



MAN 04076

Fourth Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

*Published under the
authority of
The Honourable Louise M. Dacquay
Speaker*



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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| 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 | Lib. |
| LAMOUREUX, Kevin | Inkster | Lib. |
| LATHLIN, Oscar | The Pas | N.D.P. |
| LAURENDEAU, Marcel | St. Norbert | P.C. |
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| 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. |
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| Vacant | Charleswood | |

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 13, 1998

The House met at 1:30 p.m.**PRAYERS****ROUTINE PROCEEDINGS****PRESENTING PETITIONS****Winnipeg Hospitals Food Services—Privatization**

Mr. Doug Martindale (Burrows): Madam Speaker, I beg to present the petition of W. Osychenko, P. Jaworski, C. Glisinski and others praying that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately cancelling the hospital food proposal and concentrate on delivering quality health care, instead of using health dollars to provide contracts to private firms.

Mr. George Hickes (Point Douglas): Madam Speaker, I would like to present the petition of R. Cote, M. Wolski, J. Trudel and others praying that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospitals food services.

Mr. Conrad Santos (Broadway): Madam Speaker, I beg to present the petition of S. Decker, H. Esselmont, R. Jaramilla and others praying that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospitals food services.

READING AND RECEIVING PETITIONS**Winnipeg Hospitals Food Services—Privatization**

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.

THAT the Urban Shared Services Corporation (USSC) has announced plans to privatize laundry, food services and purchasing for the Winnipeg hospitals; and

THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with many more privatized in the next two or three years; and

THAT under the terms of the contract, Ontario businesses will profit at the expense of Manitoba's health care system; and

THAT after construction of a food assembly warehouse in Winnipeg, chilled, prepared food will be shipped in from Ontario, then assembled and heated before being shipped to the hospitals; and

THAT people who are in the hospital require nutritious and appetizing food; and

THAT the announced savings as a result of the contract have been disputed, and one study by Wintemute Randle Kilimnik indicated that, "A considerable number of studies have compared costs of service delivery in health care between self-operation (public sector) and privatization. Invariably, privatization is more expensive."; and

THAT no one in Manitoba seems to benefit from this contract, especially patients.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services.

Madam Speaker: I have reviewed the petition of the honourable member for Selkirk (Mr. Dewar). 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.

AT the Urban Shared Services Corporation (USSC) has announced plans to privatize laundry, food services and purchasing for the Winnipeg hospitals; and

THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with many more privatized in the next two or three years; and

THAT under the terms of the contract, Ontario businesses will profit at the expense of Manitoba's health care system; and

THAT after construction of a food assembly warehouse in Winnipeg, chilled, prepared food will be shipped in from Ontario, then assembled and heated before being shipped to the hospitals; and

THAT people who are in the hospital require nutritious and appetizing food; and

THAT the announced savings as a result of the contract have been disputed, and one study by Wintemute Randle Kilimnik indicated that, "A considerable number of studies have compared costs of service delivery in health care between self-operation (public sector) and privatization. Invariably, privatization is more expensive."; and

THAT no one in Manitoba seems to benefit from this contract, especially patients.

WHEREFORE YOUR PETITIONERS HUMBLYPRAY that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services.

Madam Speaker: I have reviewed the petition of the honourable member for Elmwood (Mr. Maloway). 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.

THAT the Urban Shared Services Corporation (USSC) has announced plans to privatize laundry, food services and purchasing for the Winnipeg hospitals; and

THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with many more privatized in the next two or three years; and

THAT under the terms of the contract, Ontario businesses will profit at the expense of Manitoba's health care system; and

THAT after construction of a food assembly warehouse in Winnipeg, chilled, prepared food will be shipped in from Ontario, then assembled and heated before being shipped to the hospitals; and

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THAT no one in Manitoba seems to benefit from this contract, especially patients.

WHEREFORE YOUR PETITIONERS HUMBLYPRAY that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services.

The St. Paul's College Incorporation Act

Madam Speaker: I have reviewed the petition of the honourable member for St. Norbert (Mr. Laurendeau). 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 St. Paul's College praying for the passing of an act to amend The St. Paul's College Incorporation Act.

Winnipeg Hospitals Food Services—Privatization

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.

THAT the Urban Shared Services Corporation (USSC) has announced plans to privatize laundry, food services and purchasing for the Winnipeg hospitals; and

THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with many more privatized in the next two or three years; and

THAT under the terms of the contract, Ontario businesses will profit at the expense of Manitoba's health care system; and

THAT after construction of a food assembly warehouse in Winnipeg, chilled, prepared food will be shipped in from Ontario, then assembled and heated before being shipped to the hospitals; and

THAT people who are in the hospital require nutritious and appetizing food; and

THAT the announced savings as a result of the contract have been disputed, and one study by Wintemute Randle Kilimnik indicated that, "A considerable number of studies have compared costs of service delivery in health care between self-operation (public sector) and privatization. Invariably, privatization is more expensive."; and

THAT no one in Manitoba seems to benefit from this contract, especially patients.

WHEREFORE YOUR PETITIONERS HUMBLYPRAY that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Committee of Supply

Mr. Marcel Laurendeau (Chairperson): Madam Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for Emerson (Mr. Penner), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Eric Stefanson (Minister of Finance): Madam Speaker, I am pleased to table the Supplementary Information for Legislative Review for 1998-99 Departmental Expenditure Estimates for the Department of Finance.

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I have a tabling for the House. It relates to The Discriminatory Business Practices Act Annual Report, fiscal year ending March 31, 1998.

Hon. Glen Findlay (Minister of Highways and Transportation): Madam Speaker, I want to table the 1998-99 Supplementary Estimates for the Department of Highways and Transportation.

Hon. James McCrae (Minister of Environment): Madam Speaker, I am pleased to table the Tenth Annual Report of the Manitoba Hazardous Waste Management Corporation for 1996-97.

* (1335)

MINISTERIAL STATEMENTS

Chief Judge Statement

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I have a statement for the House.

I have been concerned with what I perceive to be mounting pressures on the Chief Judge to make a public statement despite the long-standing tradition that judges do not speak out on public issues.

I have the utmost respect for the Chief Judge, and accordingly I have been made aware of the recollections of the Chief Judge on the events of the last several weeks relating to the judicial appointment process that has been the subject of questions and answers here. In the result, I have shared with her these comments to ensure that there is no further misunderstanding or disagreement.

I am advised that the Chief Judge has reviewed the transcript of Question Period on May 11, 1998, and shares my recollection of the substance of the matters discussed between us on May 4. However, for her part, I am advised my comments left her uncertain, upon leaving our meeting, as to my intention to proceed with the process of appointing two Provincial Court judges from the list of seven names that had been left with me at the end of the meeting. For my part, I thought I had made it clear in indicating that, if the committee could not or did not wish to submit further names for an additional position, the existing list would be proceeded with.

I regret any misunderstanding that might have been generated by my lack of clarity and take responsibility for any misunderstanding that I may have caused. It has always been and was on May 4 and continues to be my intention to proceed with the process of appointment for two positions from that list, and that process will now continue. Furthermore, I have given my personal assurances to the Chief Judge that I respect the integrity of the process for appointments to the Provincial Court, and I respect the integrity of the judiciary whose members perform difficult work and who are not publicly able to defend their actions.

Mr. Gary Doer (Leader of the Opposition): "Oh, what a tangled web we weave/When first we practice to deceive!" Madam Speaker—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please.

Point of Order

Hon. James McCrae (Government House Leader): On a point of order, I think everyone would understand that one ought not in this place to do indirectly what one ought not to be doing directly. The honourable Leader of the Opposition knows full well the implication of the words he has just uttered which connotes a deliberate misleading, and that is exactly what those words mean. The honourable member knows that, and one need only check with the authorities to note that that is the appropriate construction of the words just used by the Leader of the Opposition. I would ask that they be withdrawn.

Mr. Steve Ashton (Opposition House Leader): On the same point of order, I notice now that the government House leader seems to be jumping to conclusions about the literary reference that our Leader made. Indeed, I suspect that the real problem here with the government is they know there is indeed a tangled web of stories, of changing stories coming from the Minister of Justice (Mr. Toews). This is the latest thread in that whole tangle. Far from having the Leader of the Opposition withdraw that statement, I think it is totally appropriate, and we should allow the Leader of the Opposition to put clearly on the record that once again the Minister of Justice has changed his story in this House and should do the right thing, not bring in this kind of statement, but resign.

* (1340)

Madam Speaker: Order, please. I have been advised that this exact phrase, "practice to deceive," was ruled out of order by the former Speaker Rocan. I would therefore ask the honourable Leader of the official opposition to withdraw the phrase.

Mr. Doer: Madam Speaker, the quote is directly from Sir Walter Scott. It has been used in the House before, and I suggest very strongly that you do your research and find where that quote has been used before. I would ask you to take it under advisement so you can be thorough and fair in the Chamber.

Madam Speaker: Order, please. Based on previous Manitoba precedent, I have made a ruling that the quotation was out of order; therefore, if the honourable

Leader of the official opposition wishes to, his only option or recourse is not for direction to the Speaker to review the ruling but to indeed challenge the ruling.

Mr. Doer: Madam Speaker, I will temporarily withdraw the statement, because there are bigger issues here today, the honesty of the Minister of Justice. We want to proceed with a more substantive issue here today, so I will withdraw the statement.

Madam Speaker: Order, please. I would remind the honourable Leader of the official opposition, when a member is asked to withdraw a word, the withdrawal is to be unconditional.

An Honourable Member: I did withdraw it without reservation on my second statement.

Madam Speaker: Order, please. I did not hear the second withdrawal, and I am certain that Hansard did not pick it up either, because at that point—[interjection] Order, please. I stand to be corrected. The Clerk has advised that he did hear the honourable Leader withdraw the words unconditionally.

* * *

Mr. Doer: Madam Speaker, to continue on with my statement, I regret today that the Minister of Justice (Mr. Toews) did not perform the honourable act in this Legislature and resign. Every sentence in his statement today is worthy of challenge, regrettably, from the beginning of his statement where he says, and I quote: "I have been made aware of the recollections of the Chief Judge."

How has he been made aware of these recollections? What dialogue has he had or his office had with the Chief Judge about her recollections dealing with the integrity and honesty of the Minister of Justice, dealing with the allegations of political interference by the head of the Bar Association and by the allegations of subverting the legal system and law made by the president of the Law Society of Manitoba, Ms. Colleen Suche.

I note that this statement does not include Hansard from May 7, a matter that is before you as a matter of privilege, Madam Speaker, in terms of the recollections,

because we would note on May 11 that the Minister of Justice changed his position in this Legislature from what he said in terms of who initiated this discussion between May 7 of what he said in Hansard and May 11, a fact also not addressed by the minister in his statements. If you go through Hansard on May 11, time and time again the Minister of Justice indicates that he did nothing illegal and in fact that the Chief Judge of the Province of Manitoba stated it was legal for him to send her back to the selection committee.

* (1345)

We have not heard yet from the Chief Judge of this province on that matter, the chair of the nominating committee. Madam Speaker, he states time and time again in Hansard: I did nothing improper; I did nothing improper in going back to the committee and asking for more names. I did nothing improper in terms of what is going on. I did not threaten the committee, if they rejected the list, that the process would not be undermined.

On and on and on he goes on the record here, and these answers have not been provided to us in this damage-control statement of a third version of the facts we have had in this House in the last week, regrettably. I also know that two individuals have made serious allegations about the Minister of Justice: one, the president of the Bar Association who has accused him of political interference; secondly, Colleen Suche has accused him of subverting The Provincial Judges Act.

Madam Speaker, we believe that justice must be done in this matter with the Minister of Justice. We gave the Minister of Justice a way of dealing with this matter in honour. Wilson Parasiuk resigned when his name was under attack, and he had an independent retired judge investigate his integrity. Thankfully, he came through the process with honour, with dignity and with his reputation intact. Today, the Minister of Justice's reputation is not intact.

We believe that previous judges have had reports tabled or letters tabled in this House. That is what we want; we want Judge Webster to speak out. It is a practice that has taken place in the past, and this statement today may be damage control by the minister,

but it is not acceptable to members of this side. Thank you, Madam Speaker.

ORAL QUESTION PERIOD

Judicial Appointment Process Report Release

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, it is indicated today that the Minister of Justice has been made aware of recollections of the Chief Judge. I would like to ask the Minister of Justice: has a report been completed about the allegations of political interference made by the Bar Association and the Law Society to the minister? Has a report been completed by Judge Webster, the chair of the nominating committee, and why will he not make that report public?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, that statement, in fact, reflects an agreement between the Chief Judge and myself in which she clearly indicates that she shares my recollections of the events of May 4.

Mr. Doer: The minister did not answer the question. Has a report been completed by the Chief Judge?

Mr. Toews: Madam Speaker, I have tabled the statement in the House and that is the report.

Mr. Doer: Then I am to assume a report has been completed, and the Minister of Justice is unwilling to make it public.

Mr. Toews: Madam Speaker, I have in fact just tabled my statement.

Mr. Doer: With a new question. The former Justice minister tabled the letter from Justice Oliphant in this House which stated, and I quote in the letter: it is not unusual for a judge, a judge particularly with responsibilities for administrative duties in the court, to speak out on issues that affect the courts.

That letter was tabled in this Legislature. Why will the Minister of Justice not table the report from Judge Webster, the chair of the nominating committee?

Mr. Toews: Madam Speaker, I have made it very clear, and perhaps the member has misunderstood me in some way. The statement that was made reflects the consensus of the Chief Judge and I in respect of her recollections of the conversation on May 4.

* (1350)

Mr. Doer: Madam Speaker, is the minister saying there is no report that has been completed by the Chief Judge based on the false statements we believe that he has made in this House on May 11, May 12, May 7, statements he has made to the public? Can the minister advise us whether there is a report conducted by the Chief Judge, chair of the nominating committee, and why will the minister not release this so that the public will have more to go with than the minister's statement on the basis of consensus rather than the full report prepared by the Chief Judge?

Mr. Toews: Madam Speaker, the member is misleading this House. There is no report, as far as I am aware.

Mr. Doer: It is kind of unusual that somebody would accuse one of misleading the House, but he is not aware of whether a report does or does not exist.

Madam Speaker, I would like to ask the Minister of Justice: does he feel, given the reputation of Colleen Suche has been disagreed with in terms of the statements she made by the Minister of Justice two days ago when he said her facts were not correct, the reputation of Mr. Joubert, who has accused the minister of political interference, does he not feel, in terms of integrity and honesty and in terms of the public view of the justice system and the Minister of Justice himself, that the public should get a full report from the Chief Judge made public to this Legislature and to the people of Manitoba, rather than the statement that allegedly is a statement based on a so-called consensus with the Chief Judge? Should the Chief Judge not speak directly to the people of Manitoba so we will know whether Mr. Joubert is correct and Ms. Suche is correct in terms of the political interference of this minister in the selection of judges here in Manitoba?

Mr. Toews: Madam Speaker, on May 4, there were two people who had a conversation. One of them was

me, and the other person in that conversation was the Chief Judge. Mr. Joubert and Ms. Suche did not take any part of that conversation, nor did they or have they ever come to me to ask me about that particular conversation.

**Minister of Justice
Public Confidence**

Mr. Gord Mackintosh (St. Johns): To the Minister of Justice. If there was any perception of rigging by the minister in the system before, it is proven today to an extent never envisioned. I ask this minister how he thinks he can speak for the Chief Judge of Manitoba and why Manitobans should trust the word of this minister, the three-story minister. How can they trust him when he says what the Chief Judge says? Does the minister not understand how serious it is that he has had negotiations with the Chief Judge since this matter arose?

Hon. Vic Toews (Minister of Justice and Attorney General): I want to very clearly indicate that I have had no direct communications with the Chief Judge, but this is in fact authorized by the Chief Judge.

* (1355)

Mr. Mackintosh: Madam Speaker, what kind of old-boys thing is this when he says that he has been made aware of the recollections of the Chief Judge and he has shared with her his comments set out today? What kind of manipulation, what kind of conspiracy is this minister trying to pull off?

Point of Order

Hon. James McCrae (Government House Leader): Again, Madam Speaker, on a point of order. The words of the honourable member for St. Johns are extremely intemperate and probably very unparliamentary.

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

Mr. Steve Ashton (Opposition House Leader): A point of order, Madam Speaker. I just respond to that point of order: which words? I checked Beauchesne, and I do not see any words in Beauchesne that the

member has used. I think they are directly appropriate to finding what really is going on with this statement. I suggest not only we find this point of order not to be in order, but that we ask the Minister of Justice to start answering directly these kinds of questions.

Madam Speaker: On the point of order raised by the honourable government House leader, in doing some very quick research, I cannot find the word "conspiracy" on any of the lists, nor has it in the last few years been a subject of contravention. Therefore, the honourable House leader does not have a point of order.

* * *

Mr. Toews: Madam Speaker, I reject the accusations of the member for St. Johns and certainly the derogatory comment about an old-boys' club. The Chief Judge is female; she is a woman.

Mr. Mackintosh: Does the minister not understand how wrong it is in the midst of these serious, serious allegations affecting the highest offices in the justice system for him or his office or his operatives, his agents to in any way make contact with the Chief Judge's office or the Chief Judge and then come in here and purport to speak for her? Does he not understand how that will affect the confidence of Manitobans in the justice system?

Mr. Toews: Madam Speaker, an intermediary on my behalf did not contact the Chief Judge directly. The intermediary on my behalf contacted another individual.

**Chief Judge
Political Interference**

Mr. Gord Mackintosh (St. Johns): Madam Speaker, I am looking at a statement. There is some fluff in here. There are statements in here that do nothing to exonerate this minister. Someone is not telling the truth. It is either the Chief Judge or it is the minister. This is absolutely untenable and amounts to a crisis of confidence affecting the highest offices in the system. I have no choice but to ask the minister to tell us: what has he done to muzzle the Chief Judge?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I have done nothing to muzzle the Chief Judge.

Mr. Mackintosh: Will the minister not admit that at the time that he was negotiating the list brought to him by the Chief Judge from the nominating committee, he was holding over her a threat to take her and judge representation off the nominating committees?

Mr. Toews: Madam Speaker, the Chief Judge and I had a conversation over a number of issues; one of those involved legislation.

* (1400)

Public Statement

Mr. Gord Mackintosh (St. Johns): Well, then, would the minister confirm allegations that have been made that the Chief Judge was prepared to issue a statement which she had put together to be issued to the general public, not to the minister, and I want the minister to tell the House what he did to stop the issuing of that statement from the Chief Judge.

Hon. Vic Toews (Minister of Justice and Attorney General): Well, Madam Speaker, I have done nothing to stop the Chief Judge from issuing any statement. This is the statement that I have read in the House. The Chief Judge has indicated her concurrence with the substance of the recollections as indicated on May 11, and that is the extent of the matter.

Chief Judge Public Statement

Mr. Kevin Lamoureux (Inkster): Madam Speaker, in going over the ministerial statement I think what is critical here is he quotes, saying, and I quote from the ministerial statement: "I am advised my comments left her uncertain, upon leaving our meeting, as to my intention to proceed with the process of appointing 2 provincial court judges from the list of seven."

I think the real question here that needs to be answered is that you have a minister who is saying one thing, and you have some other distinguished individuals saying another thing. What is missing is what the Chief Justice is actually saying. What the minister is making reference to the Chief Justice is

saying does alleviate a lot of the problems that the minister would be having.

My question specific to the Minister of Justice is: would he recognize that there is some value to the Chief Justice, as I would recognize, for the Chief Justice to make some sort of a statement, and I trust that the New Democrats would acknowledge that, so that there would be all-party support to see the Chief Justice in fact say—

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

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I think the statement is clear in respect of her understanding of the meeting, and any further matters are for her to determine and not for me.

Mr. Lamoureux: Would it then be appropriate if in fact there was, because we want to recognize the importance of an independent judiciary—that the Chief Justice acknowledge or at least be made aware that there is all-party support to see a statement coming from the Chief Justice?

Mr. Toews: Madam Speaker, I will not be a part to ordering her to do anything.

Mr. Lamoureux: Madam Speaker, I would ask the minister not to order the Chief Justice to do something of that nature. What I am suggesting is that if the Minister of Justice, as he can I am sure acknowledge—that he will not feel insulted if she comes out with a statement. The New Democrats will not feel insulted if she comes out with a statement. I do not think there would be any Manitobans feeling insulted, so it is just a suggestion that in fact it would be appropriate to see some sort of a statement, given the seriousness of the issue that is before us today.

Mr. Toews: Madam Speaker, I think my position has been clear on the record. I have made the statement here in the House, and I stand with that statement.

Chief Judge Intermediary—Minister of Justice

Mr. Gord Mackintosh (St. Johns): Madam Speaker, the minister has presented the statement to the House,

purporting to speak on behalf of the Chief Judge, which really amounts to an absolute affront and undermining of the independence of her recollection and her value to clearing the air.

I ask the minister: since the statement says that the minister has been made aware of recollections of the Chief Judge and he has shared with her comments set out in this release, who was the intermediary between the minister and the Chief Judge?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, there were two intermediaries, one representing myself and one representing the Chief Judge. I did not think it was appropriate to approach the Chief Judge, either through an intermediary without the Chief Judge having an intermediary.

Mr. Mackintosh: The minister did not answer my question, I thought an important question. I do not think the minister gets the significance of this. Who was the intermediary between him and the Chief Judge?

Mr. Toews: Madam Speaker, at no time have I had any conversations relative to this issue directly with the Chief Judge. We proceeded through intermediaries with respect to her position to ensure that her independence and her position in this matter was not in any way compromised.

Mr. Mackintosh: Since the minister will not answer that question, I ask him this: how long did it take to negotiate with the Chief Judge this mush in this statement today?

Mr. Toews: Madam Speaker, this occurred between May 11 and today's date.

Judicial Appointment Process Political Interference

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, the disagreement between the Minister of Justice, the members of the committee and the Chief Judge arise around the nominating committee's perception, based on Judge Webster's comments, that the minister told them that they would not proceed with the list prepared by the nominating committee to

cabinet unless the nominating committee went back and considered additional names to be added to an additional list.

Madam Speaker, is it the specific view that Judge Webster believed that the minister stated that he would not proceed with the list prepared by the nominating committee unless they went back to prepare other names?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I never stated that.

Mr. Doer: Madam Speaker, the minister says in his statements that there is a "misunderstanding," is his word, that he takes responsibility for. The committee was told—and therefore accused the minister of political interference—that if they did not consider more names, if they did not expand the process, the existing list of nominees that they had prepared would not be considered by the minister.

Madam Speaker, I would like to know from the Minister of Justice: was it the understanding of the conversations with the Justice minister and the Chief Judge that in fact those were the statements made by the Justice minister to the Chief Judge which were relayed to the nominating committee?

Mr. Toews: On the first matter, again the member has misquoted my statement. What my statement says, and I want to quote that carefully here: "I regret any misunderstanding that might have been generated by my lack of clarity and take responsibility for any misunderstanding that I may have caused."

So, Madam Speaker, I am not aware of the conversation that the Chief Judge had with the committee members, because I never spoke to them about that conversation.

Mr. Doer: Madam Speaker, obviously the minister has come forward with a statement today based on a different set of assumptions that the Chief Judge had about their meeting.

I would like to ask the minister if the crux of the issue is: was it the recollection of the Chief Judge, the chair of the nominating committee, that the Minister of

Justice stated to her, through to the nominating committee, that he would not proceed to cabinet with the list of seven unless this nominating committee went back and expanded the list? Was that her understanding of the facts versus what the Minister of Justice has maintained in this House previously?

Mr. Toews: Madam Speaker, I have made clear what my position was. I understand, for her part, that my comments left her uncertain upon leaving our meeting as to my intention with proceeding.

* (1410)

Mr. Doer: The nominating committee was told by Judge Webster that the Minister of Justice would not appoint any member from the list unless they went back and expanded the list.

Madam Speaker, I would like to know: was it the Chief Judge's recollection—

An Honourable Member: Were you at the nominating committee?

Mr. Doer: Well, if the Premier (Mr. Filmon) would like to table the statements made by the Chief Judge, if the Premier would like to have a retired judge investigate this independently, we challenge him to do so, Madam Speaker. We are not afraid of an independent review.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Leader of the official opposition, to pose his question.

Mr. Doer: Madam Speaker, the issue here is: did the Chief Judge believe that the Minister of Justice had stated that he would not appoint anybody from the list prepared by the nominating committee unless they went back to expand the list versus the Minister of Justice's changing statements all last week that in fact he had never made that demand, the fact that he had repeated repeatedly in Hansard?

Mr. Toews: Madam Speaker, that is not my understanding.

Judicial Appointment Process Independent Investigation

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, how are this Assembly and the people of Manitoba going to obtain the beliefs and statement of facts from the Chief Judge of this committee when that is the issue in dispute, whether the Chief Judge had reported to the committee that the Justice minister had refused to proceed with the names prepared by the nominating committee versus his instructions, and unless other names were prepared and given to him, he would not appoint anybody from the list?

How are we going to know, and I would ask the Premier: will he now have an independent investigation, somebody like a retired judge or somebody else, that can obtain the truth from the Chief Judge, the chair of the nominating committee, so that the names of the members of the Bar Association and the Law Society can be cleared, as opposed to just damage control for a Minister of Justice that has changed the truth three times in this Legislature over the last seven days?

Hon. Gary Filmon (Premier): Madam Speaker, it seems very clear that there is a statement that has been provided to the House that is agreed to by both the Chief Judge and the Minister of Justice. It seems very clear that there is a consensus, a view of what has been said and what has been agreed to that has been said. On the one hand, the Minister of Justice has indicated his position on the issue; on the other hand, the Chief Judge has indicated that she was unclear on a particular point, and that, I think, is exactly where it ought to be.

That certainly is not a matter for us to have some sort of grand jury inquiry. That is an acknowledgment that there was a lack of clarity on one particular point, and that certainly is not an issue that should result in some grand jury investigation.

Minister of Justice Resignation Request

Mr. Gord Mackintosh (St. Johns): Madam Speaker, the minister has made a terrible error, far worse than what was originally done by him when he negotiated and rigged the nominating committee's selection for

appointment. What is happening today is the Minister of Justice is trying to speak for someone else, someone else whose recollection is critical to the clearing of the air of the highest judicial offices and offices in the justice system in Manitoba. Will the minister resign?

Hon. Vic Toews (Minister of Justice and Attorney General): In response, I can indicate from the statement—which the Chief Judge is aware of every word of this—indicating that she shares my recollection of the substance of the matters discussed between us on May 4.

Ministerial Statement Chief Judge

Mr. Gord Mackintosh (St. Johns): Would the minister, who does not understand that what he is doing here in the world that he came from is like the lawyer speaking for the key witness—I ask the minister: how many meetings did it take to negotiate with the Chief Judge her so-called recollection set out in his document?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I do not question the good faith or the integrity of the Chief Judge, and I rely on the statements that she has agreed with that I have read today in this House.

Mr. Mackintosh: How do we know she agreed with it?

My question to the minister is this—

Madam Speaker: Order, please. I would remind the honourable member for St. Johns that on supplementary questions, the question is to be a specific question. I believe I heard the honourable member for St. Johns ask a very short but specific question.

Mr. Mackintosh: I ask the minister: who initiated the negotiations, and who did the negotiations for this political statement?

Mr. Toews: Madam Speaker, I again repeat that I have complete faith and trust in the integrity of the Chief Judge. I am standing up in this House making these

public statements. These public statements are written down by Hansard.

Minister of Justice Independent Investigation

Ms. Jean Friesen (Wolseley): Madam Speaker, the foundation of a modern democracy is that we have a judicial system that is beyond reproach. Recent allegations of political interference in the selection of judges from the Law Society of Manitoba and from the Bar Association have raised those fundamental questions of honesty and of respect for the rule of law. I want to ask the minister again, as my colleagues have done many times: will he do what is right for Manitoba, what I believe is right for the office he holds, what is right for the reputations of Ms. Suche and Mr. Joubert? Will he step down? Will he welcome the independent review that will clarify this for all Manitobans?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, the real issue here is that the Leader of the Opposition (Mr. Doer) has been embarrassed by relying on hearsay and innuendo. The person who shared that conversation with me on May 4 has made her position clear in the statement that I read in the House. Now, if the member has any other information relating to the direct conversation that I had with the Chief Judge, I would invite him to do that rather than to slander peoples' reputations.

* (1420)

Ms. Friesen: I would like to ask the minister to recognize that this sorry parade of allegation, counter allegation and now a private clarification by third and fourth parties anonymous have left Manitoba with a justice system which appears in the eyes of the public to be tainted. Will he step aside, accept the independent review from which he apparently believes he has nothing to fear?

Mr. Toews: Madam Speaker, members of the opposition rely on statements made by people who were not a party to a conversation that I had with the Chief Judge. They are relying on those allegations to mount a campaign. One of the things that I know is that I did not breach the law, unlike the Leader of the Opposition (Mr. Doer) who released names publicly in

this House by subverting The Provincial Court Act. He specifically subverted the act.

**Ministerial Statement
Chief Judge**

Ms. Jean Friesen (Wolseley): Madam Speaker, will the Minister of Justice tell the House which day he was made aware of the recollections of the Chief Justice, and will he tell us whether that view, conveyed to him by anonymous parties, was conveyed in writing?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, the process that occurred, occurred between the two intermediaries. They came and both of them discussed this issue with me last night.

**Minister of Justice
Resignation Request**

Mr. Steve Ashton (Thompson): Madam Speaker, the web of inconsistencies that this minister has spun continues, and people wonder why we have this problem. It is the same minister who on Thursday said that he did not raise the issue of bilingual candidates, who earlier this week said that he did raise the issue, now puts out a statement that says he has been made aware of the recollections of the Chief Judge and apologizes for some potential misunderstanding that might have taken place.

Why does the minister not admit right now on the public record that the reason there is a misunderstanding here is because right from day one he attempted to rig the selection process? That misunderstanding, most definitely, was not any question. He should resign based on his own statements today.

Hon. Vic Toews (Minister of Justice and Attorney General): No, Madam Speaker. In fact, as I understand it, is that my comments left her uncertain.

**Ministerial Statement—Chief Judge
Intermediary—Minister of Justice**

Mr. Steve Ashton (Thompson): Madam Speaker, this minister, who admits his own difficulty in

communicating directly, now expects us to believe this brokered statement.

I want to ask the minister, because he never answered this question: who was the person that he appointed to negotiate this statement that is an attempt to control the severe political damage that this minister's credibility has taken these last several days? Who negotiated it?

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, if it is relevant, it is not a member out of my office or a government employee. The person who I had acting as an intermediary on my behalf was Mr. Bill Olson of Thompson Dorfman, and the intermediary acting on behalf of the Chief Judge was Eleanor Dawson of Aikins MacAulay.

Mr. Ashton: Madam Speaker—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable member for Thompson, with a supplementary question.

Mr. Ashton: As a further supplementary, now that after close to 40 minutes of questioning we have the names, I want to ask the Minister of Justice if he can indicate what role he had in setting up this brokerage process. Did he contact the lawyer involved? Did he set this process in place, and does he in fact consider it appropriate, given the sensitivity of this issue, to even start a process which I think on the surface looks very clearly to be inappropriate, having a brokered statement for this minister to come into the House and try and attempt to control the damage done to his political reputation?

Mr. Toews: Madam Speaker, I cannot remember the question. Maybe he will repeat the question again.

Madam Speaker: The honourable member for Thompson, to repeat the question.

Mr. Ashton: Yes, Madam Speaker. After 40 minutes I had indicated that the minister finally indicated the names of these people that in his statement were responsible—or him being made aware. I want to ask whether the minister initiated this contact, whether the minister spoke to either one of those lawyers involved,

and also what direction the minister gave to these individuals, certainly his representative in this attempt to broker some sort of attempt to save this minister's political skin. What direction and contact did he have?

* (1430)

Mr. Toews: Madam Speaker, I have ongoing obligations to ensure that the administration of justice is carried out in this province. That requires contact with the Chief Judge of the province, who is the administrator of that court. In the context of her acting as the chair, it was necessary for me to proceed to ensure that that communication continues between us.

You know, had I contacted the Chief Judge directly, there would have been, clearly, cries of interference. Yet, on the other hand, when I prudently cancelled a meeting that I had with her last Thursday morning, I am accused of doing that for political purposes. So when I cancel a meeting, it is for political purposes; when I proceed with a meeting, it is for political purposes. They do not even know what position they are taking.

Madam Speaker: Order, please. Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Price Chopper—Morden

Mr. Peter Dyck (Pembina): What is entrepreneurship and how does it work? Well, it begins with a kernel of an idea. The idea grows into a plan and the plan blossoms into a business. This morning, I had the distinct pleasure of attending the grand opening of one young couple's idea. This idea is the newest supermarket in Morden, known as Price Chopper. Lee and Cindy Kowalski believed in themselves. They believed that they wanted to take ownership of their future. With the opening of only the second Price Chopper in all of Manitoba, the Kowalskis have proven that they are part of a new breed of rural Manitobans, Manitobans who recognize that with risk comes reward, that within each challenge lies an opportunity, Manitobans who want to remain and invest in their local communities.

Lee began as the meat manager at the former IGA. He soon moved on to becoming a store manager, and Agora Food, the parent company, offered the Kowalskis a franchise opportunity. After extensive renovations, Price Chopper and its approximately 40 employees threw open their doors.

On behalf of all honourable members, I would like to extend my congratulations to Lee and Cindy and wish them every success in the years ahead. Thank you.

Flin Flon Community Choir

Mr. Gerard Jennissen (Flin Flon): I rise in the House today to pay tribute to the flowering artistic and cultural spirit in northern Manitoba, and more particularly, the Flin Flon region. The challenging economic times have not dampened the creativity of northerners. My wife and I were privileged indeed to experience one of the three performances presented by the Flin Flon Community Choir entitled Flin Flon Remembers.

A packed audience in the R.H. Channing Community Hall was treated to a splendid two-hour extravaganza of music, drama, colour and light. Some 135 choir members, including the Coppertones, were directly involved, and behind the scenes there were many organizers and support workers. The first half of the performance was called the best of the glee club and featured selections from favourite musicals from the past, including Fiddler on the Roof, Sound of Music, Oklahoma, Brigadoon, My Fair Lady, Guys and Dolls, South Pacific, Music Man, and Annie Get Your Gun.

The second half was named Memories, The Psychedelic Sixties, ending with the finale, Hey Jude and Bohemian Rhapsody. I can only speculate at the endless amount of practice and effort that went into the flawless performances. One could go on and on: inspired directing, professional choreography, dazzling costumes, superb set design, great lighting. The magic worked. The audience was spellbound. [interjection]

Madam Speaker: Order, please.

Mr. Jennissen: Yes, the people expect this calibre of entertainment in huge cities, New York—

Madam Speaker: Order, please. I am experiencing great difficulty hearing the honourable member for Flin Flon.

Mr. Jennissen: —Paris, London, Toronto, even Winnipeg, but this was Flin Flon, a very small city in remote northern Manitoba. The performers were volunteers, ordinary people with extraordinary talent. These were our friends and neighbours, and I want to say publicly in this Chamber how very proud I am of those people, how proud I am of northern Manitoba's artistic and cultural community.

A huge thank you to all who made this event the spectacular success it was, and I would like to end by saying, as Ed Sullivan might have said, it was a great show.

Thank you, Madam Speaker.

Highway Cleanup Campaign

Mr. David Faurshou (Portage la Prairie): Madam Speaker, this past weekend I had the opportunity to take part in the 1998 highway cleanup campaign along with members of the 4-H clubs out of Portage la Prairie. I would like to compliment the Minister of Highways and Transportation (Mr. Findlay) for his continued support of this most worthwhile endeavour. I understand that the member for Steinbach (Mr. Driedger) initiated this program when he was Minister of Highways and Transportation. I would like to compliment him as well.

This year, it is anticipated that more than 3,000 volunteers will be working on this program to help keep Manitoba beautiful. This annual campaign, which began last weekend and concludes the final weekend in May, will raise funds to assist a variety of community projects in rural Manitoba. In fact, last year, 144 of Manitoba's 4-H clubs raised more than \$28,000 for their programs in their local community.

I would like to encourage all Manitobans during this weekend and the next to be mindful of these young people who are working so hard to keep our highways clean and to avoid the collected litter on the highways until it can be picked up by the Highways and Transportation personnel. Keeping our province's

roadways litter-free and taking pride in our environment is something all of us can and should participate in.

Madam Speaker, I would like to say a big thank you to the 4-H clubs of Manitoba for their work in keeping our roadways attractive and litter-free.

Thank you, Madam Speaker.

Minister of Justice

Mr. Daryl Reid (Transcona): Madam Speaker, the revelation that the Minister of Justice (Mr. Toews) interfered with the appointment of judges is an extremely serious matter. The Premier (Mr. Filmon) can continue to defend the minister if he wants to, but he is fooling himself if he expects that anyone believes him or his minister. It is quite clear that the Minister of Justice attempted to force a judicial nominating committee to recommend the appointment of a member of the Conservative Party, a person who once ran for nomination for political office, Mr. Glen Joyal. This individual may be a competent lawyer but, for whatever reason, was not chosen by the nominating committee to be on the short list. Only two judicial vacancies existed at the time, but the Minister of Justice is now pretending that there were three. This is despite the fact that the publicly advertised job bulletin did not state a bilingual candidate was required but did state that there were two vacancies to be filled, not three or four as claimed by the Minister of Justice.

It should be noted, in 1993, the judicial job bulletin stated a bilingual candidate was preferred. Today the situation is one where the Attorney General of Manitoba, the chief law enforcement officer for our province, broke the law, their own law which they brought in, I believe, in 1989. The minister politically interfered in the process and is now attempting to cover up what he has done. It is deeply disturbing that this Premier and his government are prepared to accept such behaviour by cabinet ministers.

Over the past few years, this Premier has refused to step forward and act when ministers have acted improperly. Whether it was patronage hirings by the member for Roblin-Russell (Mr. Derkach), the gross incompetence by the member for Fort Garry (Mrs.

Vodrey), or the dereliction of duty to the conflict of interest by the member for Kirkfield Park (Mr. Stefanson), no minister has ever been removed or asked to step down by this Premier. With such low standards, it is not surprising that the Attorney General feels he can get away with breaking the law. This same minister has a history of breaking the law when, as Minister of Labour, he told a female casino worker that the strike would last an extra day for every day that the people picketed in front of his home. The minister denies this, but refuses to this day to take a lie detector test. The worker states that she would be willing to if the minister was also tested. If the Minister of Justice, the Attorney General (Mr. Toews) for Manitoba, does not respect the law, how can we expect other Manitobans to respect the law?

* (1440)

Health Care System—Brandon

Mr. Leonard Evans (Brandon East): Madam Speaker, we are witnessing the latest chapter in the decline of the health care system in the city of Brandon under this government. The government has to take responsibility for the current medical crisis in Brandon. It goes beyond the shortage of pediatricians. We have a situation of low morale among doctors—there is a great deal of anger and frustration there—and among medical practitioners. We find that many of them are preparing to leave the city. They are of low morale because of government policies of cuts to the health care system.

The Brandon General Hospital has been cut by \$6 million in the past few years. Nurses have been laid off; the hospital is understaffed. The medical equipment is inadequate; it is aging. The hospital building is deteriorating. The fee schedule, as well as those for doctors throughout the province, is about the lowest in Canada. Generally, there is an underfunding of the health care system, and we see a great loss of specialists in the city of Brandon—ophthalmologists, dermatologists, ear, nose and throat specialists and others.

As I stated, Madam Speaker, doctors are leaving; six are leaving this summer, two are retiring, as well, and one of the two existing pediatricians is leaving.

Unfortunately, existing practices are being closed to new patients. They are not receiving new patients.

So I believe it is time for the Minister of Health (Mr. Praznik) to take time out to understand the seriousness of the situation, and I would request of him, along with the Minister of Labour (Mr. Gilleshammer), to set up a mediation process to resolve this situation as soon as possible.

MATTER OF GRIEVANCE

Minister of Justice

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I wanted to take this opportunity to use this as my grievance, and it is with respect to what has been happening over the last number of days. I think it is important that as legislators we do have a responsibility of public accountability. What I do not want to do is to reflect in any sort of a negative way on the importance of judicial independence. As I have asked questions with respect to judicial independence over the last week, week and a half, I try as hard as I can to indicate that it is not trying to question the integrity per se of the system, but there is a responsibility to ensure that there is a sense of public accountability.

What I have seen is two issues that have been facing the Minister of Justice (Mr. Toews), and the reason why I felt that I would stand up on a grievance is because my intentions are to advance Hansard to the Chief Justice, so that at least in my mind I know that I have done what I can in terms of ensuring some form of accountability.

There are two issues; the first one is the bilingual candidate, and to that degree, I understand that there was a discussion between the minister and the Chief Justice. There were discussions that talked about the importance of having a bilingual candidate. From what I understand—and nothing has happened to prove otherwise—the Minister of Justice did not try to direct an individual into a candidate position for the cabinet to select. I understand that there was an expression that was given from the Minister of Justice for the need of a bilingual person but no particular individual, and I think that is an important point.

The second thing is the question of the list of seven that was provided, the question being was it in fact rejected or would it be rejected if a bilingual candidate would have not been put on. Well, I stand today because I believe—and people will accuse me of judicial interference, but I do believe the only individual in the province who can really clear the air is in fact the Chief Justice. Failing that, I am prepared to give the benefit of the doubt to the Minister of Justice (Mr. Toews) based on the ministerial statement that he put on the record today.

I want to quote specifically, Madam Speaker, and this is what I am hoping that internally the judicial people, whomever they might be, who get the opportunity to possibly read today, will make note of this particular quote: “However, for her part, I am advised my comments left her uncertain upon leaving our meeting as to my intention to proceed with the process of appointing two Provincial Court judges from the list of seven names that had been left with me at the end of the meeting.”

In my opinion, what the Chief Justice—if the minister is quoting accurately when he says that the Chief Justice is aware of this statement and does not have any problems, in essence, with this particular statement—that this statement clearly indicates that it is not conclusive. When she had left the meeting, she was not firmly of the opinion that the list would in fact be rejected if no other names were brought.

Well, that being the case, what we do know for fact is that the Chief Justice is prepared to give attention to what the Minister of Justice has been saying in the sense that she is not ruling it out, the Minister of Justice's interpretation. I think that is very important to recognize. I have a great deal of concerns.

I want to leave that point and go on to the second part, if you like, with respect to the grievance and this is, in essence, what my questions have been about. I think in Manitoba that there is a need for an independent judicial review that takes into consideration not only the way judges are in fact appointed, but goes far beyond that. I am tired of seeing the number of, and in my opinion, what are quite

often abuses that take place within our courts, and I think that the public have a lot of valid concerns and opinions in dealing with frustration in regard to what is happening within our courts. The police sense it, our Crowns sense it, a great deal of Manitobans sense it, and that is the reason why I think that it is long overdue.

One of the things that has always frustrated me personally is just the sheer number of remands that take place. It seems to me that we have remand after remand and a good number, maybe most, the vast majority might be for very, very good reasons, Madam Speaker, but I do question the validity of a number of things that happen within the courts. I recognize as a legislator that there is a very fine line, and some might argue that I have crossed that line in making the statements that I have today. But I would argue that because I believe in judicial independence does not necessarily mean that I believe in no accountability to the public. I think that there has to be some sort of public accountability. In the name of judicial independence, we have not seen that to the degree in which there should be, and as a result, you have a good number of our public today that have lost confidence in our court system. I do not believe that I am of a minority opinion on this particular issue.

If you take the time and you consult with your constituents and go in-depth on this particular issue, I believe that a vast majority of Manitobans are not too far off from what it is that I am saying in the need to address the issue of our courts, of our judicial system, in a very independent fashion. I do not believe MLAs should be on it. I think that there is possibly the need to have some individuals who have the expertise and the experience. There is also, most importantly, a need to have individuals from the public participate. That needs to take place.

Madam Speaker, we see significant changes in every department of government, whether it is the Department of Health, Education, and so forth. Many of us would argue, including myself, that change is something that has to happen. It is a question of how you manage that change. Well, there has been very little that I have seen in terms of change. Maybe it is because I am not in discussion on a day-in, day-out

basis, but there has been very little positive change that I have seen over the years, yet I hear very strong demands from the public wanting to see these issues within our judicial system being addressed. I do not want to go to my constituents, ultimately, at the end of the day, whenever the next election comes by and say, because of judicial independence, I, as an MLA, was not prepared to say what I believe needed to happen. Because it does need to happen. I will emphasize that again, that if in fact this government recognizes the need for changes to occur within our court system and our judicial system, that they need to take some sort of action.

The government in Alberta has done so. They have at least put forward a task force. If we recognize that there is a problem today, why do we sit back in our chairs and do nothing? That is not the right thing to do. I would ask that the government take action and take action today, as I have asked in previous Question Periods, and we strike and look forward to striking some form of an independent judicial review that would in fact lead us into the next millennium.

With those few words, Madam Speaker, I thank you for the opportunity to speak.

* (1450)

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Madam Speaker, would you be so kind as to call the bills listed on page 5, with this exception: call Bill 38 first and then Bill 29 and then following. Then, after those bills have been introduced, would you be so kind as to call Bills 6, 7, 5, 36, 9 and the remainder in the order you see them on the Order Paper today.

Madam Speaker, I would like to correct that: 6, 7, 5, 9 and 36, and the remainder in the order they are listed.

Madam Speaker: Okay. For clarification, second readings, first commencing with Bill No. 38 and then reverting to the order as listed. After second readings, then to proceed to adjourn debate on second readings commencing with Bill 6 and then proceeding in the following order: 7, 5, 9, 36 and then reverting to the order listed on the Order Paper.

SECOND READINGS

Bill 38—The Planning Amendment and Consequential Amendments Act

Hon. Leonard Derkach (Minister of Rural Development): I move, seconded by the Minister of Labour (Mr. Gilleshammer), that Bill 38, The Planning Amendment and Consequential Amendments Act (Loi modifiant la Loi sur l'aménagement du territoire et modifications corrélatives), be now read a second time and be referred to a committee of the House.

Motion presented.

Mr. Derkach: It is my pleasure to introduce for second reading, Bill 38, The Planning Amendment and Consequential Amendments Act. The amendments to this bill come as a result of discussions that have been held between municipal councils over the last number of years. Municipalities, the developers, individuals throughout Manitoba have been calling for some streamlining amendments to the act, and basically the amendments that we are bringing forward today are for streamlining some of the processes that are involved in The Planning Act.

The objectives of the review that we have done have been to streamline and improve the existing land use planning and development review processes under The Planning Act, and also to standardize notice provisions of various processes as much as possible and to introduce more flexibility and cost-effective alternatives for local government to administer the planning process at the local level. The objective is also to improve the opportunity for the public participation in the planning process and to make a number of other administrative and housekeeping amendments that will improve the use of planning legislation by municipalities, developers, applicants, and the general public.

Madam Speaker, at the same time I would like to indicate that we are not advancing the larger or the fundamental changes to the planning process and the planning programs because there are still some discussions that are being held with the consultation group on sustainable development and implementation initiative and there is also further consultation that is

taking place with stakeholders. However, our client groups and those municipalities throughout the province have urged for some time that, while the broader review is being undertaken, the world should not stop, and that we should proceed with some of the amendments that have been outstanding for some time. As a result, my department undertook a comprehensive review and consultation process leading to this bill that I am presenting today.

As a result of the proposed Planning Act amendments, consultation has taken place with major advisory groups, the stakeholder groups representing the two municipal associations—the Union of Manitoba Municipalities and the Manitoba Association of Urban Municipalities—the Manitoba Municipal Administrators' Association, planning districts, legal and consulting community and a departmental working group involving key government departments.

Given the administrative nature of the amendments, a public consultation process was not utilized especially because of the significant role played by the key stakeholders whom I have described above. However, it is anticipated that local government, developers, consultants and a majority of the public will welcome the streamlining measures and administrative improvements introduced in the development plan approval and other processes.

Madam Speaker, I would like to just very briefly highlight a few of the amendments of the bill, and I think the most significant amendment relates to the development plan process which will be streamlined. Development plans are currently approved by Order-in-Council, whereas basic planning statements require only ministerial approval. There appears to be some confusion by the public with having two types of plans under this legislation. The proposal that we are coming forward with is to shorten the process and to ensure that the entire process is conducted as one, rather than having two processes, one for the development plans and the other one for plan amendments.

In addition, I would like to indicate that all reference to basic planning statements will be eliminated, and the existing basic planning statements will now be deemed to be development plans. Municipalities or planning districts will now be able to adopt more comprehensive

or less comprehensive development plans suited to the needs of the local situation.

Where publication in the newspaper is required, we have introduced more flexibility and have made it consistent with provisions under The Municipal Act. Standardization has resulted in modest improvements for public participation to some processes with respect to public notices now being required for adjacent landowners and the public in general. For example, for conditional use applications, in addition to public notices, the notices to adjacent landowners, municipalities will now be required to post a notice at the municipal office and two other public places to ensure a complete public disclosure of the intended development.

Madam Speaker, the amendments being proposed in Bill 38 will substantially shorten or reduce the time required for development approvals. This is something that has been requested of us by municipalities, by developers, and by the public at large.

So I believe that these small amendments will make a fairly significant difference for municipalities and local governments in helping them to deal with local planning decisions.

With these few comments, I would commend this bill to the House.

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

* (1500)

Motion agreed to.

Bill 29—The Statute Law Amendment (Taxation) Act, 1998

Hon. Eric Stefanson (Minister of Finance): Madam Speaker, I move, seconded by the Minister of Family Services (Mrs. Mitchelson), that Bill 29, The Statute Law Amendment (Taxation) Act, 1998 (Loi de 1998 modifiant diverses dispositions législatives en matière de fiscalité), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Stefanson: On March 6 I was pleased to deliver the 1998 Manitoba Budget Address and to present our fourth consecutive balanced budget. I was also pleased to remark that the key measures in the 1998 budget reflected the input of thousands of Manitobans who participated in our consultations. In meeting after meeting, Manitobans advised that we should live within our means and spend wisely, that we should reduce the accumulated debt, which threatens the next generation, that we should prioritize and enhance spending in health care and provide more resources for education, children, families, and justice, and also that we should keep taxes competitive.

Bill 29, The Statute Law Amendment (Taxation) Act, 1998, provides specific legislative authority for the tax changes announced on March 6 as well as for minor technical and housekeeping amendments.

Today I will briefly describe the contents of Bill 29, and I look forward to hearing members support the important tax reductions it includes. As in past years, I will provide the opposition with detailed explanations of the provisions of this bill prior to the committee stage.

In terms of income taxes, one of the signal rates of a competitive tax system, Madam Speaker, is the personal income tax rate. Manitoba's personal income tax rate has been 52 percent of basic federal tax since 1989, when our government was last able to reduce it. I am pleased that Bill 29 will amend The Income Tax Act to reduce Manitoba's personal income tax rate to 51 percent of basic federal tax for 1998 and to 50 percent for 1999. This reduction will provide proportional savings for all Manitoba income tax payers and will complement the reductions in federal basic income tax and surtax announced earlier this year. As a result, Manitobans will pay over \$60 million less in Manitoba personal income taxes next year.

In the Budget Address, we outlined a comprehensive approach to supporting post-secondary education in Manitoba, including enhanced direct assistance to students through loans and bursaries, interest relief, debt reduction, and scholarship and bursary initiatives. The budget also announced increased operating support

for post-secondary educational institutions and a reconfigured Manitoba Learning Tax Credit. In total, the program changes will provide an additional \$16.4 million in support this year.

Bill 29 amends the Learning Tax Credit provisions of The Income Tax Act. The rate of the credit will be reduced from 10 percent to 7 percent of eligible tuition fees and education amounts. A maximum annual credit of \$700 per student will also be introduced. At the same time, education amounts for part-time students will be included in the base for the first time. In its new format, the Learning Tax Credit will cost \$15 million in 1998-99, and it is the only credit of its kind in all of Canada.

In addition to the expenditures outlined above, Manitoba personal income taxes will be reduced by \$5.9 million due to changes in federal tax rules for students. Overall, direct and indirect support for post-secondary education students will increase by more than \$20 million. In combination, these measures will ensure that access to post-secondary education in Manitoba remains amongst the least expensive in all of Canada.

Madam Speaker, the film and video production tax credit our government introduced last year has been extremely successful in expanding Manitoba's film and video industry. Recent media reports have highlighted the impact of Manitoba's tax credit on the number and value of productions planned for Manitoba this year. Bill 29 includes amendments to incorporate into The Income Tax Act the provisions of the film and video production tax credit previously set out in regulation. A new clause will also permit the Lieutenant Governor in Council to modify by regulation the meaning of certain terms to allow the program to keep abreast of the rapid evolution in the film industry.

Madam Speaker, Manitoba's unemployment rate is at its lowest point since 1980 and average wage increases in Manitoba are the second highest in the country. More Manitobans are working and they are gaining more income. Over the last decade, our government has worked at making Manitoba a more competitive province in which to live and work. One of our key strategies has been to remove as many of the impediments to employment as we could. For business,

this has meant reducing the breadth and scope of taxes such as payroll tax, capital tax and sales tax.

Bill 29 provides legislative authority for further business tax reductions. The Health and Post Secondary Education Tax Levy Act, the payroll tax, is amended to reduce the rate of tax from 2.25 percent of payroll to 2.15 percent of payroll effective January 1, 1999. Over the decade, Madam Speaker, we have removed from the tax rolls almost 80 percent of employers who were subject to the tax, back in 1988, by increasing payroll tax exemptions. Next year, all the remaining employers will see a reduction in the tax rate, making employment in Manitoba a little less costly and offsetting in part the impact of higher Canada Pension Plan costs.

The Corporation Capital Tax Act is also amended to increase the exemption from \$3 million to \$5 million of paid-up capital for taxation years ending after January 1, 1999. Almost one-quarter of corporations currently paying this tax will be removed from the tax rolls.

Madam Speaker, the year 2000 computer problem poses a significant risk to all users of computer software which is more than a few years old. Many businesses are faced with potentially debilitating problems at the beginning of January 2000, unless year 2000 compliance software is put in place. To help business cope with the costs associated with the year 2000 challenge, retail sales tax will not be charged on the modification or purchase of custom computer software after March 6, 1998. This initiative will also support the expansion of high technology businesses in Manitoba.

For the mining sector, Madam Speaker, Bill 29 introduces an exemption from motive fuel tax on propane fuel used in drying mineral or concentrates and heating mining facilities effective October 1 of this year. For first-time buyers of a new house, Bill 29 will extend the new home rebate program under The Retail Sales Tax Act for a fifth year. The rebate of up to \$2,500, representing the average sales tax paid on materials used in construction of an average new bungalow, will be available on homes purchased before April 1, 1999.

In addition to these measures, Madam Speaker, Bill 29 clarifies certain provisions in the tax legislation and

introduces a consistent set of collection and administrative provisions under The Corporation Capital Tax Act, The Gasoline Tax Act, The Health and Post Secondary Education Tax Levy Act, The Mining Tax Act, The Motive Fuel Tax Act, The Retail Sales Tax Act, The Revenue Act, and The Tobacco Tax Act.

The measures contained in this bill will continue to nourish Manitoba's expanding economy and help create more jobs and opportunities in Manitoba. I commend Bill 29 to all members, and I thank you, Madam Speaker.

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

Motion agreed to.

Bill 39—The Highway Traffic Amendment Act (2)

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I move, seconded by the Minister of Finance (Mr. Stefanson), that Bill 39, The Highway Traffic Amendment Act (2) (Loi no 2 modifiant le Code de la route), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: Madam Speaker, it is with great pleasure that I rise today to introduce a bill that provides for the forfeiture of motor vehicles used in the solicitation of sex. This continues our government's response to the problem of street prostitution and, in particular, the plight of child prostitutes who are coerced at a particularly vulnerable age into a life of street prostitution.

This bill responds to the problem by requiring police officers to seize vehicles that are being used to commit prostitution-related offences. The bill provides that, where a conviction is obtained for a prostitution-related offence, the vehicle or the security tendered in lieu of the vehicle would be forfeited. The net proceeds of the forfeiture would support or deliver programs designed to reduce the incidence of street prostitution in Manitoba. This bill continues our government's

commitment to reduce the incidence of conditions leading to crime, especially street prostitution.

During the last session our government introduced a john school program that is designed to educate johns who are first-time offenders about the harm caused by their actions. Madam Speaker, I am pleased to advise that the john school program has been very successful. The bill I am introducing today will go further to suppress the conditions contributing to the incidence of street prostitution.

The bill contains a number of provisions designed to ensure its fair implementation. For example, there are special provisions in the bill to respond to situations where it would not be appropriate for the vehicle to be forfeited, such as where the vehicle has been stolen. Further, the bill would allow for the release of the vehicle upon payment of security and, in certain situations, registration of a notice under The Personal Property Security Act.

We have worked hard to develop a program to remove from johns the most significant property they use to solicit sex. Cruising in motor vehicles is the preferred method for communicating with prostitutes. Traffic congestion created by pimps and johns cruising in motor vehicles is one of the most visible signs of the harm caused by street prostitution. We believe these measures will constitute powerful disincentives to these kinds of disruptive activities in our community. This, in turn, will reduce the frequency of these prostitution-related offences, leave the roads clear for other traffic, and keep neighbourhoods free of traffic congestion related to street prostitution.

I introduce this bill to the Assembly with a firm conviction that these measures will play an important role in our efforts to address the many aspects of this problem.

* (1510)

Ms. Diane McGifford (Osborne): I move, seconded by the member for St. James (Ms. Mihychuk), that debate be adjourned.

Motion agreed to.

Bill 40—The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendments Act

Hon. Vic Toews (Minister of Justice and Attorney General): I move, seconded by the Minister of Labour (Mr. Gilleshammer), that Bill 40, The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendments Act (Loi sur la violence familiale et la protection, la prévention et l'indemnisation en matière de harcèlement criminel et modifications corrélatives), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: Madam Speaker, it is with great pride that I rise today to introduce a bill which will provide those Manitobans living with the fear and reality of domestic violence and stalking, the strongest civil remedies to address such behaviour anywhere in the country.

Manitoba has taken a strong stand against both domestic violence and stalking. Our Domestic Violence Court, created in 1990, was the first of its kind in Canada and has proven to be an invaluable tool in the war against family abuse. Our government has made a firm commitment, through its zero tolerance policy, that domestic violence cannot and will not be tolerated in Manitoba.

We have had the benefit of an intensive review of the handling of domestic violence cases in Manitoba and extensive recommendations for further improving the handling of these cases through the public inquiry conducted by the Honourable Mr. Justice Perry Schulman into the tragic murder of Rhonda Lavoie. The committee I established to review and implement the recommendations in Mr. Justice Schulman's report has been hard at work since the report's release last summer.

Madam Speaker, this government was also instrumental in convincing the federal government, which has exclusive jurisdiction over the creation of criminal offences, to enact provisions to make the stalking of one person by another a criminal offence. We have also been able to persuade the federal

government to enact other changes to provide additional protection to persons subjected to stalking. In June 1997, the Manitoba Law Reform Commission released a report on stalking which reviewed the nature of the problem and the existing remedies with recommendations for change.

Recognizing that this government cannot enact criminal penalties for domestic violence or stalking, those being matters within the exclusive jurisdiction of the federal government, this bill I am tabling today will provide victims with the ability to seek a wide range of meaningful civil remedies to address the circumstances of their own situations. These remedies will supplement the criminal penalties and strengthen the remedies available to victims of domestic violence and stalking.

Last summer, a Department of Justice working group was established to review existing civil remedies for victims of domestic violence and provide recommendations for change, including the creation of civil remedies for persons subjected to stalking. This working group was composed of representatives from Prosecutions, the Family Law branch, Courts, the Women's Advocacy Program and the Women's Directorate, as well as the former executive director of the Manitoba Law Reform Commission, and was chaired by the director of the Family Law branch. A thorough review was conducted of the Law Reform Commission's stalking report, the civil remedies presently available to victims of domestic violence contained in our Family Maintenance Act and elsewhere and the related recommendations made in the Lavoie inquiry report.

The working group's efforts have also been closely co-ordinated with those of the Lavoie implementation committee to ensure that a comprehensive, consistent approach was taken. They benefited from the invaluable input of members of the community advisory committee on civil remedies for stalking and domestic violence. This community advisory committee, established by the Lavoie implementation committee, brought to the project expertise and experience related to both domestic violence and stalking.

Madam Speaker, as I mentioned, the bill I am introducing today will provide victims of stalking and

victims of domestic violence with the ability to seek a wide range of civil remedies that addresses their individual needs. For the first time in Canada, there will be comprehensive legislation enabling persons to seek civil orders to remedy a stalker's behaviour. We will also have available the widest range of civil remedies in all of Canada for persons being subjected to domestic abuse.

The bill creates two different types of orders, protection orders obtained from a designated justice of the peace of the Provincial Court of Manitoba and prevention orders obtained from the Court of Queen's Bench. I will describe each of these orders in turn.

Victims will be able to seek protection orders from designated justices of the peace quickly, simply and inexpensively. Like the nonmolestation orders currently available from designated magistrates in domestic violence cases, there will be simple procedures. In order to ensure that orders are granted speedily, no notice need be given to a person against whom orders are sought. The orders will be available without court fees. Applicants will have to provide evidence under oath about the stalking or domestic violence. A justice who finds that the stalking or domestic violence has occurred and that the victim reasonably believes it will continue will be able to obtain a protection order.

These orders may contain as many of the following provisions as are necessary for the immediate protection of the victim: prohibiting the respondent or other person from following the victim or attending at the victim's residence or place of employment; prohibiting the respondent from following the victim; prohibiting the respondent from contacting or communicating with the victim directly or indirectly; giving the victim possession of necessary personal effects; peace officer assistance to remove the respondent from premises and/or to ensure the orderly removal of personal effects; requiring the respondent to turn over weapons; and, authorizing the police to search for weapons.

While applications for protection orders will be able to be made in person, procedures will also be in place to enable applications by telephone with the assistance of a police officer or a lawyer. Persons needing

immediate relief will be able to apply to request an order at any time of the day or night.

Provisions will be clearly worded to ensure that both parties understood what behaviour is prohibited. While providing victims with meaningful remedies, the proposed legislation will also ensure that the rights of those accused of stalking behaviour or domestic violence are recognized. Although protection orders will be made without notice, respondents will be able to ask the Court of Queen's Bench to set an order aside and will be given the opportunity to present evidence.

Madam Speaker, the second type will be prevention orders granted by judges of the Court of Queen's Bench. In making prevention orders, judges will be able to grant all the protective relief available from designated justices of the peace. In addition, because these orders are generally made with notice to the respondent, judges will be able to order other provisions they feel are necessary to protect the victim or remedy the domestic violence or stalking. These additional remedies include sole occupation of the family residence, temporary possession of specified personal property, seizure of items used by the respondent to further the violence or stalking, recommending that the respondent receive counselling and prohibiting the respondent from damaging or dealing with property in which the victim has an interest—to name only a few.

As well, judges of the Court of Queen's Bench will be able to order the respondent to pay compensation for any monetary losses the victim has incurred due to the domestic violence or stalking. These losses can include expenses for counselling, security measures, new accommodations or lost income.

Where the court is satisfied that a respondent has operated a motor vehicle to further the stalking or domestic violence, the judge can order the respondent's driver's licence be suspended and prohibit the respondent from operating a motor vehicle. The bill will allow applications to be made for interim or temporary orders without notice to the respondent if the court feels an order is required on the basis of ensuring the victim's safety. The respondent would then, in accordance with the court rules, be given notice of the court's order and an opportunity to respond.

Madam Speaker, the bill will also create a new tort of stalking, enabling victims who wish to do so to sue stalkers for damages they suffer. At present, this can only be done if the stalking behaviour fits within an existing tort such as assault or battery, and this is difficult and often unsatisfactory.

* (1520)

Madam Speaker, I recommend this bill to the Assembly with pride and with the conviction that it will make a meaningful difference in the lives of Manitobans suffering from domestic abuse and stalking.

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

Motion agreed to.

Bill 43—The Victims' Rights and Consequential Amendments Act

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I move, seconded by the Minister of Education and Training (Mrs. McIntosh), that Bill 43, The Victims' Rights and Consequential Amendments Act, (Loi sur les droits des victimes et modifications corrélatives), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: I rise in the House today, Madam Speaker, to address an issue that is of the greatest importance to all Manitobans and indeed to all Canadians. It concerns the important role that victims of crime play in our society and more particularly in our criminal justice system.

Madam Speaker, not that long ago, a person who had been victimized by criminal activity was thought of primarily as someone who could go to court, testify as to what occurred and supply the evidence necessary to convict the person accused of the crime. Unfortunately, this approach overlooked the trauma that victims of crime experience at the time of the offence and during the course of any resulting court proceedings. This

approach has also overlooked the fact that victims of crime should not be considered as being victims on the sidelines in the criminal justice process. They are important persons whose views should be taken into account and who should be treated compassionately and fairly by those employed in the criminal justice system.

Madam Speaker, the government of Manitoba rejects any notion that victims of crime are mere spectators on the sidelines of the criminal justice system. I am pleased and honoured as Minister of Justice to introduce a bill that would give to victims of crime a sense of dignity, a sense of autonomy and a sense that they can play an important and valuable role in our justice system. In my view, victims of crime are entitled to a criminal justice system that alleviates their pain and certainly does not increase it.

A few years ago, a leading jurist made the following comments that I think are particularly appropriate; first and foremost, the simple matter of distributive justice. A decent and compassionate society should recognize the rights of its victims and design its criminal justice system to alleviate their pain, not increase it. The crime victim has already suffered the psychological trauma of losing control over his or her destiny. Inconsiderate treatment by the criminal justice system can serve to aggravate the trauma. The system's true purpose is to heal it.

Madam Speaker, my comments today might be somewhat longer than has been my practice in the past, but I feel it is important that the members of this Legislative Assembly fully appreciate the background to the issues raised, the plight that traditionally has faced victims of crime and the manner in which this government proposes to deal with those issues. As a result, my comments will be divided into two basic areas; first, a description of some of the social, political and legal considerations that point to the need for legislation that will support victims of crime. Second, I will describe the thrust of the bill and will highlight the means by which we propose to elevate the role of victims of crime and support them as they are proceeding through the criminal justice system.

Mr. Marcel Laurendeau, Deputy Speaker, in the Chair

Throughout the 1970s and the 1980s, considerable attention was directed toward the rights of those persons who are charged with criminal offences. Little attention was given to those who had been victimized by that same criminal activity. There was a growing sense of frustration on the part of victims of crime, and, Mr. Deputy Speaker, that came to a head in 1988 when all Attorneys General throughout Canada, both at federal and provincial levels, endorsed the Canadian statement of basic principles of justice for victims of crime. That statement echoed principles in an earlier United Nations declaration which Canada had co-sponsored at the international level.

Mr. Deputy Speaker, I am pleased to say that many of the principles adopted by Attorneys General in 1988 find expression in the bill which I am now introducing for consideration by this House.

I am proud to say that from the very onset, this government has recognized the need to support victims of crime. That support has found expression in a number of different ways, and I think it is important for me to refer to any number of them as they lay the foundation for the bill for which I now seek the support of this House.

One of the first steps involved the establishment of the Family Violence Court in Winnipeg in September of 1990. As Dr. Jane Ursel from the University of Manitoba has noted, the Family Violence Court was the first of its kind in Canada, and along with this government's policy of zero tolerance when it comes to domestic violence, the court has proven effective in the suppression of violence against women and others who are particularly vulnerable in family situations.

At this point, I pause to emphasize something which is important in understanding the role that this government and indeed this Legislature can play in the suppression of crime. While the Province of Manitoba has a responsibility for the administration of justice in this province, it is only the Government of Canada that can enact criminal laws designed to prohibit criminal behaviour and indeed criminal procedure.

Against this background, a series of events took place in Manitoba during 1992 and 1993 which prompted this government to act by pressing the federal government

to legislate further protections for victims of crime. Mr. Deputy Speaker, during this two-year period, several men who had been stalking women terrorized and killed their victims in broad daylight on the streets in Manitoba. We pressed the federal government to criminalize this insidious behaviour and, in the summer of 1993, the Parliament of Canada responded to Manitoba's concern by passing Canada's first antistalking legislation in the Criminal Code.

I would like to add, Mr. Deputy Speaker, that the federal government's legislation in this area came only after Manitoba took the virtually unprecedented step of having the assistant deputy attorney general in charge of criminal prosecutions testify before a parliamentary committee in support for tough new legislation to deal with humans who stalk other humans.

During the next few years, Manitoba continued to press the federal government for further protection for the victims of stalkers. Proposals put forward by Manitoba became known in Justice ministry circles, even in Ottawa, as the Vodrey proposals, because it was the then Attorney General of this province who once again was championing the rights of victims of crime at the national level.

I am pleased to say that many of these proposals were ultimately passed by the Parliament of Canada and form now a part of the national Criminal Code.

During the past few years, Mr. Deputy Speaker, this government has continued to press for reforms to support the position of victims of crime. I would like to comment on a few of those initiatives.

In 1995, Mr. Deputy Speaker, this government established a public inquiry into the circumstances surrounding the killing of Rhonda Lavoie at the hands of her partner. Mr. Justice Schulman, who headed the inquiry, provided this government with a number of recommendations, and last year, together with the Minister of Family Services (Mrs. Mitchelson), I established an implementation committee under the leadership of Dr. Jane Ursel.

The majority of those recommendations were speedily implemented, and the implementation committee is now in the process of working its way

through the balance of the recommendations with a view to their implementation. In May 1996, at a federal-provincial-territorial meeting of ministers of Justice, Manitoba tabled a motion proposing the development of a national strategy in support for victims of crime. That motion was agreed to by ministers, and Manitoba agreed to co-chair the initiative.

* (1530)

I am very pleased to say, Mr. Deputy Speaker, that when ministers of Justice met last December, the issue of victims of crime was at the very top of the list for discussion and planning by all 10 provinces, both territories, and the federal government.

I am very pleased with the fact that we have been successful in moving victims of crime to the top of the national criminal justice agenda, and I look forward to leadership on the part of the federal government in this area.

In the meantime, Mr. Deputy Speaker, this government has not stood still while the federal government seeks to catch up to Manitoba in support for victims of crime. During the past two years, this government has taken a series of initiatives designed to achieve that very objective.

In 1996, this government introduced legislation under which parents would be held financially accountable to victims of crime for the deliberate destructive behaviour of their own children. Indeed, last year this government established a Public Safety Branch with two primary mandates: first, the prevention of crime through grassroots initiatives; secondly, the development of initiatives to support victims of crime. We have launched a number of successful initiatives, but one of the most significant developments was to seek the views of an independent organization to see how we could best support victims of crime over the years, if not the decades, to come.

Prairie Research Associates, who are well recognized in this area, conducted an intensive study and provided my department with a report which outlines a number of recommendations on this issue. Three of these recommendations are especially noteworthy. They are

No. 1, the government issue a bill or a chart of victims' rights. Number 2, that the Department of Justice create a victims of crime branch reporting directly to an assistant deputy minister; and No. 3, the current Criminal Injuries Compensation Act be rescinded and the Criminal Injuries Compensation program be included in new victims of crime legislation.

In respect of the creation of the branch reporting directly to an assistant deputy minister, we have done exactly that with the creation of the Public Safety Branch in 1996. That brings me to the point of my remarks here today. The bill before this House responds directly to these recommendations. It repeals the outdated Justice for Victims of Crimes Act passed by the former administration in 1987 and replaces it with a Victims' Rights Act that will lead the country in its support for victims. It also recasts the criminal injuries compensation scheme in the manner recommended by the Prairie Research Associates.

I have outlined at some length the background to the emergence of victims' rights in this province during the past 10 years. I did so for two reasons: first, Mr. Deputy Speaker, I wish to demonstrate in some detail that during the past 10 years this government has shown its commitment to the victims of crime through a series of innovative and thoughtful policy initiatives, in fact, has assumed a leadership role in this respect throughout Canada. Second, I wish to advise that this government would now like to take the next step by legislating a series of victims' rights and support that will further confirm Manitoba as a leader in Canada, if not in North America.

I propose now to describe the bill in some detail and describe some of the innovative thinking that has led to its creation. You will see that at the commencement of this bill, we have set out a preamble which describes in general terms the important role victims of crime play and the manner in which that important role ought to be recognized by the various players within the criminal justice system. This government believes that victims of crime should be treated compassionately and fairly by persons employed in the criminal justice system, and so we have said that in the preamble. We also believe that victims of crime should receive helpful information about the proceedings in which they are involved and

their rights in those proceedings. So we have included that in the preamble, as well.

However, we recognize that in a democratic system of government, no rights are absolute. Indeed, even those rights set out in the Charter of Rights and Freedoms, which is a part of our country's Constitution, are subject to limitations that are demonstrably justifiable in a free and democratic society. As a consequence, the preamble notes that the rights of the victim need to be considered in a manner that is consistent with the law and the public interest in a way that is reasonable in the circumstances of a particular case, and this particular issue is very important, given that the criminal law and criminal procedure is federal legislation. So it is not that we are only being consistent with Manitoba law, but constitutionally we are required to be consistent with the Criminal Code of Canada.

While my department was in the process of developing the policy underlying this bill, we were told on numerous occasions by individual victims and by victims' groups that there were three things that victims sought above all else. Those three needs are, in my view, both reasonable and modest. First, victims of crime would like to have information concerning criminal proceedings which have been brought against the person who committed the crime against them. In most instances, this could simply involve the status of the proceedings, when the case is adjourned to, whether bail has been ordered, the point at which restitution orders may be sought or the date upon which the accused may be sentenced should he or she be found guilty. Other information may be important as well, depending on the circumstances of the case.

Secondly, victims of crime seek to have meaningful involvement in the criminal proceedings which have been brought against an accused person. That is not to say that victims seek to dictate what changes ought to be laid or what sentence ought to be imposed. That properly falls to others who have roles and responsibilities within our criminal justice system. It does mean, however, that they seek to have a role other than simply providing evidence and watching the proceedings in silence. This bill is an important step in providing victims with that role.

Third, victims have told us that they wish to have their views taken into account, or as a part of that, wish to ensure that judges, Crown attorneys and accused understand the impact that the crime has had upon their lives and the lives of their families. This is an important point and one which this bill addresses in very specific terms.

Mr. Deputy Speaker, this bill has set out a series of definitions, a few of which are pivotal to an understanding of this legislative initiative. First, the term crime is defined to include all crimes under the Criminal Code as well as those brought in the Young Offenders Act. Second, the term victims is defined to include the person against whom a crime has been committed or is alleged to have been committed, and where that person is deceased or incapacitated, includes other persons such as a family member or a designated representative.

The bill describes a series of general rights of victims which will arise as the victim progresses through the criminal justice system in connection with charges that affect him or her. For the most part, they reflect the principles adopted by the federal, provincial and territorial ministers of Justice in 1988, to which I have made reference earlier in my remarks. These rights include the right to be treated with courtesy, compassion and respect, to receive information about their particular participation in criminal proceedings, to have their views considered, to have reasonable measures taken with respect to their safety, and to have ready access to information about their rights under this bill.

The bill also provides for an unqualified right to free legal advice about a victim's rights, regardless of their station in life and regardless of the circumstances in which they find themselves a victim of criminal activity. I believe this provision is unparalleled in Canada. The bill provides for an entitlement to be given access to free independent counsel, and access to personal information about them is sought under Section 278.3 of the Criminal Code. We have included this right in response to a decision of the Supreme Court of Canada, which has the potential to expose personal information about a victim to the court process. We are concerned about this possibility, and we thought it important to provide a victim with full

access to legal counsel to ensure that his or her views are fully understood by the courts when making decisions under the Criminal Code. During our consultation process in the development of this bill, we are told that if this provision is enacted, it will be unparalleled throughout Canada and will place Manitoba in a clear and distinct leadership position across the country.

The bill also provides that a victim is entitled, in appropriate circumstances, to have restitution requested, and when stolen property is recovered to have it returned at the earliest possible date. Once again, in our consultations we were told repeatedly that victims of crime are frustrated when their property cannot be returned in a timely way.

* (1540)

The bill also provides that victims are entitled to be informed about their rights, potential involvement in restorative justice programs as well as the status of criminal proceedings which have been brought against a person accused of a crime against the victim. This is again one of the situations where this government has endeavoured to ensure that in describing the rights of victims, we do not interfere with a police investigation or criminal prosecution which has been commenced in support of that victim. For that reason, we have made it clear that the entitlement to information concerning the status of police investigation or any resulting prosecution needs to be balanced against the need to ensure that neither the investigation nor the prosecution is prejudiced through the improper release of information.

During our consultation, we were informed by victims that this is the last thing that they would like to see happen. As a result, we have endeavoured to preserve the confidentiality and integrity of police investigations and public prosecution through this provision.

We have been told time and time again that victims of crime are very interested in preparing a victim impact statement that describes the impact which the crime has had upon their life and the lives of their family members. Recognizing that the Parliament of Canada has responsibility for enacting criminal

procedure, this government has, through this bill, made it clear that all victims are entitled to participate in Manitoba's victim impact statement program by preparing a written account of the impact the crime has had on them. Again, in this context it is important that our Victims' Impact Program be consistent with the requirements of the Criminal Code. Those who think that we can simply adopt a Victims' Impact Program that does not take that into account are proceeding on very precarious legal and constitutional grounds. Indeed, they have no appropriate legal or constitutional basis.

This bill also provides for a series of rights involving the Corrections division of the Department of Justice which I feel are important and deserve some commentary. Victims have told us that while information concerning the criminal proceedings is, because of its public nature, available to them, often information about the offender or his or her status becomes unavailable once a conviction has been entered and the person has been placed into a correctional facility or is under supervision in the community.

This bill seeks to overcome this deficiency without, at the same time, compromising the security of our institutions or the safety of correctional staff. It provides that a victim is entitled, on request, to be provided with certain information concerning the offender, and we believe that this is in fact an appropriate balance. It also provides that a victim is entitled to be notified promptly and to be provided with relevant information where an offender who continues to pose a threat to the victim is about to be released or has escaped from custody.

The bill also provides for a victim to confront the offender in a controlled and secured setting and to permit the offender to hear first-hand the impact that the crime has had on the victim and the victim's family. This provision is, once again, unparalleled in Canada, if not North America. I would like to point out as well that under the bill no new cause of action, right of appeal, claim, or other remedy exists in law simply because of this portion of the act. It is clear that this provision ought to be read together with the preamble of the legislation.

The purpose of this legislation is not to provide a foundation for a lawsuit. Rather, its purpose is to ensure that victims of crime receive appropriate information, have meaningful involvement in the criminal proceedings which have been brought against an accused person, and have their views taken into account during the course of criminal proceedings. Put another way, the legislation is not intended to be used by an accused person to defeat the criminal charges brought against him or her. Rather, the legislation is intended to underscore the role of the victim of crime and to ensure that he or she receives appropriate information and is treated appropriately.

Mr. Deputy Speaker, the bill also establishes a scheme to ensure accountability on the part of my department and anyone involved in the criminal justice system who has contact with victims of crime. The bill cures that issue, the problem of the prior legislation, which was toothless. This legislation is unparalleled in Canada, if not North America. Where a victim believes that he or she has not been dealt with in accordance with their rights under the bill, that person can complain to the director of victim support services. The director is required to investigate each complaint and then to take any steps that may be necessary to address those concerns or address systemic concerns. The director is required under this bill to provide the victim with a report. The director, equally, is required to give the victim an opportunity to comment on the report. The director is then required to prepare an annual report which must include a summary of any comments received for victims during the investigative process.

As I have indicated earlier, the Prairie Research study provided us with a recommendation to rescind The Criminal Injuries Compensation Act and to include the provisions in new victim legislation. They also proposed that the program, which is currently administered by the Workers Compensation Board, be amalgamated into the Department of Justice, and we have agreed that those recommendations have merit.

My department saw the recommendations as an opportunity to create legislation and a structure that was clearly focused on victims. It just did not make sense to provide services to victims under legislation and through an organizational structure that was established

for workplace safety purposes with no understanding of or expertise in victims issues. Our primary objective in making these changes is to provide a service for victims which is effective, co-ordinated and easy to understand. With that in mind, we have drafted Sections 22 through 47 to provide for the operation of the victims' compensation program.

Mr. Deputy Speaker, I have, I know, gone on for some time, but I thought it was important to put these comments on the record. That completes my comments at this time concerning both the context in which this bill is made, as well as the manner in which this bill will operate to support victims of crime throughout the province of Manitoba.

I would like to say that I am proud to be the Minister of Justice, to table this bill and to be in a position to advance the rights of victims of crime in this province in a way that serves the public, the public interest and the administration of justice in this province, and I do want to thank my predecessors, the member for Brandon West (Mr. McCrae) and the member for Fort Garry (Mrs. Vodrey), who had a continuous hand in the development of this, leading us to the stage of introducing this bill. Thank you.

Point of Order

Mr. Steve Ashton (Opposition House Leader): Mr. Deputy Speaker, first of all, on a point of order, I would just like to raise a concern that second reading is the part of the debate on the stage of bills where we deal with the principle. Ministers should not reference specific sections. That is the precedence, and I do not mean that necessarily in a critical way. But I find not just this minister but at times people are debating specific sections. That is more appropriate to third reading.

I would like to ask for your ruling on that, more as advice for ministers for the future on second reading.

Mr. Deputy Speaker: On the point of order raised by the honourable member for Thompson, the honourable member for Thompson does have a point of order. Honourable members should not be referring to specific clauses of the bills during their initial second reading.

Mr. Toews: On the same point of order, if that is a concern, I withdraw the reference to the section numbers.

Mr. Deputy Speaker: I thank the honourable minister for that.

* * *

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

Motion agreed to.

Bill 47—The Brandon University Act

Hon. Linda McIntosh (Minister of Education and Training): Mr. Deputy Speaker, I move, seconded by the Minister of Industry, Trade and Tourism (Mr. Downey), that Bill 47, The Brandon University Act; Loi sur l'Université de Brandon, be now read a second time and be referred to a committee of this House.

Motion presented.

* (1550)

Mrs. McIntosh: Mr. Deputy Speaker, I rise today to speak to Bill 47, The Brandon University Act, as it enters second reading. The purpose of this bill is to provide separate incorporation of Brandon University. Currently Brandon University is incorporated under regulation 562/88R of The Universities Establishment Act. The new Brandon University Act will describe the structure of the university and the internal governance arrangements. Currently the only university incorporated under separate legislation is the University of Manitoba.

Bill 47 carries over the essential features of The Universities Establishment Act and the associated regulation into new legislation. It contains a number of provisions that are designed to ensure that it is similar in content to The University of Manitoba Act and to the proposed University of Winnipeg Act. Further, the act has been drafted using more modern language and includes some provisions that are becoming more

common in post-secondary legislation in other jurisdictions in Canada.

The bill is also intended to contribute to the celebrations of the centennial anniversary of the university in 1999. It was a hundred years ago next year that Brandon College was founded. The government would like to congratulate Brandon University for its first 100 years of service to Manitobans.

Further, government has loosened the requirement to seek government approval for investments, allowing the institution to invest its money as a prudent, intelligent person would. This important step is symbolic of the institution's autonomy. Further, it allows the university more latitude in raising funds for the university's purposes. This type of clause is becoming more common in newer university legislation and, in particular, the legislation in Alberta.

The legislation also includes a provision for mandatory retirement to allow the institution to negotiate a mandatory retirement age with its bargaining unit, should it so desire. Government understands that the age-related policies that this clause allows are controversial in the university community. However, government believes that it is important that the university have the ability to negotiate policies that allow for creative solutions and flexible options for the university and for the various associations working at Brandon University. The inclusion of an age-related policy clause gives Brandon University equal treatment with the other universities in Manitoba.

This act also formalizes the movement towards more student representation on the board of governors for Brandon University. For a number of years, government has been appointing students to the board of governors through the Lieutenant Governor in Council appointments. Through this legislation, approximately 25 percent of the board will be composed of students of the university. We in government believe that, at a time when students are bearing more of the responsibility for their education, it is important they also have greater influence over how the institution is governed.

In summary, The Brandon University Act represents the recognition of Brandon University as having greatly contributed to Manitoba's post-secondary environment.

Mr. Deputy Speaker: Order, please. I hate to interrupt the honourable minister, but I would like to remind members that we do have new microphones in here, and the microphones do tend to pick people up who are in line with them. If they could carry on a conversation in the loge, it would be more appropriate.

Mrs. McIntosh: Okay, and I was so enjoying their comments there.

This act represents the recognition of Brandon University, as I said, as having contributed greatly to Manitoba's post-secondary environment. We are pleased to bring it forward, and know that it will now be recognized as a legal incorporation called Brandon University. We hope that this new legislation will provide Brandon University with the flexibility and strength to continue to provide service to Manitoba for many years to come. I would like to encourage all members to support this bill as it enters second reading.

Mr. Deputy Speaker: Is it the will of the House to adopt the motion? [agreed]

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, I would move, seconded by the member for Elmwood (Mr. Maloway), that debate be adjourned.

Motion agreed to.

Bill 48—The Mennonite College Federation and Consequential Amendments Act

Hon. Linda McIntosh (Minister of Education and Training): Mr. Deputy Speaker, I move, seconded by the Minister of Labour (Mr. Gilleshammer), that Bill 48, The Mennonite College Federation and Consequential Amendments Act, Loi sur la Fédération des collèges mennonites et modifications corrélatives, be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. McIntosh: Mr. Deputy Speaker, the purpose of this Bill 48 is to incorporate the Mennonite College Federation, an organization of existing private religious colleges, which proposes to create a Mennonite university in Winnipeg. The bill outlines the terms of the federation, how the three participating colleges, Menno Simons, CMBC and Concord, will interrelate as they create the new university and once the university is created.

The university will offer degrees, diplomas and certificates in a number of subject areas. The three colleges involved in the creation of the university currently offer undergraduate degrees, diplomas and certificates in conflict management, selected fields of business administration, some areas of general arts programs as well as church music and religious studies. At the outset, the new university will offer similar programming.

The Mennonite College Federation Act outlines the structure and function. There will be a board of governors and a senate, both of which will have powers that are comparable to the powers granted to the governing structure of the current universities. This university will be similar in structure to Manitoba's other universities; however, it will be different in that it is a private institution that will approach post-secondary education with a very well defined set of values and principles.

We in government believe that this is consistent with the mandate of a university. Such an arrangement is not without precedent in Manitoba. United College, after 1967 called the University of Winnipeg, had and continues to have close links with the United Church. A portion of the board of governors of the University of Winnipeg is selected by the church, 10, to be specific, and the Faculty of Theology at the university is closely linked with the church council. I have noted that such linkages have not had a detrimental effect on the high quality of education provided by the University of Winnipeg.

I have full confidence that the new university will fit into Manitoba's post-secondary system and provide top quality education and contribute to the cultural diversity and economic strength of this province.

This government has stated its commitment to expanding access to post-secondary education in the province. In an effort to promote post-secondary education in all its forms, government wants to ensure that the students in the private religious colleges are adequately considered in the development of policy regarding post-secondary education.

Further, because of the structure and community commitment, these seats are available to lower cost per pupil than other public institutions; thus, the creation of this university allows for an increase in accessibility to university education as well as an increase in options for students at a lower cost.

The Council of Post-Secondary Education has begun to work with all of the private religious colleges not just those involved with the Mennonite College Federation. Our objective is to increase flexibility for all students by working with institutions to improve credit transfer and increase articulation in our post-secondary system.

Private religious colleges have contributed to Manitoba's overall post-secondary system for many years and decades. It is time that these colleges be finally and formally recognized for their contribution.

* (1600)

The incorporation of three private religious colleges into one institution helps to foster a learning culture in Manitoba and recognizes the historic contribution that these colleges have traditionally made to post-secondary education in the province. I am proud to support this initiative and urge all members of the Assembly to support this worthy bill.

Mr. Jim Maloway (Elmwood): I move, seconded by the member for Wolseley (Ms. Friesen), that debate be adjourned.

Motion agreed to.

Bill 49—The University of Winnipeg Act

Hon. Linda McIntosh (Minister of Education and Training): I move, seconded by the Minister of Agriculture (Mr. Enns), that Bill 49, The University of Winnipeg Act; Loi sur l'Université de Winnipeg, be

now read a second time and referred to a committee of this House.

Motion presented.

Mrs. McIntosh: Mr. Deputy Speaker, the purpose of this bill is to provide independent incorporation of the University of Winnipeg. Currently, the University of Winnipeg is incorporated through Regulation 563/99 R of The Universities Establishment Act. This is the same way, as I indicated earlier, that Brandon University is also incorporated. The University of Manitoba is incorporated through a separate piece of legislation, The University of Manitoba Act.

The bill essentially carries over the essential features of The Universities Establishment Act and the associated regulation into the new legislation. As we have done with The Brandon University Act, this act also contains a number of provisions that are designed to ensure it is similar in content to The University of Manitoba Act.

Further, the act has been drafted using more modern language and includes some new provisions which are becoming more common in post-secondary legislation in other Canadian jurisdictions. The bill also contains some specific provisions which highlight the uniqueness of the University of Winnipeg.

On reading the bill, one will note there is equal representation between the government-appointed board members and members appointed by the United Church of Canada to the board of regents at the University of Winnipeg. While this is different from other universities in Manitoba, it is the result of an agreement in 1966 between United College, the precursor to the University of Winnipeg, and the government of that day. Because this agreement is still deemed valid, it is thus included in this bill. The province and the United Church are also required by this legislation to appoint two student representatives from among their appointees so that student representation will be at 25 percent.

One will notice, as well, that the board of regents is much larger than boards of governors at other Manitoba universities. Again, historically, because of the evolution of the University of Winnipeg over the past

30 years, the board of regents there has developed a rather complex subcommittee structure which has proven quite efficient in terms of governing the university and was sought to be preserved by those working at that institution, and, again, government has preserved this unique character of the University of Winnipeg.

Some of the language and some of the provisions have been modernized as this bill has been drafted from the old Universities Establishment Act, and these updates specifically refer to the university being granted the power of a natural person, as well as the investment powers of the institution.

The long list of restrictions governing the ability of an institution to invest moneys held by that institution has been replaced by a provision that allows the institution to act as a trustee and invest with the judgment and care that a person of prudence, discretion and intelligence would exercise in administering the property of others.

While these provisions are somewhat technical, they are symbolic of the government's trust in the University of Winnipeg, trust to govern itself as an autonomous agency which serves the public good. We believe that the university needs effective tools in order to meet the demands of the next century. These new provisions provide some of those tools. These provisions are new to Manitoba's post-secondary system.

Madam Speaker in the Chair

The University of Winnipeg Act also contains an age-related policy provision which has been included to ensure that the University of Winnipeg, should it so desire, would have the ability to conduct contract negotiations with various employee associations. An age-related policy clause was added to The University of Manitoba Act in 1996 and will be provided in the proposed Brandon University act as well. It is enabling legislation.

The University of Winnipeg Act represents the recognition of the University of Winnipeg as having greatly contributed to Manitoba's post-secondary environment. While the University of Winnipeg has always been an equal partner in Manitoba's post-

secondary system, that status will now be recognized in terms of the legal incorporation of the University of Winnipeg, and I would encourage all members of the House to support this bill as it enters second reading.

Mr. Jim Maloway (Elmwood): Madam Speaker, I move, seconded by the member for Wolseley (Ms. Friesen), that debate be adjourned.

Motion agreed to.

Madam Speaker: Second reading, Bill 50—no, pardon me, Bill 51, The Cooperatives and Consequential Amendments Act. The honourable Minister of— [interjection] Oh, it is 50. Sorry. I saw the Minister of Consumer and Corporate Affairs (Mr. Radcliffe) standing, so I assumed maybe—

Bill 50—The Universities Establishment Repeal and Consequential Amendments Act

Hon. Linda McIntosh (Minister of Education and Training): Madam Speaker, the Minister of Consumer and Corporate Affairs (Mr. Radcliffe) says that he was being precipitous, and that is fine.

I move, seconded by the Minister of Consumer and Corporate Affairs, that Bill 50, The Universities Establishment Repeal and Consequential Amendments Act; Loi abrogeant la Loi sur la fondation des universités et modifications corrélatives, be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. McIntosh: Madam Speaker, this bill is, in one sense, housekeeping because it repeals The Universities Establishment Act which incorporates the University of Winnipeg and Brandon University, and as has just been indicated to the House, these universities will soon be incorporated in separate, individual, autonomous acts. The act also makes the necessary changes to other pieces of legislation as a result of these two universities getting their own acts.

The changes to the 11 other pieces of legislation ensure that there is a consistency of definition of the term “university” throughout legislation. The amendment to these acts ensures that the term

“university” refers to Brandon University, the University of Manitoba and the University of Winnipeg, as opposed to the current definition.

The bill, however, represents more than just housekeeping. It represents the recognition of these two universities as having greatly contributed to Manitoba's post-secondary environment and celebrates their legal incorporation.

Further, the proposed Brandon University Act will contribute to the celebration of that university's centennial anniversary in 1999. We want this House to recognize the tremendous contribution that Brandon University has made to post-secondary education throughout Manitoba, and we offer our congratulations.

* (1610)

The Universities Establishment Repeal and Consequential Amendments Act represents a key turning point in our post-secondary system. I use the word “system” very intentionally. In the past, there has been a tendency to view post-secondary education in Manitoba as equalling the University of Manitoba, and while we cannot nor do we wish to discount the contribution of Manitoba's largest and western Canada's oldest university, we recognize that our post-secondary system has grown beyond the boundaries of the University of Manitoba. So we must realize and ensure that we take into consideration all parts of our post-secondary education system, which includes community colleges, private religious colleges, as well as universities.

The Council on Post-Secondary Education has been working with all the elements of our post-secondary system towards realizing the goal of a true, system-wide post-secondary education environment. We see a post-secondary environment where all activity is centred on the learner. The Council on Post-Secondary Education is working on a vision of a system where a learner can, working with one or more of our post-secondary institutions, put together a program of a study which will provide that learner with the tools he or she needs to help realize that person's goals and ambitions.

Further, the system envisioned by the council would see the free transfer of credit from one institution to

another to allow for the greatest possible flexibility for the learner. The council is also working with institutions to help ensure that technology can be used to reach those people who cannot, for whatever reason, come to a campus to take a program of study. In a virtual environment, using the Internet, interactive TV, and other technologies, our government sees a future for post-secondary education that will help ensure the widest possible access no matter where a person lives and no matter when in their lives that a person is able to take post-secondary education and training.

Thus, The Universities Establishment Repeal and Consequential Amendments Act represents much more than the technical correction of legislation which occurs concurrently with the introduction of other legislation. This act is a further step in the realization of a larger vision for post-secondary education in Manitoba. I encourage all members in this House to support The Universities Establishment Repeal and Consequential Amendments Act as it enters second reading. Thank you, Madam Speaker.

Mr. Jim Maloway (Elmwood): Madam Speaker, I move, seconded by the member for Interlake (Mr. C. Evans), that debate be adjourned.

Motion agreed to.

Bill 51—The Cooperatives and Consequential Amendments Act

Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs): Madam Speaker, I would like to rise today and move, seconded by my colleague the honourable Minister of Labour (Mr. Gilleshammer), that Bill 51, The Cooperatives and Consequential Amendments Act; Loi sur les coopératives et modifications corrélatives, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Radcliffe: Madam Speaker, with this bill, Manitoba will make its first major revision in its co-operatives legislation in 22 years and position our province, our dear Manitoba, to participate in the many advances of the co-operative method of operation. In addition, we will join a movement towards

harmonization of co-op legislation across our broad nation. Co-ops play a significant role in the social and economic well-being of our province. About 400 co-ops in Manitoba provide their members with a range of services, including housing, daycare, marketing, processing, employment opportunities, and recreation. They also provide jobs for Manitobans, especially in rural areas.

It is important that legislation governing co-ops reflect the needs of co-ops and provide the necessary flexibility to enable co-ops to compete on a level footing with other business structures. Nationally, the co-op movement recognized the limitations of the co-op legislation across Canada and the lack of uniformity.

Based on extensive consultation, the movement developed a new model Cooperatives Act which was to serve as a guide to provincial and federal governments in developing their own co-op legislation. The federal government was the first to move, and their new co-operatives act was given Royal Assent on March 31 of this year. Their bill generally incorporated the recommendations of the movement's model act.

Madam Speaker, our Bill 51, which I am introducing today for second reading, largely reflects the federal bill. Our bill was prepared after an extensive review of the present act by a committee of government members and representatives from a broad range of co-operatives. [interjection] It was indeed a co-operative effort, as my honourable colleague in the front bench here—[interjection] Ah, one of my House colleagues, yes, a prominent unnamed member.

In addition, a discussion paper was sent out to all the co-ops in the province inviting comments on significant issues.

An Honourable Member: And did they comment?

Mr. Radcliffe: Ah, indeed they commented, yes, indeed. Madam Speaker, because of the size and the complexity of the bill, I am only going to touch on the most significant changes from the existing act. The most important change will allow co-ops to issue no-par-value investment shares. The present act requires that all classes of shares of a co-op have a par value stated in the co-ops articles of incorporation. Therefore

regardless of how successful the co-op became from a financial standpoint, the values of the shares would not change from their par-stated value.

This requirement generally limited the marketability of these shares as an investment and restricted the ability of co-ops to raise capital to meet their needs. By contrast, the value of no-par-value investment shares can increase as the net worth of co-ops increase. The introduction of no-par-value investment shares will facilitate the development of new generation co-ops. [interjection] That is right, Madam Speaker, this is a new generation. [interjection] Ah, they will be a steady continuum from here to the horizon, I must tell the honourable member for St. James (Ms. Mihychuk). In perpetuity. Well, not to offend the law against perpetuities, of course.

The introduction of these shares will facilitate the development of these new generation co-ops, and this will normally need considerable amounts of capital in order to establish their business.

Madam Speaker, new generation co-ops are expected to play an important role in developing important opportunities for value-added processing of our agricultural products in our province, as so ably outlined by our eminent Minister of Agriculture (Mr. Enns).

* (1620)

The bill also addresses the role of government as regulators of co-ops. Historically, I can tell you about co-ops. Co-op legislation in most jurisdiction has given the regulators powers that exceed those normally associated with regulation of other types of aggregations. In this bill, the role of the Registrar of co-ops is reduced in a number of areas. For example, the act will no longer require the Registrar to approve the by-laws of co-ops or the amendments of those by-laws. By-laws will come into effect when the members approve of those by-laws. This will be democratic.

An Honourable Member: What does the Registrar say?

Mr. Radcliffe: Ah, the Registrar is in accord with this suggestion. In fact, he instigated this suggestion. Yes, he is co-operating with this.

Madam Speaker, the right of co-op members to appeal membership termination to the Registrar has also been removed. The role of the Registrar has also been reduced in matters dealing with the waiving of the appointment of an auditor and member dissent.

The bill also recognizes the uniqueness of housing and worker co-ops, which I think should appeal to members opposite, and sets these out in separate parts of this act. Yes, special provisions have been added for an appeal process for membership termination in housing co-ops, distribution of property on liquidation and dissolution, special requirements to be included in articles and by-laws, the make-up of the board of directors and membership requirements. Besides the other changes to this act, a number of sections and subsections have been rewritten to clarify intent and make them easier to understand, and I am sure that members opposite will accede to that suggestion.

Madam Speaker, co-ops are an important part of the lives of Manitobans. We believe the new act will open up new opportunities for both rural and urban Manitobans to establish the many kinds of co-ops that have emerged as organizational options for people working together to achieve common goals.

I am confident, I am very confident that this legislation will serve Manitoba co-ops well into the next century. Thank you very much, Madam Speaker.

Mr. Jim Maloway (Elmwood): Madam Speaker, I move, seconded by the member for Interlake (Mr. C. Evans), that debate be adjourned.

Motion agreed to.

Bill 52—The Health Services Insurance Amendment Act

Hon. James McCrae (Government House Leader): Madam Speaker, on behalf of the honourable Minister of Health (Mr. Praznik), and seconded by the honourable Minister of Industry, Trade and Tourism (Mr. Downey), I move that Bill 52, The Health Services Insurance Amendment Act (Loi modifiant la Loi sur l'assurance-maladie), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. McCrae: Madam Speaker, as recommended in the report of the interdepartmental steering committee which reviewed personal care homes, the department has reviewed the existing regulatory framework for the operation of personal care homes with the goal of ensuring a clear, up-to-date and effective framework. I am pleased to report that in this bill, we are taking the first step toward achieving this goal.

As a foundation, the bill will amend The Health Services Insurance Act to include provisions to enable the development and implementation of a more intensive personal care home licensing system. The new provisions will replace the outdated, limited provisions of the regulation made pursuant to The Public Health Act under which personal care homes are currently licensed.

The amendments also include provisions to enable the Minister of Health (Mr. Praznik) to make a comprehensive, new regulation respecting standards in personal care homes. If a personal care home does not meet the prescribed standards or if the continued operation of a personal care home would be hazardous to the health, safety or well-being of residents, the minister will be empowered to suspend, cancel or refuse to renew the personal care home's licence. Licences may also be made subject to any terms and conditions necessary to ensure the continued provision of quality care.

In addition to the provisions respecting the operation of personal care homes, the bill contains provisions to prohibit surgical facilities from charging Manitobans additional amounts in relation to insured surgical out-patient services. The act currently contains such provisions for hospitals and physicians. The federal government is currently deducting \$68,000 per month from our transfer payments due to their interpretation that such facilities charging a facility fee in respect of insured surgical out-patient services is in contravention of the Canada Health Act.

These amendments will ensure that Manitobans will not have to pay such fees and will bring us into compliance with the federal interpretation of the Canada Health Act. They will also provide us with the flexibility to have insured low-risk surgical procedures performed in out-patient surgical facilities rather than

hospitals, where appropriate. As provided in the amendments, department staff will negotiate agreements with the facilities to cover the cost of the facility fees.

The bill also contains a provision to ensure that no extra billing occurs in relation to insured services provided to residents of other provinces and territories with which we have a reciprocal billing arrangement. The federal government has indicated that such extra billing may violate the Canada Health Act. Other provinces have made similar legislative changes which protect Manitobans from such extra billing when they access insured services in those provinces, and we support this type of co-operation.

The bill will enable the Lieutenant Governor in Council to enact a regulation to allow the costs of processing claims for payment filed by practitioners to be recouped. The bill will change the name of the Manitoba Health Board to the Manitoba Health Appeal Board to better reflect the board's main function. The bill will also enable payment of the remuneration of the members of the appeal board from the Consolidated Fund rather than the Health Services Insurance Fund.

Finally, the bill contains some housekeeping amendments. These include such things as raising the maximum fine in specific enforcement sections to \$5,000. The general enforcement section of the act had previously been amended to raise the maximum fine to this amount. So this will ensure that the act is consistent in this area. It is with pleasure that I commend this bill to the thoughtful consideration and support of honourable members.

Mr. Jim Maloway (Elmwood): I move, seconded by the member for Interlake (Mr. C. Evans), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 6—The Animal Liability and Consequential Amendments Act

Madam Speaker: To resume adjourned debate on second reading, Bill 6, The Animal Liability and

Consequential Amendments Act (Loi sur la responsabilité des propriétaires d'animaux et modifications corrélatives), standing in the name of the honourable member for Thompson (Mr. Ashton). Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Speaker: No? Leave has been denied.

Mr. Clif Evans (Interlake): Just a few short comments on the proposed amendment to Bill 6, The Animal Liability and Consequential Amendments Act, presented by the Minister of Agriculture (Mr. Enns).

Madam Speaker, going through this, we have seen that there has been a need for some amendments made and some legislation with respect to the liability of owners of domestic farm animals. Now of course with the addition of different species that are being brought into our province such as the wild boars—and I might add in some areas a very substantial uplifting of the industry itself, the wild boar industry. If there is anyone who has had the opportunity to taste the wild boar meat, you will find it absolutely excellent. I have a friend and a constituent just north of our community in Riverton who raises them.

As and according to some of the statements by the minister and with respect to the bill, there are problems that we see in that industry. The owners and the producers themselves will say that there are some problems when it comes to keeping these animals within their own confines of the property. We know that in my area and in some other areas of communities that farm the wild boar, these are very strong and very powerful animals. Once they can get out of their pens and their confined areas, it can be very, very damaging and can destroy literally anything that comes in their way. Short of using firearms to stop them, I think that short of that, we have to deal with the issue that if these wild boars do get out and into somebody else's property, with the damage that they can cause, yes, I do feel, and I think that producers themselves will understand and appreciate the fact that they should be held liable for, whether it be the wild boar, whether it be their own cows or horses or their own dog that goes onto someone else's property, creates a problem, destroys something, injures.

* (1630)

I do notice that in some sections of the bill, and I was just checking through it, that it talks about the fact that the responsibility, if it is killing, injury, recovery of damages for the injury done to or killing of the livestock by dog, wild boar, or prescribed animal. There is also another aspect to this that we have to look at. Looking through the bill, we do not see anything here where the same prescribed animals as such, the damage perhaps or the injury that they can do upon our young people and upon a human being. The bill seems to totally concentrate on just the fact of what damage it may do to your crops, what damage it may do to other animals in your own yard, but we have to have that fear. That fear is there. When you do have some of these animals that come out of their own area, out of their own pens and into stranger areas, we have to be alert that our children are out in the farmyards, in the schoolyards. So I think that the responsibility should be more in place and the thought of that being also.

Another aspect of the bill, I just want to make a comment on the fact of whether the liability to the producer or to the farmer whose animals have gotten out. An incident occurred just not too long ago on Highway 68 between The Narrows and Mulvihill, where two horses were in the middle of the night on Highway 68 with a semitruck going east, hit both the horses, tremendous damage, of course killing the horses, tremendous damage to the truck. Up to now, even now—and this is over a year ago—the liability has not been ascertained, whether it is the farmer who owned the horses who was perhaps liable for the horses being on the road.

Hopefully, legislation like this will be able to make it easier for Autopac and for other damages that have been incurred to be satisfied, but, Madam Speaker, normally we do not support too often bills that are presented by this government. I do feel, and my colleagues feel, that the bill has quite a bit of merit to it, knowing that changes have to be put in place every so often when it comes to legislation that has been introduced before.

This is all part of The Animal Husbandry Act. I remember that my first speech in the House in 1990 was on The Animal Husbandry Act, Madam Speaker.

At that time, I had no idea whatsoever what The Animal Husbandry Act was about, but I did make my issue and make my point to the fact that the one thing I did notice in the act was that everything was done by the minister's consent. The minister had the consent to do this; the minister had the consent to that.

I do not see the minister's consent here too often, just perhaps in one section, and it is amazing that this minister puts in a bill that does not make him the do-all of The Animal Liability and Consequential—

An Honourable Member: The king.

Mr. C. Evans: Yes, King Harry. I did not want to say it, Madam Speaker, but he made me do it.

So we support this bill, Madam Speaker, pass it on to committee, and, hopefully, we will be able to if there are any concerns be brought to committee. Thank you.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, we understand that the bill does deal with the liability in particular that an owner of an animal has with regard to an animal trespassing on property or contributing to the cause of an accident.

I think the crux of the bill has been addressed by the speaker before me in his comments, and anything that can be done to assist in the facilitation of liability or the downplaying of some of the hardships and the emotional tolls that individuals go through when incidents such as the member for Interlake (Mr. C. Evans) refers to take place I think is a positive step, and this particular bill attempts in a very specific way to address the issue of that liability which in my opinion does it in a positive way.

So, therefore, we support it going to committee. Thank you.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 6, The Animal Liability and Consequential Amendments Act. Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Bill 7—The Public Utilities Board Amendment Act

Madam Speaker: To resume adjourned debate on second reading of Bill 7, standing in the name of the honourable member for Point Douglas (Mr. Hickes). Is there leave to permit the bill to remain standing? No? Leave has been denied.

Mr. Jim Maloway (Elmwood): Madam Speaker, I would like to put a few comments on the record today regarding this Bill 7, after which I would expect we will send the bill on to committee.

The purpose of this bill is to allow the Public Utilities Board to set fees for witnesses and advisors to the board on hearings and rate applications. The rates have not changed since 1985, which means the PUB may have trouble hiring quality advice.

Now, Madam Speaker, this piece of legislation could very well have been introduced last year when the government made some changes to the act, and as such it is an oversight in their operation, and it indicates to me the sparse content that we have to deal with here in this legislative session. There are very little bills here of any real substance.

I would also like to make a comment about the role of the PUB. In this province, the PUB has essentially become a rubber stamp for rate hikes, rate hike requests by Centra Gas and other people. In addition, I think we have certainly put on the record in the past that we were concerned about the government's use of the PUB to deflect responsibility for rate increases.

This government has pretended that Autopac rates and gas rates are decided by this independent PUB, but, in fact, they appoint the board of the PUB. In fact, the board of the PUB has had, as its membership, members such as the ex-Tory candidate in Crescentwood, and other Tory hacks that have been put out to pasture on the PUB and basically make decisions that are favourable to this government at the direction of this government. The government has hidden behind that fact over the last few years to avoid taking responsibility for its action.

Having made those comments, Madam Speaker, I move that the bill be sent to committee.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I, too, just want to put a few words on the record before going to committee. I understand that it does allow the utility board the right to set its own rates for the compensation for special advisers that it uses from time to time. My concern with the Public Utilities Board, I think, can be summed up in the way in which Autopac in the past has—Autopac rate increases have been addressed by governments. I think that it is far too political, and there are things that can be done in order to give it more of an independence. I would have liked to have seen legislation that would ensure that that would be perceived as taking place, which is absolutely important to establish credibility that the perception has to be there. I think there is valid argument that can be made in terms of where we have seen, and the best one is dealing with Autopac, some very serious problems.

Madam Speaker, I do recognize that this particular bill, by allowing them to set their rates, does give it some more independence, and in that sense I think that is a positive step forward, but I think the broader picture still needs to be dealt with. I would have liked to have seen the government deal with that, and in that sense it is a bit of a disappointment. Thank you.

Madam Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Madam Speaker: The question before the House is second reading of Bill 7, The Public Utilities Board Amendment Act. Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Bill 5—The Agricultural Credit Corporation Amendment Act

Madam Speaker: To resume adjourned debate, second reading debate on Bill 5, The Agricultural Credit Corporation Amendment Act (Loi modifiant la

Loi sur la Société du crédit agricole), standing in the name of the honourable member for Swan River. Is there leave to permit the bill to remain standing?

* (1640)

An Honourable Member: No.

Madam Speaker: No.

Ms. Rosann Wowchuk (Swan River): Madam Speaker, I want to take a few minutes to put some comments on the record with respect to this bill. As I look at the minister's comments, he indicates that this is just a minor bill, a housekeeping bill, but I quite often, when the minister makes those kinds of comments about bills just being a housekeeping bill, you really have to wonder if it is really the intent of the bill. In this particular case, it is just some minor amendments but amendments that we have some concern with.

The Manitoba Crop Insurance Corporation is an important agricultural policy tool. For farmers across the province, it offers a wide variety of loans; and certainly the credit corporation is meant to fill a void between what is required in the form of capital for projects and what is available from many financial institutes. In many cases, farmers have not been able to borrow money from financial institutes and the credit corporation has been there to offer that support. Over the past few years, there have been changes in the loans that are being available. With the various diversification that we have seen in agriculture, as farmers move away from grain production into different diversified livestock, the credit corporation has been able to meet the needs of some of the farmers.

I have to say, Madam Speaker, that there are many challenges facing the agricultural community at the present time. We have just had the census figures come out, and we know that the farmers in Manitoba have some of the lowest incomes, but we also know that there is a great decrease in population in rural Manitoba, and to have a decrease in population, it means that farmers are leaving the land or selling their land off to other producers. Many farmers have just become tired of trying to make a living on the farm but not being able to get an adequate return for the product that they produce.

Certainly, Madam Speaker, there is a role for government to play in this, but there is a bigger role for the Department of Agriculture to play and one that the department has failed in, and that is in the area of research to help farmers, rural people, in their quest for diversification. As I say, the government talks an awful lot about rural diversification and about helping the rural community, and many times I feel that that is very much lip service and the real support is not there, especially when you compare to other provinces. When you look at what is happening in Saskatchewan as far as research and working along with producers in the value-added area, much more work is being done there.

So, Madam Speaker, with respect to the role of the Agricultural Credit Corporation, it is a very important institute. Over the last little while, we have seen the amounts of money raised that are available to various farmers as they expand their operation, and one of the concerns that I have heard is the fact that there is almost an unfair advantage for the larger operations versus the small operations. The money that they can leverage out is certainly a much higher proportion than what the smaller operations can leverage, and I think that this is something that the Minister of Agriculture (Mr. Enns) has to think about very seriously, as do all members of the government have to think about what is happening in rural Manitoba; what is happening to our population; why are so many farmers having such difficulty; why are so many young people having such a hard time staying within their own communities?

At one point, I had the opportunity to visit with some people in southern Manitoba, one area where I met with people in the Virden area, and these were young people who said that they would very much like to stay in their own community, but they did not see any hope for them to come back to their communities to live because there just were not enough jobs there, and it all goes back to agriculture. If there is a healthy agriculture community, a viable community, then there are spin-off jobs in those areas and there are opportunities for young people.

I had the same message given to me from young people in my constituency who said that they are going out of province for an education and would very much like to come back to Manitoba. In fact, one of them would like to be involved in agriculture with her mom

and dad, but, again, very worried about whether or not her parents will be able to stay on the land. As we see agriculture operations growing larger and people trying to make a living for their families off the land, we see the effects of this on our rural communities. It is a very difficult one.

The other challenge, of course, that we are facing that is right before us right now, Madam Speaker, is the role that the railways are playing with rail line abandonment. Again, with rail line abandonment farmers are picking up more of a debt load, and farmers are requiring more and more credit to help them with their operations, and that is one of the roles that the farm credit corporation can play.

I want to say that with respect to this bill, there are regulations governing the operations of the Agricultural Corporation, and these regulations govern, for example, the process by which it is decided who gets loans and how much. The government in this bill is proposing that the powers to change these regulations be taken away from cabinet, giving direct responsibility to the minister. The benefits of the regulations—you see, Madam Speaker, this is something very similar that we have seen. This is a pattern that we have seen in many of these bills that this government has brought out in the last little while. We see a government that wants to take more power to the minister and less power to decision making from cabinet. Of course, there is less, when cabinet makes a decision, there is an Order-in-Council that comes out, and we can follow what is going on. But the proposal that we have here that we have in other bills is taking away the power from the, giving the minister more power to make decisions.

In some cases, maybe that is necessary. Maybe you want a speeded up, streamlined process, as the minister says in his comments, but really it is something that we cannot support. We would not support having a less transparent government. What we have now is transparency that makes it obvious what government is doing, and as you move more and more to increase the powers of the minister and limit the ability of opposition members, limit the ability of the public to know what government is doing, it allows for a government to become less and less accountable to the people that have put them into the position of being government.

As I say, the minister says it is just a housekeeping bill, but one of the concerns with the whole issue of whether or not there should be an openness to government and the steps that are being taken under this bill do not lead for openness. I am sure that the minister says he will be very open. He may be very open, but who will be there to hold him accountable?

Madam Speaker, as we have with other pieces of legislation, we see that this is one of a government moving to one of less accountability to the public and one that we would not be supporting.

Before I close, I want to say that there is a very important role for the Manitoba Agricultural Credit Corporation to play. There is a need for an alternate institute of lending, and there have been many farmers who would be in very great difficulty were it not for the role that Manitoba Credit Corporation plays in providing funds to farmers.

So, with those few comments, we are prepared to let the bill go to committee, and I am sure that there will be at some point, when we get to committee, there will be people who may have comments on this bill as well.

* (1650)

Mr. Kevin Lamoureux (Inkster): Madam Speaker, this is one of those bills which I had asked to get some specific speaking notes on. It was indicated to me that the bill is essentially housekeeping. It enables the minister to approve administrative regulations without having to go to cabinet for an Order-in-Council. According to the minister, this is intended to speed up the streamlining of the administrative regulation, allowing the minister to deal with what are essentially administrative matters.

There is, however, a downside to this type of regulation. While we are reducing the amount of red tape, we are also reducing the Legislature's ability to oversee the functions of government and in particular cabinet ministers. Lessening our control to review administrative regulations in this manner is not clear in terms of the potential threat for opposition members in terms of holding government more accountable.

On the broader, more general note, when I think of the Agricultural Credit Corporation, what comes to

mind is a number of fine Manitobans that have raised the issue of agriculture with me, whether it is the Lougheeds [phonetic] from Minnedosa, or we have the Ron Kellers [phonetic] or the Keith Ryans [phonetic] within our party who speak very passionately about the need for ensuring some form of financial security, ensuring that those finances are in fact going to be there. There is a lot of potential out in rural Manitoba. There is a need for financial assistance. We need to do what we can to ensure that that is in part there. A sense of accountability is important. I am not necessarily convinced that this is, in fact, the best way to address that whole issue, but would look forward to it going to committee.

Madam Speaker: The honourable Minister of Agriculture, to close the debate?

Hon. Harry Enns (Minister of Agriculture): I am closing debate on second reading on the bill. I simply wanted to express my appreciation to honourable members for their comments and certainly encourage them to take the advantage when I will have staff, senior staff of the corporation, before the committee to further determine to their content the operations of the affair.

In fact, I will make that invitation to my own members as well. This is an important organization; it currently is, for instance, in this current year, loaning out some 56 millions of dollars that, after all, come from the public purse. I think that, although the amendments before you I describe as, generally speaking, housekeeping, there are some important changes. The issues that the honourable member for Swan River (Ms. Wowchuk) raises, there is for some a fundamental difference in transferring, taking out of cabinet responsibility to ministerial responsibility, which, in my opinion, in my understanding of the rules, allows for the honourable members to engage the government and engage the senior officials of MACC in a debate on this issue at committee stage.

But I certainly welcome the opportunity of a closer examination of an organization that is loaning out and handling very substantial amounts of taxpayers' money, that I think we can all agree with, those of us who have an interest in agriculture. It is extremely important for the agriculture community right now, particularly now

as there are some very heart-wrenching changes going on, on the scene about size and about the input costs keep getting larger. Do we have to go in that direction, or can we find some value-added way of making that a more modest-sized, medium-sized farm operation still viable?

So I put these few comments on the record to encourage honourable members to take full advantage when this bill appears before the committee for this further examination. Thank you.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 5, The Agriculture Credit Corporation Amendment Act.

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

Some Honourable Members: Agreed.

Madam Speaker: Agreed and so ordered.

Bill 9—The Mines and Minerals Amendment Act

Madam Speaker: To assume adjourned debate on Bill 9 (The Mines and Minerals Amendment Act; Loi modifiant la Loi sur les mines et les minéraux), on the proposed of the honourable Minister of Energy and Mines (Mr. Newman), standing in the name of the honourable member for Dauphin (Mr. Struthers).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No? Leave has been denied.

Ms. MaryAnn Mihychuk (St. James): Madam Speaker, I do wish to put a few comments on the record on this bill, and then we will be prepared to pass this on to committee.

This is a bill that deals with the quarry rehabilitation fund, a program that was created by the New Democratic government in the '80s, a program that is sensitive to the needs of the Manitobans. It recognizes that pits and quarries become depleted, are scars and eyesores in our communities and in our countryside.

It is progressive legislation that was developed in the '80s. It is unfortunate it took this government over five years to actually implement it; and, when they did, the bill was flawed. That is what we see now, a corrective measure to deal with the flaw that they did not have in the original bill. So here we have a situation where the funds, the interest incurred from that fund has been used in general revenue by the government, and this bill amends it and moves that interest, rightly so, back into the rehabilitation fund to be used to rehabilitate the landscape.

The other part of this program is that it is a significant program, and this government has not seen fit to put the resources into implementing a comprehensive program as it deserves to. One individual has been hired in addition to the other three inspectors that the department had originally, not sufficient to meet the needs of a comprehensive rehabilitation program. The fund does not expend the monies that it collects in any given one year, and it is a growing fund. This is an issue that has been raised numerous times by contractors and others who pay into the fund on a regular basis.

Madam Speaker, there is also the question that the other inspectors who are there to uphold and ensure that the regulations regarding pits and quarries are actually complied with. Unfortunately, those individuals are now busy doing the rehabilitation program and taken away from their responsibility, ensuring that the regulations and the law is actually complied with.

So I challenge the government to do the right thing, put more resources into the department so that the rehabilitation fund can operate as the NDP had imagined and that this government has, unfortunately, been unable to implement and actually implement a program, well-thought-out program, which will not only beautify and enhance our countryside but actually does, in this case, comply with the principles of sustainable development, something that this government wishes to trumpet but is very weak, very weak on actually doing anything in sustainable development.

This is a bill that is long overdue, is repairing what should have been in the original bill. Unfortunately they messed it up, and now they are trying to fix it. There are a few more areas in this program

that require more attention, and I challenge the government to ensure that the program is implemented in a comprehensive way, and on those few notes I am prepared to pass this onto committee.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, from what I understand, when enacted this bill will in fact assist in the establishment of a rehabilitation reserve account from a levy paid by all Crown and privately owned aggregate quarries. This money will be used to rehabilitate lands in which a quarry has been situated. To date, the fund is, from what I understand, not yet in place. [interjection] Or it is in place, but they do not expend it, which is a valid concern in terms of what is happening with respect to interest being put into general revenues. That is not in fact what was targeted for it.

Madam Speaker: Order, please. When this matter is again before the House, the honourable member for Inkster—[interjection] Is there leave that the members will not see the clock? Leave? Leave has been granted.

Mr. Lamoureux: Very briefly, this bill is needed because the current legislation would allow interest from this fund to go into general revenue, in part. Under this act, the interest will remain in the account. This bill will not arouse much necessarily interest from the general public. Yet it does warrant significant attention, because it does serve a very valid purpose in ensuring that the right thing is in fact done with respect to quarries. Thank you.

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

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

PRIVATE MEMBERS' BUSINESS

* (1700)

Madam Speaker: The hour being 5 p.m. and time for private members' hour.

PROPOSED RESOLUTIONS

Res. 29—Political Advertising and Government Guidelines

Mr. Jim Maloway (Elmwood): Madam Speaker, I move, seconded by the member for Thompson (Mr. Ashton), that

“WHEREAS in the six months prior to the 1995 provincial general election the Provincial Government spent hundreds of thousands of tax dollars on partisan advertising of Provincial Government programs in Manitoba newspapers and on radio and television stations around the Province; and

“WHEREAS in 1993 the then Provincial Auditor called some of the Provincial Government's ads “questionable” and stated that the Government should implement guidelines for government advertising; and

“WHEREAS on June 3, 1994 the Minister of Finance indicated that, “I have staff working on this issue, and we will come forward with a position on the whole issue of appropriate guidelines and so on. So we are undertaking it. We take it very seriously.”; and

“WHEREAS despite repeated promises before, during and after the election the Minister of Finance has still not brought forward any standards or guidelines and refuses to act on his previous commitments; and

“WHEREAS thousands of dollars continue to be spent on questionable advertising contracts many of which have been awarded to former staff of the Premier's office; and

“WHEREAS the Provincial Government wasted over \$400,000 on advertising promoting the privatization of the Manitoba Telephone System prior to the sale of the Manitoba Telephone System and this advertising was clearly partisan and part of a pattern; and

“WHEREAS the Provincial Government is continuing this policy of using advertising for partisan purposes.

"THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba request that the Premier consider following the advice of the Provincial Auditor in this matter and 'consider developing more explicit guidelines in this area, specifically defining the extent to which the political element is acceptable in ads paid with tax dollars'; and

"BE IT FURTHER RESOLVED that this Assembly request that the Premier order the cancellation of all non-essential advertising campaigns until such guidelines are publicly released."

Motion presented.

Mr. Maloway: This government has a lot of nerve. You know, back on June 3, 1994, the Minister of Finance indicated that he had staff working on this issue, that is the issue of establishing guidelines, and will come forward with a position on the whole issue of appropriate guidelines.

Now, this was 1994. Since then, we have gone through one election cycle, and we are almost on the eve of the second cycle, and the Minister of Finance (Mr. Stefanson) has not produced on this promise. This is yet another broken promise from a member of this government. You know, if I had a crystal ball, I would say that good times are ahead for Barbara Biggar in the next 12 months. I think I could safely stand here today and predict that Barbara Biggar and other advertising firms will be looking forward to record amounts of business at the end of this year and the beginning of next year thanks to this government as it comes up with ideas to promote itself, promote government programs, to try to increase its profile and support coming into the election expected next year.

Now, certainly that is a total misappropriation and misexpense of public money. You know, the ads that this government runs to support its political goals should, in fact, be billed to the Conservative Party of Manitoba. I read with interest the member for Brandon West's (Mr. McCrae) comments a few months ago on this issue. He said, well, you know, the other provinces do this as well; B.C. does it; Ontario does it; all these other provinces do it.

But that does not make it right. Why do we have to follow what the other provinces do? If they are wrong, if it is a wrong idea, they should be setting a precedent here. The Provincial Auditor has stepped in and suggested that they come up with guidelines. The Minister of Finance (Mr. Stefanson) said he would come up with guidelines, and this is four years ago. Where are the guidelines?

They have no intention, Madam Speaker. I would have felt better about the issue had the minister simply told the Provincial Auditor to mind his own business, that this government had no intention of coming up with guidelines and simply done it that way, but they led the Provincial Auditor on by saying they would develop—and led this House on, too, by the way—said that they would come up with guidelines, when they have no intention of doing it.

Now we look at some of the advertising campaigns that they put on over the years and one of them said, well, was it successful? You know, I am not so sure that some of these advertising campaigns are all that successful. I remember the group for good government. The member for Lakeside (Mr. Enns) is certainly familiar with that illustrious and unsuccessful group from the 1970s. This group for good government coordinated anti-NDP efforts in a number of constituencies and ran parallel advertising campaigns, scare campaigns, spent an awful lot of money, and at the end of the day they were spectacularly unsuccessful in what they were doing.

We know that there are other parallel campaigns in elections that organizations run, spend tremendous amounts of money supporting a certain cause, whether it is the Conservative Party or another party, and those efforts have not necessarily produced terrific results. So there certainly, if you dissect each advertising campaign that is put together for any particular purpose, I think one could perhaps find as many campaigns that did not work as did. But that is not going to deter these people. That is not going to deter these people from trying this again, basically misappropriating public money for use for their political purposes in the election campaign. I mean, that is what it is. That is what it is.

The Conservative Party should get a bill for each and every ad that they ran on the privatization of the telephone system, that they ran in a number of these advertising campaigns that were nothing more than campaign efforts to help their political fortunes. You know, the public, they feel they have fooled the public once, twice on this issue, and they think that the public will be fooled again. They may find that does not work that way because money, while people suggest that money buys elections, the point is that there is a certain level at which money is basically wasted.

* (1710)

The member for Lakeside (Mr. Enns) may be familiar with the United States presidential candidate who spent \$26 million or something a few campaigns ago and only got three or four votes. I am trying to remember who that was. [interjection] No, no, it was another—this was a presidential race where the nominee spent a tremendous amount of money. [interjection] That is right. So the saturation advertising that these people opposite are going to be launching later on this year and all through next year may in fact backfire on them, because the public are not that ill informed, the public are not that stupid that they cannot figure out that these people are trying to buy their votes with their own money.

They know that this is public money. If they do not, we are certainly going to tell them that this is public money that is being spent to enhance the fortunes of the Tory Party, and people do get cynical after a certain point about strategies that are developed by this party and others who use this tactic. I do not think it does them a lot of good. So I do not see why they, or what lack of interest they would have in coming forward with some guidelines, producing these guidelines that they promised to produce way back in 1994 and try as best they can to stick to these guidelines to at least give the appearance that they are trying to disseminate government information to the public and that they are not overtly trying to buy people's votes with their own money.

I think if they did that—I am trying to give them some good advice here, you know—I think the public would be more lenient with them. The public would understand that certain government programs need to be

communicated, and they would understand that certain ads are providing information to the public.

But this is not what they are going to do. They are going to look at what Barb Biggar has to say, not what the people in the department have to say. They are going to look at what Barb Biggar has to say and the other advertising gurus, and they are going to tie that in to their polling campaign and their focus groups, and we are going to see, not information ads, but we are going to see just blatant political ads, you know, nice blue backgrounds. The canoe is in for repair now, I understand, a lot of repairs needed on the canoe. It has had a long trip. There are a few holes in the canoe that need to be plugged, and that is why we are not seeing an election this year. Things have to be put off for another year. When the canoe gets fixed, we are going to be under this barrage of political advertising, and, you know, when you think of the money they spent and the efforts they spent on government advertising over the last few elections, what has it produced for them? Marginally more seats than we have over here.

We produce all these seats over here on this side of the House with not one cent of government advertising. We do not have the benefit of that. We do not have this well-oiled machine that the Tories have, and yet we still keep getting elected. So, you know, at the end of the day, we are not too happy about what this government has done in the past in this area and what we think it will be doing again in this area, but there is nothing much we can do about it, other than make sure this government is not around after the next election, and we will do our best in that area.

But I am going to be very interested to see what the Conservative response is this time around, because last time around the member for Brandon West (Mr. McCrae) gave the Conservative response, and I detected no remorse in his speech. In fact, all I gathered there was just the fact that other parties do it, other jurisdictions do it, so we are going to keep doing it. We are not going to change our ways. [interjection] Well, the member thinks he is going to keep getting elected.

I am not sure what the advertising campaign, the focus of it will be in the coming year, but I would imagine it will be pretty heavy on the Pan Am Games

and the surplus budget and sort of the feel-good, fuzzy image that they want to promote in the summer of 1999 to try to fool people into believing that all is well with the province, and if people only go to sleep for the summer and wake up September 10, or whatever the date is, and vote Tory one more time, that all will be well. I guess it is our job to get that message out, that that is, in fact, what they are trying to do.

I also wanted to deal with the area of lottery advertising because that is certainly a big area that I have been interested in over the last few years. I know that it is almost impossible to promote the idea in the province that we should get rid of lotteries, certainly given the fact that the government that I was involved with for a number of years had a lot to do with setting up the gambling system, certainly not to the extent that it is right now because this government here has brought it light years further down the road to the point where we have VLTs on every corner.

But I would think that one of the things that we should be looking at certainly is the elimination of all advertising relating to lotteries. I fail to see why we have to spend taxpayers' money advertising things like lotteries. I think if people want to go out and buy lottery tickets, they can certainly find out where to buy them. There are certainly enough of them around. Why we have to spend millions of dollars and make Barb Biggar richer and other advertising agencies richer to promote lotteries is beyond me, and I really think that this government should come to its senses and make some initiative.

I mentioned before that the former Leader of the Liberal Party, the newly minted senator formerly from River Heights, one of the few ideas I did agree with her on was the fact that she wanted to either restrict or eliminate lottery advertising in this province. I think it was a good idea and should have been picked up on by the government, particularly during the minority government period because that was the time to effect something like this.

So I really do think that we have to work together to try to curb basically wasteful and counterproductive advertising such as the lottery-type advertising. There is probably some other types of advertising that are just totally unnecessary and perhaps even contrary to the

public interest that the government should not philosophically be promoting.

But I think on this side of the House we are resigned to the fact that we are going to have to deal with a barrage of this feel-good advertising stuff over the next 12 months, and I guess we are ready for it, but we wish—[interjection] Well, you know, we wish the government would come to its senses and do what it promised. I mean, here we have a Minister of Finance (Mr. Stefanson) who has essentially not kept his word. He promised on June 3, 1994, in response to the Provincial Auditor—I mean, it is not people in the NDP who are opposing this. We have the Provincial Auditor of the Province of Manitoba saying this is wrong; do something about it; cut it out, and we have the Minister of Finance saying, you are right; we have staff working on it; we are going to come forward with a position.

This is a year before the last election, and meanwhile they were churning out ads one after the other while he was making this promise, and four years later, here we are again.

Madam Speaker: Order, please. The honourable member's time has expired.

Mr. Gerry McAlpine (Sturgeon Creek): The honourable member for Elmwood (Mr. Maloway) brings this resolution forward, and it is really curious how he—[interjection] Well, he says that this government has a lot of nerve, Madam Speaker, as far as our approach to this resolution and the things that we are doing. My advice would have been to him that maybe if he had spent half an hour in the washroom before he came in and made this resolution and his speech, he would have probably been far better off.

The thing that I think we really have to examine here, Madam Speaker, are the issues that this government has addressed. We only have to go back to the MTS debate—

Point of Order

* (1720)

Mr. Kevin Lamoureux (Inkster): Madam Speaker, generally speaking, when I am inside the Chamber, I

listen very closely and try to get a good understanding of what exactly has been said. The member lost me when he talked about the washroom and 30 minutes and then something would be happening with this resolution. I am wondering if he could maybe elaborate on that point, and my apologies if I—

Madam Speaker: Order, please. The honourable member for Inkster does not have a point of order.

* * *

Mr. McAlpine: I do want to address this issue now that I have the member's attention. If you remember the MTS debate—and they criticized this government for not being informative and letting people know and that we did not travel around the province and all those things, and now in the resolution, Madam Speaker, what do they say? They criticize the government for spending \$400,000 on advertising promoting the privatization of the Manitoba Telephone System.

These are things that this opposition member, and I guess he has the support of his colleagues across the way, and I hope they are going to speak on this and defend the honourable member's statements that he is making here, because I think that then we can really understand what they are thinking over there if we can really get some clear understanding. When they make these kinds of statements, it is really confusing. So I would hope that they would clarify some of these things.

He goes into the final RESOLVED here: "BE IT FURTHER RESOLVED that this Assembly request that the Premier order the cancellation of all non-essential advertising campaigns until such guidelines are publicly released." I would like to add something to that, or what doom day of darkness that the NDP form government, because you know what they would do if they were in government? They would not want anything to do with this because, when I did the research on this, and very brief research, they did everything but.

The government is committed to making its policies and practices as transparent as possible. We have demonstrated that as a government. Under the tenure of this government, information has never been more

accessible as it is today. Manitoba's new Freedom of Information and Protection of Privacy Act comes into effect this May 4, and it is designed to increase access to a wider range of public institutions.

As well, the new act establishes specific guidelines to protect the privacy of third-party individuals when access is being considered. Health care facilities, education facilities, municipal governments will fall under provincial access laws for the first time but not to be subject to the act until a later date. The provincial Ombudsman has been given the authority to go to court on behalf of the applicants and conduct audits on access or privacy issues through the new legislation.

I do not know what the honourable member is talking about in his resolution. There is no sense there at all.

One of the first orders of the government's business was to proclaim The Freedom of Information Act in 1988. [interjection] Well, he says it is the wrong resolution. Maybe it is a matter of interpretation, the way I see it. At this point I have the floor, so I hope the honourable member would listen and maybe he will hear something that will maybe put him on the right track.

With the information, I try to find some phrases or sayings that maybe could best describe the honourable member's resolution in terms of what we are talking about here. I cannot say that this opposition is like a ship without a rudder. They are more like a bunch of dinghies full of loose air. They are certainly not demonstrating to me that there is any accuracy in their statements in this resolution.

My advice to them is that people in glass houses should not throw stones, because all we have to do is go back into the '80s during the Howard Pawley, I mean, you do not have to go back a long way. The honourable member for Elmwood (Mr. Maloway) says that he wished that I could not remember that far back, but this is in history, it is documented. That is the other thing.

They do not seem to think that we have access to this information. It is like the bird who has the nest. I mean, what do you do? They have done that and they do it all the time, and that is the only thing that I can

say. Another saying that I think we could probably attribute to their—that maybe describes the honourable members, to be like a parakeet that says what he knows but does not know what he says. That certainly is appropriate for the honourable member's resolution here.

Madam Speaker, let us just look at some of the—in 1983 the NDP created a \$315,000 Communications Branch within Maureen Hemphill's Education department, and I think it was 1985 or somewhere in that area, or '84, Limestone as an example, perhaps one of the best examples of the NDP's misuse of public funds was the Limestone advertising campaign. Several hundred thousands of dollars were spent on an ad campaign for that project, and then they criticize, in this resolution, that we are out there informing the people.

All the things that we have done, the people in Manitoba want to know what this government is doing, and I think that is the responsibility of governments, but not the abuse that the honourable members did in the 1980s. That was full abuse of their rights as members and serving the people of Manitoba as a government.

The honourable Minister of Energy back in 1985 actually was quoted in the Winnipeg Free Press. Mr. Wilson Parasiuk confirmed that \$100,000 had been paid to the Montreal-based Dunsky [phonetic] Advertising Limited to develop an overall approach to getting the information out, as well as the government recently passed a Special Warrant that added \$590,000 to the government advertising budget, raising it to \$2.9 million. That was in the Winnipeg Free Press on January 31, 1985. In 1985 the NDP employed 36 information specialists, which was 13 more than were on the payroll prior to the previous government under Sterling Lyon. There was a growth of 56 percent. That was in the Winnipeg Free Press, February 6, 1985.

* (1730)

In early 1988 the NDP had 116 communicators on the public payroll, and the previous government administration had only 23. That is almost 100 more administrators to do their advertising campaigns and to communicate to the people what good things the NDP were doing. Mr. Walding saw the light. He made the

difference, and that is why we are here today. It is because of that unfair spending on the part of those members over there.

Madam Speaker, I think it is really too bad that the honourable member has brought this resolution forward. No, maybe it is not that bad, because at least now Manitobans can be reminded of those years, in 1985 when they did squander the money of the people of Manitoba. Although I was not here during that time, I certainly lived through their tenure in government, and I certainly felt the pain as a business person in trying to serve my clients and to try to make a living through some pretty hard and difficult times. It was government that was like this, the irrational spending on their own campaigns and being re-elected that I take issue with and take exception to, and the honourable member who brought this resolution, I think, should be reminded of that. It is shameful that here is a person who was here in that time in serving with that government, and I think he has to be reminded and he has to do some soul searching on this whole issue.

I would hope that the honourable member would have given maybe a little more serious thought when he brought this resolution in in terms of what he was going to say. It is easy to criticize people who are serving in the interests of the people of Manitoba. I dare say that with the information that we have and the legislation that has been brought in, we certainly are taking a position that all Manitobans benefit and know what we are doing. I think that is one of the things that I prided myself in as far as the constituency of Sturgeon Creek and making drops to mail boxes and things like that. I cannot afford the advertising with my constituency allowance to get a lot of the messages out, so I am grateful that the government has the budget and the foresight to ensure that information does get out to Manitobans so that they know what we are doing as a government.

So, Madam Speaker, and as my time has run out, I would like to close on this note that the honourable member for Elmwood (Mr. Maloway) and his colleagues should really sit back and take stock of really what this resolution is saying. I would offer to the honourable member for Elmwood that unfortunately or whatever, I certainly am not going to be one that is going to support this resolution. I think that the

honourable member for Elmwood has some real soul-searching to do on this. Thank you.

Mr. Lamoureux: I would suggest that the speaker before me has quite a bit of thinking that needs to happen. If you take a look at the last two BE IT RESOLVEDs, the core of the resolution, the first one is saying that the Legislative Assembly of Manitoba request the Premier (Mr. Filmon) consider following the advice of the Provincial Auditor.

Madam Speaker, I do not think that is too much to ask for when it is suggesting that in this matter and consider developing explicit guidelines in this area specifically defining the extent to which political element is acceptable in ads paid with tax dollars. I do not see anything unreasonable about that.

The second BE IT RESOLVED that this Assembly request the Premier order the cancellation of all nonessential advertising campaigns until such guidelines are publicly released, well, Madam Speaker, if this was to pass, that might then put more pressure on the government to actually materialize on some sort of guidelines.

I look at advertising in a couple of ways. One is that it can be a mechanism in which we influence public opinion. That can be done in order to protect the government's popularity within polls. A good example of that would be gambling. I can recall the billboard campaigns, TV campaigns, for example, on gaming where it would say these gaming dollars are going to be going towards all these wonderful causes in order to try to influence public opinion when you have others that are trying to say, well, look, there is a social cost to the type of gaming policy that the government has adopted.

Well, Madam Speaker, what you are trying really to do is not necessarily to inform Manitobans in some areas, what you are trying to do is that you are trying to influence their opinions on a policy that the government actually has.

I can recall, because the member wanted specific examples, when the government was in a lot of hot water with respect to health care and some of the things that were happening in health care, whether it was the regionalized boards, whether it was the home care

services, this wonderful eight-page, I believe, glossy document with the then minister of Health went out to all Manitobans talking about how wonderful things are within our health care area.

Well, Madam Speaker, there is a need to provide information. I do not question that, and government does have a role in that, but that is, in essence, where I would suggest that there is the need to develop those guidelines. I do not understand how a member of whatever side of the Chamber would oppose the need to have some sort of basic guidelines, so that the line is a little more decisive, that the gray area is not quite as wide. I have absolutely no problem whatsoever in supporting the two BE IT RESOLVEDs.

Thank you, Madam Speaker.

Mr. Mervin Tweed (Turtle Mountain): The Manitoba government is spending too much on public relations people to sell its programs. The ribbons and bows you put on it are more important than the actual package. The government has its image-builders squirrelled away under at least three civil service job descriptions: media specialists, program analysts and administrative officers.

As I read those comments, Madam Speaker, and listening to the member opposite put his comments on the record in regard to his resolution, it struck me that those same words, or the words that I have just read into the record, were spoken by then MGEA leader Gary Doer in respect to the Pawley government, so as I sit here and listen to the comments made by the member for Elmwood (Mr. Maloway), I almost have a feeling of déjà vu, only the question I might ask is when it was good for them, it was okay, and when it is someone else in government, then it is not all right.

I say that is a shameful thing to say, for a member from Elmwood to bring forward in a resolution when a government such as the one that is currently present in Manitoba has brought forward so many positive, forward-thinking policies that the public can see, can debate, can understand, and can base their opinions and their judgments for the province of Manitoba based on the information that is brought forward.

It absolutely amazes me how the members opposite can be so hypocritical of things that they used to do on

a constant and daily basis and stand in this House and put on their righteous hats and criticize a government for the way they are acting or performing on behalf of the people of Manitoba. It is amazing.

I look back at the record, and in early 1988 the NDP had 116 communicators on the public payroll as opposed to 23 by the previous Conservative administration, which they so critically challenged and held out as a demonstration of government's influencing the media. I say that is shameful. When I read some of the articles that were written at the time—and, again, I would say all the members opposite have to look in the mirror and question themselves and the party that they belong to.

One of the major promises that Howard Pawley made to Manitobans was that this would be an open government, and I think at that time they hired enough people to try and present that open-thinking government, but, unfortunately, it did not serve them as well as they would like.

* (1740)

As I read these news clippings, something that struck me was that they actually had a deputy minister of communications. That surprises me when they are bringing forward a resolution that talks about a government that through sensible, proper communications to the people so that they can understand what governments are doing and where governments are headed and what policies are being implemented—I say shame to the members opposite that they can stand up and be critical today. I think it is absolutely disgraceful.

The articles that I have had a chance to go through lists several of the incidents where the NDP in time of government brought forward people or persons and disguised them, I guess, as many things, but were well known as the government flacks, the proponents of information. In one of the articles that I read, what they were talking about was the fact that the communicators, when the government changed in 1988, the province's proposed communications budget was going up to \$13.2 million. Absolutely unbelievable that they can stand there and be so righteous in their statements saying that this government is making a mistake or is

doing something wrong in some of the advertising that they are doing. It is just absolutely disgraceful that they can bring forward that kind of a resolution.

The other comments that I have read as I looked through the articles were they were trying to enhance their position. They hired a senior bureaucrat with a pay of more than \$50,000 a year to run its public relations drive. Again, the president of the MGEA at that time claimed that the number of government media specialists had grown to 36 under the New Democrats, who once criticized the Tory government's complement as being too rich.

It is very interesting that they would stand up today and in their presentation talk about all the things that government does today. I think of all the positive things that are going on out there. In fact, I know the member for Wolseley (Ms. Friesen) took to using, I believe, some of her advertising funding to explain to people how to fill out and how to file and claim for welfare. I would question whether that is a proper use too, but, again, I guess I will stick closer to the resolution that is on hand.

One of the articles or WHEREASes that the member brings forward is in regard to the advertising of MTS. It pales in comparison to the Limestone project that was advertised. Being a novice at this and maybe not fully understanding some of the numbers, I am led to believe that the NDP government of the day confirmed that they had paid \$100,000 to a Montreal-based—I guess that, if we are going to take criticism, we will take it working with a local Manitoba company as opposed to someone from out of town. The idea was to develop an overall approach to getting the information out. It was not a matter of what they were doing or what they were attempting to do. It was the attempt to get the message out, and, as well, it was suggested in this press release that they had spent an additional \$590,000, raising it to \$2.9 million at that time, under a Special Warrant. Can you imagine, a government taking out a Special Warrant just to bring forward some of their own promotions and promote their own ideas?

Then I look at this resolution, and I shudder to think what must have been going on at that particular time. Unbelievable.

The other comments that I read as I go through some of the comments that were made by people at that time—I think it is good to remind people and often, as history teaches us a lesson, it would certainly come back to remind people.

It says here from the Brandon Sun: The government of Premier Howard Pawley has raised the bureaucracy of communicating with the public to a separate, high-powered agency. The mere fact this reorganization has taken place indicates that this government believes public relations can somehow mask the fallout from cutbacks in other areas of government expenditures.

I do not have the quote in front of me, but I do know that the then chairman or president of the MGEA was quoted as saying, and I will not say he was quoted, but I will say he referenced the story and said that it was a shame that the government would increase their budget for advertising by \$7 million while they were cutting back civil service jobs.

I would suggest that he probably was right in doing so. It is just the fact that it seems a little bit ironic and perhaps hypocritical that he would have his party bring forward that resolution today.

It goes on to state in the Brandon Sun article, and I think probably the editor of this column probably saw the future, because he states here: The problem with the government preoccupied with public relations—referring to the NDP of the time—is that it will end up spending too much of its time and resources trying to counter its critics rather than acting and letting the chips fall where they may.

I would say that would be exactly what this government is doing is we are moving ahead, we are making decisions, we are acting rather than letting our press people and letting our public relations run the show which would suggest by the history that at this particular time had happened. It is always interesting, and I have learned very quickly that part of this business is the history and the past, and things you say today may come back and kick you tomorrow. I would suggest today that the resolution brought forward by the NDP party today is just exactly that. It is a suggestion that when it was good for them it was good, and when it does not suit them anymore, they would oppose it.

So I think that is what this resolution speaks generally to.

I think that also, in talking about communications and some of the things that are suggested here that we do not get our message out, people are listening, people are understanding where the province of Manitoba is going and some of the many positive things that are being done in the province, I think that is part of the nature of government and should be. I do not think that we want to hide the fact of the successes that the province is enjoying. It is something that you should share with the people.

Again, when I look at some of the releases that I have had a chance to review, it certainly did not seem that the intent was to advise the public, the people of Manitoba, of some of the programs and some of the things that the government of Manitoba were doing but merely to promote the government and the members of the government itself at a time when they probably needed the propping up.

Some of the other things that I have had an opportunity to read in regard to some of the governments of the day, back in 1985, I believe it was. It was also stated in the article—and I actually do not have the date—oh, March 6 of 1998, the government of the day had proposed an increase of \$13.2 million in their budget for the following—

An Honourable Member: What do you think, Merv?

Mr. Tweed: The Leader of the Opposition (Mr. Doer) asks me what I think. I think it is shameful that you can sit there, and I think it is wrong for you to challenge this government on many of the communications that they have put out there that have advised people of the great things that are happening in the province and the good things that the government is doing. If it is good, I think people need to know and have a right to know and that governments should and will always be involved in that type. But what I see based on the history is the fact that it was not promoting government policy, it was promoting the individuals within government. I think that is very clear and very obvious in the statements that I put on the record today and some of the things that people have said at this particular time.

With that, Madam Speaker, I think I am not interested in putting any more comments on the record than that, and I thank you for the time.

Mr. Steve Ashton (Thompson): Madam Speaker, I want to speak in support of the very excellent resolution brought in by the member for Elmwood (Mr. Maloway). I say to, particularly, the member for Turtle Mountain (Mr. Tweed), you know, he could have taken a very independent approach, the high road on this. I know that the spinners on that side, as our Leader points out, probably spent many hours writing the notes, the very detailed notes I am sure, for that speech.

But, you know, government members, particularly members who are not part of cabinet, do have a luxury, and that is they do not have to follow along with what this core group that is running that government, that very small, inner group, that is deciding. You know, we see increasingly that that government is run by maybe two concentric circles here. One is basically the Premier (Mr. Filmon), includes Jules Benson. We saw in MTS it included Eric Stefanson, the Minister of Finance. We see that one very, very insular circle in there. A funny part is I have talked to members opposite. You know, they are probably more frustrated than we are at that small little group that runs things over there.

* (1750)

But there is another small group, and actually it has kind of spun out a bit now, and it is the other hand of this whole Frankenstein that we see over there in terms of the government are the spinners. Now they used to be in-house, but they found out they could make a heck of a lot more money by just sort of going out into the supposed—I love this word—the private sector, where you get to cash in on all these public sector contracts.

You know, one Barb Biggar, for example, she has done very well out of that. There is this whole sort of money going out to Barb Biggar and various political connections to go back in with that. We saw that, as the member pointed out, for example, with MTS. They did not even wait for MTS to be sold off. They were using various ads, and they were using our money to try and persuade us that we did not believe what we believed.

You know I find it is interesting because members opposite might wish to note that perhaps going into the election, perhaps it worked. Perhaps some of the fooling of people, you know the expression: you can fool some of the people some of the time, but you cannot fool all of the people all of the time. I reference MTS. By the time they got finished with their massive advertising campaign directed by Barb Biggar using Bill Fraser's signature, by the time they finished with that, what was the support level for the sale of MTS? It was not even 20 percent.

Seventy-eight percent of rural Manitobans were opposed to the sale, two-thirds of Manitobans generally. You know, it should be, I think, quite instructive because I think people have gotten cynical about the members opposite. Just think of what they promised going into the 1995 election, and let there be no doubt that they went to new heights in terms of publicity. Who can forget that document put out by Rural Development? I think it had 14 pictures of Len Derkach, the minister responsible for Rural Development; 14 pictures, count them. Have you ever seen the kids' books like spot Waldo? Well, you could not do that with spot the minister because he was in every single picture, every single picture. But of course it was put out as public information. I guess it is sort of like our minister is not well known, so let us put his picture in 14 times.

An Honourable Member: Who was that?

Mr. Ashton: Who was that? The minister—in fact, the Minister of Urban Affairs (Mr. Reimer) was probably jealous. They have never done that for him. I do not want to give them ideas.

But, you know, some of that cynicism, it backfired. I really say to members opposite because I am just waiting. I think the member for Elmwood (Mr. Maloway) pointed out that we are getting close to an election, and I would like to put on the record on our side, the sooner the better, because we cannot wait to get out there and face this government on the campaign trail.

But I get the feeling—okay, I will make this prediction, Madam Speaker, on the record. I am not expecting an election call within the next few weeks, let

alone the next few months. I think, well, okay, it could be a year, and I will tell you why, because after this session is over, they are going to sit down with the spinners, with their publicity consultants, they are going to say, you know, we have got a slight problem here. People are starting to see through, after 10 years, the arrogance that—well, some words I cannot use on the record. I am not sure if referencing—

An Honourable Member: Oh, what a tangled web we weave—

Mr. Ashton: Oh, well, Oh, what a tangled web we weave, in order to deceive. But I am only using that in the same way that the government House leader (Mr. McCrae) used the word. In fact, the Leader of the Opposition then, now the Premier (Mr. Filmon), used the word, and our current Leader of the Opposition (Mr. Doer), but the point is they are going to sit down, and they are going to say they have got a problem.

You know, there is something that is starting to be very obvious about this government, and that is I think—I do not know if I can use this word, but I am sure I will be advised by the government House leader if I cannot but—a certain sleaze factor. I would say that they are going to have difficulty with that. I did not reference any individual member. I was not talking about that, but I think people are going to have to sit down, and do you know what they are going to do? I make this prediction. They are going to call up Barb Biggar. They are going to bring in all their experts, the Republican specialists. They are going to say we have a problem. After 10 years, people think we are arrogant, we are out of touch, there is that factor that I just referenced. What do we do? You know what the response is going to be? The Republicans are going to come in and say, hey, you are in government. Ten million dollars worth of ads. They will say: use the taxpayers' money. Now is the chance.

An Honourable Member: They might bring Mike Bessey back.

Mr. Ashton: Well, they might even bring—I think Mike Bessey is doing rather too well to be persuaded to come back here. I do not think Barb Biggar will want her old job back either. They are both doing quite well.

But I make that prediction, because you know what we are going to see? I make a prediction right now. I think we are going to start seeing—well, we are already seeing the Minister responsible for MPIC (Mr. McCrae) in these TV ads. His face is there. Who knows what the Minister of Rural Development (Mr. Derkach) will come up with if you give him a chance? Maybe the Minister of Urban Affairs (Mr. Reimer)—you know, they are going to start trying to publicize themselves.

Who knows what they will try and do with the Minister of Justice (Mr. Toews)? That will be a challenge for them, I must say.

My suggestion to members opposite, I say that you are going to have to get really creative, because there is a huge cynicism level. Now, think about it. What are you going to go into the next year? What are you going to run on in the next election? I mean, the formula that worked so well in 1995—[interjection] Exactly, save the Jets. All the mantras. I mean, what are you going to run on? We are not going to sell off Manitoba Hydro. I can see those ads. They will work really well.

Mr. Chairman, \$10 million, how about we—you could have the minister bring in, the Minister of Finance (Mr. Stefanson) and the Premier (Mr. Filmon) could stand there and make solemn promises. We will never sell off Manitoba Hydro. At the end they could do a tag line. Trust us.

That will go down real well. Just think, where are you going to be? What are you going to promise?

The government House leader was talking about, let us go for four out of four. I can tell you one thing. I said it before at the beginning of my speech, and I will end on this. You can fool some of the people some of the time. All right, that worked in 1995. People actually believed you, but you cannot fool them all of the time.

I encourage members opposite that if you have any doubt that your credibility as a government has slipped dramatically, just go and knock on a few doors and ask people: what do you think about what we did on the Jets? Ask some of the young people that voted for your government based on the Winnipeg Jets. In Riel, for example, you know, ask about that. Ask them what

they think about what you did, what you said and what you did about MTS. Then ask them: Do you trust us on Hydro? Aha. You know the response you will get.

I say to members opposite: your days of being able to fool any more of the people out there than you have already are long gone. You can bring in all the advertising you want, all the Republican consultants, but I think the people are seeing through the veneer. I say to you: spend the time that you got left in government, spend that next year or so—I predict it may even go longer than a year, because I do not think they are going to be—all bets are off here about when the election is.

I tell you that you are going to have the most creative image consultants in the world, because they cannot turn around what you have done, which is not to be up front with the people of Manitoba. You are a tired and arrogant government. Time to step aside.

Madam Speaker: Order, please. The hour being 6 p.m., when this matter is again before the House, the honourable member for Thompson (Mr. Ashton) will have five minutes remaining.

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 13, 1998

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