I also want to add to those comments. I am pleased to see that the minister is listening and is taking some notes, because I think he can also benefit from particularly the experience of some of the members on this side of the House in dealing with social housing, particularly for seniors.

We have only had a very short time to consider this bill, and we have a number of concerns about it. I want to begin, though, by talking about how this session we are seeing a number of bills coming forward in the area related to housing that are trying to catch up with some of the changes in the area of seniors' housing and generally with the variety, the new variety of housing that is being created in our province.

One of the new models for housing is this life-lease approach, and I must put on the record that there was to be another bill this session that would deal with more amendments that are required in legislation to deal with the way that life-lease buildings are not being serviced adequately by the existing regime of legislation that we have. The government has been forced to slow down and take another look at that legislation that would have come under the ministry of Consumer and Corporate Affairs. There may be some cause for concern for the minister to do the same with this legislation once he has finished hearing some of the concerns that we have, and, indeed, I would suggest consulting more fully with the community, particularly those who deal with seniors in this area of social housing.

* (1650)

So this legislation is trying to keep up with what developers have found to be a loophole, and in some ways it has identified accurately a problem with the principle of ensuring that all those who should be paying for their school property taxes are indeed doing that. This problem was identified both by the Manitoba Association of School Trustees as well as some other rural areas that brought it forward to the government saying here is a problem where there are these new life-lease apartments being constructed, and a number of the residents, then, are getting around paying—or the building is being exempted from school tax when, indeed, the properties are of a size and value where we have not heard the total amount of the school tax that is being lost.

I have asked the minister to provide me with a list of those properties that are currently qualifying under the legislation that would not qualify under the new standards, so we would get a sense of the amount of school tax that is exempt, but the minister has said that there is under all of the 184 seniors' apartments that are

exempt under the legislation—and some of those, indeed, would continue to qualify, but in all of those apartments there is \$2.5 million of property school tax that is not being collected, that is exempt under The Elderly and Infirm Persons' Act.

The minister has provided me with a list of 17 apartments or developments that are going to be, so to speak, grandfathered under this legislation, and I asked in the House today to confirm how many of these are above and beyond the guideline that is being proposed in this new legislation that will be in regulation, and I think it is important that I put that guideline on the record. I was concerned initially that the guideline is in regulation.

I wanted, before we even discussed this matter in the House, to be given what the guideline is, and the minister has informed me that the square footage guideline will be as follows: For a bachelor unit, it will be 435 square feet; for a one-bedroom unit, it will be 585 square feet; and, for a two-bedroom unit, it will be 840 square feet. Anything beyond this will no longer qualify for the exemption for school tax under this legislation. The other point that is to be made, though, about this is that this is taken from the CMHC guideline for constructing social housing for seniors under the Elderly Persons Housing program.

I want to get into a little bit more later on about the trend that we are seeing that we are no longer having social housing constructed at the more modest low-end program, because the federal government and the provincial government have eliminated the funding for new social housing in the country. So it is kind of ironic and disturbing that while they have eliminated the program to conduct social housing that would indeed qualify under this Elderly and Infirm Persons' Housing Act for this school tax exemption, they are taking those very standards and saying this is what the developers are supposed to live up to. They are trying to plug this loophole, if you would, by creating this new standard that is going to be based on square footage. We had some concern that this is completely based on square footage and is not based on the income of the residents that are going to live there.

Now, the problem with this is as we have seen the way that developers have found a way of getting around

the existing legislation, they may find a way of getting around this current proposal. They may, in fact, find that there will still be private accommodation that is going to be exempt from paying property school tax. We have already heard it from the member for Crescentwood (Mr. Sale) give some examples of how we could have new kinds of seniors' accommodations that will have large swimming pools or common rooms, recreation areas, and other amenities that will not be part of the square footage but will certainly drive up the, as to use the minister's words, the luxuriousness of these apartments, and they will still qualify for the exemption. They will also then enable the property to have a higher rent charge and rent fee. So one of the concerns that we have about this is that there is the possibility to still find your way around this new guideline.

There are a number of other problems related to this because, as the minister has given me this list, we notice that some of these properties have a mixture of life-lease units as well as rent-geared-to-income units, and one of the other questions and concerns that I have is that there may be quite a difference in the size of the units that are in a particular building. I do not know if that is occurring now, but that may be another thing that could occur in the future where certain units in a building may be small enough that they would qualify under the guidelines. What is going to happen to those when there are some larger units that would not qualify under the guideline especially when some of these are rent-geared-to-income?

The rent-geared-to-income program, as we are seeing it operated now under the current conditions, has all sorts of problems. It is plagued with problems, and it seems that this government is trying to deal with these problems in a very piecemeal fashion. I think we really have to have some serious consideration to look at what is happening with these rent-geared-to-income units.

In the minister's comments on the bill, he made reference to the fact that currently under the legislation there is a consideration for income. I have read the legislation, I have looked at the regulations, and I want to find out and hopefully will get some confirmation on this at the committee stage where that exists right now. The regulation, as it stands currently, has only the requirement for the development of elderly housing and

infirm housing under this legislation to have a nonprofit as a sponsor, and there is nothing there about income guidelines. That is one of the concerns that we have that this should not be just based on square footage. There could be a situation, for example, where an elderly person has paid off their mortgage on their house, they have sold it, and they put their money into a property, and that has not increased their annual income. They may still be living on a very meagre pension and rather than living in their home, where they certainly would be paying the property school taxes, they would be moving into this type of unit. We want to ensure that seniors on low income are indeed going to be protected.

I have also inquired of the minister if this is going to drive the market in such a way as that we are now going to have developers working with nonprofits and service clubs to develop buildings that have smaller apartments. I am interested in looking at what the revenue generation is going to be, at what the per-unit costs are going to be in creating something that is 1,200 or 1,500 square feet as opposed to smaller units that would perhaps qualify under this guideline, how that is going to affect developers' costs and revenue, and how this is actually going to affect the market.

* (1700)

One of the other things that I have been concerned about, as well, is in discussion with the minister comments that he has made about the review process. Now, in the legislation, there is a mention that there will be a review process, and the minister has mentioned this when we were having a discussion. I know that these units, or these blocks, have to be reviewed periodically to ensure that they are qualifying. I am concerned that this review process would include consultation and would include input from the community.

The minister has given me a bit more of assurance by his answers in Question Period today, where he has put on the record that the blocks that are going to be protected under this amendment, or from this time forward, are not going to be subject to review. When we had a discussion, he had used the phrase that they were trying to weed out some of the blocks, and I was not convinced that there was not going to be some

changes for some of these existing blocks. Because some of them have a mix of rent-geared-to-income, there could be financial hardship on some of the people that are currently living there. There may be some issue in the public with this because they are now going to be two different standards. That is always a problem when you have some type of grandfather clause, and we will look to see if that is going to create any type of conflict. There is, as I mentioned already, a problem with mixed-unit blocks.

One of the other concerns that I have is it has been difficult to discuss this with some of these buildings that are currently life-leased that are going to be grandfathered under this legislation, because the minister did not let them know about the legislation. There did not seem to be any consulting with some of the buildings that are going to now be judged by a different standard than those in the future. The minister has met fairly recently with the social housing managers association, and I find it odd that this was not discussed.

When I called up people involved in that organization just a few days ago, they did not know about the legislation, and the minister again in Question Period today suggested that, well, they are going to have any changes, but there are going to be changes because now they are going to be in a different category. There will be two standards in terms of these types of properties.

So I think the minister should have discussed this more with the community, with the kinds of groups that we have, with the boards for some of these properties that are going to be affected. The minister has said that, currently, there are no applications for licence under The Elderly and Infirm Persons' Housing Act, and that makes this a good time to bring this bill in because it is not going to affect any applications currently, but I still think that there has to be a chance to really look at what the implications are going to be from this legislation.

One of the other things that the minister had mentioned, and I am not quite sure what he meant, is he was talking about there being a sliding scale at some point, and as was already expressed by my colleagues, one of the other concerns that we have about this is that it is an "either/or," that if your apartment, a two-

bedroom, is 841 square feet, you are not going to qualify, but if it is one square foot lower than that, then you will, and how that is a problem. As I said earlier, we are going to have to see how this is going to affect the marketing and affect construction.

One of the other issues that this has raised, particularly when we are dealing with rent-geared-to-income or rent supplement blocks, is how this is being affected by and raises issues about the property tax rebate. We know that this government has also made some changes with respect to rent-geared-to-income, and now the tenants who receive a property tax credit and are in rent-geared-to-income units have that property tax credit added to their income. This is having a cyclical effect. It is not a lot of money, granted, but it is creating a situation where you are paying in on your property tax, and then you are getting money back that is going to add on to your income, which is then going to turn around and drive up the cost or the taxes.

On the other hand, one of the other things that is happening is even though some of these buildings are not paying the school property tax, they are getting a property tax rebate. One of the questions I have is, is that calculated on the entire property tax, including the school tax, or has that already been eliminated from those calculations? As was already mentioned earlier, part of the problem here in the past when this legislation was serving the purpose that was intended, and it was ensuring that there was a construction of decent housing for seniors on low and modest income, it was determined that there would be an exemption, so that the government was not basically paying school tax to itself and driving up the cost of operating and managing these buildings. What I think the government has to look at here then is its other policies with respect to its cuts in the property tax credits and other changes that it is making, as I said earlier, in the rent-geared-to-income program.

One of the other issues that has been raised is, in these life-lease units, particularly the ones that are currently going to continue to be exempt, if there are individuals who are owning more than one unit and then, in turn, even renting it out, what is happening to the taxes paid in those instances?

I also wanted to talk a little bit more about the problems that are occurring with this legislation in terms of the market for housing for seniors generally. It is responding to one of the problems that the government itself has created. The developers are now going and finding service clubs, building these rather expensive seniors housing accommodation, and there is no government money going into building social housing and low-end accommodation. The federal government has cut \$270 million over the last three years from social housing, and this government has also eliminated its portion that would have gone into construction of new housing for seniors. It has not talked about that. It has talked about the big bad federal government for reducing their portion, but this government usually would pay 25 percent of the cost of new construction and it has not spent that money. I do not know what has happened to it. I do not know if it has gone into—I do not think it has—the maintenance or they have not kept it into the social housing portfolio, so they have, in turn, also been reducing their support for ensuring that seniors have good quality housing.

But a larger concern is the government also has plans in the next fiscal year, the one coming up, that they are going to reduce another \$152 million, and all of this is going to continue to drive the problem of maintaining the portfolio that we do have of housing that is regulated under this legislation. I think it goes to show that we cannot leave up to the market the responsibility for providing quality housing for seniors.

* (1710)

One of the other things that I wanted to do prior to ending my comments on this bill is to read into the record the properties that are provided to us as protected under this legislation from the changes in Bill 60. These are as follows: St. Mary The Protectress Villa at 800 Burrows Avenue, 72 units; Prairie Rose Apartments, 219 1st Street West, in Landmark, has 12 units and all of those are life-lease; Marshall Memorial Centre, 247 Main Street in Carberry, Manitoba, has 27 units and 25 of those are life-lease; Stonewall and District Lions Manor at 700 Centre Avenue in Stonewall has 52 units and 52 of those are life-lease; Westman Lion's Manor in Brandon at 35 Victoria Avenue East has 128 units and 128 of those are life-lease; 110 Legion Place on Regent Avenue and Dennis

in Gladstone, Manitoba, has 16 units, 16 are life-lease; St. George's Place at 100 Cruise Crescent in Dauphin, 61 units, 61 of those are life-lease; Fred Douglas Place at 333 Vaughan Street in Winnipeg, 133 units and 133 are life-lease; St. Michael's Villa at 114 Yale Avenue East, in Winnipeg, 57 units and 57 are life-lease; Kiwanis Chateau at 430 Webb Place in Winnipeg, 122 units and 122 of those are life-lease, Kirchhoff Gardens, 1295 Dakota Street in Winnipeg, 96 units, 96 are life-lease; Lions Court and Lions Manor at 346 6th Street in Winkler, 71 units and 23 are life-lease; Lindenholm Place at 885 Wilkes Avenue in Winnipeg, 92 units and 92 are life-lease; Transcona Place at 110 Victoria Avenue West, in Winnipeg, 39 units, and 20 are life-lease; Villa Tache, 400 Rue Des Meurons in Winnipeg, 87 units and 87 are life-lease; Beauchemin Park Place at 5995 Roblin Boulevard in Winnipeg, 60 units and 30 are life-lease; and St. Peter and Paul Manor at 375 Goulet in Winnipeg, 33 units and 33 are life-lease—and I would think that that one was probably the last one that qualified under this program.

I notice by the chart here that the minister has provided that it does not indicate how big any of those units are, and I am interested to find out how many of these properties have units that would not qualify under the new guidelines that are going to be brought in under regulation under Bill 60, the provisions in Bill 60.

With that, Madam Speaker, I just want to summarize that our concerns are that we are now going to have these dual standards under The Elderly and Infirm Persons' Act, that the minister does not seem to have given full consideration to the implications of the legislation, the fact that there still may be ways around it and we are going to see private or market level rents that are going to be qualifying under the legislation and the developers are going to find ways around it so that we are still going to see unfairness, where seniors that are living in their own homes are going to be paying their property taxes and others are going to find a way that they will be able to be exempt.

Other concerns that we have, if they are not looking at what is being created by their changes to the property tax credit, they are not looking at other problems in the rent-geared-to-income program and that this legislation is going to indeed not deal with the issues that are out there.

With that, Madam Speaker, I move, seconded by the member for Crescentwood (Mr. Sale), that the bill, Bill 60, The Elderly and Infirm Persons' Housing Amendment Act be now not read but read a third time this day six months hence.

Madam Speaker: It has been moved by the honourable member for Radisson (Ms. Cerilli), seconded by the honourable member for Crescentwood (Mr. Sale), that the bill, Bill 60, The Elderly and Infirm Persons' Housing Amendment Act be not now read but be read a third time this day six months hence. Agreed?

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Mr. Doug Martindale (Burrows): On division, Madam Speaker.

Madam Speaker: On division.

Hon. James McCrae (Government House Leader): Just to review, I wonder if you might have a look at the motion we just defeated on division. I believe the wording was that it "be not now read but read a third time six months hence." I believe we are at second reading stage, and it might be technical, but the Journals people might want to be clear on that.

Madam Speaker: I thank the honourable—no, it is on the motion. I read the motion as written. [interjection] Pardon me?

An Honourable Member: It said "third." Right?

Mr. McCrae: Yes, I think we should agree to change that. Let us get the record right.

Madam Speaker: Order, please. Is there leave to change the wording of the motion? [agreed] I thank the government House leader. Is it the wish of the House to repeat and review the—

An Honourable Member: No.

Madam Speaker: Just change the wording. Okay.

Committee Changes

Mr. George Hickes (Point Douglas): Madam Speaker, could you rescind the Law Amendments announcement that I made for Elmwood (Mr. Maloway) for Wellington (Ms. Barrett) for June 24 to read: I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Law Amendments be amended as follows: Elmwood (Mr. Maloway) for Swan River (Ms. Wowchuk) for Tuesday, June 24, for 10 a.m.

Motion agreed to.

Mr. Edward Helwer (Gimli): I move, seconded by the member for Pembina (Mr. Dyck), that the composition of the Standing Committee on Economic Development for Tuesday, June 24, at 10 a.m. be amended as follows: member for Gladstone (Mr. Rocan) for the member for LaVerendrye (Mr. Sveinson).

Motion agreed to.

Mr. McCrae: Have we moved for the question on Bill 60, your honour?

Madam Speaker: No. Is the House ready for the question? The question before the House is second reading Bill 60, The Elderly and Infirm Persons' Housing Amendment Act.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Mr. Doug Martindale (Burrows): On division, Madam Speaker.

Madam Speaker: On division.

Bill 61—The Sustainable Development and Consequential Amendments Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Environment (Mr. Cummings), Bill 61, The Sustainable Development and Consequential Amendments Act; (Loi sur le développement durable et modifications corrélatives), standing in the name of the honourable member for Dauphin (Mr. Struthers) who has 37 minutes remaining.

* (1720)

Mr. Stan Struthers (Dauphin): Madam Speaker, it is indeed a pleasure to rise once again on Bill 61, The Sustainable Development Act. I am pleased to be able to put some comments on the record on such an important bill, such an important concept that I think our province and the government governing our province these days needs to do a lot of discussion on, a lot of debate. and, indeed, a lot more consultation with all of the citizens of our province.

Madam Speaker, the other day in just the few minutes that I had, I began by speaking of a generation that is going to follow us in our province, a generation that will some day occupy the seats that we occupy now and make decisions on behalf of the people that they represent, the citizens of Manitoba. I would be the first to admit that the younger generation has a lot better

understanding of sustainability than what those of us in the older generations have. My experience in the teaching world taught me that students these days are very aware that our decisions have enormous effect on our environment, on our surroundings. My experience also taught me that students in our schools in this province have really taken to heart the kind of concepts and the kind of decisions that need to be made in terms of sustainability, in terms of protecting our environment and protecting the resources that we have in our province now in order that those resources and our environment can be passed on to that younger generation in pretty much the same state as we inherited those resources in the first place.

Madam Speaker, on the one hand that gives me a lot of confidence in our future, because I do have confidence in the younger generation to make very good, very positive, very balanced decisions when they get to our stage, when they get to represent Manitobans in years to come.

On the other hand though, Madam Speaker, we are making decisions today and in the next number of years that will have an effect on the world in which we pass on to that younger generation. I think that there are two ways in which you can see and view these decisions that we will be making. First of all, there are the actual decisions that need to be made, whether a licence is granted to a certain company or not, whether water is used for one purpose or another, whether we use land for one reason or another. Those are short-term, immediate kind of decisions that we need to make as government. The longer-term decisions, the other view that we can take a look at when you talk about sustainability and sustainable development are those that are more process oriented. How committed are we to allowing Manitobans to have their rightful say in the process by which we come to make all these short-term decisions?

Now, there is no point in arguing whether the long term or the short term is more important, one or the other. They are equally as important because they depend on each other. We cannot have a whole lot of confidence in the short-term decision making of a provincial government, if we do not have a good process by which to involve our citizens in the first

place. Flip the coin over, and you can make the argument that there is not much sense having a process just written down someplace that is not going to be followed, then have your short-term decisions on licensing, land use, forest development, water development, if you are not going to have a process, the bigger picture, to guide your smaller decisions, each of the individual decisions along the way.

The other thing I would suggest that is absolutely essential in this whole process is the confidence by which the citizens of the province have in their government to not only make good decisions but to include these citizens in the debate and in the process that takes place before the decisions are made. I am going to suggest to you, Madam Speaker, that the government that we are presently dealing with has not done a good job in looking at the broad picture, looking at the process that needs to be taken in order to include citizens in the environmental decision making that any provincial government will embark upon.

I do not just say these things off the top of my head. I use actual cases to make up my mind, actual cases that this government has done in the area of environmental sustainable development, sustainability decisions that they have made while their term of office has been going along.

The Minister of Natural Resources (Mr. Cummings) throws over the name Louisiana-Pacific. I think that is one example that we can use to point out to some of the problems a government faces when it embarks upon licensing a company to take a natural resource, a public natural resource, that belongs to the citizens of this province. I think what we want to get away from is having a process that is stacked in favour of one side or the other. I do not think we need a process that excludes citizens or puts citizens at a disadvantage. I do not think we need a process that puts the government solidly on one side of the equation and marginalizing people who want to have input into that process in the first place. Not only did that happen in the case of the public hearings that took place with Louisiana-Pacific, but other instances over the years that this government has been the government, in other instances where the people of the province of Manitoba were excluded by this government.

The government released back in August of 1996 what appears to be their real agenda, their vision of how they see sustainable development unfolding in our province in the years to come. It was released in the white paper on The Sustainable Development Act. It was released by this government and, Madam Speaker, quite roundly it was defeated. Quite firmly, one group after the next came out and said this white paper on sustainability, sustainable development, is not good enough. So what the government did was it went back to the drawing boards, looked at all the groups that had approached it with concerns, looked at the concerns that the group had and started erasing from the draft act all those contentious issues, particularly in Section 7, from this act in order to make it—

Madam Speaker: Order, please.

House Business

Hon. James McCrae (Government House Leader): Madam Speaker, I hate to interrupt the honourable member mid-word, let alone mid-sentence, the House will be resuming a little later. If there is leave for 30 seconds, I have an announcement to make.

Madam Speaker: Does the honourable government House leader have leave to make an announcement? [agreed]

Mr. McCrae: I wish to announce that in addition to the bills already scheduled for consideration by the Law Amendments committee on Tuesday, June 24 at 10 a.m. which are Bills 21, 33, 38, 42, 43, 45, 46, 52 and 58, the committee will also consider the following bills: 56 and 60.

Madam Speaker: The Standing Committee on Law Amendments scheduled for Tuesday, June 24 at 10 a.m. which was to consider Bills 21, 33, 38, 42, 43, 45, 46, 52 and 58 will also consider Bills 56 and 60.

As previously agreed, when this matter is before the House, the honourable member for Dauphin (Mr. Struthers) will have 29 minutes remaining.

As previously agreed, I am leaving the Chair with the understanding that this House will reconvene at 7 p.m. this evening.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 23, 1997

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