

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, November 17, 1989.

The House met at 10 a.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### INTRODUCTION OF BILLS

**Hon. Clayton Manness (Minister of Finance)** introduced, by leave, Bill No. 86, The Statute Law Amendment (Taxation) Act, 1989; Loi de 1989 modifiant diverses dispositions législatives en matière de fiscalité, (recommended by His Honour the Lieutenant-Governor), and tabled the message from the Lieutenant-Governor.

### ORAL QUESTION PERIOD

#### Child and Family Services Fiscal Responsibilities

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, yet once again in this House we have to ask the Premier (Mr. Filmon) to interfere in the administration of one of his Minister's departments because the Minister has not accepted her responsibility.

Mr. Speaker, Child and Family Services Agencies still do not know, seven and three-quarters months into the fiscal year, what their final and complete budgets will be. They have informed the Minister that they are all in deficit positions, and they were promised an answer early in November after submitting countless documents to the Minister.

Will the First Minister now force this Minister to take action so that the Child and Family Services Agencies in our province can practise appropriate fiscal responsibility?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the issue of responsibility is well raised in this House because it is the irresponsibility of the Liberal Opposition that prevents us from dealing with the Estimates in this House. There are not only Child and Family Services Agencies, there are countless people throughout Manitoba, various agencies and various organizations, that depend upon Government funding who want to know what their funding will be this year in Manitoba and are being prevented from getting that information, because the Liberals are so irresponsible as to filibuster and drag out the Estimates process on and on and on for their own political purposes.

That is the kind of irresponsible opposition that is destroying the Liberal Party's credibility, and that is what people are seeing. They know what is going on in this province, despite her bluster.

### Ministerial Responsibility

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, the same agencies had full information about their budgetary commitments from this Government last year, shortly after the budget was brought down, and long before they went into the Estimates process. They have since in this fall been asked to work and provide the Minister with information on their loads. They have been asked to provide this information on their requirements for a funding formula review, and they have received no input back from this Minister. When will this First Minister order his Minister to act responsibly?

\* (1005)

**Hon. Gary Filmon (Premier):** Mr. Speaker, when will this Leader of the Opposition order her caucus to get on with the business of the Legislature to get on with Estimates everyday, instead of debating a foolish Bill by the Member for Assiniboia (Mr. Mandrake) about dirty licence plates? Let us get on with the business of Government. Let us look after the agencies. Let us look after child welfare groups in this province. Let us look after the real needs of the people instead of all of the ridiculous filibustering and delaying that is going on by this Leader of the Opposition and her Members.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order. The Honourable Leader of the Opposition.

**Mrs. Carstairs:** Mr. Speaker, what we want is ministerial responsibility in this House. We want Ministers to be held accountable for the vulnerable adults and children that they are supposed to represent. All of the agencies are in a deficit position.

### Fiscal Responsibilities

**Mrs. Sharon Carstairs (Leader of the Opposition):** Why will this Minister not provide the information to these agencies who are now facing a day of reckoning and are going to have to start cutting services if they do not know what their final numbers are going to be?

**Hon. Gary Filmon (Premier):** Why will this Leader of the Opposition not agree to start sitting longer hours to start getting on with the process of reviewing the Estimates? Why does she spend all of her time going to campaign meetings for Jean Chretien instead of doing the things for the people of Manitoba? This is what is important in this House, Mr. Speaker. We ought to get on with telling people this—

**Some Honourable Members:** Oh, oh!

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

**Mr. Filmon:** We have to get on with the business of the Government, the business of the people of Manitoba, we have to deal with these Estimates instead of dragging them out, delaying. We came into Session on the 18th of May, the 18th of May. Here we are in the latter part of November, Mr. Speaker, and we are not even halfway through the Estimates process because of the Opposition constantly filibustering, constantly delaying, constantly setting aside the real business and the real needs of the people of Manitoba in their own crass—

**Mr. Speaker:** Order, please. The Honourable Leader of the official Opposition.

**Mrs. Carstairs:** Perhaps if the First Minister would ask his Minister of Health (Mr. Orchard) about what occurred on Monday night, he will know that of course the Liberals did agree to sit longer hours on that night.

### Cumulative Loan Cost

**Mrs. Sharon Carstairs (Leader of the Opposition):** Can the First Minister tell this House the cumulative costs of borrowing of all Child and Family Services Agencies as a result of the failure of this Government to provide funding on a timely basis?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the Government borrows money. It costs interest to borrow money. Whether the money is paid now and the interest is paid out of one pocket or the other, the Government has to borrow money in order to keep its operations ongoing.

We have accumulative debt in this province of \$10 billion. Now I know she is not aware of finances. I know she is not interested in it. All she does is tell people how to spend more money, \$700 million more of spending that she advocates in one year to add to the taxes of the people of Manitoba.

The fact of the matter is that the money is provided to those agencies by this Government. The Government covered every nickel of their deficits last year. We provided all of the money that was necessary to provide full quality services in terms of the Child and Family Services Agencies last year, and we will continue to support them this year.

There is only a problem in the mind of the Leader of the Opposition (Mrs. Carstairs).

\* (1010)

### Government Financial Commitments

**Mrs. Sharon Carstairs (Leader of the Opposition):** We now seem to be getting somewhere because the Premier (Mr. Filmon) appears to have made a commitment to the Child and Family Services Agencies, a commitment that his Minister will not make.

Will the First Minister (Mr. Filmon) state very clearly to these agencies today that all of their deficits will be picked up by this Government, and they can continue

to offer full agency services to all families and children in need in the Province of Manitoba?

**Hon. Gary Filmon (Premier):** Now we see the Brink's truck mentality of the Leader of the Opposition. Write—

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, order.

**Mr. Filmon:** —a blank cheque and invite everybody in this province to fill in the amount. Spend, spend, spend, do not ask for any accountability; do not ask for any program review; do not ask for any justification; just sign the cheque and let them fill in the amount: that is the mentality of the Leader of the Opposition. It is irresponsible, it is shameful, and I am absolutely shocked at her attitude in this Legislature.

**Mrs. Carstairs:** Obviously, the answer to question four is not the answer to question five, and we have no responsibility either from the Premier or from the Minister of Child and Family Services (Mrs. Oleson).

### Parent-Child Centres Fiscal Projections

**Mrs. Sharon Carstairs (Leader of the Opposition):** With my final question to the Premier, the second of three Parent-Child Centres closes its doors today, and they are not asking for funds now but for the fiscal year 1990-1991. This Government promised us multiyear budgeting, therefore, they surely know what directions that multiyear budgeting is going to lead them to in 1990-1991.

Will the Premier tell the House today if Parent-Child Centres are part of the direction of the budget for 1990-1991?

**Hon. Gary Filmon (Premier):** Mr. Speaker, again the Leader of the Opposition does not know the difference between multiyear budgeting and the Estimates process. One is a matter of projecting the estimated increases of expenditure and the increases or decreases in revenue which gives a global number which indicated, I believe, something in the range of \$300 million projected deficit for next year. We did that projection a year from now, but within that, one chooses priorities.

If we were to follow the Liberal Party's priority choice method, all we would do is spend all the money that everybody asks for. We would have \$700 million of more debt, \$700 million of more taxes to raise from the people of Manitoba because they place no priorities.

Everybody who walks in and asks for it is told, yes, we would give it to you if we were in Government, and that is how they work. That is not how budgeting works. That is not how finance and administration works. That is the wrong approach, that is the Liberal approach, and we will not follow it.

## Hospital Bed Closures St. Boniface Announcements

**Mr. Gary Doer (Leader of the Second Opposition):** My question is to the Minister of Health (Mr. Orchard). We have been informed that 85 beds will be closed for four weeks at St. Boniface Hospital affecting cardio beds and 45 other surgical beds over this period of time.

My question to the Minister is: did he direct the closing of those beds for a four-week period, or did he approve them pursuant to policies in Government?

**Hon. Donald Orchard (Minister of Health):** First of all, Mr. Speaker, the answer is no. There was no approval, and I am not sure of what time period my honourable friend is referring to. You note, from his question, he did not mention any time frame.

Is that the summer bed closure that my honourable friend is referring to that has already occurred and has been occurring in the Province of Manitoba for approximately eight, nine or 10 years? What four-week period is my honourable friend referring to?

\* (1015)

**Mr. Doer:** Mr. Speaker, the Minister does not know the four-week period is over, from early December to early January this year. It is affecting some 45 surgical beds and cardio beds, and we are told by surgeons and other doctors this will have a major backup effect on the emergency sections of hospitals, a major backup on intensive care beds and will provide a major backlog in needed surgery in this province.

My question to the Minister is: did he approve those decisions or did he direct them, and what are the medical reasons for these decisions taking place?

**Mr. Orchard:** Mr. Speaker, I have not directed those closures. I have not approved those closures. Those closures are not an issue that has even been discussed with me by the Manitoba Health Services Commission. I cannot tell my honourable friend where his information is coming from. It is no information that has reached my desk for even discussion, let alone any request for approval.

If the management of the St. Boniface Hospital have made that kind of a proposal, there is a routine method by which they approach the Manitoba Health Services Commission. The Manitoba Health Services Commission then approaches the Minister. No such approach has been made on behalf of St. Boniface Hospital.

## Funding Deficiencies

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, communication in the health care sector is a very serious matter. This is a very serious matter. There are line-ups already in our health care system. In communication and internal documentation and advice we have been given, the reason that these beds

are being closed is "to give the hospital a chance for a balanced year-end position."

I would ask the Minister whether in fact there is a deficiency in funding from the Government to the hospital, and why is he not advised of other similar bed closures for a similar period of time?

Over 30 percent of the beds will be closed down in a similar period of time in Victoria Hospital, another decision that is made perhaps without the Minister's permission but because of deficiency of money in the health care system.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I am pleased to be able to debate this issue fully, and I hope my honourable friend, when we get to the Manitoba Health Services Commission, brings these issues so we can discuss them. Let me indicate to my honourable friend that a no-deficit policy was established three years ago with the major hospitals in Manitoba, a policy established while my honourable friend was in the Treasury Bench.

To accomplish that, my honourable friends in the New Democratic Party for the first time in the history of Manitoba ordered for budgetary reasons the closure of beds throughout the health care system of Manitoba. We have given no such order, but we have maintained the common sense policy of no-deficits in the hospital system.

**Mr. Doer:** Mr. Speaker, we reformed the health care system. We opened hundreds of personal care homes. We increased the budgets in quantum amounts for the home care program which this Minister has cut back, and he has not answered the question. He does not know what is happening in his own health care system.

## Justifications

**Mr. Gary Doer (Leader of the Second Opposition):** My question is: are the health care facilities that are now closing beds accurate, when they say that they are closing them for budgetary reasons, or are they closing them for health care reasons which they have apprised the Minister of and he has approved as in his role to protect Manitobans in their health care system?

**Hon. Donald Orchard (Minister of Health):** I cannot answer as to the source of my honourable friend's information because, Mr. Speaker, my honourable friend often has incorrect information when he comes to his House. Like my honourable friend said when he said that there were intensive care beds closed at Misericordia, Mr. Speaker, those beds were never opened. My honourable friend further alleged two weeks ago that there was no ability to recruit intensive care nurses when in fact recruitment was successfully going on.

My honourable friend often comes to the House with wrong information. I tell my honourable friend, as I told him two answers ago, no approval has been given because no approval has been requested of myself for any such hypothetical closure.

### **Mental Health Centres Patient Security Measures**

**Mr. Gulzar Cheema (Kildonan):** My question is for the Minister of Health. Mr. Speaker, in 1987 the Chief Medical Examiner's report clearly indicates that certain safeguards do not exist to protect the patient population at the Brandon and Selkirk Mental Health Centres. In one case, a compulsory patient of Brandon Mental Health Centre was found floating in the Assiniboine River.

\* (1020)

The Chief Medical Examiner recommended that the panic buzzers and the automatic buzzers which would alert staff to patients leaving the facility should be installed. Can the Minister of Health tell us today if this measure has taken place? If not, why not?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I cannot indicate to my honourable friend whether that specific measure has been undertaken, and I will seek that information and provide it to my honourable friend.

Mr. Speaker, those unfortunate accidents have led all of our institutions who are providing residential and long-term care to mentally-ill Manitobans to enhance their ability to protect the patients, because the patients unfortunately from time to time do wander and do go into areas of danger unattended.

Subsequent to those tragedies in 1987 and before, staff has taken substantial precautionary measures to prevent a reoccurrence of that event, to date I am pleased to say, successfully. But, Mr. Speaker, that does not necessarily preclude any eventuality from happening to patients who periodically do wander. I will provide my honourable friend with the information he specifically requested as to security.

**Mr. Cheema:** Mr. Speaker, one of the recommendations was to increase the staffing level at Brandon Mental Health Centre and the establishment of counter office space on the main floor to be more effective towards these patients. Can the Minister of Health tell us whether that measure has been taken or not?

**Mr. Orchard:** Mr. Speaker, I will provide my honourable friend with that information.

### **Patient Security Guarantees**

**Mr. Gulzar Cheema (Kildonan):** Mr. Speaker, my final question is to the Minister again. One of the patients at Selkirk Mental Health Centre accidentally choked to death during the meal hours. Can the Minister of Health tell us, because one of the recommendations was to provide more supervision during the meal hours, can he assure this House that more staff is provided at the Selkirk as well as the Brandon Mental Health Centre to make sure these patients are protected during those hours?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I will be pleased to provide that kind of

information to my honourable friend. I can attempt to do that even Monday because we are currently debating Mental Health Estimates in which the institutions are before the committee. I can provide that kind of information directly to my honourable friend on Monday.

### **Northern Development Reserve Land Private Sale**

**Mr. Herold Driedger (Niakwa):** Mr. Speaker, I have a question for the Minister of Northern and Native Affairs (Mr. Downey). It has been past practice for the Department of Northern Affairs to feel the pulse of northern communities before granting permission or encouraging developments or allowing some sort of development to take place in the area in which it administers, because these can impact negatively on remote communities.

My question is simply this: is the Minister still encouraging his department to continue with this practice?

**Hon. James Downey (Minister of Northern and Native Affairs):** Mr. Speaker, I could probably more fully answer the first question if I had access to the second question prior to answering the first question. What I will do is say that it is our intention to continue to feel the pulse of northern Manitoba.

**Mr. Herold Driedger:** I am glad the Minister indicated that because I will now give him the other two questions. I did want to see whether or not he had the intention of continuing this practice.

### **Private Construction Projects**

**Mr. Herold Driedger (Niakwa):** Why then, if this is the intention, has a non-Native, Mr. Ron Banman, been permitted to build and operate an off-reserve store on St. Mary Island near the Ste. Theresa Point Reserve community even though there was an expressed request by the reserve Chief in Council that this enterprise not be allowed to continue or that they had another program in mind and that this project should be stopped?

**Hon. James Downey (Minister of Northern and Native Affairs):** Mr. Speaker, let me say first and foremost that it is our intention to make sure that the reserve and provincial communities get along and co-operate because it is to the best interest of northern Manitoba to have investment, co-operation and development in those communities and provision of services. I do not think it does the North and the communities of the North, both reserve and off reserve, to have those kind of disputes brought to the floor of the Manitoba Legislature to further cause disruption and disunity within communities.

As far as I am aware, and I say this very sincerely, the normal procedures have been carried out. The development has been carried out in a provincial community. The band may not have been as satisfied with it as they could have been. It is the co-operation and harmony that we all strive for, and I would hope we have that support from the Liberal Caucus.

**Mr. Herold Driedger:** The Minister would have the support if we were talking about a community, but we are not. We are only talking about a single enterprise on one island where there is no community.

\* (1025)

### Private Development Enterprise

**Mr. Herold Driedger (Niakwa):** How does this enterprise basically deliver on the Government's promise to get increased and meaningful economic participation for all Natives, both on and off reserve—in this case only on reserve—or an area like this where there is basically unemployment, no activity for meaningful economic participation, where we need actually to have monies to stay within communities rather than to be taken out of the community? How does this further that kind of economic development?

**Hon. James Downey (Minister of Northern and Native Affairs):** Mr. Speaker, I would have to say I would think the individual who is investing in an island without anybody to do business with him would be putting someone at risk. I cannot clearly understand where the Member is coming from. If in fact it is the case and there is some unhappiness, I am prepared to look into the issue and see why this development has taken place without any further consultation. It is my understanding that these kinds of issues should be worked out within those communities.

### Assiniboine Community College Disabled Discrimination

**Ms. Judy Wasylycia-Leis (St. Johns):** My question is for the Minister of Education (Mr. Derkach) and deals with an educational institution's ability to deny students the right to continue their education for reasons other than their academic standing. It has been brought to my attention that a student at Assiniboine Community College with epilepsy has been denied access to a training course at the college until she has her seizures under control. Will the Minister today contact the college and tell them to reverse this discriminatory policy decision?

**Hon. Leonard Derkach (Minister of Education and Training):** I am not familiar with the details of that question, but I will certainly take that question as notice, look into the matter, and get back to the Member as soon as possible.

### Disabled Guidelines

**Ms. Judy Wasylycia-Leis (St. Johns):** Will the Minister also then consult with all post-secondary institutions in the province and tell them that disabilities cannot be used in their admissions processes, that it is a violation of our human rights, and that situations such as the one at Assiniboine Community College will not be tolerated?

**Hon. Leonard Derkach (Minister of Education and Training):** Mr. Derkach: I can assure the Member and

Members of this House that indeed we try to accommodate access to the post-secondary education to all students in Manitoba. We indeed go to some very extreme circumstances and measures to ensure that students who have disabilities are allowed to access our post-secondary institutions along with our public schools in this province. I will indeed assure the Member that I will look into this matter and get the details of why this particular student was not allowed access and get back to the Member with the information.

**Ms. Wasylycia-Leis:** Thank you. I certainly appreciate that the Minister will look into this matter and report back as soon as possible.

### Disabled Student Count

**Ms. Judy Wasylycia-Leis (St. Johns):** While he is looking into this particular case, would he also attempt to find out how many other students with disabilities have been denied access to an education because of a physical disability?

**Hon. Leonard Derkach (Minister of Education and Training):** Mr. Speaker, at this point in time, I have not had any reports of other students being denied access to any of our educational institutions in the province; but indeed if there are situations where students are denied access, I would certainly be more than pleased to hear about them so that we can address these situations on a case-by-case basis.

\* (1030)

### Ryan Sais Case Ministerial Position

**Mr. Bob Rose (St. Vital):** Mr. Speaker, we just witnessed the Premier (Mr. Filmon) prodding us for -(interjection)-there was a dearth of questions, so maybe he could provide some of the answers. If not we will get from the Minister.

Mr. Speaker, the question is to the Premier. In response to my letter to the Minister of Economic Security of October 18 and also from public pressure which he seems to answer to, I was pleased to read in the Free Press yesterday that the Minister has made a partial move to reverse the callous decision that was made in the Ryan Sais case. Hopefully this is a new beginning for the Government in dealings with its disadvantaged people of the province.

Mr. Speaker, the Minister says she will have to consult with staff in order to make this ministerial decision. She has had a month to make this discretionary decision, and she still does not have a definitive answer as of today. Surely that Minister should be able to tell us now, does or does she not personally agree with this regulation which treats children's court awards as resource income, and will the Premier (Mr. Filmon) prod this Minister of Economic Security to provide an answer to same?

**Hon. Gary Filmon (Premier):** Mr. Speaker, this Government always is concerned with the needs of the

disadvantaged in our society. In every case that we have looked at, matters that have been brought to our attention, we have gone on the side of the disadvantaged, gone out of our way, and in fact gone beyond normal Government policy. I think the Member for St. Vital (Mr. Rose) was informed that the staff and the department were following normal Government policy that had pre-existed. I think our Minister ought to be complimented for having looked at the situation that normal Government policy was not appropriate under the circumstances and that this deserved her special attention and intervention on behalf of the individual, and I compliment her for doing that.

### **Disadvantaged Cases Ministerial Intervention**

**Mr. Bob Rose (St. Vital):** Mr. Speaker, to the First Minister as well, will this Premier ask the Minister of Economic Security how many more cases there are out there like Ryan Sais, and will this Minister review them and make sure that they will receive fair treatment for those in the future?

**Hon. Gary Filmon (Premier):** Implicit, Mr. Speaker, in the intervention by the Minister of Family Services (Mrs. Oleson) is that she does not believe that the policy as it exists serves well the disadvantaged people who are affected by it. Therefore, her intervention implies that the policy will be reviewed and that if there are others who fall within similar circumstances and the new policy should apply to them, then it will be applied to them. That is the way this works. Decisions are not made on an ad-hoc basis. Decisions are made by virtue of change in policy and, once the policy is evaluated and changed for one individual, it will be applied then even-handedly to all those who fall in those circumstances.

**Mr. Rose:** Mr. Speaker, I am pleased to get those remarks on the record, some we have not had before.

### **Ministerial Policy Request**

**Mr. Bob Rose (St. Vital):** To the Premier (Mr. Filmon) as well, in view of what you said, when might we expect a final answer from the Minister of Economic Security so that an end can be put to the anguish that is out there, the unnecessary cost inflicted upon these people on social assistance, the ones who are inflicted by these wrong-headed decisions? Mr. Speaker, will the Premier (Mr. Filmon) now insist immediately that the Minister of Economic Security provide an answer finally to these questions?

**Hon. Gary Filmon (Premier):** Mr. Speaker, because there are policy change implications, clearly these things are not addressed on an ad hoc basis. The Minister has to speak with the officials, has to have them review what changes in policy are contemplated and how they will now be implemented, and that is being done right at this very time.

As soon as that review and decision-making process is complete, then it will be announced to Ryan Sais and any others who may be affected by that policy change.

### **Government Services Decentralization Announcement**

**Mr. John Plohman (Dauphin):** Mr. Speaker, earlier this year the Government established a task force to review the possibility of decentralizing Government Services in this province. The task force is made up of John Law, Jerry Forrest and Brian Ransom.

Now some six months later or more, we still do not have any announcement as to what services are going to be decentralized in this province, no timetable by this Minister and the uncertainty is now creeping into the Civil Service.

I ask this Minister for Rural Development (Mr. Penner): when will he make this announcement so civil servants, and the public in rural Manitoba, know what is happening with decentralization of Government Services?

**Hon. Jack Penner (Minister of Rural Development):** It is interesting that the previous Government, during the last six years, had time to deal with the decentralization issue or to provide good services to rural Manitoba. They had, prior to that, another stint where they were Government and did not really deal with that matter.

However, I want to say to the Honourable Member for Dauphin (Mr. Plohman) that we are prepared to move on decentralization as we have indicated. We did establish the committee which was made up of Jerry Forrest and Brian Ransom. They have prepared a report that will be brought to Government, and Government will then consider that report.

However, I want to indicate to you that the task of moving Government Services out to rural Manitoba is not an easy one and that we have to consider the human impact.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order. The Honourable Member for Dauphin.

**Mr. Plohman:** I am feeling that the Government is backing off its commitment to rural Manitoba. Its own guidelines and criteria for decentralization opportunities have established a deadline of September for the staff notifications and announcements, September for those announcements.

### **Government Services Loans Branch Amalgamation**

**Mr. John Plohman (Dauphin):** I ask the Minister of Natural Resources (Mr. Enns): can the Minister indicate today whether the lands branch in Natural Resources and agricultural Crown lands in Agriculture will be amalgamated and transferred to rural centres, and what criteria is being used to determine which centres they will be transferred to?

**Hon. Harry Enns (Minister of Natural Resources):** - (inaudible)- as notice.

**Mr. Plohman:** Mr. Speaker, I did not hear the Minister's answer.

**An Honourable Member:** He will take it as notice.

## Government Services Civil Service Announcements

**Mr. John Plohman (Dauphin):** I have a question for the Minister of Rural Development (Mr. Penner). It seems now the Minister of Natural Resources (Mr. Enns) does not even know what is happening in his own department, and uneasiness is creeping into the Civil Service, uncertainty. They want to know what is happening.

I ask the Minister of Rural Development: when will this Government inform dedicated civil servants who have been working for Government for years as to what the future holds for them and their jobs, and where they will be transferred to, under this policy?

**Hon. Jack Penner (Minister of Rural Development):** The question that the Honourable Member for Dauphin asked is a good one and will be provided as soon as the decision has been made.

## Goods and Services Tax Farm Land Sales Exemption

**Mr. Laurie Evans (Fort Garry):** Mr. Speaker, my question is to the Minister of Finance (Mr. Manness) and it deals with the goods and services tax. In the technical paper, it simply states, and I quote: sales of farm land will generally be subject to the normal GST rules. Could the Minister give us his interpretation of that clause and I quote: sales of farm land will generally be subject to the normal GST rules.

Could the Minister give us his interpretation of that clause?

\* (1040)

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, at this point in time we are lead to believe that sales within families will be exempt of tax. Those outside of families, sales of farm land to non-family members, there will be tax applied; but indeed all of those taxes will be used on a credit basis and will be available for rebate from the federal Government.

## Farm Land Sales Tax

**Mr. Laurie Evans (Fort Garry):** Mr. Speaker, from that answer from the Minister, could he then indicate what his interpretation of the clause is: that a farm, when sold as a going concern, will not be taxed? Can I interpret from that, that if a farm is split up and sold quarter by quarter to neighbouring farms that there would be a sales tax on that?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, we are trying to determine greater clarity to that issue also. Let me say though that our understanding is at this time that there would be sales tax applied, and yet it would be available for rebate because of course those quarters will still be involved in the production of food, and therefore all of the tax will be rebated.

**Mr. Laurie Evans:** Well, certainly, Mr. Speaker, it does indicate there is still a tremendous degree of ambiguity in this as far as farm land is concerned.

## Leasehold Calculations

**Mr. Laurie Evans (Fort Garry):** Would the Minister clarify his interpretation of lease arrangements, particularly when a farmer is leasing land on a crop-sharing basis? How would the GST be calculated in that sort of a situation?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, again I point out to the Member it is not my tax. I am not setting the rules and indeed the rules are not being developed in the Department of Finance of Manitoba. We have asked some of those very same questions of the federal Department of Finance. We have not received the clarity of answers that we want. Again, to answer the question, it is our feeling that there will be tax applied on leases which will be credited against other costs of doing business and therefore will be ultimately rebated in total.

## MPIC General Insurance Privatization Conditions

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I have a question for the Minister responsible for MPIC (Mr. Cummings). About 70 employees in the General Insurance Division of MPIC have written to the Minister expressing their anxiety about recent statements and pronouncements by the Minister that this division will be sold. In fact, the Minister has been stating this for the last year and a half.

How can this Minister treat these employees and their families in such an uncaring, indifferent and callous manner? Will he now allow MPIC to carry on to improve the situation and to provide the service that is badly needed by many organizations in this province?

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Speaker, ever since I took responsibility for this Crown corporation, I have indicated in the debate that goes around the General Insurance arm of the corporation that we had priorities that we would stick with in relationship to the employees and the policyholders. I have restated that and I think the Member does a disservice to the employees of MPIC, and he does a disservice to the people of this province when he says that this corporation, after having had a \$26 million write-off in the last year, is going to all of a sudden become a money-maker for the people of this province.

## Brandon Staff Impact

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, since this Government took office, they have eliminated 15 jobs at Rideau Park Nursing Home, 40 jobs when they closed down an international nursing home. Now they are threatening another 55 jobs, up to 55 jobs, at the General Insurance in MPIC in the City of Brandon alone. I would like to ask the Premier (Mr. Filmon), is this what this Government means by decentralization, eliminating jobs left, right and centre in the City of Brandon?

**Hon. Gary Filmon (Premier):** Mr. Speaker, there are more jobs at McKenzie Seeds. There is an expansion

of Canadian Occidental Petroleum that will add another 20 jobs in Brandon. There have been other announcements of expansions in the private sector in Brandon and his allegation about loss of jobs at Rideau Park is absolute nonsense.

As a result of the bungling of his Government they had double staff requirements at Rideau Park so that our health care dollars were being spent for two staffs, one which they had imposed on Rideau Park and the other which the Labour Board said they had to keep it at Rideau Park. So the only thing that happened was that we went down to having one staff instead of two staff because of their bungling.

**Mr. Leonard Evans:** Tell that to the patients and tell that to the employees in Brandon. I would like them to hear what the Minister has said. It is nonsense, absolute nonsense.

### Province-wide Impact

**Mr. Leonard Evans (Brandon East):** I would like to ask a final question to the Minister responsible for General Insurance of MPIC. Will the Minister now acknowledge that many Manitobans have not been able to obtain private insurance and are dependent on MPIC for coverage, including the Manitoba Practical Nurses Association, the Manitoba Child Care Association, many school boards, contractors in the North, recreational facilities including the Prairie Dog Central, small businesses? Will he acknowledge that some of these businesses will go out of operation and some of the non-profit groups will go out of operation if he is—

**Mr. Speaker:** Order, please. The Honourable Minister responsible for Manitoba Public Insurance Corporation.

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Speaker, the Member has a checklist that he goes through about once every six weeks in the House here. I really believe that he is doing a disservice to the people of the province when he puts that kind of rhetoric on the table.

Mr. Speaker, first of all, he talks about 55 jobs in Brandon. The special risk extension arm of MPIC is located in Brandon, and the report that we just received which was tabled in committee indicates that it is a profitable portion of that corporation. It is the personal and commercial lines that are losing money, and he is blatantly misleading the people of Brandon—

**Some Honourable Members:** Oh, oh!

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

### SPEAKER'S RULINGS

**Mr. Speaker:** I have two rulings for the House.

On October 24, the Honourable Member for The Pas (Mr. Harapiak) attempted to table a petition which had just been ruled out of order because it did not comply

with the Rules of this House. I then took the matter under advisement.

The business before the House at the time the Honourable Member attempted to table the petition was "Reading and Receiving Petitions." This is not, in my opinion, the appropriate time for tabling papers or any other documents.

The item "Ministerial Statements and Tabling of Reports" is, by custom of this House, reserved for the tabling of reports relating to Government activities by Ministers of the Crown.

The document in question is a petition which has been ruled out of order. Consequently, it would be inappropriate, in my opinion, for it to be allowed to become part of the official records of this House by some other process.

For these reasons, I am ruling that the petition of the Honourable Member for The Pas may not be tabled and is not acceptable as a tabled paper.

**Mr. Leonard Evans (Brandon East):** I wonder if I could have your permission to make a non-political statement.

**Mr. Speaker:** Slower, I have another ruling for the House.

\* (1050)

**Mr. Leonard Evans:** Sorry, okay.

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

On October 31, I took under advisement a point of order raised by the Honourable Member for Churchill (Mr. Cowan) respecting the words "when they are not under the influence of the Member for Churchill" spoken by the Honourable Minister of Energy and Mines (Mr. Neufeld) referring to the steelworkers union.

I have reviewed Hansard and the relevant parliamentary authorities.

In my opinion, the words complained of do not impugn the motives of the union or the Honourable Member for Churchill, nor do they attribute unworthy motives to either Party.

I am therefore ruling that the Honourable Member for Churchill (Mr. Cowan) had no point of order.

Once more, I urge the Honourable Members to assist the House by choosing their language carefully.

### NON-POLITICAL STATEMENTS

**Mr. Speaker:** Does the Honourable -(interjection)- Order, please.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please. Does the Honourable Member for Brandon East (Mr. Leonard Evans) have leave to make a non-political statement? (Agreed)

The Honourable Member for Brandon East.



**Mr. Leonard Evans (Brandon East):** Mr. Speaker, very briefly, I would like to take the opportunity to congratulate the Child and Family Services of Western Manitoba who today are celebrating 90 years of serving children and their families in western Manitoba. Indeed, I think this is one of the oldest organizations in the province in this particular field of social service.

I might add that they are having a birthday party today, later this afternoon, being celebrated in the City of Brandon. Anyone from that area I am sure would be invited to come. I might add it is at 354 - 11th Street in Brandon.

They have done excellent service over the years, Mr. Speaker. I would certainly wish them well in the years ahead, and I trust all Honourable Members would join with me in wishing them every success in the years ahead.

**Mr. Speaker:** Does the Honourable Member for Brandon West (Mr. McCrae) have leave to make a non-political statement? The Honourable Member for Brandon West.

**Hon. James McCrae (Minister of Justice and Attorney General):** I thank my colleagues for the leave, Mr. Speaker.

I am pleased to join with the Honourable Member for Brandon East (Mr. Leonard Evans) in extending birthday greetings on the occasion of this 90th birthday. I, too, would encourage anyone who is able to attend the birthday party celebrations.

Unfortunately, because of a death in our family, I will not be able to be there, but I certainly wish the agency well in the next 90 years and beyond.

**Mr. Speaker:** Does the Honourable Member for Ellice (Ms. Gray) have leave to make a non-political statement? The Honourable Member for Ellice.

**Ms. Avis Gray (Ellice):** Mr. Speaker, I would certainly like to join with the Members of the other two Parties to again wish and congratulate the Child and Family Services of Western Manitoba on their 90 years of service.

Certainly having come from rural Manitoba and southwestern Manitoba, the Child and Family Services agencies are very much a cornerstone of service in that area of the province. I think that when one has the opportunity to go out and spend time with the staff and at their meetings, you can just see the community spirit and the community involvement and participation of the whole community. I think that has certainly contributed to their 90 years. As well, we join with them in wishing them another 90 years of success.

**Mr. Speaker:** Does the Honourable Member for Sturgeon Creek have leave to make a non-political statement? (Agreed)

The Honourable Member for Sturgeon Creek.

**Mrs. Iva Yeo (Sturgeon Creek):** Mr. Speaker, Sunday has been designated as LPN Day. For those who have

had any dealings with licensed practical nurses, they are well aware, I am sure, of the tremendous role this particular group plays in our health care system. I have been very fortunate in having had the opportunity to work with LPNs from 1966-1987, a period for me which was most exciting and stimulating because of the energy and enthusiasm exuded by LPNs throughout Manitoba.

The thrust today is to move towards a BN entry to practise nursing. Although I certainly am well aware that there are changes in technology, teaching and in procedures, there is the continuing need for good bedside nursing care, for knowledgeable geriatric care, for the hands-on type of nursing care that some people are saying is almost a thing of the past.

It is my belief that the LPNs in our province are a very necessary part of the health care team. I look at what has happened with them since they began in Manitoba in 1945, when the first LPN nursing program in Canada was started right after the war by the Grey Nuns and the St. Boniface Hospital. In obtaining some of their clinical experience in the very fine hospital in Ste. Rose, LPNs in Manitoba have progressed in the last 45 years to a very lasting and permanent position in the hearts of many people and in the overall system of administration of patient care.

It seems very fitting that we should honour them the day after receiving their discussion paper, Future Practical Nursing Education. Thank you, Mr. Speaker.

**Ms. Maureen Hemphill (Logan):** Mr. Speaker, I am pleased to rise and—

**Mr. Speaker:** Does the Honourable Member have leave to make a non-political statement? (Agreed) The Honourable Member for Logan.

**Ms. Hemphill:** I am pleased to rise and join with our colleagues in the Legislature in congratulating them on this special day of recognition. I think it is very important that this day of recognition not just be a normal day of showing appreciation for the work that is done but is recognition for a group of people providing tremendous service, direct nursing care service; and a group that is feeling particularly threatened right now because they are not at all sure of what the plans are for, moving down the road, to provide nursing care.

Having been a former nurse, I can appreciate them particularly because there were many occasions when I worked alongside licensed practical nurses and know how valuable they are to both provide direct and to help nurses provide direct nursing care. We need to continue to have them in the system. We need to continue to allow nurses to do the job that they can do best and that is provide direct nursing care and we need to support a system that has room for all of those levels of care to continue to be provided.

So when we reach their day I think it would be very good if everybody stood up and said not only, thank you, for a job well done, but we intend to have you continue to stay there doing that job.

**Mr. Speaker:** Does the Honourable Minister of Culture, Heritage and Recreation (Mrs. Mitchelson) have leave

to make a non-political statement? (Agreed) The Honourable Madam Minister.

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation):** I certainly do want to join with Members on the opposite side of the House, especially with the Member from the Liberal Party and the Member from the New Democratic Party, who are former nurses, as well as I am. It is really important to note that there are three people in this House from such a very worthy profession and background.

We all do recognize, I know, the value of the licensed practical nurse in the delivery of health care to the Province of Manitoba and indeed to our country.

I want to congratulate them and commend them and say that we all do know, in this day and age, as health care becomes more costly and as we know the needs of the people in our province, the needs of the elderly and the aging, the needs of our young people who are growing up, that indeed those positions that licensed practical nurses fill in the health care system are very valuable positions.

We have worked alongside of licensed practical nurses throughout our years of delivering health care ourselves, as health care deliverers, and I want to say that they are a very valuable part of the health care system. I commend them, I congratulate them and wish licensed practical nurses a long and healthy future in our province.

## ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Mr. Speaker, would you be so kind as to call the Bills in the following order: 71, 72, 38, 40, 56, 27, 34, 79, 31, 53, and the others as listed on the Order Paper.

## SECOND READINGS

### BILL NO. 71—THE LAW SOCIETY AMENDMENT ACT (2)

**Hon. James McCrae (Minister of Justice and Attorney General)** presented Bill No. 71, The Law Society Amendment Act (2); Loi no 2 modifiant la Loi sur la Société du barreau, for second reading, to be referred to a committee of the House.

**MOTION presented.**

\* (1100)

**Mr. McCrae:** Mr. Speaker, Honourable Members are aware of the court case that involved the Law Society of Manitoba and POINTTS, a service provided by former police officers who, for remuneration, represented their clients in traffic court. The provisions of The Law Society Act, as currently written, reserve all court work for lawyers.

In the court decision, the judge drew a contrast between the provisions for our Law Society Act and the Ontario Provincial Offences Act, which specifically provides that a person can be represented in Ontario

courts by counsel or by an agent, thereby making it clear that the agent need not be a lawyer.

The Government believes that there are valid reasons for ensuring that only lawyers appear in court for matters with a significant risk, in the same way that we believe complicated medical procedures should be reserved for fully-trained physicians. We do not believe, however, that traffic court involves such a serious risk that all cases in that court should be reserved for lawyers. Accordingly, Bill 71 would amend the Law Society Act to permit non-lawyers in certain circumstances to make appearances in Traffic Court and to be paid for making those appearances.

The only restrictions on those persons is that they must not be disbarred or suspended lawyers, and they must not have been convicted of an indictable offence for which they have not been pardoned. We submit that it is reasonable to keep disbarred lawyers and ex-convicts out of the courts of the province of Manitoba.

The offences for which these persons may act and provide legal advice are restricted to offences under The Highway Traffic Act in the Provincial Court where the penalty for the offence is a fine rather than imprisonment, and where the incident that led to the charge does not involve personal injuries.

We submit that it is reasonable where an accused freedom is at stake, that the accused be represented by a lawyer. Similarly, where there are personal injuries there are significant claims which could be made against the automobile insurer and specialized knowledge of how to present those claims is required.

These two restrictions are however fairly minor compared with the number of offences that can be the subject of representation by non-lawyers. There are almost 200 offences under The Highway Traffic Act that provide for a fine on conviction. Most of these have a maximum fine of \$100.00. The offences are for such matters as passing on the right, driving too slowly, or disobeying a flagman or a flagperson. Other offences such as speeding are based on a sliding scale but the maximum liability is usually \$200.00.

Mr. Speaker, it has already been announced that the Government will be establishing a committee to examine the broader question of paralegals. There are many aspects to this complex question, and we believe the whole matter should be the subject of careful study.

We are aware that the Province of Ontario has been examining the entire question for almost two years. In that province, as I have mentioned, agents can appear in provincial courts and the only safeguard of the public interest is the power conferred on a judge to refuse to let an agent appear where the agent is not competent or does not understand his or her duties and responsibilities as an agent. We are including that safeguard in this Bill, and in addition we are providing regulation-making power which will permit the Government to establish a bonding and an insurance scheme, or to provide for a licensing scheme or both.

At present we are developing regulations that will deal with the furnishing of bonds and carrying liability insurance. We believe that given the relatively minor

exposure of an accused that a bond in an amount of approximately \$5,000 should provide the protection the accused would require against the agent taking the fee and then not appearing in court. As well, there should be personal liability insurance in an amount appropriate to cover all conceivable claims.

We have also decided to make provision for regulations to establish a licensing scheme should the findings of the committee on paralegals point to this being the preferred solution. By providing for the regulation-making power now, it will be possible for the Government to respond quickly to any recommendation for a licensing scheme.

Finally, I wish to advise the Members of this House that a committee of officials is already working on drawing the bonding and insurance regulation. It is probable that a draft regulation will be developed by December so that we will be able to proclaim this legislation early in the new year, if it has been passed.

Mr. Speaker, I commend Bill 71 to Honourable Members.

**Mr. Paul Edwards (St. James):** I move, seconded by the Member for Seven Oaks (Mr. Minenko), that debate be adjourned.

**MOTION presented and carried.**

## DEBATE ON SECOND READINGS

### BILL NO. 38—THE STATUTE RE-ENACTMENT AND BY-LAW VALIDATION (WINNIPEG) ACT

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 38, The Statute Re-enactment and By-law Validation (Winnipeg) Act; Loi sur la réadoption de lois et la validation d'arrêtés concernant la Ville de Winnipeg, standing in the name of the Honourable Member for St. James (Mr. Edwards), the Honourable Member for St. James.

**Mr. Paul Edwards (St. James):** Mr. Speaker, this Bill is of some length. However, it accomplishes something which we have spoken about previously in this House, and that is the translation of our laws in Manitoba according to the dictates of the Supreme Court of Canada into both English and French. We have discussed that issue in this House and debated it in the context of other Bills, which accomplished virtually the same thing with respect to provincial Acts and down through various other statutory enactments in this province.

I want to touch again on a couple of broad points which have led to the coming forward of this Bill, specifically the issue of the status of French in our province and the issue of French language services throughout our province.

As was clear from the court decision, it was only the legally binding statutes which were required to be translated. However, Mr. Speaker, the indication was

clear that the Governments in this province had successively denied the French people in Manitoba their rights under our Constitution. That was not just a legalistic denial which can be rectified by re-enacting statutes in English and French, it was in many sense a moral denial and a cultural denial of the French founders of our province.

Indeed it is important to remember that the French did found this province, and they were our original settlers. The Native people of course were the original people in this province, and of course we are working in this province to recognize them adequately within our system. In terms of settlers coming to this province, the French indeed played a significant role in the establishing of settlements throughout this province and indeed getting us into Confederation.

Mr. Speaker, what we have unfortunately seen in recent times with respect to Tory Governments is a continuing desire to deny the French people in this province what is truly their right. We have recently seen the Premier (Mr. Filmon) make statements on French language services, and he came forward, I believe, a couple of weeks ago with an agenda for action. Of course, we in the Liberal Party welcomed that agenda for action and had called for it for some time.

I believe that agenda, spoken agenda, flies in the face of obviously the Premier's previous comments on that very issue, but not just him, many others in his caucus. I think that clearly the change in attitude, if it is a true change, is welcome. I personally am still quite suspicious, given the record of successive Conservative Governments with respect to French language services, and the outright adamant opposition to the extension of services in this province, and the recognition of the French people in Manitoba as a founding people in terms of the settlers and recognizing their true place in our province and their constitutional rights.

\* (1110)

Mr. Speaker, specifically I refer to recent revelations by the Member for St. Boniface (Mr. Gaudry) that an issue from a card which went to households from Manitoba Hydro, referred to checking your meter by looking at the English side only and reading the English printing only on your meter.

That is the kind of small thing perhaps in terms of actual effect which has large ramifications for French-speaking people in this province. It is insulting, they take it as a slap in the face and quite rightly so when that kind of obvious bias against the use of the French language is forthcoming from Government. Mr. Speaker, I submit that Manitoba Hydro is a Crown corporation and should be held accountable in this House by the Minister responsible for Manitoba Hydro.

The Minister of Urban Affairs (Mr. Ducharme) is saying something from his seat. Mr. Speaker, I would be happy to have him put it on the record if he feels moved to do so.

My point is simple and that is that Manitoba Hydro, by sending out a leaflet to households which clearly discriminates against the French language has in effect

insulted the French people in this province. Indeed, it was raised in this House and we were all very pleased to see that there were some apologies made. However, it is that kind of thing and it is also the Aboriginal Justice Inquiry that, as it turns out, was not enacted in English and French and therefore was not valid and we had to speed re-enacting legislation through this House.

(Mr. Harold Gilleshammer, Acting Speaker, in the Chair)

I admit the Aboriginal Justice Inquiry -(interjection)- Mr. Acting Speaker, I would ask for some decorum in the House before I continue my remarks.

**The Acting Speaker (Mr. Gilleshammer):** Order, please.

**Mr. Edwards:** The Minister of Urban Affairs (Mr. Ducharme) seems quite intent on disrupting my speech.

### POINT OF ORDER

**The Acting Speaker (Mr. Gilleshammer):** The Honourable Minister of Urban Affairs, on a point of order.

**Hon. Gerald Ducharme (Minister of Urban Affairs):** When someone from across the way starts to insult someone's family it is time to get up and that is exactly what the Member from Assiniboia (Mr. Mandrake) was doing.

I am a French Canadian and I will not take that from him.

**The Acting Speaker (Mr. Gilleshammer):** On the same point of order, the Member for Inkster.

**Mr. Kevin Lamoureux (Inkster):** On the same point of order, if the Minister of Urban Affairs (Mr. Ducharme) has a charge to levy, I would suggest that he put into the record what he felt was so offensive in the words that he claims that one of the Members from this side of the House put across the floor, that in fact his interpretations might have been somewhat exaggerated, and I do not think any apology or withdrawal is needed at this time.

**The Acting Speaker (Mr. Gilleshammer):** I thank Honourable Members for their advice. I did not hear the remarks. We will take it under advisement. The Member for St. James.

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**Mr. Edwards:** The bald fact is, despite the protestations of the Minister of Urban Affairs (Mr. Ducharme), and I recognize his heritage, but the bald fact is that the Conservative Government in this province has for years and years and years insulted the French people in this province.

Throughout the debate which led to the Supreme Court challenge, throughout the last decade, and we

need look no further than the Premier himself and Sterling Lyon, the past Premier of this province, there is absolutely no question that this Government recently appears to have had some kind of conversion, Mr. Acting Speaker, but that conversion has been very, very late in this particular debate.

The Minister of Education (Mr. Derkach) says I have my facts wrong. I ask him to ask the people in Manitoba, ask the Franco-Manitobans in this province. Ask them how they felt about the tact that was taken by this province back when this debate was going on, back when the Supreme Court of Canada had to rule against—

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**The Acting Speaker (Mr. Gilleshammer):** Order, please; order, please. The proposed motion under debate is by the Honourable Mr. McCrae, Bill No. 38, and I would ask the Member to confine his remarks to that Bill.

On a point of order, the Honourable Minister of Finance.

**Hon. Clayton Manness (Minister of Finance):** It is not for me to tell the Member for St. James (Mr. Edwards) how to debate this Bill, but I can tell you there have been more strong words that have passed across this floor in the last five minutes on this issue than ever occurred in the '83-84 language debate. I was here, that Member was not. I say he is walking on very dangerous ground and I advise him to change his course.

**The Acting Speaker (Mr. Gilleshammer):** The Member does not have a point of order. I would ask that we address Bill 38.

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**Mr. Edwards:** Thank you, Mr. Acting Speaker. It is obvious that I hit a bit of a raw nerve here. I would submit that my comments certainly are relevant to this Act which in fact attempts to comply with the Supreme Court of Canada decision in 1985 which demanded that the Government of this province re-enact legislation in both languages.

Mr. Acting Speaker, this Bill is extremely important in achieving what was the obligation of this province obviously many, many decades ago and is coming to fruition only now. However it is unfortunate perhaps that it was required that the Supreme Court of Canada demand that the province do that. However it came to that and obviously the correct answer was forthcoming from the Supreme Court of Canada. We now see in front of us a series of Bills, of which this is one, which attempts to comply with the decision which was issued November 4, 1985, by the Supreme Court of Canada. I acknowledge that the deadline for this particular legislation is I believe the end of December 1990. However, it is important that this be achieved as soon as possible.

Mr. Acting Speaker, what might be left out in this debate which I think is extremely important to mention

is the role of the translators in dealing with the many, many statutes, the many dozens of pieces of legislation which have had to be translated in this province and done in a fairly timely fashion under some duress. The work has been, I think, unequivocally exceptionally done and we owe a debt of gratitude to the translators and indeed those who recruited them to come and work on our statutes in this province.

Mr. Acting Speaker, the other provinces are hopefully undertaking the expansion of French language services around this country. We are in a time in this country I believe when it is extremely important to show some leadership on the overall issue of incorporation of French languages throughout our nation, given the emotions which the Meech Lake debate appears to have brought to the fore.

Mr. Acting Speaker, it is therefore extremely timely I think that this Bill come forward and that it receive speedy passage in this House. I look forward to the comments of the third Party in a timely fashion so that we can deal with this legislation and put into place what it is our duty to do.

With respect to the details and the many, many statutes which are referred to, I am going to leave specific consideration of them to the committee stage. We will be looking for assurances from the Minister that it is a complete schedule which is attached to this legislation and we will of course look forward to his answers at the committee stage.

I do not believe it is appropriate at this time to go through the literally dozens and dozens of statutes which are affected by this piece of legislation. Suffice it to say that the legislation makes clear that they remain in force and effect as they have in the past. It is merely the translation which is dealt with. As well, of course, I am very pleased to see that there is specific recognition that any fines or levies or penalties which have been imposed under these Acts remain in force because obviously that was not the intent of this legislation or the Supreme Court decision to put those at risk, quite the opposite. The Supreme Court of Canada indeed gave the Province of Manitoba what it considered to be sufficient time to accomplish the task that it mandated.

Mr. Acting Speaker, again let me say I look forward to speedy passage of this legislation and some further details on the specifics of the schedules at the committee stage. Thank you, Mr. Acting Speaker.

\* (1120)

**Mr. Bill Uruski (Interlake):** Mr. Acting Speaker, I beg to move, seconded by the Member for The Pas (Mr. Harapiak), that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 40—THE LAND SURVEYORS AMENDMENT ACT**

**The Acting Speaker (Mr. Gilleshammer):** On the proposed motion of the Honourable Minister of Justice

(Mr. McCrae), Bill No. 40, The Land Surveyors Amendment Act (Loi modifiant la Loi sur les arpenteurs-géomètres), standing in the name of the Honourable Member for Seven Oaks (Mr. Minenko).

**Mr. Mark Minenko (Seven Oaks):** Thank you, Mr. Acting Speaker. I would like to participate in this debate on this Bill. In bringing the attention of all Honourable Members to the importance of this piece of legislation, although it appears to be what some Members may call housekeeping-type legislation that is relatively short in length and seemingly is not something that our members of the press gallery are prepared to write about, it is still a very important piece of legislation affecting, in the near future and for a long period of time, every person who will be or may purchase a piece of property in the Province of Manitoba.

I think that pretty well affects every one of our constituents or every one of our constituencies in some manner, and I certainly would hope all Honourable Members give this Bill due consideration.

This Bill was initially introduced a few weeks ago by the Minister of Justice (Mr. McCrae), and in his opening remarks he says that it deals with a deficit of the previous legislation about what is exactly a land surveyor in ensuring that there is a definition of land surveying so that unqualified people will be prevented from doing surveys.

That seems to be a relatively straightforward definition of exactly what is going on in this legislation, but I think we have to bring to all Honourable Members' attention what exactly is the problem here that they are trying to address. In the Minister's short comments, one who would quickly read and review these comments may not quite understand exactly what problem he is trying to address, or the Government is trying to address.

Perhaps the Honourable Minister of Highways (Mr. Albert Driedger) remembers back a year ago, in a debate dealing with condominiums and some other matters, I touched on the issue of land surveys and the importance of land surveys. Perhaps it is worth bearing repeating again in this Session to a certain degree, seeing that we are addressing a Bill that amends The Land Surveyors Act.

I think another important function of Members when they review Bills is—as in this Bill, it says it is amending Section 1 and it is amending Subsection 54(1) of the legislation—to look to that original legislation to compare what exactly is being changed. When we are to do that one indeed opens up an interesting area in land conveyancing. This is of importance to both rural Members and to urban Members, because many and all the rules apply, whether one is conveying a small lot or whether one is conveying many thousands of acres of property, or hectares of property.

The starting point of any conveyancing has to be that surveyor's certificate. Indeed, if there are unqualified people who are holding themselves out to the public as being land surveyors and producing surveyors' certificates who are not in accordance with the recognized practices, it puts anyone who is purchasing a piece of property into an abyss, in that

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a surveyor's certificate is based on the examination of the site by a surveyor who is licensed by the appropriate Act.

It usually provides a number of pieces of information, all of them which are important to the actual conveyancing activity. It identifies the land as described in the title. It identifies the structures above side walk level with what their dimensions are, how close they may be, and their exact location on that piece of property. It also deals and certifies with the whole issue of encroachments, and sometimes when a staking is ordered stakes will be placed in the appropriate location about the property to ensure that the purchaser of that piece of property knows exactly where the boundaries are.

Mr. Acting Speaker, all these aspects are tremendously important. Imagine the surprise a purchaser may have when he or she is advised that the piece of property they thought they were purchasing is not really the piece of property that is there in front of them. Very often, students of law, and people who choose to read the volumes dealing with real property law in this province, find numerous examples of purchasers of property feeling they had bought a certain piece of property and discovering afterwards that it is not what they really bargained for. Imagine the surprise, the disappointment and the concerns the purchaser will have if they find that situation after they have already sent the money on and the deal is closed.

This is one important aspect of the importance of the surveyor's certificate, is to know exactly what you are purchasing, whether you received what you bargained for.

Again, a case that I remember in my studies dealt with—some Members here use the expression the back 40—a piece of property at the end of a purchaser's lot, and there was some dispute as to whether that piece of property was actually included in the purchase or was it not, was it his neighbour's piece of property, because the surveyor's certificate indicated one thing and the belief was another.

On the basis of this surveyor's certificate that is presented a purchaser, with the assistance of his solicitor, can look at what the encroachments are. Are there any encroachments from adjoining property to that purchaser's future property, or are there any encroachments coming from the purchaser's property onto any adjoining property?

Again, Mr. Acting Speaker, that can lead to many problems and difficulties. Often times, these encroachments may be of a smaller nature, may be of a minor nature, such as an eavestrough encroaching onto an adjoining piece of property, a fence. An eavestrough could be cut off if necessary. A fence encroaching on someone else's property can be moved. Perhaps even permanent structures, like garage walls, can also be moved if the encroachment is unacceptable to the neighbour, and that neighbour is not prepared to necessarily come to an agreement or sell the purchaser of the piece of property that extra piece that the garage wall encroaches on.

However, the encroachment of a permanent structure is much more serious and should probably not be

overlooked. For example, if someone's wall of their house is built a foot over onto the neighbour's property that is indeed a permanent structure and is certainly a serious problem. Solicitors can be of assistance to their clients in dealing with that particular problem, but here again it points to what is the importance of this surveyor's certificate.

Leading from that surveyor's certificate is a zoning memorandum. Well, this again is an important piece of information that people need to ensure that when looking at purchasing a piece of property that piece of property is zoned for what use you want to make of it. The zoning memorandum that is certainly issued by the City of Winnipeg and many rural municipalities is based on that surveyor's certificate.

Another issue that may arise is whether a particular property is abutting a provincial road which will have to be set back. So many of these issues arise as a result of a proper certificate presented by a duly qualified and licensed surveyor in the Province of Manitoba.

Although Members may look at this two page piece of legislation and say, oh, it is just something standard and so on, they should look a little deeper and consider the true ramifications of the changes. So I certainly think the amendments, as proposed, and as the Minister of Justice (Mr. McCrae) indicated, are supported by the Association of Manitoba Land Surveyors. That is necessary indeed to ensure that our constituents are protected as much as they can be with respect to the purchasing of property.

\* (1130)

An interesting section, Mr. Acting Speaker, in the present Act—and I perhaps would like to draw the Members attention to Section 26 of The Land Surveyors Act where they deal with the examination for admission to the practice of surveyors, again, a process that is important and relevant to providing the type of surveyor's certificate that is required by the purchasers of property. For example, some of the subject matter that the Members who are looking to admission as a land surveyor are required to understand include subjects of botany, geology, algebra, geometry, plane and spherical trigonometry, astronomy, levelling and curves, practical commutations and many others in order that they can perform the type of service that is expected of them. It is indeed encouraging to watch all Honourable Members, in this House, consider these remarks in a manner appropriate to them, because it indeed affects all of their constituents.

When we look to the next step in this legislation, dealing with the whole issue of unauthorized practice and matters resulting from that, we see the Minister is indeed proposing the maximum fine for a person who contravenes, the Subsection 1 of 54 is increased to \$2,000.00. Again it points out to the seriousness of being charged with an offence pursuant to this Act, the seriousness of the impact on our constituents.

Sometimes people say, well education is an important aspect to it, but I think here the Minister of Justice (Mr. McCrae) has identified that sometimes education

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only goes so far, and oftentimes a stiff fine is appropriate, in many circumstances, to draw the attention of people practising in this very important area to what exactly the law says and what is in place.

I was a little disappointed when listening to the remarks of the Honourable Minister of Justice (Mr. McCrae) when he presented this Bill, that he perhaps did not highlight some of the problems he is attempting to address in this legislation.

I appreciate that he is indeed a lay person, with respect to matters of the law, but I certainly would have hoped that his advisors may have prepared with him a speech touching on some of these problems that I have hinted at.

Members may perhaps draw their attention to this piece of legislation a little bit closer than perhaps they would normally, if they review the Minister's comments and see it really takes only two paragraphs of Hansard.

Mr. Acting Speaker, we see indeed that a surveyor's certificate is an incredibly important piece of paper. It should not be taken lightly. Indeed I encourage many of my clients, before purchasing a piece of property, before submitting the offer to the vendors of a piece of property, to bring that offer into my office for me to take a quick look at. It just takes a matter of a few minutes. With a little experience, one can highlight some of the concerns that one may have later on.

For example it is becoming the custom for some real estate agents to include, as one of the conditions of sale, a surveyor's certificate. Well, a surveyor's certificate, on many pieces of our property across Manitoba, some were done at the turn of the century, some were done before that, and some, as a result, may not necessarily reflect what is presently on the site.

The importance of having a recent certificate is one that you can be assured truly represents what is indeed in place on that piece of property, but also that the zoning memorandums prepared by the City of Winnipeg and by other municipalities across this province, use as their starting point and as a qualification in the zoning memorandum, to certify that a piece of property is properly zoned for the need that the purchaser wants to use it, is that surveyor's certificate.

If the surveyor's certificate is incorrect, if it displaces the building from its proper location, if it does not represent what is presently on location, therefore the zoning memorandum will be incorrect. Someone submitting it is really just burning their \$20, \$25 depending on the cost of the zoning memorandum from municipality to municipality. One can not base one's opinion as to whether that piece of property is zoned correctly for the use, based on an old certificate.

I often recommend to my clients to come in and quickly show me the offer, so that we can ensure that they are indeed getting a surveyor's certificate, which is very recent, accurate and reflects the proper situation. The other aspect to it, Mr. Acting Speaker, is the cost. A number of years back the cost of a surveyor's certificate was relatively nominal, while recently certificates are \$250 to \$350 in the City of Winnipeg

for a relatively small lot. If you go out to our rural constituencies, the cost climbs tremendously, obviously, as the Minister of Natural Resources (Mr. Enns) can well attest to undoubtedly, and perhaps other Members who have purchased property.

The Member for La Verendrye (Mr. Pankratz), when he was looking to the expansion of his farming operation, undoubtedly also had an opportunity to review a surveyor's certificate to ensure that the property he was purchasing was exactly what he wanted to purchase and could be used for the purpose that he wanted to use it for.

(Mr. Speaker in the Chair)

If he were to have to end up paying the costs—it may be worthwhile for some Members to perhaps look through their personal records to see if they did end up paying for it. I am sure, for larger pieces of property, the purchaser of that piece of property is looking at a cost of thousands of dollars. Perhaps this can then enter into negotiation between the vendor and the purchaser as to who is going to be responsible for an updated surveyor's certificate.

Mr. Speaker, the whole starting point about this surveyor's certificate is that initial Offer to Purchase and submit it. Once the vendor accepts that Offer to Purchase, the deal is closed, and unless you get agreement from both parties you cannot change the provisions of it. In some situations the purchaser is often left with paying an extra \$250 to \$350 for that surveyor's certificate, and in rural constituencies perhaps many thousands of dollars. This again points to the importance of Members considering this piece of legislation.

I would hope to perhaps hear the Minister of Justice (Mr. McCrae), in third reading, highlight—or on closing the debate in this Bill—perhaps highlight some of the problems that his department is attempting to address when they prepared this Bill.

We see right from the start, when someone is looking at offering to purchase a piece of property, it is important to consider the role of that surveyor's certificate and the role of an adviser, as solicitors are, or perhaps friends who—and I understand there are a number of people that prefer to do their own purchases and sales of property, which is fine too. It is important for our constituents to recognize the importance of a simple piece of paper, a very simple piece of paper with a certificate on one side and an actual drawing with the dimensions on the other.

Sometimes people simply look and say, oh well, this is all well and good, and simply set it aside without taking a closer look. That can often lead, as I cited a little earlier, to problems later down the road.

For example, if there indeed are encroachments there is, in place, a process by which one can ask that the neighbour on the adjoining property sell the piece of property upon which the encroachment is falling, or perhaps a licence for the encroachment will be readily available.

This often is in the situation with municipalities, especially if the encroachment of your piece of property,

for example, a fence—a rancher like the Minister of Natural Resources (Mr. Enns) knows the tremendous cost of putting up a fence, the amount of labour that goes into it and the materials and so on. If one were to have to move a fence of many thousands of feet, I can guess perhaps the Minister of Natural Resources could advise us what the cost might be, but I am sure it is many hundreds if not thousands of dollars.

\* (1140)

Often what is available to people is a licence from the municipality when that encroachment of some object, like an eave or a fence, is on municipal property. Sometimes if this private licence cannot be negotiated a court application could be made. Looking at this whole aspect—because obviously neighbours would prefer to live in peace and harmony, and if something can be negotiated between the parties then let it be so.

Another thing I believe prudent solicitors do is oftentimes we receive a surveyor's certificate right from a real estate agent. A prudent course is to ensure that your client, or the purchaser of the property, has a chance to take a look at that piece of paper, seemingly insignificant, but as I have said before it would have tremendous impact on that purchaser, when speaking to the purchaser, to have them compare what is on the drawing to what they saw.

Sometimes in new developments—and we see many new developments of where our Member for Inkster (Mr. Lamoureux), the Housing Critic, has pointed out some of our concerns about some of the developments that are going on and the participation that is going on in some of these developments—some of these developers prepare a certificate before the house is up. Someone purchases a piece of property and then makes improvements, because undoubtedly all purchasers like to look at improving their property as much as they are able to, considering their family and how they may be able to adjust the property to better suit their lifestyle. A deck on the back of a home is a good example. Perhaps that deck has been added by the first purchaser of the property who purchased it from the developer, and now they are looking to sell that property.

I would suggest and submit, that deck, that new structure, is not on that original certificate. Here again it points out the importance of ensuring that the client can review what is on that certificate and can suggest to the solicitor, listen, here is something new that has come up. This again ties back to the wording in the Offer to Purchase, because sometimes one can include the wording as a recent certificate or a surveyor's certificate that truly and accurately reflects the structures, both permanent and less permanent, on the property.

There again, the issue comes up of who is then to provide a new surveyor's certificate if, say, the deck on the back of a property and around the side were to extend and encroach onto the neighbour's property. How would we know without a new certificate?

Here again the debate between the vendor and the purchaser may arise as to who should pay the cost of

a new one. This is something that can enter into negotiations, just as oftentimes a fridge or a washer-dryer enters into the negotiations as to what is to be included in the purchase price.

Mr. Speaker, we find here is another good illustration of some of the problems that may arise, and certainly I welcome the opportunity. I can point out to all Honourable Members in this House as to another concern that can arise and draw their attention to this Bill and this legislation. They may not only just simply look at the two-page Bill and say, oh, this is nice, put it down or put it into their drawer and then simply leave it there, but then look to the original Bill that it seems to be amending, look to some of the qualifications required and look further as to how it again may cause problems in their own constituencies.

Mr. Speaker, in conclusion I see the Attorney General (Mr. McCrae) has been writing copious comments as to some of the concerns that I have been raising, and like I said earlier, I was a little disappointed that he perhaps did not highlight some of the concerns that his officials had as to why they are introducing these Bills, and what are the concerns that he attempt to address.

I hope to hear from the Attorney General to see whether the concerns that I have raised, some that I have seen in my office, some that I have seen in my practice, some that I have seen in my studies on the law of real property in the Province of Manitoba, are indeed some of the concerns that his department has with this.

I think this is an appropriate way of dealing with legislation. I would certainly ask the Minister of Justice (Mr. McCrae) in the future, when he does introduce legislation that seems to be housekeeping but can cost our constituents thousands of dollars if mistakes are being made on things like surveyor's certificates, that he could perhaps suggest the reasons why they are introducing this.

He touches on them briefly, but I think there are many other aspects that deal with the general principles of the Bill that perhaps the Minister of Justice could touch on as to the importance of this kind of legislation.

Mr. Speaker, in conclusion then, I welcome the opportunity to have adjourned debate initially on this to review this legislation in some detail and to present to the Members of this House the concerns that can arise from faulty surveyor's certificates from people who are unqualified in the preparation of surveyor's certificates, can have on our constituents.

**Mr. Bill Uruski (Interlake):** Mr. Speaker, I am pleased to participate in this debate. Having perused the brief comments of the Attorney General in this matter, I would ask that the Attorney General consider providing Members of this House his findings and the background of the judgment that he spoke about that brought about these amendments that he brought into the House, because on first reflection of the amendments that have been brought forward I have some grave concerns with what is being proposed.

Mr. Speaker, coming from a rural area, you may have an instance as many rural residents may have to take



off, say, five acres for their sons or daughters in the corner of their farm. The Land Titles as I understand it accepts the footage or the meters or the chains, metes and bounds, whatever description is commonly used, and it could be done relatively inexpensively probably by someone who works for Highways Branch and does the surveys and has done years of that kind of surveying. It may be a friend or the like, but he or she does not carry the shingle of a registered land surveyor.

Mr. Speaker, what worries me is that this may be and may end that kind of practice. What I do not want to see is amendments of this nature that will in fact end that kind of practice. If that is what this is intended to do, I for one am, and I am sure many rural Members in this House are opposed to these amendments, because if anything I find it a bit ironical that you have Conservative Members generally speaking and being opposed to what one would call a closed shop, but here we are promoting the notion of a closed shop of a professional association having iron clad control.

\* (1150)

I hope that this is not the case, but if in fact it is, I, and I am sure many Members of this Chamber, would have concerns about these amendments. I know the Member for Seven Oaks (Mr. Minenko) touched on many instances where there have been deficiencies and problems as a result of unqualified persons doing or purporting to be land surveyors and then coming up with certificates which cause all kinds of difficulties. Mr. Speaker, I recognize that is the one side of the question, but we do not know, I do not know.

I have not followed the media on the prosecution that resulted in these amendments, the prosecution of the professional association that in fact caused the Bill to be deficient, or at least in the words of the Attorney General (Mr. McCrae), that the Bill was deficient, because that is all the Attorney General has in fact told us.

He said that this Bill arises primarily from a court decision in which the current Land Surveyors Act was found to be deficient and does not prevent unqualified persons from doing land surveys. There have been very few breaches of The Land Surveyors Act, but when the Land Surveyors did prosecute a case where a land survey had been done by an unqualified person, the prosecution was dismissed because the Act did not contain a definition of land surveying.

Well, Mr. Speaker, what I do not want to see is that no one who may be able to provide a service as a friend, someone who has done surveying for Natural Resources, for Highways, for municipal offices, someone who is knowledgeable in the area of land surveying but has not gone and practised and put up his shingle and may be prepared to do a favour for a neighbour or a friend and say, okay, here is a simple survey, it is the corner of the quarter section, we are not forcing a major description to be made for Land Titles Office, it can easily be delineated from the title, this can be accomplished. This practice has gone on and has been recognized and accepted by Land Titles, but if the

association now is going after these kinds of situations and have gone after someone who continually goes on and does these kinds of surveys, I can understand them doing so. If I was an engineering aide, or an engineering assistant, or an engineer in a community and this was my sideline, and I would be doing survey after survey and registering it, then I see a problem. You may have in the course of a year two or three such activities in a community of someone who has had a lot of experience, knows how to describe it. I do not want this legislation to disallow that practice.

So I ask for the Attorney General (Mr. McCrae) to bring forward that case. We will want to examine his officials and legal counsel to ascertain whether what I am saying or asking for will be prevented. If it will be prevented, Mr. Speaker, I want to urge, especially rural Members in the Chamber, to rethink their position on this amendment. I really do not want to hamstring people who may want a simple subdivision in a rural area that does not require—it is a matter of dollars and cents to many people. You start bringing out a surveyor into rural Manitoba, and generally most of the surveyors are either in the City of Winnipeg, Brandon. Maybe there might be some in, say, Dauphin and the major regional centres, but most likely they are situated here.

You start paying the costs of a surveyor and a helper, and bringing them out to Arborg or further away, you are into a minimum bill, I would venture to say, of \$1000 up. That would be about the starting point for a very simple survey, and the survey just may be saying we are taking this corner off that quarter section farm, 500 feet this way, 500 feet this way, and would be acceptable by the Land Titles Office. If it is done by somebody other than a registered surveyor, they are subject to a \$2000 fine. That is what the changes are.

So, Mr. Speaker, I urge Members to rethink their position if in fact this is what these amendments will do, and not prevent citizens from having that kind of service performed, which is recognized, and which will not cause the kind of difficulties that have been caused. I can understand, say, in a village or a town or in the city where you are clearly bound by the lots that have been described in a plan, in a subdivision plan, but they have not been legally surveyed, that you will want the precision of a surveyor and a guarantee of a surveyor. I recognize that and I have no difficulty with that question, but I do not want to prevent the kind of services that I have talked about.

Mr. Speaker, we ask the Attorney General (Mr. McCrae) to provide the details, the background information that led to this, and we will be asking him and his legal officials whether or not these changes will prevent the circumstances that I have raised. For myself, I have raised these concerns. I hope the Attorney General will be prepared to respond later on.

**Mr. Paul Edwards (St. James):** Mr. Speaker, the Member for Seven Oaks (Mr. Minenko) and the Member for the Interlake (Mr. Uruski) have previously spoken on this and I have listened with great interest to their comments. I must admit, in listening to the Member for the Interlake's comments, I certainly think his

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concerns are to some extent valid. I must admit that I probably do not have the same hands-on knowledge that he does of how this may be done in rural Manitoba, and to that extent I certainly pay respect to his comments which come from experience.

I must admit I am a bit confused about the line he draws between when the land has to be surveyed by a surveyor so that it can be proven to be accurate and a surveyor can be held accountable for any inaccuracies; and the case he makes for the necessity of allowing individuals who may not be registered or licensed under the Land Surveyors Association but may still be knowledgeable in the area to simply perhaps co-operate with a neighbour or a friend to subdivide a piece of land.

The line that the Member for Interlake (Mr. Uruski) wants to draw, I am not quite clear on, I am not saying that there is not a line to be drawn, if you will excuse the pun. At committee stage I look forward to his questions coming forward to the Attorney General and, hopefully, the Attorney General will have taken the Member for Interlake's comments under advisement and will come forward at committee stage with those answers because I as well certainly share that concern, that if two individuals want to split up a piece of land which belongs to one of them in a lease arrangement or anything else, there is very little reason that they should not be allowed to do that simply on a handshake and on someone drawing it and deciding where the line is going to be and which land you get to farm and which land I get to farm or lease, as the case may be.

However, it does seem to me that if lots are going to be subdivided in law, that is in the Land Titles Office which is the final word on what land belongs to whom, then there has to be some verification of accuracy and some accountability and it is my understanding that is what this Bill attempts to accomplish. It is my understanding that this Bill attempts to ensure that when rights are going to flow from certain surveying lines we have assurances that the people who have done it have passed certain requirements and are covered by certain guarantees and can be held accountable.

Mr. Speaker, I simply say, for the Member for the Interlake and his concerns which I certainly respect and, as I say, listened to very carefully, that I do look forward at the committee stage to the Minister of Justice perhaps clarifying that for us as to how broad a sweep this Bill is going to have because I note that the definitions—and without reading them—are very, very broad and it would appear that anybody who went out and attempted to delineate a certain piece of property in this province might be subject to a \$2,000 fine. That may be a bit onerous in that, as I say, if two individuals simply want to subdivide a piece of land for the purposes of one party leasing it and farming it for a period of time, that seems to me to be perhaps not something that needs to involve the Government in this punitive way.

However, I reiterate that certainly when it comes to drawing lines that are going to be legally binding, and by that I mean drawing lines that are entered and registered in the Land Titles Office which is the ultimate

arbiter in any discrepancy over land, it is important to have that accountability and those assurances of competence in the area of land surveying.

\* (1200)

Mr. Speaker, let me go on to say that it is important to think these things out when we are dealing with land.—(interjection)—The Minister says from his chair, have I talked to the MLS people. I know, as they know, that land is a resource like none other in our society and has been treated differently than normal, what are called “chattels” throughout time in our system. It is for that reason that we want to be very careful and considerate when we are talking about legislation that affects the right to subdivide and use one's land as one sees fit.

We obviously have very sophisticated regimes in place to limit people's use of land but always that is done I submit considering the very serious consequences of placing restrictions on people's use of land. When the Land Titles Office is involved and legal rights are going to flow from the subdivision of land, it is important that we have assurances of competence in those who have drawn the line and also assurances that there is accountability at the end of the day if a line is drawn wrong or if the land is not as the surveyor has said it is.

I think with that I will simply concur with the comments made by my colleague, the Member for Seven Oaks (Mr. Minenko), and look forward to the concerns brought up by the Member for the Interlake (Mr. Uruski) and those reiterated by me being addressed by the Minister of Justice (Mr. McCrae) at the committee stage. I am sure that he will take under advisement the comments that have been made. We look forward to discussing this in some detail at the committee stage, Mr. Speaker.

**Mr. Harry Harapiak (The Pas):** I move, seconded by the Member for the Interlake (Mr. Uruski), that debate be adjourned.

**MOTION presented and carried.**

## **SECOND READINGS (Cont'd)**

### **BILL NO. 81—THE ENVIRONMENT AMENDMENT ACT**

**Hon. Glen Cummings (Minister of Environment)** presented Bill No. 81, The Environment Amendment Act; Loi modifiant la Loi sur l'environnement, for second reading, to be referred to a committee of this House.

**MOTION presented.**

**Mr. Cummings:** Mr. Speaker, this is a very short Bill and its intention is quite simple, that we will be increasing the penalties for offences under The Environment Act. Those offences will increase to a maximum of \$100,000 and those are not insignificant numbers.

This Act will now reflect, I believe, public expectations and recent trends in Canada, that is to increase

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penalties under environment legislation so that they are more reflective of the serious nature of environmental crimes. We have heard frequently that penalties for breach of regulatory environmental offences are too light and that they are in a sense a licence to pollute. It is because of this perception and because the public is demanding that penalties under the environment legislation reflect the nature of the incident that these penalties are being increased.

**Mr. Speaker:** Is the House ready for the question? The Honourable Member for Inkster.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I move, seconded by the Member for Springfield (Mr. Roch), that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 82—THE DANGEROUS GOODS HANDLING AND TRANSPORTATION AMENDMENT ACT**

**Hon. Glen Cummings (Minister of Environment)** presented Bill No. 82, The Dangerous Goods Handling and Transportation Amendment Act; Loi modifiant la Loi sur la manutention et le transport des marchandises dangereuses, for second reading, to be referred to a committee of this House.

**MOTION presented.**

**Mr. Cummings:** Currently under The Dangerous Goods Handling and Transportation Act there is a maximum fine of \$50,000, and as in the previous Bill, this Bill moves to increase the penalties. We will now be raising the penalties to a maximum of \$1 million and adding broader court sentencing provisions. The penalty sections of the Act will now be consistent with those of the Environment Act and will, I believe, more accurately reflect public expectations.

As I said in reference to the previous Bill, too often people see the regulatory offences that are too light and that leave a perception that people have a licence to pollute. We want the increase in penalties to send a clear message to polluters. That message is that the Government considers pollution of the environment to be a serious problem worthy of strong action. It is no longer cheaper for industry in Manitoba to pollute and pay the fine than it is to spend the money to eliminate pollution, and our Government is prepared to take this strong action on behalf of the environment.

Along with the increase in penalties, the department will be undertaking a major review of its enforcement and compliance activities. With the development of a new enforcement policy together with an increase in penalties we, will have some of the best environmental legislation and control programs in the Province of Manitoba.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I move, seconded by the Member for Fort Garry (Mr. Laurie Evans), that debate be adjourned. Thank you.

**MOTION presented and carried.**

### **ADJOURNED DEBATE ON SECOND READINGS (Cont'd)**

#### **BILL NO. 56—THE WORKERS COMPENSATION AMENDMENT ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Minister responsible for the Workers Compensation Act (Mr. Connery), Bill No. 56, The Workers Compensation Act No. 2; Loi no 2 modifiant la Loi sur les accidents du travail, standing in the name of the Honourable Member for Radisson. The Honourable Member for Radisson.

**Mr. Allan Patterson (Radisson):** I would just like to make a few comments on this Bill, Mr. Speaker, which we will support and which is generally positive. However, over the past many years there have been considerable problems at the Workers Compensation Board that have been well publicized of course. The board has been criticized for being inefficient and providing poor service to its clients, both the workers and the employers.

In May of 1987, the Legislative Review Committee chaired by Brian King recommended a number of structural changes in order to address these many problems. Many of these changes have already been implemented by the board itself, and I would like to commend the board on many of the positive steps that it has taken thus far. Other changes of course do require legislative change, and the Bill 56 does address some of these required changes. However, Bill 56 does not address all the problems and there are further changes clearly required.

The Minister has indicated that another Bill dealing with benefit packages will be forthcoming. It is unfortunate however that a more comprehensive Bill is not before the House right now. At any rate, when we look at the service from the board, for the past several years as I mentioned the service has been inadequate, but recently the board has undergone massive reorganization, and finally many of these improvements that were implemented are becoming apparent.

\* (1210)

I like to give credit where credit is due, Mr. Speaker, and just put on the record that the new chief executive officer who was appointed last year, Mr. Graham Lane, and his senior staff should be commended for their efforts and the progress that has been made to date, although we do look for further improvements as things get worked out.

However, there are still some underlying problems. We are pleased that the period of time required for initial adjudication has been significantly reduced, but also unfortunately I have to point out that there are still some claims left that have been awaiting a decision for many months. Appeals to the board are now being scheduled within three weeks, but there is still a backlog at the review committee level. While there are significant improvements more changes are still needed, and Bill 56 should address some of these problems. We can divide Bill No. 56 conveniently into two sections. There

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is the Government's and appeals amendments and then there are technical amendments.

As we look first at the Government's and appeal, under the provisions of this Bill, the new board of directors, I should say the type of board that was implemented last year, but now in the legislation this new board of directors will be established, will have 10 members, three selected from nominees from the labour movement from workers, three from employers groups, and three to represent the public interest, and with a neutral chairperson who will not vote. The chief executive officer also will be on the board as a non-voting member.

This board is structurally similar to the current board, as I have said, it was established by the Minister last August. The King Legislative Review Committee, commonly known as the King Committee, recommended that the board be tripartite in composition and there is this balance between the employers and the workers. However, with the appointment of an equal number of members to represent the public interest, Mr. Speaker, it is important that such appointees clearly be seen as being relatively, or I might say even completely neutral, and in fact representing the public interest.

How is the public interest defined? I recall the best definition of public interest that I have come across is due to Professor Paul Phillips in the Economics Department at the University of Manitoba. He is referring to more specifically labour relations matters, but it applies generally to all matters of public interest. He said the public interest is whatever the relevant authority of the time says it is and with relevant authorities of course in our system being the Parliament or the Legislature, in their respective jurisdictions.

So it is incumbent on the Government, this Government or any Government to clearly set out its guidelines and methods of selection for people that are to represent, in this case the public interest, on the Workers Compensation Board. The present public interest employees are clearly impartial representatives, but nevertheless there is a potential here for Government to affect the philosophical balance of the board.

Under this new structure the board of directors will deal with administrative matters and establish a policy committee which will develop policy. This is a very positive step we feel, this is a need to separate policy from other responsibilities and especially adjudication.

I am sorry, I mentioned that under this new structure the board of directors will deal with administrative matters. Actually the board will not be directly concerned with the administrative matters. This is the function of the chief executive officer and his or her staff down throughout the organization.

This new structure, which the Minister has called the corporate structure, allows for a part-time chairperson and part-time commissioners, and which gives considerable flexibility to the board and again this type of structure is a positive one.

However, this does mean that the requirement that members of the board have no interest at all in industry

had to be changed in order to accommodate part-time commissioners. This is to be replaced by conflict-of-interest provisions and it is very important that these provisions or guidelines when they are developed—I understand that the development process is under way—that these guidelines are very clear and very strict. It is not only important that there be impartiality but there must also be the appearance of impartiality, Mr. Speaker.

As I mentioned earlier, this new structure will transfer the running of the day-to-day operations to the administrative staff and this should lead to greater efficiency. One of the positive aspects of this Bill is that it puts the appeal process into legislation. Most importantly, the right to appeal is in the Bill itself.

Some of the ongoing problems have been the delays in the making of decisions, particularly both at the adjudication, and at any subsequent appeal, levels.

As you mentioned, there have been improvements in this whole process of adjudications and appeals, but one of the recommendations of the King Committee was that there be some specific time limits put into the legislation. This is one aspect that has not been acted on in this Bill, Mr. Speaker, and might well be addressed in the subsequent legislation that the Minister said will be forthcoming. Overall there are some very positive changes outlined in the Government's, and the appeal, amendments, but some problems still do remain.

On the matter of technical amendments, Mr. Speaker, there are many restrictions that were placed on workers who ordinarily reside outside of Canada and who are employed outside of Canada. For example truck drivers is a positive change because this eliminates some unnecessary expense for the board. The sections dealing with casual emergency workers have been rewritten and it is clearer. The employer of the casual emergency worker is clearly deemed to be either the municipal corporation or the provincial Government as the case may be.

The section dealing with the calculations of earnings of casual workers is more fair. We note there are some outdated sections such as those dealing with specific diseases that have been removed. A broader, more generic definition of usage of occupational disease is a positive change. The penalties have been increased from \$50 to \$5000, again we think it is a positive move, it is far more realistic. If penalties are going to be imposed they should be penalties that hurt and assure that the same thing will not happen again.

In relation to some of these fines, there have been significant problems with the railways, which pay the full amount of the compensation or the particular claims, in any event. They have been negligent very frequently in reporting accidents resulting in unnecessary delays and inconvenience and even some unnecessary and severe hardship for the worker. We look forward to the board enforcing their rules for submission of reports and also to enforce this penalty.

Some other positive things in the changes, the age of dependents raised from age 16 to age 18, and the

definition of spouse being changed to be consistent with The Family Maintenance Act.

The meetings of the board of directors are not to be automatically held in Winnipeg any longer. They can be held anywhere in the province, in the North for instance, Brandon or any of our rural areas.

The Medical Review Panel change is positive; the elimination of the neurosis review panel, and the fact there is equal treatment in the appointments to review panels, equal treatment for both employees and employers. In this respect, the King Commission did recommend that, on medical panels, professionals with relevant knowledge should be included on the panel with the consent of the workers and the employers. This is one recommendation that we think should be implemented, and the Minister did indicate that this is under consideration.

Overall, it is very, very hard to argue with these various technical amendments that have been made. However, I do want to reiterate that the problems have been severe, and we do wish the administration of the board well in their efforts to improve them.

Having noted many of the positive aspects of this Bill, I still must point out that there are still many recommendations of the King Committee to be seriously considered by the Government and implemented in future legislation.

We will be maintaining a watchful eye and monitoring the further progress being made by the board in its internal efforts to address the many problems. Again, we do acknowledge that significant progress has been made, but there is still considerable further distance to go. Overall we do feel that we can support this Bill, Mr. Speaker, and I thank you.

**Mr. Harry Harapiak (The Pas):** I move, seconded by the Honourable Member for Interlake (Mr. Uruski), that the debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 27—THE FISCAL STABILIZATION FUND ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Finance (Mr. Manness), Bill No. 27, the Fiscal Stabilization Fund Act; Loi sur le Fonds de stabilisation des recettes, standing in the name of the Honourable Member for St. Johns (Ms. Wasylycia-Leis). Is there leave that this matter remain standing? There is no leave? The Honourable Member for The Pas.

\* (1220)

**Mr. Harry Harapiak (The Pas):** Mr. Speaker, I will speak on this Bill and let it remain standing in the name of the Member for St. Johns (Ms. Wasylycia-Leis).

I think that this is an extremely important Bill and we have spoken on the fiscal stabilization—

### **POINT OF ORDER**

**Mr. Speaker:** The Honourable Member for Interlake, on a point of order.

**Mr. Bill Uruski (Interlake):** Mr. Speaker, we are into a bit of a dilemma here that the House normally adjourns in about four minutes. We have the Government not granting leave and we have the Bill that will remain standing in one Member, and yet another Member will not nearly be completed in finishing his remarks. I ask for your guidance as to how you intend to handle this matter when next it comes up with having two Member's names placed on the Order Paper.

**Mr. Speaker:** Order, please. If the Honourable Member would care to look at his Order Paper of the day, similar to Bill No. 31 where the Bill will stand in the name of two Honourable Members. The Honourable Member for Interlake, on the same point of order.

**Mr. Uruski:** Mr. Speaker, what you are telling me then, it does not matter which Member stands up next time it comes up. Is that what he is really saying?

**Mr. Speaker:** The Honourable Acting Government House Leader, was it agreed to that as long as that Member was speaking—that is what was agreed to? Okay. There is that possibility then, it will stand in the name of two Members as it has been done previously in the past. The Honourable Member for Interlake, on the same point of order.

**Mr. Uruski:** Mr. Speaker, could I have clarification from you then? When next it comes up, who will be the designated speaker? Does it matter?

**Mr. Speaker:** On the question raised by the Honourable Member for Interlake, as we have done previously it is customary that the Honourable Member who was speaking at the time when the House rose and he had so many minutes remaining, he was allowed to continue to speak, so he would be the one initially up first. The Honourable Member for The Pas.

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**Mr. Harapiak:** Mr. Speaker, this is an extremely important Bill, and I hope that you would take into consideration that these points of order will not be used as my time to speak on this Bill. I know that this Bill is extremely important to Members of my constituency. I have had discussions on this Bill with several members of my community, and they are concerned of the way this Bill is being brought forward.

I know that during the last Session of Government, when we were Government, we had the Jobs Fund which was used in a very positive way to stimulate the economy. As usual, the Member for Inkster (Mr. Lamoureux) has some points to make from his seat. I wonder if he would remember what happened with the Jobs Fund during the time when the economy of the entire country was in a state of recession, we, who as a Government believe that it is a responsibility of

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the Government to try and create job creation. We did that during the time when the recession was on right across the country.

Manitoba, because of their belief that the economic venture should be based on co-operation between the private sector and the Government, had the best results right across Canada. We had the lowest unemployment rates in all of Canada. I think that the Member for

Inkster (Mr. Lamoureux) would be wise to get some of that information—

**Mr. Speaker:** Order, please. According to the Rules, I am interrupting the proceedings. When this matter is again before the House, the Honourable Member for The Pas (Mr. Harapiak) will have 39 minutes remaining.

The hour being 12:30 p.m., the House now adjourns and stands adjourned until Monday, November 20, 1989, at 1:30 p.m.