



Third Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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39-40 Elizabeth II

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

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NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Guizar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 9, 1992

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Mr. Oscar Lathlin (The Pas):** Mr. Speaker, I beg to present the petition of Darcy Thomas, Sheldon Smith, Alfred Smith and others requesting the government show its strong commitment to aboriginal self-government by considering reversing its position on the AJI by supporting the recommendations within its jurisdiction and implementing a separate and parallel justice system.

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, I beg to present the petition of Debra Feuer, David Settick, Neil Reimer and others urging the government to consider establishing an office of Children's Advocate independent of cabinet and reporting directly to the Assembly.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I beg to present the petition of Carole Kentner, Gail D. Caeleen, Judy Adams and others requesting that the government reconsider its decision and return the Manitoba Heritage Federation's granting authority.

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, I beg to present the petition of Lyna Skinner, K. Ryan, Rafi Mohammed and others requesting the government consider restoring the former full funding of \$700,000 to fight Dutch elm disease.

### READING AND RECEIVING PETITIONS

**Mr. Speaker:** I have reviewed the petition of the honourable member for The Pas (Mr. Lathlin). It complies with the privileges and practices of the House and complies with the rules (by leave). Is it the will of the House to have the petition read?

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

THAT the Aboriginal Justice Inquiry was launched in April of 1988 to conduct an examination of the

relationship between the justice system and aboriginal people; and

The AJI delivered its report in August of 1991 and concluded that the justice system has been a massive failure for aboriginal people; and

The AJI report endorsed the inherent right of aboriginal self-government and the right of aboriginal communities to establish an aboriginal justice system; and

The Canadian Bar Association, The Law Reform Commission of Canada, among many others, also recommend both aboriginal self-government and a separate and parallel justice system; and

On January 28, 1992, five months after releasing the report, the provincial government announced it was not prepared to proceed with the majority of the recommendations; and

Despite the All-Party Task Force Report which endorsed aboriginal self-government, the provincial government now rejects a separate and parallel justice system, an Aboriginal Justice Commission and many other key recommendations which are solely within provincial jurisdiction.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the government of Manitoba show a strong commitment to aboriginal self-government by considering reversing its position on the AJI by supporting the recommendations within its jurisdiction and implementing a separate and parallel justice system.

\* \* \*

I have reviewed the petition of the honourable Leader of the Second Opposition (Mrs. Carstairs). It complies with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

The petition of the undersigned residents of the Province of Manitoba humbly sheweth that:

WHEREAS the Province of Manitoba announced that it would establish an Office of the Children's Advocate in its most recent throne speech and

allocated funds for this Office in its March '92 budget; and

WHEREAS the Kimelman Report (1983), the Aboriginal Justice Inquiry (1991) and the Suche Report (1992) recommended that the province establish such an office reporting directly to the Legislative Assembly of Manitoba, in a manner similar to that of the Office of the Ombudsman; and

WHEREAS pursuant to the Child and Family Services Act Standards, the agency worker is to be the advocate for a child in care; and

WHEREAS there is a major concern that child welfare workers, due to their vested interest as employees within the service system, cannot perform an independent advocacy role; and

WHEREAS pure advocacy will only be obtained through an independent and external agency; and

WHEREAS the Minister of Family Services (Mr. Gilleshammer) has unsatisfactorily dealt with complaints lodged against child welfare agencies; and now

THEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba strongly urge the provincial government to consider establishing an Office of the Children's Advocate which will be independent of cabinet and report directly to the Legislative Assembly of Manitoba.

#### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mrs. Louise Dacquay (Chairperson of Committees):** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

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

**Motion agreed to.**

#### MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, I would like to table the Supplementary Information for Legislative Review for 1992-1993 for Manitoba Culture, Heritage and Citizenship, and 1992-1993 Community Support Programs.

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I would like to make a ministerial statement.

On April 23 of this year, I announced that for the fourth straight year Manitobans would again be given the opportunity to invest in their future by purchasing Manitoba Hydro savings bonds, Series 4. It gives me great pleasure to rise in the House today to announce that over 37,000 Manitobans have purchased a total of nearly \$460 million of Hydro savings bonds, Series 4.

Since their introduction in 1989, nearly 125,000 Manitobans have purchased HydroBonds, raising more than \$1.2 billion for Manitoba Hydro and generating more than \$112 million in interest payments to Manitobans. With Manitoba Hydro savings bonds, the money stays right here in the province working for all of us.

Mr. Speaker, I would like to, once again, extend my gratitude to the people of Manitoba who have shown, overwhelmingly, their confidence in their province by investing in Manitoba Hydro savings bonds, Series 4. Thank you.

\* (1335)

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, with a brief response to the brief statement from the minister today, we would like to congratulate those Manitobans who have the confidence in our province—the 37,000—to purchase the savings bonds, and the confidence in public enterprise in this province.

Mr. Speaker, one can only compare the success and the confidence in public enterprise in our province that we see today with the HydroBond purchases and compare that with some of the more scary stories we see in the Reichmann Bros., Bramalea and some of the other companies. It is consistent with our belief that we need a strong mixed economy of both public and private enterprise to keep our economy going in this province. Thank you, Mr. Speaker.

**Mr. Reg Alcock (Osborne):** Mr. Speaker, contrary to my former complete support for this program, I am waiting for us to get into Finance Estimates, because I have a series of questions about this series of HydroBonds.

I am beginning to wonder why, given that the yield curve has changed, we are paying a rate of interest well above that which one can buy money on the open market for. I am wondering why we are

spending the amount of money advertising these bonds. I am wondering why we are paying a commission rate well in excess of the commission rate paid for other similar financial instruments.

The only conclusion one can come to, Mr. Speaker, is that is the only way that this Finance minister can have this kind of success. I also think, given some information that has been provided to us, that it is about time we investigated the limits on the amounts purchased, because there seems to be some laxity on the part of the department in policing that.

But, we will take those issues into Estimates of the Finance committee. Thank you.

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of honourable members to the gallery, where we have with us this afternoon, from the Morden Collegiate, forty-five Grade 9 students. They are under the direction of Colleen Rintoul. This school is located in the constituency of the honourable Minister of Health (Mr. Orchard). On behalf of all honourable members, I would like to welcome you here this afternoon.

### ORAL QUESTION PERIOD

#### Conawapa Dam Project Impact of Delays

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, we are pleased that the member for St. Norbert (Mr. Laurendeau) is safe and sound, and we wanted to pass on—[applause] I am sure it was a very harrowing experience and we are pleased it has ended well.

My question is to the Premier. Mr. Speaker, John McCallum, in a memo that was written to two cabinet ministers of his government, indicated that there were serious concerns that any delay beyond January 1993 would make it very difficult to achieve an in-service for Conawapa and any significant delay would make that impossible. There is a very comprehensive set of environmental hearings going on, the joint panel, which we think is very, very positive. All public reports indicate now that there will be a delay past the January 1 date as proposed by Mr. McCallum.

Mr. Speaker, we would like to know from the Premier what are the impacts of that delay in terms of the in-service date, the construction impacts and

the penalty clauses that are contained in the agreement that the government signed with Ontario.

\* (1340)

**Hon. Gary Filmon (Premier):** Mr. Speaker, that question is highly speculative and obviously there is a process in place, a process that is intended to give the public an opportunity for a complete environmental assessment and review, an opportunity that was never given under any of the hydroelectric projects developed under New Democratic governments. This process is intended to provide for the full public review to ensure that when decisions are made, those decisions are consistent with all of the principles that we as a government would follow, both economic, environmental and everything else.

We have gone through, firstly, the economic review of the Public Utilities Board. Now we are embarking soon upon the environmental assessment review process, a joint one with panels from the federal and provincial governments. That matter will take some time, but I do not think any of us can say today what time that purview will take. I think, given the speculative nature of the question, it really is not one that can be answered at the present time.

#### Penalty Clauses - Renegotiation

**Mr. Gary Doer (Leader of the Opposition):** I would like to table a letter sent from the chair of the joint panel, a panel established pursuant to The Environment Act passed in '87 and proclaimed in 1988 that indicates to the government minister that in these circumstances, the panel believes with every reasonable effort it will not be possible to submit a final report on Stage 1 of the review by January 31, 1993, and we should so advise.

So, Mr. Speaker, this is no longer speculation. They have received on March 12 formal notification of the fact that that date, in the opinion of the panel, will not be met.

Mr. Speaker, the penalty clauses that were negotiated by the government escalate from \$85 million to \$100 million. The in-service date that was negotiated is 2001 based on Manitoba's use and 2002 for Ontario. These are very, very major issues before us, so it is not speculation. They are right in the contract.

I would like to know from the Premier, and I have asked him this question before: Has he or will he negotiate with the Premier of Ontario some of these

penalty clauses that are contained within the agreement that he signed with Premier Peterson of Ontario?

Will he negotiate the agreements pursuant to the comprehensive environmental process that I think all people in Manitoba and Ontario support?

**Hon. Gary Filmon (Premier):** Mr. Speaker, one does not go into negotiations based on speculation as to how long something may or may not take. The fact of the matter is that we have a process in place, a process that is intended to give full public scrutiny.

I do not know what the game of the Leader of the Opposition is in talking about this. He seems to change his mind day after day. When he was elected in 1988, he went out publicly and said that he was going to do everything possible to ensure that this government went ahead quickly with the Conawapa hydroelectric project, that as one of the things that he would do in a minority situation would be to hold this government to its commitment to carry on the work that had been left in place by the New Democratic administration and carry through with the Conawapa dam. Then he seems to be changing his position, saying now: No, let us hold off; let us look at this; let us spend more time on this; let us delay this; let us go and renegotiate that. He is all over the map.

\* (1345)

**Mr. Doer:** We have asked questions about this Premier dealing with the domestic demand side for Manitoba. In 1989, when the Premier signed this agreement, was 2001 in Manitoba. It has gone from 2001 to 2009; from 2009 to 2011. In the committee last week, it was announced at 2012, and there are further predictions in Hydro that may even delay it even further in terms of domestic use.

Surely these facts that are coming before us and the penalty clauses that were negotiated by the Premier himself, which will in fact escalate after the January 1993 date from 85 million to 100 million, Mr. Speaker, those are not speculative numbers. Those are numbers the Premier signed in the agreement with Premier Peterson. Surely it makes sense for the Premier to renegotiate those penalty clauses so that we can have the comprehensive environmental hearing.

Further, would the Premier also look at negotiating the fact that Manitoba will still be subject to the penalties if the environmental panel says that this project should not proceed? Surely good

sustainable development would mean that people are not penalized for practising good environmental processes which are in place right now in Manitoba in this review?

**Mr. Filmon:** Mr. Speaker, as the Leader of the Opposition should know, the penalties are there for the possibility that Manitoba does not meet its commitment under the agreement. Nobody has suggested that Manitoba will not meet its commitment under the agreement, and nobody can say that until we have had the kind of process in place and the review that will take place.

Again I say, the Leader of the Opposition is all over the map. Even on Wednesday, May 27, of this year, in a newscast on CBC, it quoted: The Leader of the Opposition says Manitoba Hydro should build a dam in the North to produce hydrogen for Japan even if it means some environmental damage.

That is what the CBC report said. Mr. Speaker, these are the kinds of things that I do not think speak well for the New Democrats, for their leader or for their party in opposition. They are all over the map on this thing, and they just come here with a little bit of political gamesmanship that I do not think is in the best interests of the people of Manitoba.

### **Multicultural Legislation Impact on Affirmative Action**

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, it is a disgraceful irony that at the same time the government is enshrining its political patronage office, the Multicultural Secretariat, in legislation, we have the Civil Service Commission confirm that visible minorities are reducing. The number of visible minorities has reduced by 4 percent in the Civil Service. People of colour and groups and individuals have been claiming this for some time, and we now know that it is a fact.

My question for the Minister responsible for Multiculturalism (Mrs. Mitchelson) is: What is she doing about this? How is this act that she is bringing in going to help this situation?

**Hon. Darren Praznik (Minister responsible for and charged with the administration of The Civil Service Act):** Mr. Speaker, the member for Radisson has made certain statements with respect to targets for target communities in the affirmative action programs of government. I know in yesterday's Estimates' debate that in terms of the number of people of visible minorities in the Civil

Service, year over year, there was a decline from 2.71 percent to 2.7 percent in terms of the numbers.

As we indicated at that particular time, we were just slightly behind the 20-year targets which were established by her party when they were in government in that area, although we were ahead in other areas such as aboriginal employment, and what we had learned over the last year, what we were putting in place, we had found some advisory committees and various work with the aboriginal community had worked to increase those numbers in the area of aboriginal hiring, and we were putting in place the same kind of process for those people in the visible minority communities.

**Ms. Cerilli:** For the Minister responsible for Multiculturalism: Why does this bill not make any statement about affirmative action and about ensuring that our Civil Service reflects the multicultural nature of our province?

**Mr. Praznik:** Mr. Speaker, I am actually totally amazed that the question would come from the member for Radisson, because one very important fact is our collective agreement with the Manitoba Government Employees' Association, which association her Leader was president of.

I can tell the member that we are working with the MGEA, but the MGEA, as they said to me in my office, starts at the position that our hirings should only be at the entrance level. So one of the impediments that we are trying to work through is bringing the MGEA onside. One of the impediments in bringing in people in target communities in a variety of positions is the position of the Manitoba Government Employees' Association.

\* (1350)

### **Civil Service Commission Affirmative Action Co-ordinator**

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, they hire. They are responsible for ensuring that affirmative action is in place.

My final question is for the Minister of Labour. Since the Minister of Labour said, in 1990, recruitment to vacancies is one part of it but retention of those people is another and the third leg, of course, is career path and opportunities for promotion, my question is: Will this minister and the government re-establish the affirmative action

co-ordinator position in the Civil Service so that we could see this trend reversed in the Civil Service?

**Hon. Darren Praznik (Minister responsible for and charged with the administration of The Civil Service Act):** Mr. Speaker, if the member for Radisson had chatted with her colleagues in committee, I believe yesterday we spoke about the increase in the number of people in the target communities who are waiting internal competitions, that it increased over the last year.

I would say to the member for Radisson—[interjection] and to the Leader of the Opposition (Mr. Doer), that it requires that although we have that responsibility we do have a collective agreement, and when the employees—[interjection] Well, now the members opposite seem to say, well, we should ignore our collective agreement. They cannot have it both ways, and we are working with the MGEA, but they have to get over an initial position which talks only about entry-level positions for affirmative action.

### **Health Care System Reform Continuing Care**

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, my question is to the Minister of Health. Earlier today, a group of health care professionals and consumers held a press conference outlining their concerns about the lack of community services for the elderly to offset imminent bed closures at St. Boniface Hospital.

They were particularly worried about community supports that must be put in place for a change to be called a genuine reform package. Their questions are reasonable and demonstrate exactly why we wanted this government to put into place a health care monitor system which would report directly to the people as to the balance and the mix in the reform package step by step.

Will the minister advise the House today what plans have been developed to change the Continuing Care system to adapt to increased numbers of deinstitutionalized persons, including changes in assessment, panelling and training of workers, and will these changes all be in place prior to any bed closures at St. Boniface Hospital?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, first of all, my honourable friend might appreciate that the Continuing Care budget that we in part debated for almost 60 hours has increased

this year by some \$7 million from \$55 million expenditures last year to a projection of expenditures approaching \$62 million this year. That, Sir, we expect will provide a fairly significant resource increase to meet the demands as they emerge with the change of the system from acute hospital-based care to community-based care.

Secondly, Mr. Speaker, it is not only in terms of finding services in the communities for those individuals currently within the two teaching hospitals, because my honourable friend will appreciate that in the proposed bed closures, there are 240 beds to be closed in the two teaching hospitals, but there is a proposal for 150 additional beds elsewhere in the system in three other locations to be made available to provide those services. Those will not be in the community. Those will be in other institutions at a significantly lower cost to taxpayers, Sir.

**Mrs. Carstairs:** But because it will be a reduction in beds overall, there will need to be some structural changes that will have to be made. Among those structural changes will be the need for respite care improvements and emergency and backup systems.

Can the minister tell the House if those new respite services and those new emergency backup systems will be in place prior to the closure of these geriatric beds at St. Boniface Hospital?

**Mr. Orchard:** Mr. Speaker, I do not have the Action Plan in front of me or else I could refer my honourable friend to the area in which it made that statement that those services would be developed and mature prior to the decanting of our institutions.

Mr. Speaker, I have also indicated to my honourable friend in response to other questions that she posed immediately after tabling of the Action Plan that it is the intention of government to establish not eight hours per day, five days per week assessment for placement in the Continuing Care Program, but that in fact one of the changes for access in the Continuing Care Program will be an extension of those assessment hours to 16 hours per day, seven days per week.

Mr. Speaker, that, we anticipate, will curtail the need for emergency admissions of seniors by providing appropriate supports in the communities for those individuals, without the need for admission to acute care.

\* (1355)

### **Community-Based Health Care Tax Relief Program**

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** My final question is to the Minister of Finance.

Another legitimate concern that was raised by this group was: Would the increased burden of community care be borne solely by individuals who will be asked to accept even greater responsibility for the care of their elderly parents and relatives?

In the recent Quebec budget, in order to reduce at least some of the financial burden, a tax credit system was put into place, recognizing through tax relief the financial burden of having the elderly live in the homes of younger family members.

Can the Minister of Finance tell this House if a similar system is being studied in the province of Manitoba, and will he report to this House on the benefits and costs of such a program?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, specific to the question, the whole area of tax credit support to the lesser advantaged in society in Manitoba will be reviewed in greater detail. I point out to the House and indeed to all members of the public that Manitoba probably has the most advanced system of tax credit relief that exists anywhere in Canada with respect to its share of the taxation format.

I am mindful of what has happened in Quebec, but I would indicate to the member that that will not be considered in isolation. It will be considered in the aspect of a total review of the whole tax credit side.

### **Health Care System Reform Home Care Program**

**Ms. Judy Wasylycia-Lels (St. Johns):** I am very happy that the Liberals heard the message from this morning's press conference. That message was, Mr. Speaker: Do not take this government's health plan for granted; ask questions. Question this government.

The Coalition for Elders, Mr. Speaker, is a concerned group of citizens in the St. Boniface Hospital community area who believe that the minister's health plan raises more questions than it answers, and they are concerned about the future of the health and well-being of our elderly in the community. They had many questions. I want to ask the minister one of those questions.



Before closing a single bed and moving a step further on this so-called healthcare reform plan, will the government fix current problems with the Home Care and Continuing Care Programs like, no emergency back-up system, lack of weekend services, inadequate respite care and the need for continuity of care?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I also made the case, when I introduced the Action Plan for health care, that I will not any longer, nor will the taxpayers, nor will health care planners, be able to merely listen to the carping criticisms that we hear from time to time without some suggestions as to how they might provide a new direction or a better direction or suggestions on how to make the system work better. I look forward to that kind of debate from the general public at large.

Mr. Speaker, I would be particularly pleased if ever I heard a suggestion coming from the New Democrats that was not spend, spend, spend, Sir.

**Ms. Wasylycia-Lels:** Mr. Speaker, on the basis of the May 28 letter from the president of St. Boniface, Tony Quaglia, to all members of the St. Boniface Hospital community, where they commit themselves to the 115-bed target as long as the minister puts increased resources into Home Care, I want to ask the Minister of Health if he is meeting his end of the bargain and if he is transferring dollar for dollar the savings from closing beds directly into Home Care and alternative community-care arrangements?

**Mr. Orchard:** Mr. Speaker, as we have seen in the House, at least my honourable friend's language today is somewhat an improved version.

Normally, my honourable friend representing the New Democrats calls a \$7-million increase to the Home Care program, a cutback. Sir. That is exactly why this government, this Treasury Board, this governing party approved in the Legislature and approved in the Estimates process, a \$7-million increase to the Continuing Care Program, from \$55 million this past year to a projection of \$62 million in expenditure this year.

In addition to that, Sir, it is the intention in the reform process, as I have stated clearly and unequivocally, that as we wind down the unnecessary care functions in our acute care hospitals like the teaching hospitals that we will re-invest those saved budget dollars in the lesser

costly areas of care, be they institutions at lesser cost per day, community services or new and improved service access and delivery mechanisms, Sir.

**Ms. Wasylycia-Lels:** Mr. Speaker, the mere formation of the coalition for elder health care shows uncertainty and worry in the community.

I, therefore, want to ask the Minister of Health how he is responding to the statement in this letter from Tony Quaglia of May 28 which indicates that the provincial government, in co-operation with the Health Sciences Centre and the St. Boniface General Hospital, will be making a public announcement regarding the restructuring at the two institutions. When can we expect that statement? When will we know—

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

\* (1400)

**Mr. Orchard:** Well, Mr. Speaker, I have to admit my honourable friend is somewhat impatient, because when we lay out the most progressive action plan for health care reform in the Dominion of Canada, my honourable friend is not satisfied. When we make the comparison, Sir, of the process that we are involved in in Manitoba of \$101 million more spending in health care this year than last, \$53 million more in the hospital system, \$7 million more in the home care system, my honourable friend says we should emulate Saskatchewan where they spend \$53 million less in the system. Well, I do not accept NDP solutions, Sir.

### Workers Compensation Board Public Inquiry

**Mr. Daryl Reid (Transcona):** Mr. Speaker, yesterday I raised questions relating to the Workers Compensation Board's handling of a case involving a deceased claimant. The minister has received a letter from the wife of the deceased claimant requesting a public inquiry into the Workers Compensation Board's handling of this matter.

Will the Minister responsible for the Workers Compensation Board now listen to the widow of the claimant and call a fully independent and impartial public inquiry?

**Hon. Darren Praznik (Minister responsible for and charged with the administration of The Workers Compensation Act):** Mr. Speaker, in answering the question from the member, I must say that on a number of occasions he has brought

specific matters to this House regarding Workers Compensation, where his allegations have not been borne out in particular fact. I remember a few months ago, a case on appeal where the appeal commission, all three commissioners had ruled against the individual.

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

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, on a point of order. I realize we have divergences from our rules in Question Period, but there seems to be a pattern developing here of ministers, not only not answering questions—they do not have to answer questions—but instead trying to engage in some irrelevant sort of debate.

If ministers are not going to answer very direct questions from members of the opposition, let them say so; otherwise, they should not waste the time of Question Period with these irrelevant types of comments.

**Hon. Clayton Manness (Government House Leader):** On the same point of order, Mr. Speaker, what the Minister of Labour was trying to indicate to the House, the member has a record in his history of being in this House of bringing forward unsubstantiated claims. That has to be pointed out because indeed the question was becoming argumentative in itself, and that is against the rules.

**Mr. Speaker:** On the point of order raised, I would like to remind the honourable minister that answers to questions should be as brief as possible and should deal with the matter raised.

\* \* \*

**Mr. Praznik:** Yesterday, Mr. Speaker, the member brought allegations about documents being destroyed which I invited him to provide me, which he still has not done, which turned out simply to be the hand-written notes after they were typed and checked with the claimant being discarded.

I will say this to the member, this is a very important matter and that as minister I support a full inquest by the Coroner on this particular matter.

**Mr. Reid:** Time will tell who is right and who is wrong in this matter.

Will the minister listen to the widow and the Workers Compensation Board who said yesterday that they would welcome a public inquiry and now do the right thing as both have requested?

For the minister's assistance, as he had requested yesterday, I would like to table a copy of the Public Inquiry Structure, Purpose and Mandate, that he so badly wanted yesterday to provide some assistance for him in putting forward this matter.

**Mr. Praznik:** Mr. Speaker, here again we have a classic example of the three written questions and not listening to the answer to the first one.

I said to the member for Transcona in the answer to my first question that I would welcome a full inquest into this particular matter.

**Mr. Reid:** The letter is on WCB stationery—an employee of the Workers Compensation Board who specifically states that minutes were taken in shorthand and have been destroyed—

**Mr. Speaker:** Order, please. The honourable member, kindly put your question now, please.

**Mr. Reid:** Will this minister, Mr. Speaker, confirm that the widow had requested a verbatim copy of the minutes of the February 28, 1992, meeting with the Workers Compensation officials because she was concerned that the Workers Compensation Board was not going to accurately reflect the information of the meeting, and instead, the Workers Compensation Board sent this letter—

**Mr. Speaker:** Order, please. The honourable member has put his question.

**Mr. Praznik:** Mr. Speaker, here we have a case of a very competent staff person who takes some written notes at a meeting, has them typed, has them reviewed with the claimant, as I am advised, and has them on the file. Now I have said to the member for Transcona, we welcome fully an inquest. The Chair of the Workers Compensation Board, Robert Copstein, welcomes an inquest. We welcome a full inquest into this matter. I would hope that the member for Transcona would continue to understand or listen to what I am saying that we do welcome an inquest. I look forward to it.

### Department of Natural Resources Waste Disposal - Winnipeg Floodway

**Mr. Nell Gaudry (St. Boniface):** Mr. Speaker, yesterday, the Minister of Environment (Mr. Cummings) confirmed that the Department of Natural Resources was responsible for dumping approximately 50 truckloads of waste in the floodway creating several unlicensed waste disposal sites, rather than trucking that waste to the city dump as citizens are required to do.

Can the Minister of Natural Resources tell the House why he sanctioned the creation of several unlicensed waste disposal sites inside the floodway, instead of obeying the law and trucking the refuse to a properly licensed disposal site?

**Hon. Harry Enns (Minister of Natural Resources):** Mr. Speaker, I can inform the honourable member and the House that the department is not dumping any garbage anywhere. What in effect we have been doing since the floodway was put into operation, at some expense, gathered along the 20-odd-mile length of the floodway debris that the waters bring—floating straw, floating bulrushes and trees—into four selected sites along the 20-mile width of the floodway. We have been doing this since 1964.

I am advised that we also separate that which is of pure vegetable matter and burn it, and the others we take to an appropriate waste disposal site within the rural municipalities in the area.

I am aware that my colleague the Minister of Environment is enacting a regulation that is not in effect today but will be in effect June 15 which requires prohibiting of any burning of such material. Of course, my department will carry out the regulations as decreed by the Department of Environment.

**Mr. Gaudry:** Mr. Speaker, can the minister explain why his department was planning on illegally burning the legally disposed of waste until the Minister of Environment put a stop to this plan yesterday?

\* (1410)

**Mr. Enns:** Mr. Speaker, I will speak a little more slowly.

My understanding—and I wait for the Minister of Environment, my colleague, to correct me—is that it is legal today. It will not be legal as of June 15. Today, I think, is June 9 or June 10.

So the practice that the department has carried out—and we do this, Mr. Speaker, rural members will be interested—the floodway banks have been, for all these many years, a significant forage agency. Many farmers do our maintenance work and cut the alfalfa grasses that grow on the banks of the floodway. To assist those farmers when they come out there with their cutting machines—that they do not run into this garbage, into these stumps, into the other things—we, at some expense to the department, gather these.

So, Mr. Speaker, I think all things being considered, if the rules of the game are changing, which they are, we will certainly comply with them. I will indicate to you that it will be my intention to apply for a permit to the department that will enable us to continue burning the vegetation matter—

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

**Mr. Gaudry:** Mr. Speaker, government officials have told us that these dumps were created because the department did not have enough money available to pay the city tipping fees. Does the minister believe it is appropriate for government departments or private citizens to ignore environmental laws because it is cheaper to do so, which appears to be the message he is leaving to Manitobans?

**Mr. Enns:** I know that my honourable friend the member for St. Boniface has two fine brothers living in my constituency, cattle ranchers in the St. Laurent municipality. I buy cattle off them occasionally, and so I credit the honourable member with a reasonable amount of understanding and common sense.

Mr. Speaker, we were cleaning up the banks of the floodway as has been the practice for the last 25 years. So I refute categorically that the department was engaged in dumping garbage. Regrettably, some private citizens dump some garbage along those banks as well and we have to clean that up as well.

But, Mr. Speaker, we will abide by all environmental regulations as issued by the Department of Environment.

### **Department of Family Services Custody Dispute**

**Mr. John Plohman (Dauphin):** I have debated asking this question of the Minister of Family Services for some time, but my constituent has endured horrendous nightmare at the hands of this government department and this minister, therefore, and I want it stopped now. It involved the apprehension of a newborn baby by his staff, the Minister of Family Services in Dauphin in February of '91. Since I raised that question in Estimates as well for the minister, the mother has been forced to overcome one hurdle after another in her efforts to gain some custody of her infant son, Gregory. Now 16 months and hundreds of thousands of dollars in taxpayers' money later in court costs, the minister

and his staff continue to pursue full and permanent custody of this child in a court appeal that is to be held one week from today.

I want to ask the Minister of Family Services why his department has not yet provided a psychological assessment of the mother as directed by the judge in February and as promised to me in a meeting with his senior staff on May 6.

**Hon. Harold Gillehammer (Minister of Family Services):** We did arrange a private meeting for the honourable member for Dauphin and a staff member of his to review the situation with the staff involved in a case dealing with child welfare. Because of the confidentiality of child welfare laws and regulations in Manitoba, we cannot share with the honourable member all of the documentation brought forward by specialists who have been involved in the case and who are presenting documentation. The case is currently before the courts, and I am sure that all parties there will receive a fair hearing and fair treatment.

**Mr. Plohan:** Since the minister cannot advise on that psychological assessment on my question, and I reminded him of it on May 29, specifically in a letter, I want to ask the minister if he will now order his staff to abandon this court action that he is engaged in with this particular case and begin immediately a humane treatment of this mother and her child, so they can be together as mother and child as they have a right to be in this province and country.

**Mr. Gillehammer:** Certainly all of us in this Legislature, I am sure, like to see families strengthened and operating in a traditional sense.

Unfortunately, in society, we do have dysfunctional families that this department does become involved with from time to time. There are many, many professionals who bring forward documentation that bear on the case. This case is currently being heard, and I am confident that all parties will receive fair treatment and that the appropriate decisions will be made.

**Mr. Plohan:** Mr. Speaker, this mother has not had an opportunity to be a mother. I want to ask this minister why he will not now abandon this expenditure of hundreds of thousands of taxpayers' dollars on this court case, and instead, begin a constructive path with this mother in a supervised custody arrangement with the mother and child, right now, without—

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

**Mr. Gillehammer:** I want to assure you and the House that there has been ongoing support offered and efforts made. The department has had documentation from a variety of professionals who have brought to bear their strength and their expertise on this issue.

Our mandate is to operate in what is in the best interests of the child. There is a process in place that, I am sure, is going to provide fair treatment to all concerned, and a decision will be rendered.

### **Hazardous Waste Disposal Contaminated Soil**

**Mr. Paul Edwards (St. James):** My question is for the Minister of Environment.

We have recently learned that the Department of Environment sanctioned the placing of 10,000 cubic yards of contaminated soil at the intersection of the Perimeter Highway and Inkster Boulevard. The soil came from the contaminated sites of the Remand Centre and the North Portage Development, both projects in which this government was involved.

Mr. Speaker, when questioned on the wisdom and legality of this use of highway ditches as a dumping ground for contaminated soil, a senior departmental official said this is a single-use site. If we get into a multiple-use site, it would be subject to full environmental licensing.

Can the minister point to that part of The Dangerous Goods Handling and Transportation Act that would exonerate his department from getting a licence to handle this contaminated soil in this fashion, given that this act in Section 2 specifically binds the Crown, as it does every other citizen of this province?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, I do not think there is anything in the act that precludes some common sense either.

It seems to me that this is a perfect example of why we now have a number of initiatives going on in order to be able to treat this type of very lightly contaminated soil. It will be taken and dealt with appropriately when we have proper facilities with which to deal with it.

**Mr. Edwards:** For the same minister, why did this minister allow 10,000 cubic yards of contaminated soil to be dumped in a publicly accessible intersection without the posting of warning signs, without any public identification of the substance at the site, without any fence around the site, without

any notification of the R.M. of Rosser—surely the bare minimum in dealing with contaminated soil at a publicly accessible site?

**Mr. Cummings:** Again, I hope that the member is perhaps stating extreme concerns.

It seems to me that given that this is material that was removed after some 20 to 25 years of having been degraded or partially degraded, that in the period of time until we have a proper facility in which to deal with this equipment, but it is much better that it be removed to a site of that nature rather than stored in dumpsters or other such methods which tend to be perhaps more troublesome if located near a populated area.

**Mr. Edwards:** Mr. Speaker, currently this is requiring a licence by this department. Any other person in this province would require a licence. This minister sees fit that this government does not need one.

My final question for the minister: Where is the department putting the rest of the contaminated soil generated out of the city of Winnipeg each year, given that the senior official also indicated that with respect to the 10,000 cubic feet on the perimeter, multiply that by 100 and you get an idea of what is coming out of Winnipeg in one year? What other highways in this province have contaminated soil in the ditches?

**Mr. Speaker:** Order, please. The honourable member has put his question.

**Mr. Cummings:** Mr. Speaker, I assumed that there was some requirement on the part of each of us, as honourable members of this Legislature, to put some veracity to statements such as that rather than creating a public furor over something that he obviously has very little information about. Right now there is a meeting in one of the R.M.s not very far from—

#### Point of Order

**Mr. Edwards:** I am not certain the minister understood the question. This is a quote from Mr. Ediger of his department: multiply that by 100 and you get an idea of what is coming out of Winnipeg. That is his quote.

**Mr. Speaker:** Order, please. The honourable member does not have a point of order. It is clearly a dispute over the facts.

\* \* \*

**Mr. Cummings:** For a number of years, a good deal of this material went to the Brady landfill and was treated in that manner. So that is an example of how this material has been handled over a period of years.

At least the process today is that we have a number of applications. We have the Manitoba Hazardous Waste Corp. siting a facility, as we speak. We have interest expressed by some of the large gasoline vendors, companies, producers of gasoline and diesel, looking to establish a soil farming operation. Soon as those multi-use facilities are in place, we will be looking to move all material there.

**Mr. Speaker:** The time for Oral Questions has expired.

\* (1420)

#### Speaker's Ruling

**Mr. Speaker:** I have a ruling for the House.

On May 6, 1992, I took under advisement a point of order raised by the honourable House leader of the official opposition, the honourable member for Thompson (Mr. Ashton), in order to peruse Hansard.

The point of order was a claim that the Premier (Mr. Filmon), in replying to a question, had cast aspersions on or attributed unworthy motives to the honourable member for Kildonan (Mr. Chomiak). Hansard shows that the words complained of were " . . . because a death occurred, he"—meaning the member for Kildonan—"used that as a preamble to sensationalize his question, and I object to that."

I am ruling that strictly speaking, the honourable member for Thompson (Mr. Ashton) did not have point of order. I did note from the review of Hansard that the choice of words by the Premier (Mr. Filmon) used earlier that day, in an exchange of questions and answers with the member for Kildonan (Mr. Chomiak), had been the subject of a point of order.

I would ask the Premier to be careful in his choice of words. As First Minister, the tone he sets is an important factor in shaping the mood of the House.

At this time, I would also like to remind all honourable members that Question Period is televised, and we should all be very conscious of the viewing public's perception of our actions and decorum.

## MATTER OF PRIVILEGE

**Mr. Steve Ashton (Opposition House Leader):** I rise on a matter of privilege, Mr. Speaker.

It arises out of the incident yesterday, and I first of all want to echo the sentiments of our Leader earlier in terms of noting the presence today of the member for St. Norbert (Mr. Laurendeau), and given the horrendous situation yesterday, Mr. Speaker, we are very glad to see him back in this House in one piece.

The matter I am raising, Mr. Speaker, is in regard to the question of the security of the Legislature and the legislative grounds. What happened yesterday, in some ways, can be considered an isolated event, but we have had other incidents. We have had damage to property. We have had cars stolen. We have many people on the legislative grounds at this time of year when in this part of the session we are holding many late-night committee hearings. What happened yesterday could well happen again, either to a member of the Legislature or indeed another member of this House.

One of the concerns that I know many people have discussed today is to try and not just deal with this as an isolated incident, but perhaps take from it something in a positive sense, in the sense of improving the kind of security that we can provide to, as I said, not just members, but members of the public, because, indeed, we have sat as late as four in the morning as recently as the past session. We sat last night until midnight, and there is concern that this type of incident could happen again.

We are suggesting, Mr. Speaker, that one concern that we have as members of the Legislature is indeed the control of the Legislature over its own precincts. We have raised this before, and I know that it has been reviewed previously in terms of matters of privilege, and Beauchesne has a number of citations regarding the whole of the precincts of the House, but it is more than a question of technicalities in this particular case. It is more than a question strictly of raising it as something that has anything to do with Beauchesne or any rules of this House.

It is a matter, I think, of common sense, Mr. Speaker, and we are raising this—and I do have a substantive motion; I will be reading it in a minute, but we are very concerned with what happened. As we say, we are very pleased that this particular incident did not have a tragic end, and we look

forward to perhaps being able to sit down, as all members of the Legislature, in looking at ways of improving the situation here, not just for ourselves, but for members of the public. We look forward to perhaps the suggestions from the member, and I know he has indicated publicly his thanks to the police department, and I think that is something that needs to be noted, their role in terms of what happened.

Mr. Speaker, no one is pointing fingers. No one is blaming anybody on staff. I think we are looking at procedures here, and I do think in that sense, in a general sense, and I am not arguing this strictly on the basis of rules, but in terms of common sense, I think there is a need, and our caucus feels there is a need to sit down and look at this to make sure that this type of incident can be avoided in the future.

That is why, Mr. Speaker, I move, seconded by the member for St. Johns (Ms. Wasylycia-Leis), that the question of security at the Legislative Building be referred to the Committee on Privileges and Elections.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** Mr. Speaker, I would like to add to some of the comments that were made from the member for Thompson, and we too are glad that the member who was involved in this unfortunate incident is in fact okay, that nothing tragic of any nature occurred.

It is always a concern in terms of how late we sit and the question of safety of our members. I know, in terms of some of the parking arrangements of the Legislature, one of the ways that we addressed it for some of the members was to have it at the front where there are lights and so forth late in the evenings.

I know that one could call into question in terms of the whole need to have to sit here late in the evenings if we started earlier in the days and so forth.

There are a number of things, no doubt, that we can do to address some of the concerns that not only have been expressed as a direct result of last night's incident, but of incidents that have occurred in the past and also concerns that have been brought up, not only inside the Chamber, but also at LAMC and other more informal discussions amongst the members.

We concur with the motion and would suggest that there would be some benefit to having the

committee sit to look at this problem and hopefully prevent things of this nature from occurring in the future.

**Hon. Gerald Ducharme (Minister of Government Services):** Just to put a couple of words on the record in regard to the member for St. Norbert (Mr. Laurendeau), we regret the incident that happened. We have to remember that when it comes close to home, like it has in this particular building and around the area, I know myself, in my first year as minister, I have been told from the other side, from members, and criticized on the recent upgrade of many security matters when we have demonstrations, et cetera—just to show that it is not only our members, but it is demonstrations, the accessibility to the building.

We have increased that security immensely in the last couple of years. We will continue to do so, and I look forward to supporting the members on this particular motion, especially because it makes it easier for myself as minister responsible to get across the points that I tried to get across during the demonstrations, when we were criticized because we limited access to the building, and we brought in more security to the building.

I look forward to maybe bringing that into discussions instead of it being on the forum of this floor. It is easier to bring it into discussions of a committee, and I look forward to that and support the motion of the member.

**Mr. Speaker:** I would like to thank all honourable members for their advice on this matter. I will take this matter under advisement and will report back to the House.

### Committee Changes

**Mr. George Hickes (Point Douglas):** I move that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: The member for Radisson (Ms. Cerilli) for the member for Thompson (Mr. Ashton), for June 9, 1992, 10 a.m. [Agreed]

I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: Interlake (Mr. Clif Evans) for Point Douglas (Mr. Hickes); Thompson (Mr. Ashton) for Radisson (Ms. Cerilli), for Thursday, June 11, 1992, 10 a.m. [Agreed]

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I also have a committee change. I move, seconded by the

member for Turtle Mountain (Mr. Rose) that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: the member for Lakeside (Mr. Enns) for the member for Rossmere (Mr. Neufeld) for the 10 a.m. June 9, 1992, sitting. [Agreed]

### Nonpolitical Statements

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Speaker, may I have leave for a nonpolitical statement, please? [Agreed]

Thank you, Mr. Speaker, it gives me great pleasure to be able to rise in the House today. I would like to thank my colleagues in the Legislature for their support over the past morning. I am still having trouble pulling it together.

Mr. Speaker, the press was very good to me this morning, they did not give me a hard time. They let me gather my thoughts, and I want to thank them for that.

Mr. Speaker, I wanted to rise today in this House and thank somebody who does not get thanked very often in this city, and that is our finest, the Winnipeg Police Department and a few of their members who came out to help me last night. That was Phil Penner, Dan Amal, Doreen Ewatski, Dave Barr, Kevin Wiens, Paul Lamotte, David Rees, and the one who helped me pull it together, Mr. Bill Firman who was on the phone as I was being taken. Thank you, Mr. Speaker.

\* (1430)

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**Mr. Jack Penner (Emerson):** Mr. Speaker, I wonder if I could have leave for a nonpolitical statement. [Agreed]

Mr. Speaker, it seems in today's world we hear a lot about what is going wrong in our society and not enough about the good that is happening. I believe it is vital that we take time out and recognize the acts of bravery by people willing to put their lives on the line to save others.

Irvin Braun and Daryl Rempel are members of the Altona Volunteer Fire Department. Braun is a department captain and co-ordinator of its ambulance service, while Rempel, who works as a reporter at the local newspaper, is a volunteer firefighter as well as a volunteer ambulance attendant.

Mr. Speaker, on December 16, 1991, Braun and Rempel were transferring a patient to the Altona Hospital when their ambulance was involved in a collision with another vehicle which then burst into flames. Despite being involved in a serious accident themselves, Braun and Rempel had the presence of mind to check on their own patient and then fight the vehicle fire. Risking serious injuries from flames that had engulfed the second vehicle and toxic fumes, Braun and Rempel's assistant rescued the two people trapped in the burning vehicle. Sadly, despite Braun's performing cardiopulmonary resuscitation on one of the vehicle's occupants, the man later died from his injuries.

Mr. Speaker, the fire would have surely killed both people inside the vehicle. As a result of the courage and caring of these two men, one person is alive today. For their efforts, Irvin Braun and Daryl Rempel have been awarded citations from the provincial Fire Commissioner's Office in recognition of their heroic efforts.

Since I personally know both of these men, it gives me a great deal of pleasure to ask all members of this House to pay tribute to Irvin Braun and Daryl Rempel of Altona, two Manitoba heroes.

### House Business

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I would like to announce to the House that the Standing Committee on Industrial Relations will meet on Tuesday, June 23 at 10 a.m., to consider the 1991 Annual Report of the Workers Compensation Board and their five-year plan.

Mr. Speaker, I am going to change the reference. The legislation calls that indeed any report of this type be referred to the Standing Committee on Public Utilities and Natural Resources.

**Mr. Speaker:** I would like to thank the honourable government House leader for that information.

**Mr. Manness:** Well, I thank the table officer for that correction.

Mr. Speaker, I wonder if there is a disposition to waive private members' hour.

**Mr. Speaker:** Is the will of the House to waive private members' hour?

**Some Honourable Members:** No.

**Mr. Speaker:** No. Denied.

### ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

**Motion agreed to,** and the House resolved itself into a committee to consider of the Supply to be granted to Her Majesty with the honourable member for Niakwa (Mr. Reimer) in the Chair for the Department of Consumer and Corporate Affairs, and the honourable member for Seine River (Mrs. Dacquay) in the Chair for the Department of Highways and Transportation.

\* (1440)

### COMMITTEE OF SUPPLY (Concurrent Sections)

#### CONSUMER AND CORPORATE AFFAIRS

**The Acting Deputy Chairperson (Mr. Jack Reimer):** Will the Committee of Supply please come to order. This afternoon this section of the Committee of Supply, meeting in Room 255, will be considering the Estimates of the Department of Consumer and Corporate Affairs.

Does the honourable Minister of Consumer and Corporate Affairs have an opening statement?

**Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs):** Minister of Consumer and Corporate Affairs has changed somewhat since last year. We have a Consumer Affairs division now which includes both the Consumers' Bureau and the Residential Tenancies Branch transferred to us last September from Housing. Our Consumers' Bureau mandate now includes The Business Practices Act and this act, which was brought in by our government and proclaimed in January of last year, I believe, significantly improves the marketplace for consumers and businesses. We know, of course, and are grateful for the fact that the vast majority of businesses do not engage in unfair practices; however, those who do cause losses for both their legitimate competitors and for consumers as well. They also give all businesses a bad image.

The Business Practices Act prohibits deceptive practices in the promotion and sale of consumer goods and services and provides legal remedies for consumers who suffer losses and enables the



Consumers' Bureau to take action to stop unfair business practices. The bureau can now conduct investigations under the act, seek assurances of voluntary compliance, go to court to stop deceptive practices, and go to court to freeze a company's assets.

We have had some issues of concern brought to us and lodged under The Business Practices Act. To this date we have been able to settle them at the mediation level. That is a very good thing that speaks well of the mediation ability of the people and the staff at the Consumers' Bureau. I believe the new act, which applies to most consumer transactions, will help prevent losses to consumers and legitimate business competitors. I believe it will also help consumers recover losses as a result of unfair practices.

The new Residential Tenancies Act, Mr. Acting Deputy Chairperson, we expect to have proclaimed this summer, and it also brings significant benefits to tenants. It eliminates much of the duplication between the courts and the program. It allows tenants and landlords one-stop shopping for their complaints. It allows administrative orders for possession in a less costly and time-sensitive manner. There is a wider scope for appeals under the new Residential Tenancies Act.

I believe the act spells out in better and greater detail the obligations of landlords and tenants to each other. The new act, as well, expands provisions for repairs and improves the settling of claims for both landlords and tenants.

The natural gas lock-off legislation occurred in this last year as well. This change was intended to help keep most customers of the gas company from paying for those few who refused to pay their bills. The procedures required of the gas company by the Public Utilities Board help ensure that those who genuinely need assistance and cannot pay receive assistance. While about 400 residents, Mr. Acting Deputy Chairperson, last year were locked off, most customers in arrears were able to make some arrangement with the company to continue service and to payback their delinquent accounts.

This May, Centra Gas anticipated a potential lock-off situation involving close to 4,000 residences. The program has worked so far as planned to protect the vast majority of natural gas customers who pay their bills on time.

Consumer education is a very important part of Consumer and Corporate Affairs, and it is a very

important focus in the department. We take some 50,000 calls a year, Mr. Acting Deputy Chairperson. Many of those are calls requesting information. We have done much more than that in terms of education, in terms of a proactive approach. We introduced an innovative consumer education program called Project Real World. This program was developed in co-operation with five other provinces to use in high schools across Canada, and the pilot project has been very well received.

We recognize that the Canadian youth, young people between the ages of 13 and 15, spend in excess of \$3.5 billion in Canada annually. They are making purchase decisions, rental agreements, return and refund requests and employment decisions in the retail and service industries. Project Real World is designed to prepare Grades 10 to 12 high school students for the opportunities and realities of the Canadian marketplace. Project Real World can help students manage their money better, make informed choices and understand their rights and responsibilities as consumers and as citizens.

Activities in the five modules take students out of the classroom and into the local community while other activities bring business people into the classrooms. Every high school in Manitoba received a copy of Project Real World in May 1991 and approximately 100 teachers registered for informational workshops on the program. Manitoba's Consumer and Corporate Affairs with the help of Education and Training has made Project Real World available for purchases across Canada through the Manitoba Textbook Bureau at a cost of only \$4.25 per module.

We recently have embarked upon another initiative, Mr. Acting Deputy Chairperson, that of plain language. We understand very clearly that a large part of consumer protection means communication, and to communicate effectively we must use language that everyone understands. You see this reflected in the new Business Practices Act which is worded in such a way that it is clear to the reader and put into language that makes the meaning plain. That is the idea behind the plain language movement. The popularity of plain language is growing. There are now many good examples of plain language contracts, legislation and how-to guides. Using clear, simple language is efficient and effective, and it can improve both customer service and access to government.

My department supports and promotes the concept of plain language, and we have begun to use plain language in our department starting with letters, brochures and presentations. Our Consumer Education section wrote Consumer Education for New Canadians guide, which uses clear language. The guide is a teaching tool for English as a Second Language teachers. We are trying to follow plain language guidelines when drafting legislation. We tried to simplify language, as I mentioned before, in several complicated issues in the BPA. We will continue to use these techniques as much as we possibly can for form letters in the Residential Tenancies program.

These are small-scale initiatives, Mr. Acting Deputy Chairperson, but they are a step in the right direction. We will continue in this pathway ourselves and we will encourage other departments as well to do the same.

Consumer and Corporate Affairs Manitoba recently endorsed a national commitment to plain language. We are working in partnership with other provinces on distributing a plain language survey which will help us identify plain language right across the country.

\* (1450)

As well this year, we embarked upon another exciting initiative. We have established insurance councils to increase insurance agents' and adjusters' ability to regulate themselves. This initiative allows life and general insurance agents and adjusters to deal with licensing issues, set entry level standards and ongoing education requirements, to adjudicate questions of conduct and disciplinary matters that do not require prosecution. The program is self-financing. Similar programs exist in British Columbia, Alberta, Saskatchewan, Ontario and Quebec. Policies and procedures used by the councils require the approval of the superintendent of insurance.

These are just some of the things that have been occurring in my department over the last year that are over and above the regulatory work that we do. As you know, we govern some 29 acts and those acts are highly regulatory in nature. Staff in the department are trained to interpret the law so that the regulatory functions are carried out correctly. In many instances, staff in the various divisions of my department are trained as well to mediate on various interpretations of the law to settle disputes. As a matter of interest, some \$500,000 a year is returned

to Manitobans annually as a result of successful mediations. The Consumers' Bureau alone mediates some 2,500 cases a year; 80 percent of those are done successfully.

I wish to indicate as well, Mr. Acting Deputy Chairperson, that we work fairly closely with the police or law enforcement officials in investigations and that liaison with law enforcement officials has been, I believe, to the benefit of consumers. We have seen some very good co-operation done on things like home renovation scams, investigations into areas that are brought to our attention that we will alert the law enforcement officials to or things that they will bring to our attention. So we do appreciate that liaison. As you know, we have two small pieces of legislation before the House right now to improve and enhance that ability to share information with other jurisdictions.

I look forward to the remarks that will be offered by the critics and to the questions that they may place before me during this Estimates procedure.

**The Acting Deputy Chairperson (Mr. Reimer):** We thank the honourable Minister of Consumer and Corporate Affairs for those comments.

Does the critic from the official opposition, the honourable member for Elmwood, have any opening comments?

**Mr. Jim Maloway (Elmwood):** Mr. Acting Deputy Chairperson, I listened intently to the comments of the minister, and of course I have a different view and a different opinion as to what she has or has not been doing over the past year.

I recognize that The Business Practices Act was put into place starting this January 1, but there are a host of other issues that are of concern to myself and my caucus that I am looking and pressing the minister for action on. I look forward to her comments on each of the points that I do want to bring up this afternoon, because I think it is important to hear what the minister is planning or what the minister—the status of the minister's research on such important consumer items, at this point in our history, as the sticker-price issue for new car sales, the documentation fees on new cars, octane levels in gasoline, negative option offers, a lemon law for this province which is very much needed, and a whole host of other areas that I have been concerned about and our caucus has been concerned about and areas that we have yet to hear from the minister or this, government on as to what their direction may be.

On that basis, I would have to say that the government has done nowhere near what I expect from the government. I think—

**Mr. Kevin Lamoureux (Inkster):** Or what Jim Maloway would have done if he was minister.

**Mr. Maloway:** That is correct. The member for Inkster has a lot of confidence in my abilities to bring forward lots of legislation if we were in government. I would suggest to the member for Inkster that he should stick around for a couple of years, and if we do form the government after the next election, I would expect that we will be seeing a lot of these things.

But I have confidence in this minister and this government to show some repentance here and take the initiative and bring in some of these pieces of legislation so that I will not have to be around here as the minister to bring them in. It gives me no satisfaction to see these initiatives not taken. I have given the government full credit for bringing in The Business Practices Act. Even though I introduced the act in the Legislature, I have no qualms whatsoever about the government copying the act and bringing it in. I wish they had not watered it down and taken out the unconscionable acts but, regardless of that, I am very pleased that they took that initiative.

When and if they do come forward with a proper lemon law in this province or any of the other issues that we have been talking about, I will be the first to commend the government for taking those steps.

I believe that, at this point, we should move into the line by line. The Liberal critic has just arrived, so perhaps the Liberal critic would like to make a few comments before we go into a line-by-line examination.

**The Acting Deputy Chairperson (Mr. Reimer):** I thank the honourable member. Does the critic from the second opposition, the honourable member for The Maples, have any opening comments?

**Mr. Gulzar Cheema (The Maples):** Mr. Acting Deputy Chairperson, I do have a few comments.

This is my first time in this Estimates process in this department, so it will be a partially learning and partially questioning process. I do have a lot of specific concerns, and I think it will be best for me to address them when I reach those lines.

Certainly, I want to point out to the minister that certain things, the statement she had made in her opening remarks, I just heard the initial part. One of

the things she has said that she believes in more communication and consumer education. At the same time, within her department about \$91,000 has been completely cut from this year's budget in that specific area, and I think that may be something she should explain when she is making such a statement and not complying with her own thrust of the department.

There are a number of other concerns in terms of the recent issues of furnaces and protection of consumers and the other issue is her Bill 62 which I think goes in the opposite direction. Rather than strengthening the director's role, it is probably going to weaken the role. I would certainly ask some specific questions.

The other issue that I want to address will be in terms of the member for St. Norbert (Mr. Laurendeau) who has brought a private member's bill. I am questioning why the government has not done it, why the government did not feel comfortable with such a good initiative, why the private member has to do it. I am not questioning the private member's intention. They are all good intentions and certainly we had the similar kind of bill between '88 and '90. So that is not a new idea, but certainly, I would like to hear from the minister in regard to that bill.

Mr. Acting Deputy Chairperson, from here we can proceed with the questioning and see how we will proceed. See I have been involved in the Consumer and Corporate Affairs now.

**The Acting Deputy Chairperson (Mr. Reimer):** I would like to thank the honourable member.

Under Manitoba practice, debate of the Minister's Salary is traditionally the last item considered for the Estimates of a department. Accordingly, we shall defer consideration of this item and now proceed with consideration of the next line. At this time, we invite the minister's staff to join us at the table, and we would ask the minister to introduce the staff once they are present.

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, I am pleased to introduce Mr. Don Zasada, the Deputy Minister of Consumer and Corporate Affairs and Fred Bryans of the Department of Consumer and Corporate Affairs. I have other staff back there.

**The Acting Deputy Chairperson (Mr. Reimer):** Thank you.

At this time item 1.(b) Executive Support: (1) Salaries \$264,200—pass.

1.(b)(2) Other Expenditures \$52,300.

**Mr. Cheema:** Mr. Acting Deputy Chairperson, can the minister tell us if we can ask a question in terms of the regulation at this stage or should we wait? If it is going to be just two hours of Estimates process and if we want to just go all over the place in terms of questioning, I am just asking if it is possible.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, I would recommend that we go item by item because The Landlord and Tenant Act is coming up to the member for The Maples. He can see The Landlord and Tenant Act just coming up very soon.

\* (1500)

**The Acting Deputy Chairperson (Mr. Reimer):** Item 1.(b)(2) Other Expenditures \$52,300—pass.

1.(c)(1) Salaries \$468,200—pass; (2) Other Expenditures \$311,700—pass; (3) Less: Recoverable from Legislative Assembly \$191,000—pass.

1.(d)(1) Salaries \$147,500.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, I have some questions of the minister at this stage concerning the Research and Planning bureau.

I believe last year the minister gave me an update of what the department was working on. One of the issues they were working on at that time was possible legislation on negative-option offers. I would like to know where that has gotten to so far and just what is happening with that initiative.

**Mrs. McIntosh:** Staff has been researching that, is looking at what is going on in other jurisdictions, what types of legislation they have in place, what is working and what is not working. Aside from one issue that was raised briefly during the last year, it is not an issue that has been the subject of complaints on a large scale to the department. They are continuing their homework on the issue.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, can the minister tell us what conclusions their Research department has come to on this matter, and be a little more expansive in her answer as to what jurisdictions they have looked at? Just feel free to take as much time as you want.

**Mrs. McIntosh:** There are three provinces that have legislated this kind of legislation. Outside of the cablevision question, those jurisdictions have also not found that it is a major problem. They find that in most cases consumers will either refuse to pay or return products, and in that sense the issue

is not growing, as some might have thought it would, as a problem.

**Mr. Maloway:** Could the minister give us an indication of other areas that the Research department has been working on? For example, the previous minister informed us last year, the year before, that the Research department was in the process of monitoring gasoline prices. We got into a considerable give-and-take about how that was being done and how things were going on. Could you give us a—I know you claim that your department is somewhat limited in the number of staff and the number of issues.

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, I wish to correct, for the record, I have never complained that my department is understaffed. I have indicated that the researchers and planners and staff in my department are continuing to look into what is happening in other jurisdictions with this issue, which has not been the cause of major complaints with the bureau.

You mentioned—and I think because you mentioned it that it is appropriate that I respond—about the monitoring the previous minister did of the gas situation. I find it very interesting that when I came into office and was looking at the gasoline charts, I noted the charts that I was given at that time to study started on January 1, 1986, and the last date indicated there was December 30 or 29, towards the end of December 1985. The gasoline prices at that time were identical to the gasoline prices in the summer of 1990 and the summer of 1991.

Fluctuation in the gas prices as a result of the very careful monitoring done by the previous minister and the Research and Planning department, who keep in close touch with what is happening with the price of crude oil, the rack prices in the States, the taxation and all of the other things that go along with the gasoline prices, indicate that we have maintained and stay at the third lowest gasoline prices in Canada. We have the second or third lowest taxation on gasoline at the pumps in Canada. The gas prices fluctuate up and down, up and down, up and down, but always it seems within a certain range.

There are many, many things that affect the price of gasoline. I am mentioning this because it has been said repeatedly that the previous minister monitor gasoline prices. I think that the only other thing that the minister of that era or of this era, or

indeed of the era of the NDP between 1981 and 1988, could have done would have been to regulate the price of gasoline. Careful monitoring has revealed what happens in those provinces which have regulated. There is only one left in Canada regulating, because the prices in those provinces tend to stay very much higher than in other places in Canada.

I just feel that we do not wish to get into a regulatory system. Indeed, the experts that we have consulted have advised against it. The other thing we could do would be to get into the buying and selling of gasoline ourselves which would mean having to raise taxes to pay for the gas bars. We do have gas bars which are put in place as co-operative gas bars which people of Manitoba can set up, and government is there to help them do that. I feel it is very important, since the issue was raised again, that the response to the issue that the opposition critic raised be put on the record as well.

**Mr. Maloway:** The issue of the MSRPs, the sticker prices on cars, has been around with us now for some time. That is another area that Research and Planning have supposedly been working on now for a long, long time. What is the status of the MSRP issue?

\* (1510)

**Mrs. McIntosh:** This issue is one that has been around for some time. It has been around for many years. In fact, I think maybe since '81, '82, '83, '84, '85, '86 and so on, this issue has been around. It is quite interesting that no jurisdiction in Canada has such legislation. The other thing that we find—not even Ontario—Ontario does not have the legislation that you are referring to. It has some request that some markings be made, but not what you are talking about.

An interesting thing, as well, is that General Motors has now mandated that these stickers be placed on their cars. Some Ford dealers as well are placing this on the cars. Of course, consumers can always ask to see that price. They can always ask the manufacturer for that price, and the manufacturer is very pleased to offer it to them, pleased to oblige in that regard.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, well, the whole area of the MSRP is an issue that even the car dealers when pushed or when cornered on radio shows will admit publicly that the province should have, but privately we know that the

car dealers are very adamant in opposition to this issue with the Liberal and the Conservative caucuses.

Until this government decides to take some initiative here and support consumers and require the sticker prices to be left on the cars, consumers will continue to be taken advantage of when they buy new cars, because what is happening here in Manitoba is the sticker prices are being removed from the cars as the cars are brought in from Ontario. The car dealers have been typing up their own invoices, typically \$2,000 higher, and they argue allows them to give people what they want for their trade-ins.

The fact of the matter is that one can go to Kenora, Ontario, and compare the same car and probably find that in Manitoba where they may have negotiated \$1,000 off the price, they will find they are spending another \$1,000 more than they could have got the car for in Ontario, which brings me to a related issue and that is that in the United States right now, the minister should be aware and recent articles in The Globe and Mail have pointed this out, that there are certain car dealers themselves who have gone to a set price. They have found that this is working quite well in the United States. In fact, there is a dealer in Montreal, I believe a fairly large dealer in Montreal who is trying this out.

Perhaps the minister, when she is next meeting with her car dealer associates, would bring this matter to their attention, because I think that while the MSRP issue is a good one and something that I think the consumers should have, it is incumbent upon the car dealers, I suppose, to show some responsibility here. I am sure that they themselves may see some merit in giving consumers set pricing eventually, because I think if the experience in Montreal and in the States is any indication, the dealers that take the initiative and do this are going to get a better market share.

So perhaps the problem ultimately will be solved by the market itself and the minister will not have to do anything here. Perhaps, she is waiting for that to happen, but I would like to know what her comments are in this area. I would like to know specifically why the manufacturers suggested retail price sticker requirement would not be brought in by the government when in fact the car dealers themselves are hard pressed to argue against it when confronted in the media.

**Mrs. McIntosh:** I have a couple of interesting observations just before I give my answer. I am somewhat puzzled by the member's statements of things that he alleges are being said in caucuses other than his own. I do not know what is being said in the other two caucuses. I am sure it must be very, very interesting. I am kind of puzzled by how he can make statements about things that he alleges are being said in other people's caucuses.

I do not have any car dealer associates. The member said I should talk to my car dealer associates, and I do not really know who he is talking about, because I do not have any car dealer associates. I have many associates here in the Legislature which is what I do for my living. I presume he means that I should be talking to segments of the industry that would naturally be vitally interested in this—the manufacturers, the retailers, the consumers. Indeed, we have talked to those people. As I indicated before, General Motors itself has now mandated this. Some Ford dealers are doing it as well. I reiterate, it is a very simple matter for a consumer to obtain that list, that price by making a quick phone call to the manufacturer, and many dealers will provide that phone number if they do not happen to have the information there themselves.

This piece of legislation is not a piece of legislation that is being ignored in the sense that we say it would not be a good thing to legislate it. We have had other pieces of legislation that have taken a higher priority with us, and we believe for good reason, because they more immediately affect people when they have no other option. For example, the work that we did on The Business Practices Act and the work that we are currently doing on The Residential Tenancies Act, we felt, for this session, should have a higher priority.

I know members have expressed that they did not wish to have a legislative session that would go on for 10, 12 months at a time.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, the RCMP sent the minister a report, back at the end of February now, dealing with the odometer tampering issue, stating clearly that the problem was widespread, and contrary to what the minister had previously said that it was not a major problem. Now the minister has been sitting on this report since the end of February. I have asked her in the House to release the report. I would like to know why it is that she is holding on to this report and will

not release it, because one presumes that there is nothing in here that is overly explosive.

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, once again I think it is very important that the inaccurate statements made by the critic be corrected for the record. First of all, indeed, you are correct, and I will acknowledge the correctness of your statement, that in February or thereabouts—I do not have the exact date—the RCMP did forward to me, at my request, a summation of their opinions on the odometer tampering that had occurred and any suggestions or recommendations they might be able to give us that would assist consumers.

As the member knows, the RCMP and this minister were in communication during that particular episode of the odometer tampering. The member also knows, because it was explained to him at the time—and he chooses to take a different interpretation to what he heard for reasons that are unknown to me, but perhaps could be speculated upon by others observing. He knows that in responding to the question, have you had any concerns or complaints about this issue, that I indicated to the press that the Consumers' Bureau, to that point, had not received any complaints. So the consumers, in that sense, did not feel the problem was widespread enough to be contacting us. The police, from their perspective, indicated from the criminal charges that they were investigating that their concern expressed to them was indeed widespread. That was not a contradiction. We were each speaking from our own jurisdictional perspective.

That is very important that be cleared, because the member has, on several occasions, stood up and said that the RCMP and I were in direct contradiction with each other, when in fact we were in communication with each other, moving on the same wavelength to see if we could take some effective action to solve this problem.

The RCMP subsequently forwarded to me, at my request, some suggestions that they had been working on and looking at. They were very, very helpful. They came in the form of a two-page letter. That two-page letter indicated several suggestions that were not the suggestions the member for Elmwood (Mr. Maloway) indicated in the House were the things the RCMP had asked him to do in The Consumer Protection Act.

\* (1520)

Indeed, the RCMP did not ask for any changes to The Consumer Protection Act. The RCMP suggested changes that would come under the jurisdiction of the Minister of Highways and Transportation (Mr. Driedger). That being the case, I forwarded the correspondence to the Minister of Highways and Transportation who has made it very clear in the House, in plain language that is easily understood, that his department is looking at those suggestions with a view to making adjustments or changes, either through regulation or whatever means may be necessary for a future session, or for a future time period if there are no amendments to his acts required. It was to The Highway Traffic Act and the motor vehicle act that the police referred.

As the member may not have known before, but I am sure knows by now, odometer tampering comes under the Minister of Highways and Transportation's act, not The Consumer Protection Act.

**Mr. Maloway:** Well, once again, could the minister provide us with a copy of that report from the RCMP because they have no objection to us having a copy of it, provided the minister is prepared to comply and give us a copy?

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, perhaps the member did not hear me. I forwarded that correspondence to the Minister of Highways and Transportation. Odometer tampering comes under his act, the issue is under his study right now, and I would suggest that those questions would be properly put to the minister responsible.

**Mr. Maloway:** The RCMP clearly indicate that the report was sent to the Minister of Consumer and Corporate Affairs, and it is not good enough to say that you sent a copy off to the Minister of Highways. I am asking you whether you can retrieve a copy for me. I guess that is a more direct and specific question. Would you be prepared to do that in consideration that they themselves have no objection to you releasing that report?

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, I think it is a very simple question for the member to put to the Minister of Highways and Transportation. I do not know why you would want a third party—to me it is always easier to go to the person whom you want to ask the question of than to go to an intermediary and get them to be the middleman.

**Mr. Maloway:** The point is that the RCMP wrote the report to the Minister of Consumer and Corporate

Affairs, not to the Minister of Highways. I have asked both ministers about this report, and I basically get the runaround from them. What I want to know—I am directing the question to the minister to whom the report was sent in the first place, and that is the department that we are dealing with right now. I want to know whether the minister will obtain the report and give us a copy and when she will do that.

**Mrs. McIntosh:** The member, I thought, had read the report because he quoted from it when he opened his statements. He said, the RCMP sent the minister a report—and he said something to this effect—and in that report it clearly stated that this was a widespread problem.

I naturally assumed that he had read it. At any rate, the member indicates that he has talked to the RCMP and that the RCMP have told him their concerns. The RCMP have indicated to him what they would like to see done. He has stated that in the House. He got up and said, I am introducing exactly what the RCMP want, so I presume then he knows what the RCMP want. The Minister for Highways and Transportation also said that he was looking hard at this issue.

I have forwarded the letter from the RCMP which contains their recommendations and suggestions which the member says he already knows because he has told in the House what all those recommendations and suggestions were except he got the act wrong. I suggest that he go the minister who has the report and get it.

**Mr. Maloway:** The minister is trying to hide once again on this issue. The report was clearly addressed to her. It was sent to her, and all I am asking her is, if she is not prepared to release the report, just simply say so; just say that she is not going to release the report.

The fact is that I have not seen the report and I do not know what is in it, so for her to say that somehow I know what is in the report and I have seen the report and stuff is totally false. I want to know why it is that she will not release this report. Why can she not just say she will not do it, and I will accept that as an answer?

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, I have indicated already that the correspondence on this issue which the member referred to and indicated that the contents indicated that this was a widespread problem, I have already indicated that

that is with the Minister of Highways and Transportation (Mr. Driedger) and that he should address his question to the proper minister, the minister responsible for the act that contains the section on odometer tampering. I have said it plainly. I have said it plainly three times. I have just said it again.

**Mr. Maloway:** Well, obviously, I will not get any further with this minister on this subject today. So I think I will have to take it up with the Minister of Highways and see if he is any more forthcoming regarding this report, Mr. Acting Deputy Chairperson.

Now I have to ask the minister what her research department has done or is planning to do in the area of documentation fees in regard to automobile sales transactions.

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, we are not doing anything with documentation fees.

**Mr. Maloway:** I would like to ask the minister then why that is the case, because I have had several complaints over the years from people who have purchased motor vehicles, both new and used, and are quite upset when they see on the sales transaction a fee, usually these days printed right on the sales form which can amount to anywhere from \$40 to \$140, which when the purchasers ask the auto dealers about the item are told that it is a documentation fee and it is designed to pay for the typing up of the contract. People get quite irate when they have to pay these documentation fees. Some of them successfully get their money back, but most do not.

It seems to me that the minister should get this research department of hers working in this area, and I ask her whether she would now take that under advisement and perhaps endeavour to take a look at this area and come back with some sort of initiative in this area.

**Mrs. McIntosh:** With automobile sales, as the member is aware, it is one of the products over which a great deal of haggling goes on, unlike a lot of other products where you go into the store and you pay a dollar for a chocolate bar. It is not a fixed price in that sense in that consumers and retailers will negotiate back and forth and settle on a price in many instances. Documentation is, therefore, not the same as it might be in terms of buying a chocolate bar in a corner store. I thank the member for his comments.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, the whole area of octane levels in gasoline became an issue briefly last year, and in the United States there are many states that have a requirement that octane levels be posted at the gas pumps. Such is not the case here in Canada. It seems to me that when you have a government that is concerned about fiscal restraint, one would think that something like this, a no-cost initiative that would keep consumers happy—and that would be something that the Minister of Finance (Mr. Manness) would be quite interested in hearing about—the cost of producing little stickers indicating the octane levels on the gasoline at the pumps is something that would cost the gasoline companies very little and cost the government absolutely nothing and would eliminate the complaints that I have had about octane levels.

\* (1530)

As a matter of fact, last year when it became an issue I checked with three or four gas stations, and universally there was a total ignorance about the area. No one pumping the gas knew what an octane level was. In fact, nobody who owned the stations knew what an octane level was. As a matter of fact, there was only one station owner that pretended to know anything about it.

Of course, the issue centered around one of the major gasoline retailers, one of the national firms who basically altered their levels. They added another octane level, and they changed their pricing and so on. So the result was that people were paying the same price but getting a lower octane. From what I am informed, they have a very major impact on the performance of your car.

So some people thought they were driving at a certain octane level and the engine was operating a certain way. Then they found the performance was not there a few weeks later. So I think this is an initiative that the government could take. It would cost very little money. But I would like to ask the minister at this point whether or not this research department of hers has considered this at all.

**Mrs. McIntosh:** Yes, Mr. Acting Deputy Chairperson, the Research department of the government of Manitoba for the Department of Consumer and Corporate Affairs has spent a great deal of time on this issue, has taken a serious look at it in terms of the ramifications of putting labels on in certain areas and so on.

The member made an interesting point, and I just jotted it down here. He said that most people are in



total ignorance of octane levels and what they mean and so on.

**Mr. Maloway:** People who work in the gas station, yes.

**Mrs. McIntosh:** People who work in the gas stations and a lot of people who drive cars just do not have a great deal of information about what the octane level means. It is a very revealing statement, and it gets to the heart of the issue and the heart of the problem in that a lot of people assume—I think maybe the member at one point made a statement that made me think that maybe he even makes this assumption—that the higher the octane level, the better the gasoline.

**An Honourable Member:** It is the other way around.

**Mrs. McIntosh:** Okay. The lower the octane level the better the gasoline. So that is what you think, but you know that may not actually be correct. So it concerns me that if even here in the Legislative Assembly we have people making erroneous assumptions about what octane levels mean, that the consumers would not have a higher level of understanding either.

The lower level is not necessarily the best. The middle level, 89, is the best level for older cars. The lower the number is not necessarily the better for a particular make of car. What the consumer needs to know is, what does my particular car require for an octane level? There are some cars that require the middle level more than they would require a lower level, and that requires a great deal of knowledge and understanding.

Again, as with the MSRP, consumers are able to obtain the octane level by contacting the gasoline company. Rather than mislead people, there are some very legitimate concerns raised about posting an octane level that would lead some people to think, for example, the example I just used, that the lower level would be better for their car, when, in fact, the middle level might be the one that is best for their car.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, I think that the minister should recognize that the government should be trying to simplify things for people, and I do not think people want to be going on a big price hunt here, hunting down the proper octane levels. I think all we are looking at or what people require is a sticker on the gas pumps that give the octane levels as they are. When they

determine what octane level is best for the car, then they will know what to buy.

Right now, if the minister has driven her car around and checked some gas pumps recently, the minister will find, particularly in the small stations, there is no choice in the type of gasoline. It is all the same thing.

In a two-pump gas station in Domain, they do not have two different types of octane; there is only one. If the minister checks enough gas stations, she will find that nobody, literally nobody, who works at any of these gas stations knows what the octane level is at all. So it is not a question of having people phone the gas companies to find out what their octane level is; you cannot do it. It is as simple as that.

You as a consumer—and I invite the minister to try this, to go and check a couple of gas stations; you are going to find nothing from them. If you phone their head offices and so on, you are not going to be any further ahead. I mean, who has time to spend hours and hours, other than her and myself, and the deputy minister and the Research department? Who has the time or the inclination to go to all this trouble? Well, the fact of the matter is that people do not.

All we are asking is that the government require the gas companies to post the octane levels. Now what is so complicated about that? Then, if the mechanics or the manufacturers of the cars suggest that a person should use a certain octane level, then they can simply read it off the pumps. But right now let me tell you, there is no way of telling what the octane levels are because nobody knows.

**Mrs. McIntosh:** Yes, the member makes an interesting point in that the gas stations at one point did post the octane level in certain areas of this province. They then stopped posting the octane level because, as the member correctly points out, nobody knew what it meant.

If the member would like, I would be most willing to have the head of Research and Planning of my department sit down with him and spend the hours that he would like to spend, explaining to him the results of his very in-depth research on this issue. That might be very interesting for him to hear. I would be most pleased to do that for you, for my opposition critic, at his convenience. That offer is a standing offer.

When you have questions or concerns about complex issues that appear on the surface to be

simple and straightforward, but in reality have hidden complexities and complicated nuances running underneath, my office is always open to the critics to come in. Indeed, some members of the opposition have taken the opportunity to do that. You would always be most welcome. It might help in the understanding of some of these issues.

**Mr. Maloway:** The whole area of lemon law is a major area for legislative initiative in the United States. I believe it is now a fact that 48 states of the United States have lemon laws. That is up from 45 a year or two ago. In fact, at least a dozen of those states have lemon laws that are quite effective.

In fact, it is not necessarily the case that left-wing governments have brought in lemon law versus right-wing. In fact, in the United States, it is right across the board. The Florida lemon law, which is one of the toughest in the States, probably in the top two or three, was initially introduced by a Republican member. So clearly, historically there have been more people than Ralph Nader and other consumer advocates in the United States who have worked on this area, although, in fact, Ralph Nader and his group and other consumer advocates were the people who developed the concept of lemon law.

\* (1540)

Now this has proved to be quite a popular concept in the United States. The idea is that there are a certain amount of cars that come off the assembly line, new cars that are just not up to par. It is felt that consumers should have an opportunity to get restitution if they are in possession of a lemon car without going to the courts, because one knows that in Manitoba, since I have been here, we have altered the Small Claims Court provisions now twice, but it is still only up to \$5,000. It is very unlikely that you are going to be able to go to Small Claims Court with a lemon-law-related problem because of the value of new cars. So as a result one has to go to Court of Queen's Bench and the costs are substantially higher by doing that.

I recently attended a lemon law arbitration panel in Orlando, Florida. It was a very interesting experience, and I might point out that the Florida lemon law program is well advanced and is working extremely well in that state, in fact so much so that I am told that the Attorney General is planning to run for governor and expects to use this as one of his major accomplishments in his run. So, far from being a negative political aspect, certain people in the United States have been using lemon law

politically to their benefit, but, more important, the consumers of Florida have been finding lemon law to be quite beneficial.

Essentially, the idea would be that the lemon law period would run for roughly 18—there is a new change to their law just recently enacted whereby the lemon law period now lasts for 18 months. During the period of the first 18 months of owning the new car, if the car were to have a problem that could not be rectified after a series of four attempts over a period of time, then the manufacturer has the obligation to refund the purchase price minus a set formula for wear and tear or refund the money. What the panels have found, the manufacturers in Florida do have the option of setting up their own system—and their own system is not working all that well in my opinion—but a person has an appeal to the lemon law panels themselves.

I think any system we adopted here should allow the person to go directly into the provincial panel system as opposed to going into the manufacturer's system. This allows for the public to have ready access to restitution without having to deal with the courts incurring large costs, and in fact it is quite popular.

Now, another area that I think we should clear up, and it has certainly been clouded in the past by the Consumers' Association, although I think their thinking on the matter is somewhat clearer today than it was a couple of years ago, that this does not negatively affect car dealers. The car dealers have really nothing to do with lemon law. As a matter of fact, if you were a car dealer you would probably welcome or should welcome a lemon law program, because currently if a person is dissatisfied with a car they end up going back to the car dealer and try to get restitution from the car dealer or the courts. Under a lemon law system, it puts the onus and the responsibility back where it belongs, right with the car manufacturer as opposed to the dealer.

So, quite frankly, I have found with the car dealers here in Manitoba a very much changed attitude on the whole area of lemon law now, now that they have in their midst a certain individual who had experience with the Florida lemon law program and, in fact, is now taking a totally different view of it and is taking a proactive view on the issue and saying, you know, as a car dealer it may be a good idea to have a lemon law program, because then the responsibility will be shouldered by the people who

are responsible for these things, and that is the car manufacturers and not the dealers.

So you see that it is quite conceivable that the minister should be able to get the support of the car dealers now, where two years ago there was a different view in the car dealers association, and a wrong view, too—a view that, for reasons that I cannot explain, the car dealers seemed to take the view that this was something that was going to be onerous on them. I was very pleased to hear the new view of the car dealers' association, and actually deal with somebody in the car dealers' association who had some experience with Florida lemon law, because he had been in Florida for a couple of years and actually understood what it was all about and was prepared to take an open view on it and actually say that this was something good for them to look at.

If we were to have manufacturing plants in this province, I would expect that the minister would be somewhat sensitive to the manufacturers and the jobs question and so on, but there is not a case of any manufacturers manufacturing cars in this province, so I really do not see any downsides there—[interjection]

The minister makes a comment about their jobs do not matter. I do not know what she means by that. No car manufacturer to my knowledge has laid off one single worker because of lemon law. It is a warranty program. That is all it is, and what it is is just allowing the consumer to get restitution without having to go to court when shoddily-made cars are sold to the public.

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, I just wish to clarify when I said—the member put on the record an ad lib of mine across the table. I want to make sure the ad lib of mine goes on the record correctly. I did not say, "Their jobs do not matter," I said, "Are you saying their jobs do not matter?" wherever they are. Jobs matter if they are here but they do not matter if they are some place else is what I thought I heard him imply.

I wish to indicate before I begin my response, because I do have a response to the concerns he has mentioned, and I think he has raised some valid concerns about what people do when they get stuck with a car that is a lemon. We have solutions that we are looking at that are slightly different than the one he proposes, but I think we have a common interest in seeing that particular problem addressed.

I do hope, Mr. Acting Deputy Chairperson, that we are not going to have to sit here in Estimates and listen to the member for Elmwood (Mr. Maloway) drag out the 15 pieces of legislation that he has introduced in the House that were never introduced in the House when he was a part of government and were never addressed by the government he belongs to when they were in control and had the ability to introduce things like lemon laws and MSRP legislation and all these other things that he has.

I feel I am sitting here listening to not my Estimates but his proposed legislative agenda which his own party chose not to support when they had the opportunity to do so, but I guess in Estimates we do not have to adhere to what is on the paper. We can go with anything, it seems.

I will address the lemon law issue and indicate that, while the member when he sat for two years in government chose not to introduce this as any kind of a bill, or could not persuade his caucus to bring it in, his interest in the last two years of bringing it up every session in the two years that he is in opposition is very interesting.

I do have a response for him. He mentioned a couple of things that I think expressed concern about courts, about court costs. He talked about consumers purchasing a car that was deemed to be a lemon and then having to incur expensive court costs and so on, which, of course, his proposed legislation would do. Looking at what is best for consumers, knowing that the legislation, the comments the CAC had prior to the comments that he made today, and knowing that we will be meeting again as soon as the session is over, I have indicated to the Consumers' Association I would like to meet with them again when the session is over, and this is one of the things that I plan to have on the agenda.

\* (1550)

Not lemon law, because I do not particularly think his proposal is the best answer. Instead we have been doing quite a bit of research, and again, the member is most welcome—the invitation is open to come to my office to discuss these things. It does not have to wait for Estimates. He is free to drop by anytime during the session and find out what we are doing in this area. I would be most pleased to have my staff sit down and discuss these issues with him.

Some time ago, shortly after I became minister, I met with interested parties including the Consumers' Association and the automobile

manufacturers, General Motors, Ford, Chrysler, to talk about defective new cars. We also explored a program in Ontario which we find of great interest. It is an arbitration program which the member is nodding he is familiar with it. He says it is no good. The member says the arbitration program in Ontario is no good. I find that very interesting. Perhaps he could persuade the government in Ontario then, which is of his political stripe, to drop it. I doubt very much that they will because consumers have indicated they like it, manufacturers have indicated they like it. It avoids the costly court option that the member himself says he does not like, yet which he proposes himself.

The full arbitration program OMVAP, which is called the BBB, the Better Business Bureau, here in Manitoba, has already started a modified version of OMVAP, and they have done some arbitrations regarding vehicles in that regard already. In this one, the beauty of this is that the automotive manufacturers pay the cost of arbitration.

Our researchers are maybe not in line with the MLA from Elmwood (Mr. Maloway) who says this program is no good and that the Ontario government should cease and desist and stop it right away, but there are many things about this program that we feel have some interesting aspects to it that might be good for consumers.

First of all, there is a faster process. I believe the court process, in addition to being costly, can also be time consuming, can be onerous, and the other thing of course is that these arbitration programs do not have to be established through legislation. They can be established through an agreement between industry and government, and that, I also believe is an advantage because I do not like to see a marketplace that is over-regulated.

I like to see voluntary agreements that will best serve the needs of consumers where the interested parties come together, where consumers and industry and government can sit down, can come to an agreement, can establish rules and guidelines for themselves without having to resort to enforced legislation, costly, lengthy, cumbersome court procedures and all of these things that are set up to be sort of adversarial type things.

I much prefer the process that is come to by consensus, through co-operation, where you can mediate solutions, where the cost is not borne by the taxpayer, which is what the member is suggesting. The cost in this instance, following that

particular plan, would not be borne by the taxpayer, but would rather be borne by the manufacturer.

You know, the member I think would like to see the manufacturers have to pick up this cost instead of the consumers or the taxpayers. At least I would hope that is what he would like because certainly I think there is much advantage to this. There are several jurisdictions indeed that have lemon laws. There are several jurisdictions that indeed are having many problems with lemon laws.

I am not going to be so bold as to say that all of those states where they have lemon law legislation that it is no good, the way the member speaks of an arbitration plan being no good. I would not go so far as to make that sweeping a generalization because I think there are merits and pluses in all plans and indeed in most legislation.

There are some things that are good and some things that are less good. It is always a case of weighing the pros and cons and trying to choose the option that has the most benefit to the marketplace.

**Mr. Maloway:** The minister should be aware that the Ontario arbitration program was set up by the previous Liberal Government, and it is my hope that the current government would scrap that program and come up with a real lemon law. As a matter of fact, the program in Ontario right now is known to the people who are on the Florida program, and they think it is a big joke.

It is consistent with programs that are run by manufacturers in the United States as well, and that is why I was very careful in the beginning to say that of the 48 states who now have a lemon law, there are only 12 that are viewed with any real respect by anybody in consumer circles in the United States. There are a number of them that are considered just manufacturer-dominated-and-run programs, which is, by the sounds of it, what the minister would be interested bringing in, something that would give the consumers sort of a false impression that there is something there to help them out. But, in reality, all it would be is just a program that would be there for the manufacturers to decide for them.

In fact, that is what happens if you look at manufacturer-inspired programs across the United States. Those programs tend to be very difficult, very hard on consumers, and those panels do not decide very often in favour of consumers. I would hope the minister is not interested in bringing in something like that in this province, because if she does she can expect a certain opposition from us.

We are interested in a lemon law which is on a par with New York or Florida and nothing less than that. We are not prepared to go with some watered-down arbitration process that car manufacturers set up and run for themselves.

**The Acting Deputy Chairperson (Mr. Reimer):** I would like to remind members that we are dealing with item 1.(d)(1) Salaries \$147,500. Shall the item pass?

**Mr. Maloway:** I might point out at this juncture that we are on (d), which is Research and Planning, and every word and every item that I have brought up this afternoon is dealing with research and planning. If it is not viewed that way, we can certainly get into Minister's Salary, where we can discuss all of these things all over again, if that is your wish to do it.

I had a number of items that do fit in very well in the Research and Planning area. The minister may characterize some of them as my pieces of legislation and so on. Well, let me tell you that, where else in the Estimates would these pieces of legislation be dealt with or these initiatives be dealt with?

The Research and Planning department of this Consumer Affairs department is exactly where this minister should be studying these areas. If they are not studied in these areas, I want to know where the tax dollars are going, because that is what they are paid to do. They are paid to study all areas of consumer initiatives, consumer legislation, and they are supposed to be coming forward with legislation. When I do not see legislation coming forward, year after year after year, I wonder what they are doing. That is what I am doing here; I am asking what they are doing.

**Mrs. McIntosh:** Yes, indeed, these issues are all issues that are being done by Research and Planning. All of the issues which have been mentioned so far, which are reflected in pieces of legislation brought forward by this member during his time in opposition, but not during their time in government, are indeed things that are being researched by our department of Research and Planning. So they are legitimate questions.

I am shocked, absolutely shocked, at the statement that I just heard, that the role of our department is that we are supposed to be coming forward with pieces of legislation. I thought our role was to take a look at what is needed in the marketplace, to make sure that information is

available for decision making, to make sure that information on issues is brought forward to those people who have to deal with the segments of the marketplace, so that decisions can be made about things like disputes over issues that might be coming up in the Consumers' Bureau. Should we be embarking upon discussions with certain groups towards forming consensus of opinion on different issues that need to be dealt with in the marketplace?

I did not realize that the sole reason for the existence of the division of Research and Planning was that they were supposed to come forward with endless pieces of legislation. I thought that they were there for something more deep and more productive than that. You know, they may, in fact, bring forward pieces of legislation when it is deemed necessary and when it is felt that the marketplace, on its own, requires some adjustment. Then Research and Planning may suggest changes to legislation, but I did not think they existed for that purpose. But then, coming from a member whose basic philosophy is to overregulate the marketplace, I should not be so surprised that he would think that we exist solely to set legislation.

\* (1600)

I do not think that is why we are there. I think we are there to help the various components of the marketplace work well together, so that we have balance out there for the people on either side of the marketplace.

Research and Planning is most happy to delve into any and all issues raised by the opposition either in Estimates or in the House; or, indeed, as I have mentioned before, between the House and the Estimates, you are most welcome to come by to discuss these issues. I wish that some day you would take us up on that invitation and come to our office where we would be pleased to sit down with you and spend as much time as you require to look at the things that we have studied in response to some of the suggestions you have made in the House.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, I have a couple of more areas that I would prefer to deal with here before we move onto another area of the Estimates.

There has been interest expressed over the last while in the area of deposit legislation and particularly trust accounting. It becomes a problem particularly in a recession. I mean, it is a problem at any time, but when recessions hit, trust

accounting and deposit legislation become more important.

We have seen over the years, people make deposits on large items, large purchases on everything from sunrooms to decks and other items that renovation contractors sell. But it is not only there: there is trust accounting in the travel industry in Quebec; there is trust accounting in Ontario—it is not quite a trust situation, but they do have a travel act there; and in B.C. there is a travel act, but I do not think it is exactly a trust accounting situation.

The reason that we have situations like that is that through the years the public has learned that occasionally consumers are out substantial amounts of money because firms go out of business. The monies that they thought should have been held in trust are no longer there.

We see trust accounting being commonplace now with insurance companies and agencies across the country. We see it in the travel industry in several provinces. We see it with lawyers across the country. I might point out to you that even so, even with trust accounting, there are still losses. But the losses, at least, are covered by associations or by insurance programs and so on, and people are not out this amount of money.

The big area that is missing in trust accounting would be renovations and other big-ticket items. A couple years back I did some work in this area and did check with furniture store owners and other people who were quite happy with the suggested limits that I had at that time, which was that items of \$500 and more could be held in trust, because we did not want to get into a situation of having retailers trust accounting for \$100 items.

So I ask the minister whether this particular Research and Planning department has done any work in this area recently. If so, what they have done; and if not, why not?

**Mrs. McIntosh:** Yes, as I indicated, the Research and Planning department has done research on all of the bills that the member from Elmwood (Mr. Maloway) has introduced into the House. I have my own thoughts on some of these pieces of legislation that do fall under Research and Planning and have not been introduced to the House prior to 1988, although they have been introduced sometimes more than once since that time.

I do feel that in researching this area and in looking at that—[interjection] This particular piece of

legislation, pardon me, this topic which has been put forward for research and planning, does not take into account certain items, certain things that exist in the marketplace that have been brought to my attention by the people who work in the marketplace and the people who buy and sell in the marketplace. For example, I do not wish to go through the legislation piece by piece, because I realize we are not really talking about legislation here, we are talking about research and planning, but using the example of a carpenter who asks for a 30 percent down payment and with that 30 percent down payment he might be purchasing lumber for the deck that he is building for the individual, perhaps that should not be allowed in the marketplace.

Yet there are many, many arrangements that have been made between the buyer and the seller where both parties desire that particular arrangement. There may be a reason that a purchaser wants to give a bigger down payment for a specific reason. The comfort of knowing that the job is half paid for in advance might be one of those. Perhaps there are other reasons, of having done business with the individual before, where the individual was not able to pay on time and decided on this occasion they would like to pay more up-front to make up for that.

There are all kinds of reasons why people might wish to have the freedom to accept or agree to a down payment or a deposit of greater than the member for Elmwood thinks they should be permitted to agree to make. The custom-built deck, for example, may require more than \$500 worth of lumber. Why should carpenters be prevented from using the down payment to purchase? Maybe there is something inherently wrong with that from the member's point of view, but, again, many buyers and sellers are happy to come to that kind of agreement with each other.

We need to have small businesses succeeding. We need to have issues that deal with the building of decks if this is your intent to try to capture fraudulent home renovations experts. They should be dealt with through the building code, maybe not through The Consumer Protection Act, but there are so many aspects to this. It has been looked at in great detail by the department, and I have explored it as well. I have talked to the Consumers' Association, and independent consumers.

I note that legislation put forward on this talks about two examples, which is a very restrictive list.

Again, that is the problem with lists in legislation. People tend to think the list is the full list and maybe not just a partial list. I believe that saying "monument or custom clothing or custom shoes" is far too restrictive a list, because we do have custom-built furniture, custom-built decks, many other goods that cannot be returned, and that is not the sum total of the items that will not fit.

(Mr. Bob Rose, Acting Deputy Chairperson, in the Chair)

**Mr. Maloway:** Mr. Acting Deputy Chairperson, I think it is probably appropriate for the minister to understand that we are recommending that businesses should rely on suppliers for credit or financial institutions for credit and should not have to use a customer's deposit essentially to pay for the previous customer's work. That is really what we are suggesting here.

\* (1610)

I know that she bristles at any suggestion of a regulated environment, but let us look at reality here and look at facts. The fact of the matter is that many years ago the consumers department decided to bond people to protect the public. There was a reason for that. The whole business community is regulated in many, many ways. As much as they want to talk about free enterprise and so on, the fact of the matter is that before a construction company can build a bridge, they have to get a bond to build a bridge. They cannot get a bond unless they can show previous experience in that type of work and financial capacity. The financial capacity that they can show will allow them to move up the ladder and do bigger and bigger jobs.

Banks are also very interested in the financial capacity of the businesses that they deal with, and they recognize that there are certain businesses that can get over their heads and get into big trouble. That is why there are restrictions on businesses, in some respects, to protect people from themselves.

So when the consumers in my constituency and the member for Burrows' (Mr. Martindale) constituency, our voters, when they are choosing home renovation contractors, are not privy to the financial statements of these companies. So it seems to me that if consumers have all these other rules, that they have a seven-day opportunity to get out of a direct-sales contract and you have your bonding the sellers, and so on; why is it such a big deal to say that deposits over \$500 for major ticket items be held in trust?

The deposits will be used by the business and be part of their profit picture when the job is completed, but how many consumers have to lose bundles of money before the government and the minister realize that there is a problem here, something that they should deal with? Why is it that the travel industry in Ontario and Quebec and B.C. recognized this problem years ago? Why is it the lawyers recognize it across the country? Why is it the real estate industry recognizes it, and the minister does not recognize that there is a problem here?

She is basically skating her way into another disaster somewhere along the line, and in fact I am trying to pre-empt that by recommending to her that she consider legislation like this now. Perhaps the minister would respond to that then and then I could get on to the next item.

**Mrs. McIntosh:** I just wish to caution the member not to make assumptions or not to draw conclusions in a sweeping generalized way from comments made. When I said that you would deny the right of a consumer to put a larger down payment or a larger deposit in a situation where that consumer might wish to allow a carpenter, for example, to use 30 percent of the money to purchase the lumber for the deck.

I did not say that the builders should not have to depend upon better financing. You know, you came back and said, well, the minister feels the builder should not have to depend on a better kind of financing for their business operations and that they should depend upon customers to provide the cash flow for their debts.

I did not say that. I said you would deny consumers and sellers the right, in those situations where they choose to, to enter into those kinds of voluntary agreements. We have a situation where there are instances—and they are not all instances, but they do exist—where a small carpenter of considerable skill, without a great inventory of cash, will come to an agreement with a customer who wishes to use his services. The customer will say, I will give you 30 percent down, you can buy the lumber, build the deck, and I will pay you the rest on balance. Why should they be denied the right to enter into that kind of opportunity?

That is what I mean when I say you would over-regulate. I am not saying that it is wrong to encourage a carpenter to have a better source of more dependable financing than that. Also, by the legislation that you suggest that my researchers and

planners should bring forward to the House, you are also asking the carpenter—let us use the carpenter that we were just talking about for our example—to not be able to request a larger down payment in situations where he is entering into a possible contract with a consumer who is known to not pay his bills.

What you forced the carpenter in that situation to do is say, Mrs. Brown wants me to build her deck. I could use the money. It would be a good deck to build. She really wants me to do it. But I know from all of these other tradespeople that she has never come forward to pay her bill at the end of the contract and they have all been left high and dry. I am not allowed by the legislation that my honourable colleague proposes should be in existence to ask her for more than 10 percent down. Therefore, I cannot accept that job with Mrs. Brown. I cannot take the risk. Mrs. Brown, who was prepared to pay in this instance because she had her money, does not get her deck. The carpenter does not get his work. To me, that does not make a great deal of sense.

I do not disagree with the concept that there should be some controls in the marketplace. If we go back again to the home-renovation person—whom the member I know is very concerned about because he has talked about it a lot, so I know that he will be pleased that I am entering into this area of discussion. The home-renovation people, who have licences and go door to door in the marketplace selling their skills, their services or their goods, have to be licensed by the Consumers' Bureau. The size of the deposit that they can request can be limited by their bond. If there is anybody there that the director feels has any kind of a risk, he can simply increase the size of the bond. He has methods available to him that will put a cap on the amount of deposit or the down payment deposit, whatever you want to call it, that he can ask from the consumer.

I appreciate the member's concern and interest in this topic. I believe that it is one that has been looked at and discussed, that the Consumers' Bureau is aware of the intricacies of deposits. In fact, we say to people, if you do not have to put down a large deposit, do not. It is part of our consumer education program where we alert the consumers to the wise use of money.

I leave the comments at that because I know the member is wanting to ask other things, and I see the other party is interested too.

**Mr. Maloway:** I wanted to ask the member whether her department has done any recent research on the area of franchise legislation. I know that the department has been working on this for the last few years now, and I am just not clear what their current thinking is. Nothing seems to be coming out—I am sure things are going into there, but nothing seems to be coming out of there. In the area of franchise legislation, I am curious to know what it is this department, Research and Planning section, is doing in this area right now.

**Mrs. McIntosh:** Yes, the department is currently looking at the various types of franchise legislation, the securities-type being one that they are looking at. I know that they were also following through and examining what is happening in Alberta. The problems they are having with their franchise legislation, in Australia, for example, we are looking at that to see what went wrong there, why did it go wrong, and in Alberta they are suggesting some modifications and changes. I got a piece of information across my desk just recently from Alberta on—you maybe received it too. It is just an article on their particular bill—Alberta, of course, being the only other jurisdiction, I believe, in Canada that has such legislation.

\* (1620)

**An Honourable Member:** You have to go to Australia.

**Mrs. McIntosh:** We do not travel to Alberta or Australia. We have just made one small trip, and we did it—and we took the bus to the airport, one person with us. Australia is a little far.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, I would like to ask the minister, she made reference earlier to lock-off of potentially 4,000 residents this summer—the gas lock-off. That appears to be—either I misheard what she said—a thousand more than what she had indicated accidentally in the House a month or so ago. Could she please update us as to what is happening with the current gas lock-off legislation?

**Mrs. McIntosh:** Before I do that, I must again correct what the member has said, because I will not allow any longer these incorrect statements, these implications to be placed upon the record. I did not "accidentally" let slip in the House about 3,000. I



stated in the House, consciously and clearly, for the member's benefit, that we were expecting somewhere in the neighbourhood of 3,000 lock-offs this summer. So when you use words like "accidentally" you put a colour on a statement that is not correct and leaves a false impression, and I know that you would not want to do that.

**Mr. Maloway:** No.

**Mrs. McIntosh:** I appreciate the fact that you say that you would not want to do that. So that is corrected.

The 3,000 figure that was given in the House was the figure presented to me at that time by those doing the projections on the Centra Gas lock-offs. They had said at that time, in excess of 3,000. In fact, the figure is closer to 4,000. So in excess of 3,000, which is what we were projecting at that time leaves the impression with the general public that it is maybe 3,100. The more accurate statement, now that we have better figures, is closer to the 4,000, so I will say just under the 4,000 instead of just over the 3,000. Of course, we will not know the exact number, but it approaches that 4,000 figure.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, could the minister tell us whether there is any chance that this 4,000 will become 5,000 before the summer is over?

**Mrs. McIntosh:** No, I cannot tell you that with any degree of certainty at this time. That figure of 4,000, I believe, is about as accurate as they are able to predict at this time. What we began to experience last year and we hope we will experience this year is that as the notices go out—and as you know they must go out like the one-two-three notices—people will then come forward and pay their bills. As they do that and the number of delinquent accounts reduces and the arrears begin to decrease in number, what we are hoping is that number will come down. But there is no way of making a for-sure statement on that.

**Mr. Maloway:** Before we move into the next area, I would like to ask the minister about the experience over the last five months with the new Business Practices Act and whether she could tell me how many seizures and how many actions and so on have been taken. I got the impression in her initial address that they have been successful in mediating most situations, in other words, really next to nothing in terms of actions under the act, but perhaps you could expand a little bit on that.

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, we have had no formal legal complaint or action launched at this point. We have had a number of phone calls of inquiry. We have a number of people phoning in seeking information as to how the act works, and we have had some informal inquiries come forward that the department has been able to mediate a settlement with the parties before the formal complaint stage had to be met.

**Mr. Maloway:** So the minister is saying that while there has been no legal action taken, could she tell me how many cases have been resolved by other means, other than mediation?

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, I am not able to give you an exact number. I can tell you that the bureau is responding on a daily, or almost daily, experience to discussing aspects of The Business Practices Act with people who phone in to make inquiries, and helping that act be applied in terms of stopping issues before they develop into full-blown complaint issues.

**Mr. Maloway:** My assumption is that the orders for restitution and things like that would be something other than court action and something other than mediation. How many of those type of actions are we talking about. Just an approximate—

**Mrs. McIntosh:** None.

**Mr. Maloway:** None so far.

**Mrs. McIntosh:** None so far.

**Mr. Maloway:** Okay, so can the minister tell us then whether the first five months of experience with this act is roughly what was anticipated or better than anticipated or worse than anticipated?

**Mrs. McIntosh:** From my own perspective, it is about what I personally was anticipating. I cannot speak for what the staff people may have been anticipating, but I think what has happened is that with people phoning in and saying, does The Business Practices Act apply here, here or here, people are becoming educated.

I believe businesses are being more careful; I believe consumers are being more quick to pick up the phone. The department, in educating the public on this act, and in bringing people together to say, you know, if you persist in moving this direction you may be offside with the act; and having the business person say, oh, well, then I better cease and desist; and the consumer saying, yes, that is what I really

hoped you would do because that is what I thought this act meant.

Those types of things are beginning to happen. I think that is very, very positive for both sides of the marketplace, that if we see changes in behaviour with the business community to try and be very, very careful that they are in compliance with the act, and we see consumers willing to raise the issue with the bureau; this, I think, is a very healthy thing from both aspects, from both sides of the marketplace.

**Mr. Maloway:** How many advertising-related complaints have you had under this act, because it was anticipated that advertising was a major area here that was going to be brought under The Business Practices Act? There was some concern that people in the business community were going to be in for quite a shock. Travel agencies, in particular, when they advertise \$1.99 to Mexico and so on, were going to find themselves with complaints under The Business Practices Act under advertising.

I am wondering how many advertising complaints you have received under Business Practices, and what has the general resolution been?

**Mrs. McIntosh:** The division is very proactive. The Consumers' Bureau is very proactive in this particular aspect because, as you point out correctly, it was one of the aspects of The Business Practices Act that we really felt was important and could make a difference in the marketplace, and the department, being very proactive, playing a proactive role, looking at ads every day, and pulling one to two a day.

**Mr. Maloway:** Not to be totally negative for the whole afternoon, I must say that I was very pleased that you stuck to your guns and did not allow any exemptions from the act. Having said that, however, I would like to know what kind of action and resistance you are getting regarding exemptions from the act? Have you had groups chasing you down for exemption? If so, who and why and when and whatever you want to tell me about it?

\* (1630)

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, just as a follow-up, a little addendum to the question that was asked earlier. It is one to three a day. I said one to two a day. They are pulling one to three ads a day, and the indication is that when the Consumers' Bureau contacts the company, and of

course we are not waiting for people to come to us, we are doing this in a proactive way, we are finding tremendous co-operation. We have had companies co-operating in a very, very exemplary manner in getting these ads out of the way once it is pointed out to them that they may be in violation. So we are very, very pleased with that, and I commend the Consumers' Bureau for taking that initiative and doing that amount of work on that very vital part of The Business Practices Act.

In answer to your question about what kind of action are we getting, I sometimes wish these questions would come out more like, are you getting any action?—because there is always an assumption it seems in the question. An assumption is made and the question is formed based upon the assumption. I would prefer the questions that come are straightforward questions, that seek fact and not seeking response to assumptions that are sometimes erroneous assumptions. However, you have asked what kind of action. I will twist that question to what I think it should be to say, are you receiving any action? The answer is no.

We did have, as you are aware, prior to the proclamation of the act some of the professional groups really feeling that because they had their own societies or their own regulatory bodies, and in some cases even their own reimbursement fund, like the Law Society for example, that they felt they should be exempt from this act. They are in the act. We did refer the whole question to the—there is a group looking right now at whether or not the self-regulatory body should be completely independent in all aspects, not just this. We have asked them to take a look at this as well, but it has been very quiet. There may be a follow-up to that.

**Mr. Maloway:** Mr. Acting Deputy Chairperson, I see the member for St. Boniface chomping at the bit here wanting to ask questions, and my colleague the member for Burrows (Mr. Martindale) wanting to get into The Landlord and Tenants Act, so I would like to defer now to the member for St. Boniface.

**Mr. Neil Gaudry (St. Boniface):** Mr. Acting Deputy Chairperson, the government's policy of implementing the tax-free status of aboriginal citizens has been confusing, inconsistent and is a lose-lose proposition, as aboriginals are restricted from using their tax-exempt status off reserve—

**The Acting Deputy Chairperson (Mr. Rose):** Would the honourable member bring his

microphone in a little closer, please? You can bring it even a little closer than that.

**Mr. Gaudry:** In addition, there is an increasing level of abuse of the process as nonaboriginals are purchasing gasoline tax-free on reserves while this government

What does the government do to monitor this situation? My question to the minister, through the Acting Deputy Chairperson, what action is her department taking to ensure that nonaboriginals are not avoiding paying tax by purchasing gasoline on reserves, because we have had calls from The Pas and from Fisher Branch where local gasoline people have had a decrease in their business?

**Mrs. McIntosh:** The member raises a concern that is a valid one. It is a concern that comes under the Department of Finance in terms of taxation, and I know that the Minister of Finance (Mr. Manness) has had that concern put to him. I would suggest the member direct that question to the Minister of Finance and seek his response to it.

**Mr. Gaudry:** Has the minister discussed this with the Minister of Finance, the possibility of implementing a system allowing aboriginal people to purchase goods off reserve tax-free, with a monitoring system to prevent abuse so nonaboriginal small businesses will not be hurt?

**Mrs. McIntosh:** May I ask a question for clarification just to make sure I am understanding the member correctly? Your voice is not picking up in the mike that clearly to me. Are you referring to aboriginal people purchasing goods off the reserve without the taxation? Is that what you are—

**Mr. Gaudry:** No, the people at the gas stations, for example, are complaining that nonaboriginals purchasing on the reserve are lending their cars and things like that to aboriginal people and then getting their gas tax-free. Also, if there could be a card system or something where the aboriginal could purchase also from the gas stations in town, off the reserve. If that could be implemented some way, it could be monitored by the government.

**Mrs. McIntosh:** Purchase it tax-free off the reserve?

**Mr. Gaudry:** Yes.

**Mrs. McIntosh:** This is an issue that is becoming an issue in more than just this province. It is being discussed in other provinces as well, and because the lead minister on that is in another department I

would defer to the minister responsible to respond to those concerns rather than pre-empt his own thinking and exploration on the topic.

I believe there would be a couple of ministers who would be particularly high interest—well, there would be three actually: The Minister of Finance (Mr. Manness) with the taxation; the Minister of Native Affairs (Mr. Downey), of course, would also have cause to be interested in the question you have posed; and the Attorney General (Mr. McCrae) as well, I think, would have some ability to make comment on that issue as well.

The primary minister that you would need to speak to on that would be the Minister of Finance. I would certainly be willing to relay the question you have posed to him so that he would know your concern in this area.

**Mr. Gaudry:** So through you, Mr. Acting Deputy Chairperson, as far as the minister is concerned, at this stage there has been no discussions with the other ministers to try and come up with a solution for these people? Like I say, The Pas and Fisher Branch are the ones that have approached us in regard to these situations.

**Mrs. McIntosh:** I am saying this is an issue that is prominent in many jurisdictions, and that I prefer not to pre-empt the Minister of Finance by commenting upon an issue that is really not within my proper jurisdiction to make comment upon.

**Mr. Gaudry:** One final question before we move on to The Landlord and Tenants Act. In the decentralization of the program, have there been any jobs that have been decentralized from your department?

**Mrs. McIntosh:** You mean the decentralization initiative through Rural Development across the province?

**Mr. Gaudry:** Yes.

**Mrs. McIntosh:** Through Consumer and Corporate Affairs—I am not sure about Landlord and Tenant Affairs—

I just wanted to check too, because Landlord and Tenant Affairs is relatively new to us, to see if anything had happened in that division prior to it coming under our jurisdiction. The answer to your question is: No, there has been no decentralization out of our department.

\* (1640)

**The Acting Deputy Chairperson (Mr. Rose):** Item 1.(d) Research and Planning: (1) Salaries \$147,500—pass; (2) Other Expenditures \$15,000—pass.

2. Consumer Affairs (a) Consumers' Bureau: (1) Salaries.

**Mr. Doug Martindale (Burrows):** I have with me the report of the Administration of the Rent Regulation Program for the fiscal year ended March 31, 1990, produced by Manitoba Housing. I am wondering if there has been a March 31, 1991, report. One may have been sent to me as critic, but—

**An Honourable Member:** Would you look at this—

**Mr. Martindale:** —oh, you have the '91.

**An Honourable Member:** Yes.

**Mr. Martindale:** Okay. Well, if I could get a '91 copy, if we do not finish by five o'clock, I will look at it for the next time we come back to these Estimates. I may have received one and not been able to find it.

**Mrs. McIntosh:** I express deep apologies if you have received last year's report instead of this one.

**Mr. Martindale:** No, I just cannot find this year's. I may not have been sent one. I do not know.

**Mrs. McIntosh:** Okay. We did give instructions to have one sent down to you, and my sincere apologies if it never arrived.

**Mr. Martindale:** I thank the minister. This may be a second copy, but I thank her for providing it to me.

**Under Rent Regulation Bureau:** As the minister knows from my questions in Question Period, I am very disappointed that Mr. Hollis Singh was transferred to the Public Utilities Board. I believe he was a very competent individual. A career civil servant, he served under Conservative governments and NDP governments. He worked for the United Nations. So I have a few questions, the first one being: Why was he sent to the Public Utilities Board?

**Mrs. McIntosh:** First of all, I wish you would not speak in the past tense. You say, he "served" in government. He still is serving in government, and in an area—

You heard your colleague here talking about the number of lock-offs that we are anticipating this summer. We had done an internal review to determine what kind of assistance we would need over at the PUB. The staff over there worked long,

long, hard, hard hours last summer. They were going round the clock. They did not complain. They were marvelous about it, but you would have to be deaf, dumb and blind not to see the amount of pressure, the extra workload put upon them to bring in the legislation that would have the protection aspect to it.

You may recall the debate in the House on the Centra Gas lock-off legislation. There was great concern expressed at the time that we would be bringing in legislation that would not have a strong enough protection component, that, yes, the fairness part would be there in terms of collecting the money from those who were not paying, but that we were putting poor people at risk of freezing to death in winter.

Indeed, many of the opponents of the bill went so far as to say that we were deliberately going to let people freeze to death in the dark. I do not mean your party; I am just saying, some of those other opponents. So one of the questions that was repeatedly asked in the House and outside the House was: What will you be doing to ensure the safety of these people?

When we took a look at what was required to assist the PUB in ensuring that we would have the protection there, one of the things that came through is that we did need somebody with certain qualifications, certain experience, somebody who knew how a regulatory piece of legislation would work. The PUB, of course, knows this. They have an increased workload over there, not just through the PUB, but through other items as well. We have had a tremendous number of extra hearings this year. Things like the MTS, the call-management system, all kinds of things going on. So we then determined that we needed people over there to assist.

One of the people we felt we needed was a manager-type person who would be one who could understand a regulatory system, who would understand the relationship between this new legislation and The Residential Tenancies Act, because the Rentalsman is given authority to go into redirect rents under certain lock-off conditions. That, I think, you are dealing with both acts, so you will know how that interplay works. So it needed to be someone familiar with that act as well.

It needed to be someone who was of the calibre and quality and character that Mr. Singh is. We could have hired outside. Well, no, we probably

could not have, given our own, strict rules with ourselves that we, rather than go outside and add to the cost and size of government—which we may have to do and will probably have to do at any rate as the new Residential Tenancies Act comes in, and indeed may have to further augment staff over at the PUB for things like the Centra lock-off legislation—we looked from within, and the deputy minister sitting here felt that we had a person internally who could go over and assist with the workload over at the PUB, and that person was the individual you have just referred to.

I concur with that. I think that was an excellent decision. It makes good sense to me, and that is the way the position was filled to help us deal with the anticipated 3,000 to 4,000 lock-offs that we are expecting and other things as well. It is not solely that, but that is the prime reason we needed to have more support and may yet need even more support, again, for the very hard-working men and women over at the PUB.

**Mr. Martindale:** Could the minister tell us if the salary for this position in the PUB is the same as the salary this individual is making as director of Rent Regulation Bureau?

**Mrs. McIntosh:** Yes, the salary is the same.

**Mr. Martindale:** Was this position advertised?

**Mrs. McIntosh:** No, because he is in his position. His position is now over at the PUB. We did not create a new position to do this.

**Mr. Martindale:** It seems to me that there was not a vacancy, but somebody was transferred to another part of the department. Is that correct?

**Mrs. McIntosh:** I am not quite sure what you mean. A position was shifted from one division to another division.

**Mr. Martindale:** Will Mr. Singh be replaced? Will there be a new director of the Rent Regulation Bureau?

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, we have acting as director right now Mr. Roger Bary.

**Mr. Martindale:** Will the minister be replacing the acting director with a director, either Mr. Bary or someone else?

**Mrs. McIntosh:** The deputy will be reporting that particular topic to me in due course. As you know, we are in the process now of hiring a chief commissioner. The things that the deputy minister

is exploring is, do we need that secondary position that you have referred to? As we restructure, we put in the deputy commissioner, we put in commissioner. So those matters will all be reported back to me in due course.

**Mr. Martindale:** When the minister hires the director of the Residential Tenancies Commission or the commissioner, will the minister be looking at staff in her department and outside her department to be considered for that position?

\* (1650)

**Mrs. McIntosh:** The position has already been bulletined and advertised. Interviews will be taking place, I believe, next week, if I am not mistaken. I am not sure when the selection committee has set the interviews. You are talking about the position of the commissioner?

**Mr. Martindale:** Yes.

**Mrs. McIntosh:** That position, I cannot recall the deadline without looking it up as to when the applications closed, but applications were sent in and they are from all faces and faction of wherever people work. They will be interviewed in the forthcoming week and a final selection made at that point.

**Mr. Martindale:** Will the minister only be considering those who applied, or would you consider appointing somebody from within the department? I guess the reason for the question is, would you consider hiring Mr. Singh? I think he would be well qualified for the position due to his familiarity with not only the previous legislation but the new Residential Tenancies Act.

**Mrs. McIntosh:** If I had a penny for every person who said that the person they liked was best qualified for the job, I would be a millionaire. I have had so many people indicate to me that they know just the person to be chief commissioner, and what I say to them is, a call for applications went out. People have applied. Those people will be interviewed and a selection will be made. That is the way the process works. I do not go to any individual and say, here is an application form, please fill it out and apply for this particular job. That application was well-known and every person in Manitoba or else outside of Manitoba—because I understand that we did have some from outside of our province—is free to apply.

**Mr. Martindale:** Can the minister tell us when she expects approximately to be able to announce who the new commissioner is?

**Mrs. McIntosh:** I am advised that the interviews will be taking place within the week, and that, depending upon who the final candidate or the selection is—maybe the person has to give notice, maybe the person is within government, does not have to give notice, maybe all kinds of things—but I expect that probably within the month my deputy will be able to report to me a name for your consideration, hopefully earlier.

**Mr. Martindale:** I guess before I ask more questions about that, I would like to go on to the bill itself, The Residential Tenancies Amendment Act.

On June 3, 1991, the Minister of Housing said on page 2822 of Hansard: "I had originally, I guess, anticipated that the implementation would be September. It looks now like it might be pushed back a couple of months, toward the end of the year. We are proceeding on it as quickly as we can."

The new minister said on February 17 this year: Our target date has always been late spring, early summer, '92. That remains our target.

I wonder if the minister could update us on a possible date of proclamation.

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, we are getting very, very close to that first day of summer, because late spring is soon to run out, and I understand the member's question and the reason for asking it, and it is a very legitimate and valid question.

I am advised it is more likely going to be the summer than the spring. My personal target date I still would like to see it be late spring, but we are fast running out of time for that to occur. We have run into one or two little time consumers, one being the amendment that we had to work on, the other being a slight delay in the selection process, the interview thing with the chief commissioner that you mentioned, and just a couple of things like that, that we were not expecting, that suddenly for various reasons took a bit longer. My sincere hope had been, I would love to have been able to stand up and proclaim this thing before the House concludes. Well, maybe I still will be able to, depends on how long the House goes on.

**An Honourable Member:** August.

**Mrs. McIntosh:** August? Well, then maybe I will be able to proclaim it before the House finishes if it

is August. I cannot give you a specific date, I am very sorry, but I can say that we are now getting very close to the time when I can finally stand up and say, after all the waiting, it is finally proclaimed.

**Mr. Martindale:** My understanding is that one of the problems, at least in the past and I hope it is not still a problem, is drafting the regulations. My guess is that there has been at least 10 drafts of the regulations. So could the minister tell us if the regulations have been finished and if they will be published shortly, or will they be published at the time that the act is proclaimed?

**Mrs. McIntosh:** I am advised that they are now in their final form for review. So draft 10, 11, 12, 13—however many drafts there were, and there were many, many drafts—they have now been put into the language that is fitting for review. Then once those come back to me, which I am advised will be fairly soon, then I would like to talk to some of the members of the community out there just to get a feel for whether the regulations actually do what we hope they will do.

**Mr. Martindale:** Well, we look forward to the regulations because we were critical of the government at the time that Bill 13 came in because there were things that were, in our view, left out of Bill 42. The minister at the time said, well, just be patient, they will be in the regulations. So we have been waiting since December 14, 1990, to see the regulations.

In addition to appointing a commissioner, the minister will be appointing panelists. The government has been quite open in offering to accept suggestions as to the names of potential panelists. Could the minister give us a progress report on naming panelists and maybe even indicating how many there will be? I do not think I have ever asked how many panelists will be appointed.

**Mrs. McIntosh:** I have not yet selected any panelists. I have received names suggested to me from—I guess, two organizations so far just informally sent me a list of names saying, if you need people to sit as the tenant rep, here are a bunch of names. If you need people to sit for a landlord rep, here are some suggested names.

They look like pretty good names. I have gone through them. Some of them I know, some of them I do not know, but I have not yet selected from those

lists. I may find other sources as well of names that I am quite willing to look at and examine.

**Mr. Martindale:** How many panelists will there be?

**Mrs. McIntosh:** My department has recommended 26, and, of course, there will be the deputy and the two commissioners. Now, 26 may or may not be the number I ultimately decide to take, but that is what the department is suggesting would be enough people to always have somebody available to be on a panel, and yet small enough that they could develop some expertise because they would be called on a frequent enough basis that they would begin to develop experience.

I think those, if I am not mistaken, are the two things that are looked at in developing numbers, that they be able to be called frequently enough that they develop experience and expertise and that there be enough on the list so that there can always be people available to cover the province without having to always have the same people be on time and time again.

**Mr. Martindale:** Well, I am pleased to hear that there will be 26, because I think it is important that panels be put together for hearings as quickly as possible, because one of the important things about the new act is that the hearing process is supposed to be faster than under the old legislation.

Will the panels be sitting mornings and afternoons as well as evenings, so that hearings will take place frequently?

**Mrs. McIntosh:** Mr. Acting Deputy Chairperson, they will be sitting during the day for the most part, in the evening as required, day and night if need be.

**The Acting Deputy Chairperson (Mr. Rose):** Order, please. The hour being 5 p.m., time for private members' hour. Committee rise.

## HIGHWAYS AND TRANSPORTATION

**Madam Chairperson (Louise Dacquay):** Will the Committee of Supply please come to order. This section of the Committee of Supply will be dealing with the Estimates for the Department of Highways and Transportation, page 92 in the Estimates book.

Does the honourable Minister of Highways and Transportation have an opening statement?

**Hon. Albert Driedger (Minister of Highways and Transportation):** Yes, Madam Chairperson, I do. I have a few comments that I want to make regarding the activities within my Department of Highways and

Transportation—some on the positive side and some indicating some of the problem areas that I have encountered in my department.

The biggest portion of my department, of course, is involved with the road construction within the PR and PTH system within the province. I want to indicate on the positive side that in our capital budget this year, we have \$103 million for road construction for the year 1992-93, which is an increase of \$500,000 over last year. That figure itself is not that dramatic, Madam Chairperson, but I want to indicate that over the last three years, the government has budgeted more than \$100 million annually for road construction. When I compare my budget in Manitoba here to some of the other provinces, I have to indicate that the priority that our government has set on highway construction and the impact that it has on the economy of the province certainly, I think, bodes well for our attitude towards it.

I have to indicate that, talking to my colleague from the province of Saskatchewan, for example, they have reduced their construction program approximately from \$80 million to approximately \$66 million. A dramatic decrease when you consider that they have a bigger road system than we have. I think it is quite dramatic.

The same thing with our neighbours to the extreme west. British Columbia Highways' capital program has been reduced dramatically from approximately \$364 million down to \$181 million. I have some major concerns of this happening at a time when I think it is crucial for the economy and for the welfare of the country, not just the provinces, that these kinds of decreases are taking place knowing full well the impact of the requirements economically on governments, when you consider that Health, Education, Family Services and Finance are the big money spenders, I think, in all provinces. So I am pleased that our capital program is still there where we can take and hold our own, so to speak. Certainly, I know that the construction industry is pleased with it.

I will just touch on some of the major projects that we have and give members an idea of the amount of money that is being spent. I just have a few that I want to put on the record. Of course, we indicated that twinning of Highway 75 was our priority and has been for the last four years, and we are spending between Letellier and St. Jean approximately \$3.3 million. We have additional lanes twinning between

Morden and Winkler to the tune of \$4.2 million. We have the Highway 44, where we will be spending \$4.4 million on the twinning there, and we have the bridge construction across the Assiniboine River, which is the first phase of the Brandon eastern access to the tune of \$2.7 million—just to give you an idea as to the costs of some of these projects.

\* (1440)

So with the capital program that we have, it is a matter of trying to allocate the project as fairly and as evenly across the province, looking at not just the paving; we are looking at grading. We are trying to spread it out so that all contractors have a chance to participate.

I want to indicate at this time that Manitoba has spearheaded a promotion establishment of a national highway policy. For four years under TAC, we have had studies undertaken on a gradual basis dealing with first establishing the system, which was very difficult to do with the variety of provinces involved. Also, once we had the system established, to establish the kind of quality that would be required as a standard across the country, and so we have been working in that phase.

What happened is that due to the recession there was some interest expressed by the federal government that ultimately maybe a national highway program would be beneficial for the economy, for work creation, and also for the general benefit of the economy across the country. Transport and Finance ministers have been directed to explore ways and means of implementing this program as part of a national infrastructure renewal initiative.

Within my department, last year was a rather difficult year in terms of the effect that the budgeting process had on it, the various reductions, we undertook certain tough decisions. One of those decisions was the removal of the Rural Bridge Assistance Program. I am very pleased to indicate that we have reinstated that program again for this year to the tune of \$400,000. This is a cost-share program, 50-50 between the municipalities and the province, which I think is in keeping with the program that we have, which is the Grant-in-Aid program to villages, towns and cities.

Certainly, many of our structures and crossings have reached a certain stage where they have to be replaced and the cost on individual municipalities is dramatic. So I was very pleased when we initiated

the program, disappointed when we had to drop it, and pleased that we have it back on stream again.

Also, I want to indicate that we had certain cuts last year on the winter roads, and we have restored the funding for those winter roads that were cut back, namely: Pikwitonei, Thicket Portage, Pukatawagan, Bloodvein, Ilford, and York Landing. So \$451,000 has been added to provide for the continuance of these winter roads.

The other area where we had a setback last year was in the Grant-in-Aid to villages, towns and cities, where my budget was cut from \$1.5 to \$1 million. Coming back again, we have now increased funding to the tune of \$1.3 million for this year. We have approximately 105 cities, towns and villages that benefit from this program. I am very pleased that we have also managed to increase some of the funding to the local government districts and unorganized territories. I think, again, it illustrates the concern that we have in terms of making sure that our infrastructure, our road system, gets due consideration.

I would like to make reference to photo driver licensing. This program is now 18 months since we started it. By December 1992, all eligible Manitobans will have been issued a photo licence. After the first year, we viewed the camera location and we added 11 cameras, using the criteria that any agent in the rural area who had more than a 1,000 transactions should be considered for a photo camera.

Madam Chairperson, I have to indicate that the general public seems to have accepted very well the photo licensing. It serves as an ID. It is also very handy, I think, for cases that we used when we brought it forward, that people cannot exchange their driver's licence, especially when it comes to young people, who by and large, where they have exchanged drivers' licences, to be able to get into pubs and buy liquor, et cetera. This is, I think, a very positive thing.

I also want to indicate that I have the authorization from my government to do a major rewrite of The Highway Traffic Act, and this is a major undertaking that will take approximately over two years to complete. The act is a very complex one at this stage of the game, and those people who use it extensively have long requested that it be rewritten, and we are in the process of doing that. The rewrite itself was one thing. What we have to do and have been given an undertaking to do is to have a



consultation with all the groups involved, and that is quite an undertaking. It affects many aspects of society.

So I want to indicate that we are well on the way with that. We have already done a fair amount of consultation, and it will be a major bill when it comes forward, and hopefully it will address many of the problems that we have in that area.

I want to indicate that we passed the parking permit program, the bill, last year. It has been in place now and have had nothing but positive response to that as well. I think certainly the disabled community feels comfortable with that. In fact, we have these new cards that hang on the windshield or on the mirror, and I notice this with a certain amount of pride when I drive into areas and they have them hanging nicely and parking in the area that is designated for these people. So that program has done well.

I just want to touch on the National Safety Code which has been a number of years in the implementation stages. We have fully implemented 15 of the 17 components. The two components that have not yet fully been implemented are carrier profiles and facility audits. It is anticipated these components will be implemented by the fall of this year.

Under the trucking aspect of it, trucking deregulation will officially be completed by December 31, 1992, after a five-year transition period. We have actually supported the industry's efforts to have the federal government level the playing field in order that Manitoba carriers can be competitive with foreign carriers. This has resulted in the federal government including a number of initiatives to buttress the Canadian trucking industry. The Motor Transport Board has introduced a new maximum tariff to make interprovincial general trade operations more economic.

What we have done as a province, we have extended the RTAC routes substantially. We have more than tripled it since the time that I came into office, and we continually keep on reviewing and seeing whether we can revise it further. We have, in fact, just very recently again approved a further extension of the RTAC routes based on the requests of the trucking industry.

At the present time, among the many areas in the area of transportation that are creating some concerns for us, the method of payment to the grain

industry is a thing that we are concerned about. The rail line abandonment is another concern that we have. At the present time, the federal government has undertaken a national review to identify a national mainframe rail network and our efforts will be directed to preventing the extensive down-sizing removal of rail service. We will continue to press with the introduction of responsible rail rationalization process and for compensation to defray the negative impacts of abandonment.

That position is a position that has been developed by the four western provinces quite a few years ago, and we still stick to that, that as abandonment takes place, there should be compensation because of the saving that will accrue supposedly to the railways for doing it; that there should be a compensation package for the communities, for the municipalities and for the provincial government, because as you abandon lines, the impact transfers over onto their responsibilities in terms of the road.

We also are looking at the local operation of short-line railways. I know that Saskatchewan has embarked upon a couple of pilot projects. Special legislation is required, and we are in the process of developing that legislation so that if we have groups or communities that want to undertake short-line railways, we will be able to have the legislation in place that will allow that. We are in ongoing dialogue and negotiations and consultation with the rail lines in terms of the impacts that it has in terms of what they do.

Then, of course, one of the Achilles' heels is within my department—and not just my department but other departments of government as well—is Churchill. We will work long and hard to try and get a long-term commitment from the federal government. If you look at the scale of what has happened, there has been a gradual decrease going on in terms of the amount of grain that has been moving through the port. I feel very, very frustrated with what is happening there.

We continue to press the federal government and its agencies, namely the Wheat Board, to try and have anywhere from 750,000 tonnes to a million tonnes of grain routed through Churchill annually. To date, we do not have any commitment. Again, we are getting on closer to the season, and there has to be mobilization taking place. If we do not get a commitment pretty soon, we are going to be in dire straits again.

\* (1450)

I had the privilege of having Shirley Martin, the junior Minister of State for Transport, out to Churchill last year and had the undertaking from her that they would take and review the figures that have been bandied about, because every component in the Churchill aspect of it uses their own figures. CN has their own figures in terms of what it would cost to rehabilitate the line. We have the Wheat Board indicating what the cost is to ship through there. We have many enemies of Churchill. The private grain companies do not care. We have CN that, I think, feels that they would just as soon get rid of the line.

We have the difficulty of the liaison between the Wheat Board, who are the sellers of the grain for the farmers, and the export club who are the recipients from Russia. I am at that point where, having met with them again at various times, having raised the concerns, having had the Premier (Mr. Filmon) involved and actively pursuing some of these things, that I am at the point where I have a great sense of frustration that we cannot seem to package this at a time when the Russians are so receptive to buying grain. I think if we could just ever get it all synchronized in terms of them buying and us selling and shipping through the Port of Churchill, then when it is a reasonable amount of grain moving through there, there is viability for the port. I think it has an economic impact on Manitoba, and we will continue to work towards that direction.

So in conclusion, Madam Chairperson, I just want to indicate that the one thing that I feel very strongly about, I think that Manitoba and Winnipeg have great potential and have had in the past as well the aspect of being a major hub for transportation, whether it is rail, whether it is truck, and even the airline industry.

Madam Chairperson, I think I maybe missed one point here that I wanted to just touch on, and that was open skies. I will just jump back to that a little bit and indicate that we played an instrumental role in having the federal government agree to expand the consultation process involving all provinces and territories in terms of the air bilateral agreements that are taking place. We anticipate that an agreement will be finalized late in 1992. I want to indicate that cabotage, which was a matter of major concern, has been eliminated and safety guards have been introduced to protect the integrity of the Canadian air industry.

Madam Chairperson, I want to indicate to you that we have difficulties with our air industry. Our two major carriers have suffered major financial losses. In talking with Air Canada just briefly the other day, they experienced a \$164-million loss again in the first quarter of this year. We know that they cannot continue to carry on those kind of losses—I know that Canadian is also experiencing some losses—we are at that point where we should see whether the two main carriers should combine. It is a very competitive world out there. Many of the major carriers across the world are amalgamating, so I think we are probably at that point where we have to consider what is happening here.

I want to raise one reservation and concern about the fact that Canadian is in the process of trying to affiliate themselves with a major American carrier. The concern I have is that by doing that, even though they are allowed to buy only a certain percentage into the company—and this all needs approval and we will be making presentation to that—ultimately, big brother is gradually going to take and transfer jobs and benefits to the States over a period of time.

I think we have to try and avoid that at all costs at this stage in the game knowing the importance of the air industry. We have key people from my department that have good knowledge of this, are involved and are being briefed before each of the meetings that take place and get debriefed right after it, so we are up to date as to where the process is at. I am looking forward to meeting with—as I have already met with Air Canada representatives—representatives from Canadian to see whether we can have some input into the matter in terms of what would be best for Canadians and certainly for the airlines.

I mean, I do not fault the airlines for looking to rationalize to some degree. When you experience a \$164-million loss in the first quarter of this year, you know that ultimately jobs are at stake. It is a matter of whether they will do some of these things. There could be a short-term loss of jobs and maybe then benefits would accrue again, or whether we just allow the amalgamation with major carriers from the South, which ultimately would mean a transference of jobs and economic benefits to there.

Once again, in conclusion, I just want to say that I think we have great potential here in this province. Our location is ideal. We have, I think, the potential for the parcel industry to develop here through to the

air industry. Our rail industry, certainly we are still a major player in it; certainly in the trucking industry we are when we have seven of the 13 national carriers headquartered in Winnipeg.

So certainly from my department's point of view, and I think from government's point of view, I think from all Manitobans, we have to strive and work toward seeing whether we can not only retain, but enhance the benefits that come from our location here and the kind of advantages that we can offer in terms of transportation.

I am not attributing this to free trade or anything, but our figures show that in the last few years, the escalation of truck traffic north and south through the port of Emerson, which incidentally is the fourth largest truck port of entry in Canada, has escalated dramatically.

So in keeping with the twinings that were taking place—I have had the criticism put to me saying, well, we are twinning it to allow our people to go and shop in the States—I have to tell you that is not the case. There is a tremendous amount of truck traffic that is moving both north and south to Winnipeg and then going east and west. So I think we have to expand on that if we can. Our location is such that we can do that.

Anyway, Madam Chairperson, I have just touched and highlighted some of the concerns and some of the things that are going on and will try, as we get into the line by line, to answer the questions of the critics as best I can.

**Madam Chairperson:** Does the critic for the official opposition have an opening statement?

**Mr. Daryl Reid (Transcona):** Yes, I do, Madam Chairperson. Thank you for the opportunity. I will be very brief in my comments because I would like to concentrate the majority of our time dealing with the very specific issues in the different sections of the minister's department.

The minister has raised many different areas and touched briefly on many of the subjects that I would like to have the opportunity of asking questions on during this portion of the Estimates process.

The minister had made mention of the photo licensing program that had been undertaken and is in its last year in its implementation phase. I think that, as I had indicated in the last Estimates, was a good program, and it is worthwhile undertaking that. I think it was a step in the right direction.

Also, the minister talked about the disabled parking program and the bill that went before the Legislature last year and was passed and has subsequently been put into action. Everywhere I go, I make note of how it is working, and I look at the people who are parking in those spots and make sure that they are displaying the proper tags.

I look at how the different businesses throughout the parts of the province that I have visited have identified particular spots, usually, in most cases, very close to the business establishment itself, which is a credit to the different businesses in the community and their recognition of the needs of people with disabilities in our province.

The minister talked about many different areas, including short-line railways and trucking and the airlines, all of which I have questions on and will be getting further into that and will be asking detailed questions on, a lot to do with the volumes of traffic in each direction and the employment levels, and any of the safety concerns that go along with each of these different components of transportation in our province.

Transportation has historically been a major employer in the province of Manitoba. It is our wish on this side that it should remain that way, because there are essentially highly skilled, well-paying jobs that provide those opportunities for many Manitobans, and we want those to remain in the province of Manitoba.

We will also be asking questions on the effects of deregulation. I know we have had questions in this House, and fingers have been pointed back and forth many times, about who is responsible for deregulation, but we will get further into that discussion because we can see that it is having some serious impacts upon us in the province of Manitoba, in particular with the railways and the trucking industry.

We have had ongoing and continuing dialogue with all sectors of transportation, but those two in particular stand out as having been seriously impacted by the effects of deregulation and, of course, free trade.

\* (1500)

With that I will conclude my introductory remarks and prepare for questions.

**Mr. Paul Edwards (St. James):** Madam Chairperson, I want to make very brief comments at the outset. We are limited for time, generally, in the

Estimates process. This is quite a substantial department, and we want to afford as much time as possible for technical questioning on the line-by-line appropriations.

However, I do indicate at the outset two things: Firstly, and I will repeat this at the end of the day, that we have no problem with this minister and to that extent recognize the fact that he is generally open with his critics, conscientious and easy to approach. I appreciate that, and I want to put that on the record that while, of course, there are policy disputes, there are—[interjection] I am asked if he bought me lunch today. No, but I am hoping he will.

Actually, the minister has been very good, and we have appreciated joining him. I have been fortunate to join him on a trip to Yorkton for the Hudson Bay Route Association, and he includes the critics, and so we appreciate that.

Secondly, I want to say that there are some technical issues which we will be raising. There are also ones of leadership that we look to this minister for. Notably, of course, the Churchill dilemma which we, as a province, continue to face in convincing our counterparts across the country—I might add, our counterparts in this province on some occasions—of the importance and the benefits of a Port of Churchill.

We continue to be frustrated in our efforts by federal authorities and those who detract from the very significant potential which exists in Churchill. I tend to agree with the minister that a large part of that is simply willful blindness on the part of those around the country who have not taken the time to understand what can and ought to be achieved at Churchill on behalf of all Canadians.

It is not just an issue for northern Manitobans, I think it is a Canadian issue. We should preserve and enhance that port, and we have many detractors who are doing anything but that.

Madam Chairperson, the policy directions which the federal government is taking are, of course, not under this minister's jurisdiction, but we look for him to make positive representation on behalf of the province at the federal level. Of course, in particular, with respect to rail transport policy, generally, air transport policy is going through significant changes in the country.

There is a flux across the world with respect to the air transportation industry. We in Canada, of course, may be called upon to rationalize with the rest of the world, but I think first and foremost we

need to stand strong for a national air transportation network based on the principles which we have built this country, which is that we recognize remote communities as requiring and deserving adequate air transportation to and from them. We need to protect that. I know that the minister has made those points known, but we will be asking questions on the current status, to his knowledge, of where we are at.

With respect to the competitiveness and our support of two large pedestrian carriers, Air Canada and Canadian, it is sobering to see the rash of financial difficulties of American carriers. There has not been a dearth of bankruptcies and filing for protection from creditors in the United States, and we are surely not immune. We want a viable, competitive airline industry but we also, I think, have to recognize that times are tough in the airline industry. So we are looking for some leadership from this minister and some information as to where this province stands, and where, to his knowledge, this country is going under the federal administration.

I do not intend to go into the details of areas that we will be pursuing. We have many questions, and we look forward to getting to them. Thank you, Madam Chairperson.

**Madam Chairperson:** I would remind all honourable members that item 1.(a) the Minister's Salary, on page 92, will be deferred until all other items have been passed. At this time, I would request the minister's staff to please enter the Chamber.

**Mr. Driedger:** I would like to introduce my two staff people here. On my left is Doug Struthers, who is my ADM for Construction, and on my right is Len Bodner, who is filling in for Bill Dyck. I do not have my deputy here at this time.

We have, in fact, an interesting scenario, where we have had a bit of the flu within our offices there, and we are getting thin on staff at the present time. So I just want to indicate to members that, in the event that we have questions that are so technical that we have not got the immediate information, in order to save time, I will undertake, as in the past, to provide that information at the earliest opportunity after that. Thank you.

**Madam Chairperson:** Item 1. Administration and Finance, (b) Executive Support: (1) Salaries

\$412,900—pass; (2) Other Expenditures \$67,900—pass.

(c) Administrative Services: (1) Salaries.

**Mr. Reid:** Madam Chairperson, just one or two brief questions here. There has been no indication here that there have been any changes in staffing levels, in staff years indication, in the Supplementary Estimates, yet it shows an increase. Can the minister indicate if this is the merit increases for the individuals in that department or cost of living increases, as would be considered normal?

**Mr. Driedger:** Madam Chairperson, yes, I want to indicate to the member there have been no increases in staff for years. It is the normal increments that accrue to the people who are within the department.

**Mr. Reid:** I guess I worded that wrongly. What I meant to say was, I recognize that there was no increase in staff years, but I wanted to get an idea if these increases in the budgeted funds were as a result of merit increases or COLA increases that were going to be awarded or given to the employees of that portion of the department. That was my question.

Can the minister give me an indication of these nine staff people who are in this department, if that is nine full-time staff jobs, and as well, can you give me a breakdown on the men and women of these nine, please?

**Mr. Driedger:** Madam Chairperson, basically this includes my deputy, who has three secretaries. It includes my office. I have three secretaries, and I have an executive assistant and a special assistant.

**Mr. Reid:** I recognize that from the previous Estimates process. What I am trying to get an understanding for here is the breakdown of the number of men and women in those jobs.

**Mr. Driedger:** Madam Chairperson, we have three ladies in my office, and we have three ladies in the deputy's office. My special assistant and executive assistant are both men, and the deputy is a male and so is the minister.

**Mr. Reid:** I do not believe I have any more questions on that section for now.

\* (1510)

**Madam Chairperson:** Item 1.(c) Administrative Services: (1) Salaries \$621,500—pass; (2) Other Expenditures \$74,000—pass.

1.(d) Financial Services: (1) Salaries \$694,900—pass; (2) Other Expenditures \$73,900—pass.

1.(e) Personnel Services: (1) Salaries.

**Mr. Reid:** I had some questions under the Financial Services, and we skipped over the section on administration. I did not catch it on time there. They were the same questions basically that the previous section had, and I am trying to get an understanding here. Under the Administrative Services, it is showing a \$2,000 Allowance for Staff Turnover. Can the minister give me an explanation for that, please?

**Mr. Driedger:** Madam Chairperson, if I understood the question correctly, the \$2,000 reduction there, is that what the member was alluding to? Then I want to indicate, as we have vacancies, until we fill them, what has happened is, sometimes there is a lag until we have a position advertised and stuff like that, so there is nobody getting paid. So that is what it is about.

**Mr. Reid:** Can the minister also give me an indication of your 15.13 staff years involved? Obviously there are some part-time staff in that department. Can you give me an indication of the number in full time, number in part time, as well as the breakdown on the number of men and women?

**Mr. Driedger:** Madam Chairperson, I want to indicate to the member that the breakdown between male and female workers, if this is a matter of concern, I will undertake through the whole department to give you how many we have from the various breakdown on that aspect of it, but I do not have that immediately here.

At the same time, I would be prepared to give an undertaking that we have a breakdown in terms of affirmative action, and I will give him a sheet where all this is on then.

**Mr. Reid:** Under this Administrative Services section, it also talks about freedom of information requests that come into the department. Can the minister give me some indication—and if he does not have the information available here today, he can provide it at a later date—of the number of requests that may have come through his office in the last year, how many of them he was able to respond to and what context the type of questions came in, questions to what different areas of his department?

**Mr. Driedger:** Madam Chairperson, I would like to indicate that during 1991-92, we received 14

applications for information, which were handled as follows: seven applications were granted access; three applications were denied; three applications were partly denied; and one application was withdrawn.

**Mr. Reid:** Can the minister give me an indication of the areas—or is it just widespread over his whole department—that these requests come to for information? Can he give me an understanding? Are they related strictly to Highways matters, or do they come in requests for information on Transportation matters?

**Mr. Driedger:** Madam Chairperson, that is the wide-ranging aspect of it. It has to do, in some cases, with contracts, because we tender everything that we are doing and, in some cases, you have information that individuals want. It also has to do with jobs.

We have 2.5 thousand people employed within my department, so from time to time, somebody is requesting information based on where we have posted positions and gone through the process, and then somebody wants to have information. It is a variety of things basically; it is not that they are zeroing in on one specific area in terms of the requests.

**Madam Chairperson:** Item 1.(e) Personnel Services: (1) Salaries \$894,500.

**Mr. Reid:** The minister has indicated that he is going to undertake to provide a breakdown of the Affirmative Action program and the number of men and women who fill the different jobs, so we will expect that. Under the Managerial and Salaries, it is showing a 3 percent increase for that particular position, and I have noted in going through other sections of the document that the percentage increases for some of these managerial positions seems to vary. It does not seem to be fixed on a 3 percent level. Can the minister give me some kind of an understanding of the variance that takes place and why there is such a variance?

**Mr. Driedger:** Madam Chairperson, I want to indicate to the member that the salaries of the people in the various positions varies because some of them have been there 15, 20, 25 years, whereas others might be junior people, so as the increments come, it would not be consistently always the same figure. It changes.

**Mr. Reid:** Okay, I can understand that. Can the minister give me an indication, has his department

absorbed staff from other departments that may be downsizing or "rightsizing," as some of the industry like to talk about? Has his department had any absorption of staff from other departments over the course of the last budget year?

**Mr. Driedger:** Madam Chairperson, let me indicate to the members here that in the budgetary process over the last few years, we have had a fair amount of pressure on my department as well as some other departments in terms of seeing whether we could be more efficient and have cut back on employment from time to time. You have to understand that with 2.5 thousand employees, you have an ongoing vacancy rate, changes taking place. Especially when decentralization took place, there was a redeployment list, and our department has been conscientious in terms of trying to accommodate anybody off the redeployment list as much as possible in terms of getting them positions within my department.

**Mr. Reid:** Can the minister then give me a breakdown of the staff vacancies that may be existing? I understand that he may not have that information here today. If he does, we would appreciate to see it, but if he has the information that he could bring back giving an indication of the number of jobs that are filled, full and part time, and the number of vacancies that are existing in his department.

**Mr. Driedger:** Madam Chairperson, I have some difficulty doing that. I am not trying to be evasive with this, but it changes on an almost day-to-day basis because of the type of department that I have. During the summer now, when the construction season is going heavy, we bring in term positions. Then as we have people retiring, some of these people move up, and ultimately there is such an ongoing change that if I took a snapshot right now and gave him the information, it would not be really meaningful for him by the end of the week because of the changes that take place. So I am not trying to be evasive; I am just saying, my department is such, aside from the managerial and top level—there are even changes there—in the other aspect of it, there is constant movement in there, so it is very hard for me to be specific and tell them exactly. My vacancy rate, I have to indicate to the member, has run anywhere from 5 to 6 percent in that range, is almost a constant figure. Even when we think that we are full employment, we still have that because of the other people retiring or we have vacancies.

Until we have them filled through the process, we always have a vacancy area there.

We would almost have to over employ what we are allowed to in order to have no vacancies, so we are operating continually over the years that I have been there at between 5 and 6 percent.

**Mr. Reid:** Madam Chairperson, for information, are we on 1.(f), is that the current section that we are on now?

**Madam Chairperson:** Item 1.(e). We have not yet passed 1.(e) Personnel Services.

**Mr. Reid:** All right. No further questions.

**Madam Chairperson:** Item 1.(e)(1) Salaries \$894,500—pass; (2) Other Expenditures \$138,600—pass.

1.(f) Computer Services.

**Mr. Reid:** Madam Chairperson, there has been a decrease of staff years; one position has been eliminated. Can the minister give me an indication of why that position was eliminated and what happened to the individual? Did they retire or were they laid off or were they absorbed by another department?

\* (1520)

(Mr. Ben Sveinson, Acting Chairperson, in the Chair)

**Mr. Driedger:** Mr. Acting Chairperson, first of all, as we develop our computer system and get it more efficient there is need for less staff involvement. The member is concentrating on the staff aspect of it, and I do not blame him for that. I just have to indicate that here again, within the whole department, the numbers are such that if he has specific sound things, I can try and get that as to the male and female component and the affirmative action, these things. I will have a sheet for him on that.

I am trying to figure out why we have one less here specifically. It says here, elimination of a position established for the design and development of a major system which is now substantially implemented, so we do not need as many people.

**Mr. Reid:** Yes, I am aware of the indication in the Supplementary Estimates of why the position was eliminated. My concern is for the person, and have they been absorbed by another department? Have they been laid off? Have they been fired? What program or major design and development of a

major system, which system is that, that is now substantially completed?

**Mr. Driedger:** Mr. Acting Chairperson, that position was a vacant position, so that is why it was eliminated. As we go through the budgetary process, I repeat, that as we work on next year's Estimates, when we have positions where we have a vacancy for a period of time, very often we are asked to delete that position. That is what happened in this case.

**Mr. Reid:** Under this section, Computer Services, would this be the department that would deal with any of the land-based information systems and how it impacts upon the minister's department?—because the minister's department under Highways, of course, deals with a great volume of land mass through our province. Is this the department that keeps track of that particular information?

**Mr. Driedger:** I wonder if the member could clarify his question a little better. We are not quite sure exactly what the information is that he is looking for. I want to indicate that we have various areas of computer information that is gathered. For example, if we acquire right-of-way for expansion of a road, we do a design. Once we have the design, then we decide how much right-of-way we need, and then we turn it over to Government Services for Land Acquisition to acquire that land on our behalf.

(Madam Chairperson in the Chair)

We have a houseful of titles and properties that we own. A lot of this is in the computer system.

**Mr. Reid:** I guess for further clarification, I did not explain myself quite clearly there. I am looking to find out, because I know in some of the other departments, they have phased out different portions of their function or are in the process of doing that, particularly the mappings and surveys section of another department here.

I want to have an idea of what is taking place, because the minister's department has so much land that is owned by the province for different functions whether they be highways or airports or whatever that comes into play in the process. I would like to know, because it is our understanding that there may be an exchange of information that will be taken over by the private sector versus information that is currently within the public realm, and it is controlled by his department and other departments.

I would like to have an understanding if some of this information is going to be turned over to one of the private companies, I think the name was LINNET. Because there is land-based systems that are involved there, how would that impact upon his department?

**Mr. Driedger:** Madam Chairperson, I think staff had a faraway look at this, but at the present time we have no involvement with LINNET or any of the private sector in terms of what is happening with my department, in terms of the properties, et cetera.

**Mr. Reid:** Are there any plans in the works?

**Mr. Driedger:** Not at the present time.

**Mr. Reid:** I take it by that answer then that there will be some consideration given to that transfer of information to private sources from the minister's department or other departments then.

**Mr. Driedger:** Madam Chairperson, I would have to indicate that at best, I think, staff has had a distant look at it, and we are certainly not anywhere in that stage where I could make statement to the House to say that we are getting actively involved in that. It certainly has not come to my attention, and I do not expect that we will be pursuing that aspect of it for a fair amount of time—if ever at all.

**Mr. Reid:** I have one further question here. Under the Administrative Support section, it shows four staff years, but there is a substantial increase of \$71,500 under that section. If you divide that by four staff years that works out to a \$17,875 increase per person. It seems to be somewhat out of line to a 3 or 4 percent increase.

**Mr. Driedger:** Madam Chairperson, I want to assure the member that cannot be increases in wages. That is something else, but I do not know what it is at this stage of the game, because that is a substantial increase in there.

I have an answer, Madam Chairperson. One of our key people was away on a year's sabbatical and did not get wages for that period of time, and now he is back and it is back in there.

The position stayed, but the individual was not there. So he did not get paid for that sabbatical year, we did not pay him the wages for that time. Now that he is back, it is reflected again in the wages there.

**Mr. Reid:** Then the minister, if I understand him correctly, is saying that one individual has come

back from a sabbatical to fill that position that was vacant, and that person gets paid \$71,500 a year?

**Mr. Driedger:** Madam Chairperson, there would also be the normal increments that are accrued to the other people involved. So it is not just the one individual.

**Mr. Reid:** Just one last question here because this is the first I had heard of that, even in discussion with my colleagues at different times. Are sabbaticals within the departments a normal practice where we give leave for extended periods of time? What is the policy of the minister's department on that?

**Mr. Driedger:** Madam Chairperson, I was not even aware of this till now, but I know of other cases, where we had a Mr. Ford who went across to—was it right after Kuwait where he got involved after the war? We had one of our people who took leave and went out there to help with all kinds of things, I think with the Red Cross. So it is not that it is unique, it happens from time to time.

**Madam Chairperson:** Item 1.(f).

**Mr. Edwards:** Madam Chairperson, is the Department of Highways self-contained in respect of the Computer Services or is there a linkage of any substantial amount with the provincial computer system? I guess my follow-up question is: With respect to the new transition of the Computer Services and the contracting with the new company, the development of the new buildings here, is the department going to be affected in that respect? Is there a crossover or is the Highway's Computer Services essentially self-contained?

\* (1530)

**Mr. Driedger:** Madam Chairperson, it is my understanding that we are linked into a central system.

**Mr. Edwards:** That is that you are, for all intents and purposes, a self-contained computer entity or do you buy into and use the provincial capacity?

**Mr. Driedger:** Madam Chairperson, it is my understanding that we are basically a self-sustaining system.

**Mr. Edwards:** Has it ever been explored whether or not it would be cost-effective for the department, given the large amount of computer time and services that you require, to buy into the larger pie of provincially contracted computer services?

**Mr. Driedger:** Madam Chairperson, we are in the throes of sort of reviewing our whole process in



terms of computers as to which is the most efficient way for us to go, but it is still in the very early stages. We are just starting to review some of these things to look at what options there are which will be more economical, so I cannot give precise information as to where we are going with this.

**Mr. Edwards:** I appreciate that response from the minister. It would seem that it would be wise to do that, not that the present system might not be the best, but my understanding of how these things work—and I do not pretend to be an expert—is that the larger the volume, the larger the need, the more efficiently it can be provided, and the provincial system is of course an extensive one. We have contracted privately with a company to construct large buildings in Winnipeg and provide those services province-wide.

The Department of Highways, I am sure, uses a larger amount of computer services than probably any other department, barring perhaps Health and Education. This would appear to be a large user of those services for obvious reasons, and we would be interested in getting an update from the minister as to what the results of the study are, because it may well be that the provincial bank can be accessed more efficiently, and of course the department is spending what amounts to a sizable amount of money. In any event, those are my comments on this section, Madam Chairperson.

**Madam Chairperson:** I.(f) Computer Services.

**Mr. John Plohman (Dauphin):** Madam Chairperson, with your indulgence—

**Madam Chairperson:** Order, please. May I ask the honourable member to take his seat. It is my understanding and the Clerk's understanding that it is the official critic who may move to the front benches. I thank the honourable member.

**Mr. Plohman:** Madam Chairperson, I wonder if the minister could answer a couple of short questions dealing with the Motor Vehicle Branch. I know that he is not going to be dealing with this for some time, and the staff who deals with that are not here at this time, but I do not think it is too complex and really involves the minister in any event. I will not be able to be present on Thursday when the issue is more appropriately raised with regard to the photo-licence policy. I would ask the minister, if he could, if he has received the May 27 petition from the Rural Municipality of Lawrence asking for a photo-licence machine to be located in Rorketon, and whether he

has any information that he could shed on that request?

**Mr. Driedger:** Madam Chairperson, I had addressed it briefly in my opening remarks, but I want to indicate to the member that after the first year when we had established our system that I have no difficulty answering the question now, because even though we are not in that section right now, basically we reviewed it after the first year and set up a criteria that a community would have to have 1,000 driver's licence transactions in a year before they would qualify for a camera.

Using that criteria we added 11 cameras. We are pretty well at the maximum of the cameras that we can issue at this stage of the game. However, if there are communities that will hit that 1,000 mark, then we are prepared to give that consideration. We have to draw the line somewhere along the line.

We had great difficulty in establishing the criteria as to where the cameras should be. Initially we had to issue cameras only to those communities where we do driver testing, but then all the agents in that community got—because it got to be a real race as to who would qualify, whether we just took one and discriminated against the rest.

In some cases, we feel that possibly in three year's time we will review, because in some communities where you have two agents, they both have cameras, one does 2,000 transactions, the other one does 300. We still have two cameras there, so this is an area that we have to look at for the future somewhere down the line in terms of whether we should revisit that aspect of it.

Other than that, the new criteria that we set up was 1,000 transactions. Even if there is no driver testing taking place, then we would allow cameras to go in. This basically affected communities, for example, Oakbank, which did well over 3,000 transactions and did not have a camera. I use that for an example. But we had some communities where there is no driver testing and still did a lot of transactions, and they could not have a camera. So we tried to make it as fair as possible.

**Mr. Plohman:** The issue here is one of having to travel some 40 kilometres, that is right from Rorketon to Ste. Rose or further to get services, as well, other communities that have to travel much further distances, from Waterhen, Crane River, Meadow Portage, Mallard, Skownan, all having to travel a much further distance in order to get this service. So it may be that the criteria is of itself not

sufficient. Maybe the relative isolation of a particular area should also be considered.

The other thing is, when this criteria would apply? Would it be the transactions prior to photo licensing coming in an area, or what is happening now? Clearly it would have gone down a lot now because people have to go elsewhere to get their photo licence so it would not be representative of the total number of transactions that take place.

**Mr. Driedger:** Madam Chairperson, I want to indicate that we have a long record of the transactions that have taken place in these communities, so it is not that the circumstances of the last year that we used those criteria. We look at what has happened over the many years, and they are relatively consistent. In fact, most of them are down even before we started photo licensing because to some degree in some communities the depopulation that is taking place.

So the distance factor is something that we are concerned about. We make provision for isolated communities for the North that do not have the kind of access that one would maybe prefer, to make provision for them that they can get interim licences until they have an opportunity to get down to a community where they can take their photo licensing. So we have tried to address that to some degree, but the only problem that we have is the cost of cameras are substantial, and there is no way that we can provide them for all the rural areas.

When you consider that, I think, we have 16 cameras that provide service for 600,000 people in Winnipeg and then we have—I do not have that information; I have it for later on. I can get that information. I am just saying that it is virtually impossible to give every community that wants a camera, a camera, and I have taken terrible abuse because of that already, too.

\* (1540)

**Mr. Plohma:** Just to conclude this matter, Madam Chairperson, I would just like to ask the minister to review the petition that was signed. This is a very important matter for the people of Rorketon and north of there. In and of itself, it is a self-contained area that is not serviced at the present time. It could be likened very much to an isolated area in the North.

I do not know how close this criteria is. I would like to have that information from the minister as to whether there are 995 or 800 or where they landed

on that criteria, but I do not think, in and of itself, that it is fair for this situation. So I would like the minister to take that upon himself to review it, and I will be asking for him to perhaps get back to me with any response he has on this.

**Mr. Driedger:** Madam Chairperson, I am prepared to review that and bring the information forward to the member. I will give him all the detailed information as to what the status is out there and the distances and then review it.

**Madam Chairperson:** Item 1.(f) Computer Services: (1) Salaries \$1,182,800—pass; (2) Other Expenditures \$509,200—pass.

1.(g) Occupational Health and Safety.

**Mr. Reid:** I have some questions here under Occupational Health and Safety. I am looking at the Supplementary Estimates page 30. Under Activity Identification, it talks about conducting work site inspections and environmental monitoring.

Can the minister give me an indication of the type of work sites he is talking about it? Is he talking about highway construction programs or the actual maintenance of site locations within his department? Can he give me an indication of the number of inspections, if that is possible, that may have been undertaken by this portion of his department and any discrepancies that may have been found and what was done to resolve them?

**Mr. Driedger:** Madam Chairperson, let me just indicate, with the type of work that is being done in my department, especially in the construction aspect of it, that this is a very sensitive area to us and that we are very conscientious of the safety aspect of it because of the type of work that takes place. We have work site inspections on the job. Let me just see here exactly what we have.

Well, we have equipment safe operating check list; audiometric testing of approximately 600 employees; first-aid training of approximately 400 employees; implementation of a new safety committee training guide; full implementation of computerized occupational injury-illness reporting; development and implementation of direct on-line Workers' Compensation Board reporting pilot project.

In planned accomplishments, we have job instruction, motivating and increasing safe behaviour, communicating effectively. You know, all these kind of things are going on on an ongoing basis. So it is not just one component where we are

doing this; this is over the whole department, basically.

**Mr. Reid:** Then I take it from that that it is an ongoing safety-training program for the groups of employees in the different regions of the province to ensure their safety on job sites. It is not just strictly audit inspections, or is audit inspections a component of that, and if there is, what have the audit inspections shown?

**Mr. Driedger:** Madam Chairperson, it is broader than that. We have 26 operational safety-related start-up meetings with construction and maintenance personnel. It is the total package. I do not know whether I am answering the question or have the information, what the member wants, but it is not just one aspect of my department; it is not just the construction end of it. It is, for example, all the garages I have across the province, you know, where we do our maintenance—safety programs are involved there—on the construction sites, where we have my maintenance crews. There are so many aspects of it that are involved in the safety aspect of it.

It is my understanding from staff that we have a very good record in terms of how we deal with safety and that we have—how should I say? I do not have the details exactly how good a record it is, but I understand that we are doing a good job on it.

**Mr. Reid:** If he has the information, he can provide it later, on that aspect of any difficulties they may be encountering, but I will switch to the rehabilitation of the injured workers, because with a work force the size that this department has, where there are over 2,000 people employed, there is obviously going to be, unfortunately, workplace injuries taking place. Can you give me an indication on what type of a rehabilitation policy, a program that you have there, for the injured workers? Do you reabsorb them back into the same departments upon recovery? Do you make allowances for them to ensure that they can retain some active form in the work environment?

**Mr. Driedger:** Madam Chairperson, on a more general scale, we are very conscientious about trying to work with the rehabilitation of injured workers, because if they are not working, they are costing us money. In terms of details, I will try and maybe get the details in terms of how many people we are working with to rehabilitate, but I do not know how fast they can get that information. I will try and

get a breakdown of exactly that aspect if the member is interested in that. Okay?

**Madam Chairperson:** Item 1.(g) Occupational Health and Safety: (1) Salaries \$193,200—pass; (2) Other Expenditures \$50,000—pass.

Item 2. Operations and Maintenance (a) Maintenance Program \$53,734,100.

**Mr. Reid:** Under this section in the Activity Identification, it talks about brush spraying and salting of the roadways throughout the provinces, during the winter months, obviously. Can the minister give me an indication, because in the last Estimates, last year, he talked about a reduction of roadside maintenance programs during the summer months, the grass cutting and the tree trimming that takes place. Are we still following through with that reduced program, or have we reinstated the existing program that had been in place before?

**Mr. Driedger:** Madam Chairperson, it is the intention of my department to move more into the privatization of roadside mowing. We had targeted it actually to try to get up to 75 percent, but we were way short of that last year, basically because operators were not equipped and were not comfortable, I guess, in terms of making investment in equipment, to buy in at this stage of the game. We are moving on a slower basis to get into the roadside mowing.

I want to indicate that actually we have a reduction in maintenance, but that is not reflected because of something like that. That is reflecting—bite my tongue—the transference of 2,000 kilometres, by and large, back to the municipalities.

**Mr. Reid:** I did not quite catch what the minister said about the move towards privatization of roadside mowing. Is it the intent of his department to move totally in that so that 100 percent is performed by private contract, or is there going to be a portion that is going to be retained by his department?

**Mr. Driedger:** Madam Chairperson, no, we would never be able to move to 100 percent roadside mowing with the private sector, because there are many areas where it would not be feasible to do that economically, when we talk of our overpasses, many areas where we feel that we can do it, maybe not cheaper, but we cannot get people interested in doing it. The contractors who are looking at getting involved like to basically take our major stretches of highway where they can do an efficient job there,

but there are always these pockets where we would never be able to look at going totally to the private sector to do that.

**Mr. Reid:** If that is the case then, are these sections along the main highways the most economical portions to do? Are we, by moving in the direction of privatizing that part of the maintenance program, skimming off the most economical parts of it and leaving the least cost-effective areas for the province to continue maintenance?

**Mr. Driedger:** Madam Chairperson, not necessarily. I used the example of, let us say, our major trunk highways, but we have many of our PR systems as well, where we feel that for economical reasons as well as where we feel comfortable that the private sector can handle it, I do not have a hangup that we have to do it all through the department, but I want to also be cautious that we do not say that we are going to privatize everything. I think there is a happy blend in there, and that is what we are trying to achieve.

**Mr. Reid:** Can the minister give me an indication on the number of employees in his department that might be impacted by a move in this direction toward privatization of some of the maintenance programs?

**Mr. Driedger:** Madam Chairperson, let me first of all indicate to the member that in the variances in staff over the last number of years where we have had to take in, address and cut back in some cases, as I indicated before that some departments have, that in very few cases have we ever had live bodies that we have had to take out of a position. By and large, we have operated on the basis of vacancies, and that is where this has taken place to some degree.

\* (1550)

I cannot be specific in terms of saying how many people have—we have not laid anybody off because of going to the privatization of roadside mowing, because we always operate on that vacancy rate, again, on the global scale within the department. Nobody has really lost a job directly. We maybe lost a position but not a job.

**Mr. Reid:** Can the minister give me an indication then on how many positions will be lost?

**Mr. Driedger:** Madam Chairperson, no, I cannot tell him that because as we move into this thing, it depends—we started last year, we had a higher target, we did not reach it—depending at what stage

we get at in terms of doing it this year. I cannot give him that information.

**Mr. Reid:** The department obviously, during the course of its maintenance programs—and thanks to the minister's staff in various departments, I am becoming more aware—after having become the critic of this department, you have a tendency to pay more attention to what is taking place around the province as you travel and you see the different functions, and you talk to the different people in different communities, and you have a better understanding for the jobs that they do—but they also use products in different parts of the province for brush spraying, bush control, weed control, highway salting.

Can the minister give me an indication on the brush spraying? I understand from this that we employ chemicals to do brush control or weed control along our highways, and can the minister give me an indication on where we purchase those products from? Do we use the tendering process, and if we use the tendering process, do we accept the lowest bid in all cases?

**Mr. Driedger:** Madam Chairperson, when you consider the total budget that my department has, we are talking multimillions of dollars, whatever we do basically in terms of purchasing—and we purchase a lot of materials, whether it has to do with my maintenance program or whatever we do, it is all done on a tender basis, and we go with the lowest tender unless there is some specific reason, and I would not know what that would be, unless we feel that some individual is not qualified from past experience to deliver that kind of goods. Other than that, we go strictly with the lowest tender.

**Mr. Reid:** One of the reasons why I raised that point is it came to light here in Question Period a few weeks ago, where it came to our attention that the province was doing some cross-border shopping, and we were buying our paint that we use on our highways from an American firm.

Of course, it creates some environmental concerns for us in this province because we cannot recycle some of our by-products here, and at the same time, it takes away job opportunities for us in this province.

That is why I am asking that question because I want to have an understanding. I think it is important that we have to look at the cost benefit, not just the lowest price that goes into some of this

tendering of the contracts that go out, because there are other considerations that have to be taken into consideration for this.

That is why I asked the minister. I know his department is quite extensive and covers the whole province. But it is important for us to know where we are buying this product from, because there is more than just one consideration—price. There are jobs and there are environmental concerns involved as well.

That is why I am asking the question: Do we purchase these products—brush spraying, weed abatement program chemicals—in-province, or do we go outside the province for those products, and are some of them available through manufacturers in this province?

**Mr. Driedger:** Madam Chairperson, let me, first of all, indicate that even when I had Government Services, which was the basic buying component for government, that agreement was struck before the four western provinces where there would be no barriers in terms of purchasing. I think that at the present time in that department—and this might be something that could be directed at Government Services—but there are still some where we use a tax consideration when buying from out of the East, because they have not signed an agreement with us yet.

But referring specifically to the glass beads, not the paint—you know, we use the glass beads to mix them with the paint to be reflectorized. I have to indicate that was a tough call, but we adamantly maintained the lowest tender.

Under the circumstances, I have had further discussion with the Minister of Environment (Mr. Cummings) because of the environmental impact of glass accumulations, et cetera. We are trying to develop a pilot project where we can maybe store some of the crushed glass, and that ultimately, we are looking—just looking—at the potential of maybe using it in part of our asphalt system somewhere along the line. So we are very conscientious about the environmental aspect of it.

Again, like I say, unfortunately, a judgment call of that nature, by and large, affected the job of an individual, or two jobs within the province. But it is one of the things that happened, I guess. I am very selfish when it comes to Manitobans and jobs in Manitoba, but some of these things do not always fit into that kind of thinking.

**Mr. Reid:** It is obvious, we must consume a large volume of salt product that we would spread on our highways throughout the winter months. Can the minister give me an indication on the volumes that we would purchase for his department? Can he give me an idea of where that purchasing takes place? Was it the lowest tendered price on that contract, or was it a tendered contract?

**Mr. Driedger:** Oh, Madam Chairperson, the member is getting into very technical questions here. I want to assure him that the calcium that we purchase is done by tender basis. I am trying to find out exactly how much we purchased.

I just want to further indicate to the member that I am trying to find out exactly how much we buy, because we buy it in various stages and actually store it all over the province. This takes place early winter once the tender is let. In some cases, it is tendered to be delivered to certain sites, et cetera. I am scrambling to try and get the exact amount. I have not got that. I will have to take that as notice and provide that information as to how much we buy.

**Mr. Reid:** There has been a decrease in the staff years, a seven staff-year decrease. The explanation for it is it is due to regionalization and transfer of low-volume provincial roads to the municipalities. I take it that is the offloading of the 2,000 kilometres onto the municipalities, something which they were quite concerned about, but the minister's department went ahead with it nevertheless.

Can the minister give me an explanation of the regionalization that is taking place within his department? I believe you have 13 regions currently, and if that is not accurate, I am sure the minister will correct me. Can you give me an indication of his department's plans for regionalization?

**Mr. Driedger:** Madam Chairperson, let me first of all indicate to the member that there is a difference between the transference of 2,000 kilometres back to the municipalities which affected the amount of equipment that we need. It was a reduction in that, and there were also, I think, 45 positions across the province that were deleted as a result of the transference and a saving of \$4 million to the province in terms of doing that.

That is one component. The regionalization is something that is a concept we are looking at, developing at the present time, and has had no

impact in terms of any of the staffing here at this stage of the game, because we are just in the initial stages of developing that.

\* (1600)

Part of the concept that we are looking at—and it is not implemented at this stage of the game—is implementation of maybe over a period of two or three years will be some staffing involvements. By and large, we are looking at where we have 13 districts now, we are looking at eventually setting up in five regions. The intention would be, out of those regions, to be able to deliver a more complete program instead of having 13 districts channel everything through headquarters.

The decision-making process is something that the contractors have been concerned about. We feel that we could take and deliver this kind of a program out of a region probably more efficiently and faster than we do it at the present time, but we are just in the process of developing this. I think it would be irresponsible if I started speculating on all the aspects of it.

Ultimately, if things worked as we envisioned them somewhere along the line, there would be movement of some people from Winnipeg into these regions to be able to provide that kind of service, that we would provide a better service at a regional level.

**Mr. Reid:** Then I understand, if I understand correctly, our move away from the 13 districts to the five regions. Who will be responsible for prioritizing the projects in these different regions if and when we move to that program? What will happen to the administration portion of the department now that is in place? I find it hard to comprehend that all of them will be decentralized out into the areas, into the different regions. Is there a likelihood that some of these people who are currently employed and may be living within the confines of the city of Winnipeg who do this type of work now, will they find themselves redeployed elsewhere or unemployed?

**Mr. Driedger:** Madam Chairperson, without trying to be facetious, I am treading on unknown waters here at this stage of the game. We are developing a concept, but I want to assure the member that no people are going to be fired or laid off or stuff like that. It is interdepartmental adjustments that we are trying to do to be able to deliver the program better.

Like I say, we do not have the things pinned down. It has been sort of speculative in terms of the impact it will have. I have not reached an agreement or

come to a conclusion as to the finalization of this, how we do this. Once we have the regionalization concept developed, I still have to go through a process in terms of even my colleagues who have some concerns from time to time.

Until we have developed that totally, I would be speculative, and I would not be responsible by being speculative at this stage of the game. I am prepared to indicate to the member, once we have a plan in place, I have always been free with information, and I will bring that information forward to my critics.

**Mr. Reid:** I appreciate what the minister is saying. He has, from our experience, been quite reasonable in providing information when requested, and we appreciate that because it allows us to be informed of different issues, as well.

But my concern with this regionalization is that it is showing, in this Supplementary Estimates booklet, that we have already seen an impact by the regionalization process where we have a seven staff year reduction, and it quite clearly spells out that the seven staff year reduction decrease is due to regionalization, which is the first item, and then transfers of low volume provincial roads to municipalities.

So I suggest to the minister that we are already seeing an impact from the regionalization concept coming into play here. It already spells it out in the Estimates document.

**Mr. Driedger:** Madam Chairperson, in terms of developing the regionalization aspect of it, as we went through the budgetary process, we had to reach certain targets. That is when this concept was starting to develop.

We anticipate that if we finalize the regionalization concept, there would be an advantage of seven positions that we could gain, but that has not taken place at this stage of the game. In fact, I still do not have a comfort level in terms of what we are doing with this. I am being very honest and frank with the members in saying that until I feel a comfort level in terms of exactly where we are going with it, nothing has happened to date.

So this is what is projected would be happening if we pursue that regionalization to the culmination of the concept, and we have not arrived at that yet.

**Mr. Reid:** I can appreciate the minister saying that he has not fully developed the program of regionalization, but looking throughout this particular document, it mentions many times the

regionalization aspect. So I take it from that there have been some serious plans and serious work undertaken to determine a direction that the department is going to move in and that there are some, at least, preliminary plans at this time.

Can the minister give me an indication of what type of regions we are looking at and where the administrative offices or the headquarters for those different regions would be located? Have we selected communities throughout the different parts of the province to play that role?

**Mr. Driedger:** Madam Chairperson, first of all, I want to repeat again that the regionalization aspect of it is in the very early implementation stages, as we are developing a concept. The seven positions that we are looking at there are basically vacancies that we can take either way, I suppose. In terms of the regionalization, when we talk of the concept of five regions, we are looking at places like Steinbach, Portage, Brandon, Dauphin and Thompson as the five centres placed on a geographic basis to serve the areas and part of the concept.

Again, we are talking sort of in a vacuum at this stage of the game, and I think I might not be doing the members justice by doing the speculative thing, but that is sort of the concept that has developed. We also look at the present areas that we have. There will be no deletion in terms of suboffices, et cetera. They will be maintaining those.

We are in such an early stage of this thing that I would feel much more comfortable if we had agreed to exactly what we are going to do and then come forward and say this is what we are going to do. I do not have that comfort level myself at this stage of the game. So we can speculate what we want, but I do not think it would be fair.

\* (1610)

**Mr. Reid:** I would be willing to take the minister at his word then that when some further plans are firmed up for this, he would undertake to provide some consultation on this at the earliest opportunity and keep us aware of what is taking place. It is obvious that there are different communities throughout the province that may be impacted by decisions that this minister's department is making. I am sure that if we are changing to the five regions and there are going to be some more administration roles, functions or jobs, these communities would like to have those jobs come to their portion of the

province. So I hope the minister will keep us apprised of that.

I have another question, and this goes back to the information that the minister said he was going to supply relating to the salting. He may not have this information available here, and it would be all right if he could provide it at a later date, some time this year; in the volumes of dust-control product and brush-spraying chemicals, if he has that information, just give us an indication of the volumes, the cost involved and where we purchased the product and whether or not it is on tender. He can provide that at a later point.

**Mr. Edwards:** Madam Chairperson, we learned today, and I asked the question in Question Period, that the Department of Environment sanctioned the placing of 10,000 cubic yards of contaminated soil is being aerated.

**Mr. Driedger:** I am prepared to give the undertaking that is as close as possible, based on the information that is available. I will give that information as to how often it happens.

I would expect though that it would depend on the type of contamination. Certain things I do not think would probably be proper to have in the public's interest and safety, to have them beside the highway or on a right-of-way. I will try to get a better understanding as to how often this happens, as best I can.

**Mr. Edwards:** I appreciate that. Just to be clear, the question of the level of contamination and the effect of that on the public health, or if there is a risk, that is an issue that I will take up with the Department of Environment.

What I am looking for from the Department of Highways is an indication as to currently what sites have soil being aerated on lands controlled by the Department of Highways at or near highways; that is, specifically, are there more than the one I know about at the intersection of the Perimeter Highway and Inkster Boulevard, and if there are other sites, I would be interested to know what the contaminating substance is and the quantity of the soil that is being aerated. If that can be determined, that would be appreciated.

(Mr. Ben Sveinson, Acting Chairperson, in the Chair)

**Mr. Driedger:** Mr. Acting Chairperson, I will try to get as precise information as I can in terms of sites

where we have this and the type of contaminated soil that we have there.

**Mr. Edwards:** Mr. Acting Chairperson, I have correspondence from the minister to a Ms. Cindy Mitchell which goes back some time. The minister's correspondence goes back to October of 1991.

It has to do with a consultant being engaged to develop plans for future four-laning between the Perimeter Highway and Dugald. It was indicated by the minister in that correspondence that when the study was completed and approved, consideration would then be given to programming the construction of four-laning.

Can the minister give us an update on that particular planned stretch of road from the Perimeter Highway to Dugald and whether or not that is a priority, and has in fact the study been completed?

**Mr. Driedger:** Mr. Acting Chairperson, I would want to indicate to the member that dualing of Highway 15 to Dugald is not necessarily one of our top priorities right now. I think we do some of these studies well in advance.

I have to indicate that we are looking at the potential of completing the northeast Perimeter as a first priority which would take a lot of pressure off of Highway 15, and we are in the various stages of moving forward with the consultant studies in terms of the structures that are involved. We have two main rail lines that are going that way. In one case, we are going with an overpass, and in one case we are going with an underpass, and the structure at 15, plus the structure at 59, Lagimodiere, actually where the Perimeter now ends.

We are looking at developing that whole aspect of it prior to doing the dualing of 15. It is unfortunate that it was never done. Right now, we have a real traffic problem developing on Lagimodiere with heavy trucking and vehicles, et cetera. We are studying the northeast Perimeter as a priority in terms of getting it moved forward.

I have to indicate to the member that the cost is going to be between \$60 million and \$70 million, and if we ever get a national highway program which we are promoting very strongly, we would like to tie that into the national highway system for the completion of the northeast Perimeter. We are looking at between \$60 million and \$70 million.

So we would probably be proceeding on the basis of—hopefully within the next year or so, we will start letting contracts go on the first structures which we

will have to do before we do the grading. So we will do that on a stage basis, because you cannot pour almost half my budget into one project.

It is in the mix, and we will be moving forward with the northeast Perimeter.

**Mr. Edwards:** Mr. Acting Chairperson, just to clarify then, the study which was mentioned in the minister's letter has in fact been completed and approved with respect to PTH 15 between the Perimeter and Dugald. I take it the minister's indication is, however, in terms of it being a priority, it is not imminently going to be moved ahead. It is, at this point, in abeyance. Is that the response?

**Mr. Driedger:** Mr. Acting Chairperson, that would be a correct assessment. However, I want to indicate, lest the member feels that we do these things without rhyme or reason, that we have many aspects of it where we undertake certain studies, and we need that for future requirements, road requirements.

For example, we have the Selkirk corridor designated where we now have a plan approved, and that way, if there is any development taking place, we can indicate to the planning authorities that we do not want, let us say, a business or a house built there, et cetera. There is a reason why we do a lot of this planning well in advance, so that we can take and save ourselves big costs later on, that we can take and have control over these areas.

Some of these studies, we have a fair number of them within the department, but it gives us an idea if there is development taking place, that we have control over that aspect of it.

So the plan that we have on Highway 15 is not a lost plan. It is ultimately going to come forward. It is a matter of the timing and the money available.

\* (1620)

**Mr. Edwards:** Mr. Acting Chairperson, the road between Woodridge and Piney on Highway 210 is unpaved for nine miles, and the community, I am advised, was promised that this would be done in 1989, 1990 and 1991. They are still waiting.

In particular, I am advised that the member for Emerson (Mr. Penner) was given a petition of some 500 names which he has indicated to the signatories that he delivered to the minister. He told local community residents that it would probably be built in 1993 for sure, if not in 1992.

I wonder if the minister can indicate when this road might be built.



**Mr. Driedger:** Mr. Acting Chairperson, let me first indicate to the member that I represented that area for 13 years. I know the community well, know the road really well, because that is one of my recreation roads out there.

I have to indicate that we have moved forward on prioritizing it. I want to indicate that the community of Woodridge—when I first got elected in '77, we were driving on a sand road where it was better to drive in the ditch than on the roads. Anyway, from Marchand to Woodridge, we have a paved road. The survey design aspect of it is completed, and we will be buying right-of-way. Subsequent to that, we will be letting the tender go.

In terms of the commitment that the road was going to be built in '89, '90 or '91, I would beg to differ, because having been the representative there till the year 1990, I know the commitments that I made. I, at that time—I have been the minister now for four years—indicated we would start prioritizing and bringing it forward.

One thing that people very often do not realize is that the process is, first of all, you bring forward a road based on criteria that we use, which is the quality of the road that we have, the traffic on there. You know, there are many components in terms of prioritizing a road, but once we have a road prioritized, the need is there for rebuilding it or repaving it. Then the next step is the survey design aspect of it, which is usually one year.

The second stage is the acquisition of right-of-way. Invariably we have to widen the road and have to have the right-of-way.

Then we have to have the environmental licence, environmental considerations, which are now very time consuming in my department as well.

The fourth and final stage is the actual letting of a contract to reconstruct the road, and if it is a road that we have designed for pavement, then the fifth year is when we pave it. So there is a process once a road is into the system. I have to indicate to the member that the Woodridge road is now in the system. It is a matter of each process going through, and ultimately it will happen.

**Mr. Edwards:** Moving to Highway 75 out of St. Norbert, I wonder if the minister can give us an update on twinning the portion coming out of St. Norbert?

I know the member for St. Norbert (Mr. Laurendeau) was quoted as saying that there was

an \$11-million commitment to the city, providing that the city and the province could agree to begin funding this year, but that the city countered by saying apparently that it would contribute to the project but not until 1994. That is the information I have. That is just going from the quotes of the member for St. Norbert. I wonder if the minister can give us an update.

**Mr. Driedger:** Let me update the members, first of all, on Highway 75, which I indicated in my opening remarks has been a priority for us, and I tried to give the rationale as to why. It would be our hope, funding being there, all things being equal, that by the fall of 1994, we will have twinned the Highway 75, that portion which belongs to the province, all the way from St. Norbert up to the I-29.

Various contracts are in place right now. In fact, after this year, we will have one more contract left in terms of grading, which will be from St. Jean to Morris, so ultimately, as I say, if the money is there—it is a very expensive project—that we will have that portion of it done.

I have always felt very strongly that as we spend major dollars in terms of twinning roads outside, which are the provincial responsibility, and you come to the city portion of it, you end up with, what I call, a cow path sometimes. We have spent megabucks having an overpass on Highway 7. Then we come to the two miles which is the city responsibility, and we are down to two lanes. I think, for safety reasons, it is poor, poor judgment and poor business.

On Highway 75, I felt very strongly about it from Day One that by our twinning it, people coming in for tourism, for example, they come down a twinned highway, they come down to St. Norbert and they are down to a beat-up piece of old concrete. It is actually an embarrassment. So we entered into negotiations with the city in terms of cost sharing on it, and offered them what I thought was a very, very good deal. It involved, out of a projected project of approximately \$17 million, that we would pick up approximately \$11 million, but they also had to take back some of the PR roads, and some of them are in what is now the Headingley area. With the secession of Headingley, that sort of put things in an undecided position because some of the roads that they were supposed to take back are in the Headingley area.

So we have been in constant negotiations, and ultimately, I was very disappointed because we

thought we had a deal and then we did not have a deal, that we had a deal, we did not have a deal, and ultimately, we now do have a deal. We have an understanding with the City of Winnipeg whereby they undertake certain works; we undertake certain works. We pay for certain things. They have to do the engineering. They have to buy the right-of-way. We do the boxed culverts. We pay a portion of it. We do certain portions of the total project.

The project itself is in the area of approximately \$17 million, and the province will be participating, through the Department of Urban Affairs and my department, to the tune of approximately \$11 million.

**Mr. Edwards:** I am sorry, I may have just missed the last part of the minister's comments. Is there in fact an arrangement specific to Highway 75 coming out of St. Norbert, or is that going to come to pass because of this new protocol?

**Mr. Driedger:** Mr. Acting Chairperson, as recently as two weeks ago, we had an agreement with the City of Winnipeg in terms of the cost-sharing arrangements, as to who does what and who pays what.

We have a deal and it is a matter of now moving it forward in the various stages which involves planning, design, box culverts at the La Salle River there, and paving accesses. It is all outlined now. We have a deal.

**Mr. Edwards:** We have already discussed this in some respect. The minister talked about the northeast Perimeter Highway.

I note that the member for Springfield (Mr. Findlay) has been quoted extensively on this issue in his constituency and indicated that there was planning on the northeast Perimeter for the four-laning of Highway 15.

His quote was: We are wanting to finish the paving of Garven Road very soon, and that it is one of the proposals for work very soon but has not been announced yet. He went on to say that no dates had been set, even though work on the Perimeter Highway has been in the works for about 20 years. That was his quote.

I wonder if the minister can give us a time frame for the works that he speaks of; that is, the four-laning of Highway 15, the northeast Perimeter itself and the paving of Garven Road.

**Mr. Driedger:** Mr. Acting Chairperson, I would anticipate that the completion of the northeast

Perimeter would be approximately five years, but I would not be prepared to give an undertaking at this time at what stage of the game or time the twinning of Highway 15 would come into play.

Of course, it depends a lot on whether you have a good government that is prepared to prioritize highways, or you have a government which does not put a high priority on highways and knocks the budget down, as has happened in some of our neighbouring provinces. So, as long as the money is there, these things can be planned and moved forward. But I would say five years on the northeast Perimeter and Highway 15 probably would be very close on its heels.

**Mr. Edwards:** Is the finishing of the paving of Garven Road a part of that plan?

**Mr. Driedger:** Mr. Acting Chairperson, regarding Garven Road, part of the long-term program when we worked with the city and the municipality in terms of right-of-way and blocking off properties, there is a long-range plan for Garven Road, but it is not in the immediate plans at the present time.

**Mr. Reid:** I just want to give an indication to the minister, to go back to my earlier comments a few moments ago, talking about the contracting out, where we purchase product from outside the province and outside the country. I just received this yesterday from a constituent who is a small business person in my community. The letter is addressed to the Minister of Highways and Transportation (Mr. Driedger).

\* (1630)

It indicates that, along with Gary Bazinet and others, I would like you to know that I question the decision to purchase glass paint beads from the U.S. If the savings are only 10 percent, as claimed in the paper, perhaps we are not actually saving. My understanding of economics says that money spent, in a particular economic unit, ripples down through the system such that the actual growth in the economy is much larger than the original expenditure. I would appreciate knowing the actual details of this case from the government's point of view, along with any other comments that you consider relevant.

Thank you in advance, signed Richard Cailley, McMeans Avenue East. It says at the bottom: I am a small businessman who would dearly love to see the government agencies support a buy-Canada

mentality even when on the surface it looks more expensive.

So here are small business people indicating their support for a buy-Canada position. As the minister has already indicated, that he received some flak on this decision already, I want him to know that we received this correspondence to our office, plus phone calls on this matter as well. That is why I think it is important that we have to give serious consideration to the other merits of this purchasing policy besides just the price consideration.

**Mr. Driedger:** Yes, I want to indicate to the member that I received that letter yesterday, or the day before—I am not sure—and I will be developing a response to them. I appreciate the criticisms that are coming forward. There is a certain justification there.

**The Acting Chairperson (Mr. Sveinson):** Item 2. Operations and Maintenance, (a) Maintenance Program \$53,734,100—pass.

2.(b) Winter Roads: (1) 100 percent Provincial \$245,000.

**Mr. Reid:** Mr. Acting Chairperson, we are on the Winter Roads section. I have some questions here concerning winter roads, but before I get into those questions, because this has an impact upon the community of Thicket Portage, and I know the minister was asked questions of this yesterday, I would like to ask the minister if there is any update on the situation with the train derailment that is currently isolating the community of Thicket Portage.

Does he have any information that indicates that the line will soon be open? If not, what type of alternate service arrangements have been made by the province, by CN or by VIA to provide the necessary services for these communities?

**Mr. Driedger:** Mr. Acting Chairperson, I do not have a final report because I think that might take a little while until we get an official report because everybody wants to make sure they have all the details correct. It is my understanding that the lines should be open and in operation very shortly, and that CN is doing everything possible to accommodate the inconvenience for the people who are affected.

But I do not have a detailed update on that. As soon as I have a report in, I am prepared to take and share that with the member. I just know that all efforts are being made by everybody concerned,

Northern Affairs, my departmental people, CN in terms of trying to accommodate the people who have been inconvenienced and to make sure that the track is back in operation again so that communications can continue.

**Mr. Reid:** In discussions that I have had with personnel at CN Rail here in Winnipeg, they have indicated that if any of the residents in Thicket Portage or the other communities have any concerns, they are to contact, depending upon which portion affects them, whether it be the freight traffic or the passenger, there does not seem to be one area or one department that these individual people can go to.

If they want to ship out their fish product that they are catching, and some of them are quite concerned about that, that they can not go out and continue their livelihood, which is going to have long-term ramifications for them, because then at the far end of the scale they will not be able to be eligible for unemployment insurance during the winter months when they can no longer do this type of work. So they are quite concerned that they can not ship their product.

I hope that the minister's department is looking at the possibility of alternate shipping arrangements because I know these people have been told, and I have been told to pass on this message to the people that they are to contact Gardewine and maybe some arrangements can be made to assist them, but there was no definite answer on that.

So it is critical to them because they are right in the middle of their shipping season, in their work season here, and they need to have that income to continue their livelihood. Also, for those people who are stranded in Thompson, who have no means of getting back because the winter road system is now finished and the rail line is closed, can some form of air transport arrangements be made to have these people move for various reasons, medical and otherwise, between Thompson and Thicket Portage?

**Mr. Driedger:** Mr. Acting Chairperson, it is my understanding that all efforts are being made to try and accommodate the affected people. I want to indicate the understanding was that the line should be in operation very shortly, but because of the concern expressed by the member, I will take and have staff just review it further again just to make very sure that all efforts are being made to

accommodate the people affected by that. I will report back to the member tomorrow.

**Mr. Reid:** I thank the minister for that. Further to the statements I have just made, we have heard today that that particular portion of the rail line will be closed for up to a week. So it does create some hardships for the community itself.

To move on to the section on Winter Roads, I have had the opportunity on several occasions with my colleagues the member for Rupertsland (Mr. Harper) and the member for Flin Flon (Mr. Storie) to travel to different northern parts of the province and I have had the opportunity to go into many of the communities, Garden Hill, Shamattawa and many others. Many of these communities, of course, are linked by the winter roads system, and at recent meetings that we had at Garden Hill the concern was raised that the people there had to be responsible for a portion of the winter road costs.

Can the minister give me an indication on the responsibility for the winter roads systems, and whether or not the federal or the provincial portion covers all of the winter roads systems or is there some other criteria that are involved here or are the decisions made beyond the provincial control that I am unaware of?

**Mr. Driedger:** Mr. Acting Chairperson, let me first of all indicate that I have had the privilege of travelling on the winter roads myself just to see what it is like. You know, it is not like driving on a highway—that is a fact. As I indicated in my opening remarks, we had withdrawn funding last year from certain of these roads and we have reinstated that funding, and a portion of that is basically provincial responsibility. We have the other portion that is by and large cost-shared with the federal government. They pay so much and we pay so much. It is 50-50 that we basically cost-share on the winter roads.

We meet every year with the people, like Nor-win Construction, who basically undertake a good portion of our winter roads, and what we did last year based on their request, they wanted to have some of the money up front, start-up costs, and we accommodated them by, you know, allowing so much money up front for start-up costs. Because what happened prior to that is that we would set up the budget for them, how much we would be paying, let us say the construction company, but what happened is that the feds would not pay us till the end of the construction year or when the winter roads got shut down, so we were always behind the

eight ball and so were they. So we made provision for them to get money up front, which helped alleviate some of their concerns. So we work with them on an ongoing basis in terms of trying to improve things as best we can with the limitations that we have.

We have under Winter Roads, there is that portion that we extended again, the assistance to the communities of Pikwitonei and Thicket Portage and communities of Ilford, Pukatawagan and Bloodvein, and our portion that is provincial is \$245,000 and Winter Roads: Shareable with Canada is \$3,330,000 for a total of monies expended on the winter road system to the tune of over \$3.5 million for the coming year.

\* (1640)

(Madam Chairperson in the Chair)

**Mr. Reid:** Those figures are available in the Supplementary Estimates. Can the minister give me an indication on the number of kilometres that the province is responsible for of winter roads and the number of kilometres that the Government of Canada is responsible for on a shareable basis.

**Mr. Driedger:** Madam Chairperson, the total length is 1,502 kilometres which is shared with the federal government. The portion that is strictly provincial is 46 kilometres in one portion of it and 76 kilometres in another portion. That is the provincial, total responsibility.

**Mr. Reid:** Is the minister aware of the concerns of the band councils, have they brought it to the minister's attention, their concerns over the funding arrangements that have been made, and their concerns about having to pick up the extra cost portions that are involved which puts a strain on the budgets that they have?

It is my understanding they view that as either a Government of Canada or provincial government responsibility, and they do not think that they should be responsible for any costs incurred on the winter road systems.

**Mr. Driedger:** Madam Chairperson, I want to indicate to the member, I am well aware of what the communities are basically suggesting at this stage of the game. What has happened is that at one time it was the Department of Indian Affairs that basically paid half and we paid half.

Because of the funding arrangements that they have with the communities, they allocate them so-and-so-much money which is supposed to cover

the winter roads. Now they say that money should be theirs, and that it should not necessarily be attributed to the winter roads. I mean, it is a matter that the funding formula, not the amounts necessarily, but the system has changed. Now they say, well, because it comes out of their allocation.

Basically there is nothing changed. Before it used to be Department of Indian Affairs that paid the province; now, under the system that they have, partially of self-government, they get that portion allocated, each community. That is the portion that is the 50 percent federal government and we put in our 50 percent. They are turning around now and they are saying, well, you know, it is a provincial responsibility, as we look after PRs we should look after the total winter roads.

I beg to differ on that. I cannot find that acceptable at this stage of the game, and I hope the member is not suggesting it either.

**Mr. Reid:** Well, I will profess that I did not have a full and complete understanding of the process and who was responsible for what portion of the winter roads, and that is why I asked the question.

If I understand what you said correctly then, that they were, originally as part of the Indian Affairs, budgeting that was provided to the band councils, that there was a portion of those monies that were supposed to be allocated for winter roads then. Those monies still remain part of that, that budgeting for them?

**Mr. Driedger:** Madam Chairperson, I was trying to explain that previously what happened under the winter roads was we cut a deal with the federal government in terms of the system that was in place which we cost-shared 50-50 to provide access to these communities in the wintertime, so they could haul in their fuels and whatever supplies they could. It is a lot cheaper to do it by way of winter roads.

So that system was established and the Department of Indian Affairs paid for 50 percent.

Now, what has happened, because of the communities coming forward and saying, well, you know, self-government to some degree, they want to adjudicate their own money. That portion, the federal portion was \$1.5, \$1.6 million, and that went for all the communities, basically administrated out of Indian Affairs before, now is allocated to each community on a percentage basis, part of their allocation out of their global allocation that they have, but it is still supposed to be covering that

portion of it, you see. They now say, well, no, they do not want to have that attributed to this. It is a matter of, you know, negotiating and trying to get a better deal, I suppose.

**Mr. Reid:** I take it, by what the minister is saying then, that the monies were part of the global budget figure that is given to them on a yearly basis, and that they see that as not being attributable directly to the winter road system, or at least they do not want it to be attributable to the winter road system. So the argument is between the federal government and the band councils, not the band councils and the provincial government.

**Mr. Driedger:** Madam Chairperson, I hope it is that way, because we maintain that the federal government has a 50 percent responsibility on that. I do not care which pocket or who does what there, but we will pay half as we have until now. In some portions we pay 100 percent, unlimited ones, but I do not intend to change that formula.

**Mr. Reid:** Okay, I think I have a better understanding of that now. They had raised the issue with us when we were there consulting with them. I seem to recall the figure of a cost of \$38,000 that they had to incur on a yearly basis to support what they call the extra-portion costs above and beyond what was given by the Government of Canada and the Province of Manitoba for the winter road system. I think it was \$38,000, the figure they were using.

Would that be an accurate reflection of the extra costs that the band council would incur at the Garden Hill location?

**Mr. Driedger:** Madam Chairperson, I am not quite sure whether that is the accurate figure or not, but I can assure the member that, as we do every year at about the middle of summer or during the course of the summer, we get together with them and we renegotiate to some degree, as best both sides can, to try to come to an understanding. I anticipate, based on some of the correspondence that I have had, we will be looking at some new discussions again to look at various aspects of the funding. Once I have an idea of what they really want, then I am prepared to take and disclose that.

**Mr. Reid:** I thank the minister for that. I also had the opportunity, and I was somewhat shocked by what I saw on my first trip to the community of Shamattawa. I think that every person living in the southern portion of the province should have the

opportunity to see the living conditions for the people in that area. I found it quite disgusting that any human being would have to live under those conditions, but I will not dwell on that aspect of it. That is a matter for another department.

The road systems that we saw in Shamattawa, is that a total federal government responsibility, or does the province play a role in any of the maintenance programs for that particular area?

**Mr. Driedger:** Madam Chairperson, in most of the northern isolated communities, the Department of Northern Affairs works out a deal with the federal government in terms of looking after responsibility. My responsibility to my department is basically the PR system, for example, the 373 that goes to Cross Lake and up to Norway House.

In the community of Norway House, actually between my department and Northern and Native Affairs came to an agreement as to who would share what roads in there. We undertook to build that bridge and then have a road up the airport in there which basically we now count as a provincial responsibility. The balance of the roads in the community are basically the Department of Northern Affairs' responsibility.

In most cases in communities like Shamattawa, as the member indicates, it is the responsibility of the Department of Native and Northern Affairs. How they work out their funding with the federal government I am not sure. I believe that they have some arrangement, but I am not sure.

**Mr. Reid:** Then I take it, it is the Northern and Native Affairs' total responsibility for any repairs or maintenance to the road systems within the reserve itself at Shamattawa. The minister's department does not play any role in any type of services, or support, or equipment for any of those programs?

\* (1650)

**Mr. Driedger:** I am told that we have no responsibility in that community. I am sure that in cases where the Department of Northern Affairs would want to have some of our engineering services, they would have to ask for it and we would bill them for services rendered.

Further to that, I might just indicate to the member that in cases where we have the equipment at the airport which we maintain in the isolated communities, that some of our equipment is being used by Native and Northern Affairs for maintenance and some plowing in the communities.

**Mr. Reid:** Yes, I am aware of the airports, and I thank the minister for the information that he provided at the last Estimates process on the different airports throughout the province.

It is interesting to have the opportunity to go to these different facilities and see they are relatively well maintained from the little experience or knowledge that I have. From what I have seen there they seem to be well maintained.

I was concerned about the other services that are provided in the road systems because they were in quite a deplorable state on that particular reserve, and I hope the minister will pass on to his colleague the minister responsible for Northern and Native Affairs that there may be a role that we can play in the upgrading of those road systems, and also it would obviously provide some much-needed employment opportunities for the people who are there. I hope that the minister will take that information back to his colleague.

That is all the questions that I have on this.

**Hon. Harry Enns (Minister of Natural Resources):** Madam Chairperson, my wife and I travel in from the country quite frequently on No. 6 Highway and onto the Perimeter Highway, and the last few days there is a whole lot of commotion going on in that corner, and I promised my good wife Eleanor that I would ask the Minister of Highways and Transportation, what is going on, on the corner of No. 6 and 101?

**Mr. Driedger:** Madam Chairperson, I want to indicate that on the Perimeter we are doing the final portion of the Perimeter in terms of repaving and building up the standards, and I think we are looking at the alignment and the access on No. 6 as well.

**Mr. Enns:** Well, I know that particularly truckers using the Perimeter always appreciate putting some additional surface on any portion of the Perimeter, but it looks to me as though your crews are doing a fair bit of realignment work on that junction of No. 6 onto 101. Does that work include future consideration of an overpass at that site?

**Mr. Driedger:** I am told the work that is being done there now would not necessarily have a bearing on a future overpass, which would be much more extensive.

**Mr. Enns:** I do want to thank, through you, Madam Chairperson, the indulgence of all the members of this committee. I try to look after the interests of all

my constituents and they also include my wife, who is a constituent. Thank you.

**Madam Chairperson:** Item 2.(b) Winter Roads: (1) 100% Provincial \$245,000—(pass); (2) Shareable with Canada \$3,330,000—pass.

2.(c) Operations and Contracts: (1) Salaries and Wages \$1,952,400.

**Mr. Reid:** Under this section it talks about Activity Identification: ". . . issues special permits for highway weight limits." Can the minister give me an indication of the number of permits that may be issued in a year? Is it also possible to give an indication of the revenue that would be generated by the issuing of those permits and the type of purpose? It would be the movement of structures of buildings that would take the most number of permit issuances, or would there be other activities that the minister maybe could make us aware of?

**Mr. Driedger:** Madam Chairperson, just for clarification so that I know what the member is asking, is the member asking for how many permits we issue on our highway system for whatever reasons?—because we, at certain times, allow special permits oversize, certain unique circumstances overweight.

I want to indicate that for 1990-91 we had 6,844 oversize transactions and we had 4,154 overweight transactions, and the revenue was \$269,800 for the oversize ones and \$259,000 for the overweight ones. For 1991-92 we had 6,497 oversize transactions. We had 4,130 overweight transactions and the revenue was \$252,200 for the oversize transactions and \$244,300 for the overweight transactions. Does that answer the member's question?

**Mr. Reid:** Well, it does generate some modest amounts of revenue for us in the province.

The minister, he may not be able to give me this indication, but I am doing this for education purposes for myself, because I am not totally up to speed on all of the highway functions, on whether or not these special permits are issued for various reasons or there are main reasons that take place, these overweight and oversize.

**Mr. Driedger:** Madam Chairperson, it is for a variety of reasons. As I indicated, those are the two main ones: the overweight and oversize, but then we have public service vehicles. We have single-trip permits; we have designated regular commodity permits; we have motive fuel permits; we

have transit licences. There is a variety of these things that all come under the Transport Compliance statistics.

**Mr. Reid:** All right. It is, obviously, an involved area and much more than a simple explanation.

Under the line of communication under Operations and Contracts, there has been a decrease in budget amounts for that section of approximately \$4,500. Can the minister give me an indication on what changes took place in the communications part of that department?

\* (1700)

**Mr. Driedger:** Madam Chairperson, I wonder if the member could help me out a little bit. Under Operations and Contracts under communication, there is \$67,000 last year and \$62,800 this year. Is that the question he is asking why it is down? I do not know. It is not a big amount that it is down. It is less than \$5,000 out of my total budget, and I do not have all that detail on it. I am told that it has something to do with telephone rates, but I am not exactly sure whether that is the total amount. If it is important, I will try to get the information, but it is pretty detailed when it gets down to this.

**Madam Chairperson:** Order, please. The hour being 5 p.m., time for private members' hour. Committee rise.

Call in the Speaker.

## IN SESSION

**Mr. Speaker:** The hour being 5 p.m., it is time for Private Members' Business.

## Committee Report

**Mrs. Louise Dacquay (Chairperson of Committees):** Mr. Speaker, the Committee of Supply has considered certain resolutions, directs me to report progress and asks leave to sit again.

I move, seconded by the honourable member for La Verendrye (Mr. Sveinson), that the report of the committee be received.

**Motion agreed to.**

**PRIVATE MEMBERS' BUSINESS  
REPORT STAGE—PRIVATE BILLS**

**Bill 52—The Pas Health Complex  
Incorporation Amendment Act**

**Mr. Oscar Lathlin (The Pas):** I move, seconded by the honourable member for Thompson (Mr. Ashton), that Bill 52, The Pas Health Complex Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation "The Pas Health Complex," reported from the Standing Committee on Private Bills be concurred in.

**Point of Order**

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, we are having a very difficult time hearing the honourable member for The Pas. I do not know if it was in the sound system or what have you. [Interjection] Yes, and we were not able to hear the member for The Pas.

\* \* \*

**Motion agreed to.**

**DEBATE ON SECOND  
READINGS—PUBLIC BILLS**

**Bill 16—The Health Care Directives Act**

**Mr. Speaker:** On the proposed motion of the honourable member for The Maples (Mr. Cheema), Bill 16, The Health Care Directives Act; Loi sur les directives en matière de soins de santé, standing in the name of the honourable Minister of Health (Mr. Orchard).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand? Is there leave that this matter remain standing? [Agreed]

**Bill 18—The Franchises Act**

**Mr. Speaker:** On the proposed motion of the honourable member for Elmwood (Mr. Maloway), Bill 18, The Franchises Act; Loi sur les concessions, standing in the name of the honourable member for Sturgeon Creek (Mr. McAlpine).

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there leave that this matter remain standing? [Agreed]

**Ms. Becky Barrett (Wellington):** I am rising to speak in support of Bill 18 today, as have several of my caucus colleagues before me.

Bill 18 is The Franchises Act. It is legislation that has been brought before this House as a private member's bill, legislation that should be supported very quickly, completely, and unanimously by all members of this House. But, Mr. Speaker, for reasons unknown to members on this side of the House, the government has chosen not to support this particular piece of legislation, and later in my remarks I will be commenting on the single government speaker who has put his comments on the record for this House. I think his comments may shed some light on the government's position on this bill and its lack of interest in seeing it move forward through the legislative process and, one would hope, into actual legislation.

Mr. Speaker, over the last 20 or 30 years throughout North America, throughout the western world, and most recently in the city of Moscow even, we have seen the enormous increase in franchises. This, in the lexicon of business and corporations and small businesses, is a very recent phenomenon—as I have stated, 20 or 30 years. There is some very good common-sense reasons for the success of franchises. We on this side of the House are not in any way, shape or form, saying that we do not believe, nor do we not support the idea of franchises if they are properly run and regulated.

Mr. Speaker, in our society today many individuals and families have, due to early retirement, due to thrift and good pension plans on the part of individuals and due to the fact that people are living longer, many people have the opportunity to make a career change, a lifestyle change, if you will, and have some money that they would like to invest. Many of those people are choosing to make those investments in franchises. There are some very good reasons for choosing to do that. There are also some pitfalls that have come to light, pitfalls that can befall any one of us as we particularly move into an area that we are not familiar with, which is often the basis for the difficulties that individuals find in dealing with franchises.

Mr. Speaker, many of the people who go into the franchise business do so at the end, as I have stated, of their first career. They have taken early retirement, they have funds that they are prepared to invest, they want to have an opportunity to participate in the business community, and they see



stories and examples of many successful franchises.

So, with the best intentions and with the goal of not only providing for their retirement years and providing them with a guaranteed income and perhaps the opportunity to expand their financial resources, and also, Mr. Speaker, with the goal of providing service to people in their communities. Many of these individuals go into the franchising business.

Again, Mr. Speaker, unlike almost any other kind of business venture that I can think of, franchisees usually have virtually no experience with franchising. They often have no experience with business per se. Many of them go into this franchising after a career spent in other forms of business or in professions such as teaching. While they have income to invest, and they are interested in the concept of franchising, they do not have a lot of business experience and background.

Currently, in Manitoba and throughout most of Canada, the situation when people look at franchising as a possible source of livelihood are back in the Dark Ages when it comes to business. They are truly victims of caveat emptor, let the buyer beware. This is particularly a problem for us because many of these individuals do not have background in business and experience.

Mr. Speaker, we have seen in many cases, and it has been put on record here in speeches by members of my caucus in support of Bill 18, case histories of individuals who have fallen afoul of the lack of regulation in the franchising industry in Manitoba today. Through no fault of their own, purely because there was no regulation, there were no laws in effect to basically guarantee the safety and security of these funds against fraud and illegal actions on the part of the franchiser.

\* (1710)

Mr. Speaker, I think we need go no further than the daily newspapers, the front pages, or the business section these days to see a case where business people of world-wide acclaim have fallen afoul of, not only our current economic situations, but I would venture to say, fallen afoul of their own sense of being above the laws of the operation of the market place and the business community. I am speaking, of course, of Olympia and York and the Reichmann Brothers who will be providing material for business schools and law schools for decades if not centuries to come, and certainly provide us with

a classic case example of deregulation, unregulation, gone wild, where banks which are supposed to be made up of the most conservative, in the small "c" sense, cautious people, lent money to this consortium without any understanding of their private books and knowing that they had no access to their private financial records. It is not only the banks, but it is all of us who are going to be affected negatively by this situation.

I think, on a global scale, this is the kind of thing that Bill 18 is attempting to alleviate. It is attempting to alleviate the basic possibility of individuals being taken, Mr. Speaker, through illegal and unethical business practices on the part of franchisers.

Case examples abound, Mr. Speaker, and I will not delay us anymore in talking about this. It is very interesting, and I was quite interested in reading the speeches of particularly the critic who put forward this legislation, the member for Elmwood (Mr. Maloway), that the only province in this country that currently has legislation that protects franchisees is the province of Alberta.

Now, Mr. Speaker, if I had to make a choice of the 10 provinces and two territories in this country that would be the only one that would have franchise legislation, I will be very honest with you, it would not be Alberta. The Alberta government is not noted for its progressive legislation that supports and protects individuals. So I find it very interesting that Alberta is the single province in this country that has put in place legislation in this regard.

It is the basis for much of the meat of Bill 18, the experience and the regulations that are in place in the province of Alberta. The province of Alberta has a very long history of individual small businesspeople. One hundred thousand people who live in the city of Calgary, Mr. Speaker, I was interested to note recently, come from the United States. From my experience, most of those come from the states of Oklahoma and Texas, states that are renowned for their individuality and their concern to a fault for the protection of the rights of the individual.

Even that individualistic province of Alberta has seen the light when it comes to this type of consumer protection legislation. I find it very interesting and a bit disconcerting, although I am not terribly surprised by this government's lack of concern as it relates to the whole issue of protecting individuals who are attempting to make a livelihood through franchising.

The legislation that in the province of Alberta is being emulated here in Bill 18, talks specifically about consistent contracts and prices. What this means is that if a franchiser says to me, I will sell you this franchise for \$100,000 and then says to the member for Minnedosa (Mr. Gilleshammer), I will sell it to you for \$20,000, the same franchise, there is a mechanism in place to say, no, you cannot do this. A franchise is worth the same thing in Minnedosa as it would in the west end of Winnipeg. That, Mr. Speaker, is only fair.

Because there is no consistency in the contracts and the prices for franchises, the current allowance just says, whatever the market will bear and whatever the person's ability or willingness to pay. That is something that we are saying is not fair and is not equitable and would be dealt with in Bill 18.

This section of the bill would also make sure that a franchise in Minnedosa and a franchise in Winnipeg would have the same kinds of equipment, the same kinds of fixtures and, importantly, the same equality in royalties, i.e., the amount or the percentage of the revenue that would be accessed by the franchisee.

Mr. Speaker, I know that I have just a few minutes left on my speech, so I will again end by speaking just very briefly about the sole government speech on this bill. The speech was presented by the member for Niakwa (Mr. Reimer).

The speaker from Niakwa talked about only one aspect and that was the securities commission. He talked only about the bureaucracy. He talked only about the fact that this would make for more government, would be cumbersome and, in effect, agreed with the basic thrust of caveat emptor, let the buyer beware. Mr. Speaker, this again in, albeit, a small way states very clearly and shows very clearly this government's hidebound traditional ideological base and its lack of concern for the small businessperson in this province. One very important part of this province is the small businessperson. As we all know, the vast majority of jobs in this province are provided by businesses with less than 15 employees, and franchises provide a large portion of that kind of small-business support.

Mr. Speaker, in conclusion, this bill would not cost an additional cent. [interjection] The Speaker has already ruled on that, because the Speaker would not have allowed this bill to come to private members' hour if it had any financial cost attached

to it. It is solely to provide a measure of security for franchisees, to protect them from the possibility of the franchiser taking advantage of them.

I will close my remarks again and urge government members to join us in supporting Bill 18, which is a very fine, necessary, important and certainly overdue piece of legislation.

**Mr. Jack Penner (Emerson):** Mr. Speaker, I wonder whether, with the indulgence of the House, I could ask for—

**Mr. Speaker:** Order, please. Prior to recognizing the honourable member for Emerson, I would just like to advise the House that Bill 18 will remain standing in the name of the honourable member for Sturgeon Creek (Mr. McAlpine), as was already previously agreed to by leave.

\* (1720)

## SECOND READINGS—PRIVATE BILLS

### Bill 97—The Winnipeg Bible College and Theological Seminary Incorporation Amendment Act

**Mr. Jack Penner (Emerson):** I wonder, with the indulgence of the House, Mr. Speaker, whether I could ask for leave to revert to Bill 97 for second reading.

**Mr. Speaker:** Does the honourable member for Emerson have leave to revert to second reading of private bills, Bill 97? [Agreed]

**Mr. Penner:** I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that Bill 97, The Winnipeg Bible College and Theological Seminary Incorporation Amendment Act (Loi modifiant la Loi constituant en corporation le "Winnipeg Bible College and Theological Seminary"), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Penner:** I am going to be very brief on a very brief bill. This bill is simply introduced to this House to make a name change to the Winnipeg Bible College and Theological Seminary, and simply the college asked that their name be changed to Providence College and Theological Seminary Incorporated, and that is basically what this act will do.

With the indulgence of this House, I ask all parties to support the change of the name because that simply is all it will do.

**Mr. Speaker:** Is the House ready for the question?

**Mr. Steve Ashton (Opposition House Leader):** I move, seconded by the honourable member for Selkirk (Mr. Dewar), that debate be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS—PUBLIC BILLS

### Bill 25—The University of Manitoba Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for Osborne (Mr. Alcock), Bill 25, The University of Manitoba Amendment Act; Loi modifiant la Loi sur l'Université du Manitoba, standing in the name of the honourable member for Niakwa (Mr. Reimer).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand. Is there leave? [Agreed]

### Bill 27—The Business Practices Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for The Maples (Mr. Cheema), Bill 27, The Business Practices Amendment Act; Loi modifiant la Loi sur les pratiques commerciales, standing in the name for the honourable member for St. Norbert (Mr. Laurendeau).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand. Is there leave? [Agreed]

### Bill 31—The Municipal Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for St. Boniface (Mr. Gaudry), Bill 31, The Municipal Amendment Act; Loi modifiant la Loi sur les municipalités, standing in the name of the honourable member for Niakwa (Mr. Reimer).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand. Is there leave? [Agreed]

### Bill 32—The Immigration Consultants Registry Act

**Mr. Speaker:** On the proposed motion of the honourable member for Inkster (Mr. Lamoureux),

Bill 32, The Immigration Consultants Registry Act; Loi sur l'inscription des conseillers en immigration standing, in the name of the honourable member for St. Norbert (Mr. Laurendeau).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand? Is there leave? [Agreed]

### Bill 36—The Health Care Records Act

**Mr. Speaker:** On the proposed motion of the honourable member for St. Johns (Ms. Wasylycia-Leis), Bill 36, The Health Care Records Act; Loi sur les dossiers médicaux, standing in the name of the honourable member for Niakwa (Mr. Reimer).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand? Is there leave? [Agreed]

**Mr. Steve Ashton (Thompson):** Mr. Speaker, I rise to speak on this particular bill today because it is an important bill. It is a matter in which I have had some exposure in the past. As former Health critic, I met with a number of individuals who really have been pushing for this kind of legislation for a significant period of time. I think it is important that we look at exactly what this particular bill entails. As I said it is a very important area. The member for St. Johns (Ms. Wasylycia-Leis), I think, deserves credit for having introduced this, because essentially this legislation would enshrine the right of health care consumers with regard to access to their medical records.

As I mentioned, I had the opportunity a number of years ago of meeting with the Health Care Consumer Rights Committee of the Manitoba Association for Rights and Liberties which has pioneered in getting this matter dealt with in the public arena. I think much of the credit for the push behind this kind of legislation should go to MARL. I know I had the opportunity at the time to meet with a number of individuals and in particular with Gord MacIntosh the convenor of the Health Care Consumer Rights Committee who is well known to the members of the Legislature with his association as deputy clerk a number of years ago, now a practising lawyer very active in the Manitoba Association of Rights and Liberties and pioneering in terms of pushing for access, for the access of patients to their records.

I think it is important to make it very clear on the record what kind of access is being considered. The bottom line, Mr. Speaker, is this is important

legislation in the sense that it would enshrine once and for all in legislation the right of access to those records.

(Mr. Bob Rose, Acting Speaker, in the Chair)

I would point out that this is not the only time this matter has come up in terms of public debate. The access to medical records was a key concern in the early 1980s in terms of Workers Compensation. I remember some of the discussions at the time as a member of the then-government when we brought in the access of claimants to their files including medical records. I remember some of the concerns of physicians, Mr. Acting Speaker, and the fact that we were able to deal with those concerns, the legitimate concerns of physicians, and yet at the same time provide access to medical records by Workers Compensation claimants, the patients.

I can tell you it had a significant impact on Workers Compensation, particularly in terms of disputed cases where claimants felt they were not getting their just desserts, where claimants felt they were not being treated fairly by Workers Compensation. They were able to see on what basis those decisions were being made. It was very important in terms of their being able to file the appeals to know exactly what kind of information was on their records, what kind of information had been used, in most cases, against them in terms of the final ruling of the case. It was particularly important in being able to obtain other medical evidence, because without access to those records, in many cases the claimants did not know what the physicians had said formally. They might have had conversations with the physicians. The concern, I know, in many cases was that physicians would not necessarily put directly to the claimants in their conversations with them the discussions, the kind of material they were putting in the formal reports that went to Workers Compensation.

So there has been a precedent in terms of this debate. The precedent, I think, has shown that when you have access to medical records, it does not fundamentally breach the physician-patient relationship. In fact, I would suggest it can enhance it because everything is on the table. The medical records are clear, and indeed in the case of Workers Compensation it has not led to major problems. In fact, it has in many ways I think improved the fairness of the system.

I think there needs to be reference when we are talking about this access obviously to a need for

some controls and safeguards. As I said before, I think that is important. I know the member for St. Johns (Ms. Wasylycia-Leis), when she introduced this matter in the Legislature, indicated that following her discussions with many community groups and in fact following a great deal of work by not only her predecessor, but my predecessor as NDP Health critic Jay Cowan, who did a great deal of work—I am glad to see that members of the opposition remember Mr. Cowan so fondly. So they should; he made a major contribution to this House. This indeed is one of his contributions, in addition to the work done by the member for St. Johns, and indeed in addition to the work done by Mauro, Jay Cowan deserves the credit for this kind of legislation. [interjection]

Indeed, I note the Minister of Health (Mr. Orchard), as is his usual habit, is speaking rather loudly from his seat. I hope he only takes the same opportunity to speak from his seat a few minutes later when I sit down, so we can hear where he stands on this bill, whether he will be supporting the passage of this bill in this session of the Legislature to ensure fair access to patient records by the patients of Manitoba, by the people of Manitoba. We will see where the Health minister stands in terms of this major issue.

As I said, this was developed with a clear sense of the need to have safeguards put in place. I think that is something that is very important. There are a number of ways that is done. The basic process is to give a statutory right of access upon request of all medical files. This would include records held by individual physicians, as well as the institutions in an organization.

\* (1730)

Once again, a parallel to Workers Compensation—it would reinforce the confidentiality of medical files. This is an important point, and the restrictions on access for third parties who do not have the permission of the patient to obtain or review files. Those files are the files of the patient. They have a proprietary right to those files, not to other organizations. I think that element of consent is vital, whether it be in terms of Workers Compensation or whether it be in terms of other government agencies, there has to be an element of consent. This is one provision of this bill.

This bill also allows holders of medical files, who believe they may contain information that may be detrimental to the patient's health or information

about other patients, to withhold those files, so there are safeguards built in. If the patient still desires access to those files, however, they could ask an independent third party to review their request with the power to order or restrict full or limited access. So there is a double protection built in in terms of the holder of the medical records, but by the same token, the ability of the individual requesting access to be able to appeal to an independent third party.

This bill allows persons to find incorrect information in their files and to correct those files and to inform others who may have had access to those files of any such corrections. That is important, because indeed there are errors that can occur. If you look at what may occur, I liken it to, in this case, someone applying for a job, perhaps giving a reference of a physician who may give certain files to the employer. There may be incorrect information on the record; that incorrect information may lead to the individual not being hired.

(Mr. Speaker in the Chair)

By having this access, people can clear the record, they can update the information, they can correct any misinformation. That is important. I know that is something that has been very much under consideration in other areas—consumer records, credit records, for example. People do not have access to their own files and are unable to correct any information that is not correct. That is something that is enshrined in terms of the practices in that particular industry. It is the same thing in terms of medical records.

There should be the ability to correct misinformation that is on the record. In addition, this bill provides legal protection to health care providers against frivolous lawsuits which can arise as a result of production in the file.

That is a fairly significant point, because I remember in the discussions that took place, in terms of access to Workers Compensation records. The concern was expressed that this would open up physicians to lawsuits based on, not necessarily that serious indeed, frivolous lawsuits which might suggest there had been some problem in terms of the information put on the record by the physician, when in fact that may have been strictly an error, there may have been some suggestion of malpractice. That has not been the case.

We have the experience of nearly a decade in terms of Workers Compensation to show that in making medical records available to the individuals

involved does not lead to frivolous lawsuits, that this builds in that protection, over and above that.

As I said, Mr. Speaker, this is a fairly important piece of legislation. Now, the question that has to be asked, I am sure, and I know the Minister of Health (Mr. Orchard) will be asking this question of himself, and I hope he has asked some questions on this bill, because I think it is something the government itself should be introducing: What are other jurisdictions doing?

This is the same minister who—I know in Question Period—seems to have an answer about what every other jurisdiction in Canada is doing except this jurisdiction. The bottom line is the Health minister has a standard answer about Saskatchewan and B.C. and Ontario and Alberta and New Brunswick. Not too many answers about Manitoba.

We are continuing, and we hope before the end of the session I should get one answer from the Minister of Health, one clear answer, one direct answer providing information about Manitoba, but if the minister wants to know what is happening in other provinces—Alberta, Nova Scotia, Quebec and the federal government have legislated access, Mr. Speaker.

I repeat that for the Minister of Health (Mr. Orchard). There are other provinces that have this kind of legislative access, Alberta, Nova Scotia, Quebec and the federal government. I know this is probably important to the minister, because I know the way he views matters through his blue-coloured glasses. None of the jurisdictions that are listed currently have an NDP government. One of them has a Liberal government. Two of them have Conservative governments—well, three, including the federal government.

Mr. Speaker, so he does not even have to worry in that sense about the politics of it. It is politically correct for the minister to consider. These are provinces and jurisdictions, three out of four currently have Conservative governments. I am not saying that legislation was brought in by those governments, but they currently have Conservative governments.

Indeed, I say again, we have legislative access in terms of compensation claimants. I forgot to mention earlier, we have legislative access in terms of psychiatric facilities, patients being examined in a psychiatric facility. I know that the Minister of Health (Mr. Orchard) I am sure will consider that to be a good precedent.

So we have precedent in Manitoba in terms of Workers Compensation and psychiatric facilities. We have precedents in four other jurisdictions. We also have other examples in the United States we can provide to the minister if he wishes to look beyond the Canadian borders.

The bottom line, Mr. Speaker, is that there is no reason for the government not to be moving on this particular bill. If it has difficulty with specific sections, let it amend those sections. If it has a different approach, let it bring in its own bill. Let it not allow this government to put the province in a position where we are dragging our heels in an area where other jurisdictions move significantly ahead. Where in this province, under the previous government—and this may bother the Minister of Health (Mr. Orchard)—the previous NDP government took two significant steps in terms of opening up the access to medical information.

I just mentioned them, Mr. Speaker, both significant initiatives. Let us see the Minister of Health (Mr. Orchard) talk about his in terms of the context of his own health care reform package, the so-called health care reform action plan. I have read through the document. I was at the unveiling. There is a lot of talk in there about community-based medicine, and we have discussed that in other forms, and I have said that is the road to go, Mr. Speaker.

That is what our caucus believes, but surely, if we are going to ask people to become involved in the health care process, why can we not give them access to information about themselves as a start? We need a system that empowers people and empowers community, not that empowers bureaucracies. That is why I say, this is consistent with any real health care reform.

This empowers people. It makes them a partner in the health care process. It gives them access to information about themselves, while there may be some with a bureaucratic outlook with problems with that, surely in the days when we are talking about the need for health care reform, we must proceed along that basis.

So I say in conclusion, Mr. Speaker, this bill is a result of a lot of hard work by the previous member, Jay Cowan, by the current member for St. Johns (Ms. Wasylcia-Leis), by the Manitoba Association of Rights and Liberties. This has precedent in Manitoba in Workers Compensation and in terms of

psychiatric records. It has precedent in three other provinces and at the federal level.

It is consistent with health care reform in this province. It will empower patients. It will provide a better balance. It will provide greater fairness in terms of medical records. There is no reason why not to pass this bill this session of the Legislature and bring it into legislation.

**Mr. Speaker:** As previously agreed, this matter will remain standing in the name of the honourable member for Niakwa (Mr. Reimer).

### **Bill 50—The Beverage Container Act**

**Mr. Speaker:** On the proposed motion, the honourable Leader of the second opposition party (Mrs. Carstairs), Bill 50, The Beverage Container Act; Loi sur les contenants de boisson, standing in the name of the honourable member for Gimli (Mr. Helwer).

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there leave? [Agreed]

\* (1740)

### **Bill 51— The Health Services Insurance Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable member for The Maples (Mr. Cheema), Bill 51, The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie, standing in the name of the honourable Minister of Urban Affairs (Mr. Ernst).

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there leave? [Agreed]

**Ms. Becky Barrett (Wellington):** Mr. Speaker, it gives me a great deal of pleasure, actually, to get up and speak on Bill 51. It does, even though it is a bill that was introduced by a member of the Liberal Party. I am joining several of my caucus colleagues who have spoken earlier in strong support of this bill.

This bill, Mr. Speaker, is a very simple, very short bill, but, as is often the case with matters of basic principle, simple is the best. I would commend the honourable member for The Maples (Mr. Cheema). [interjection]

Mr. Speaker, my honourable friend the member for Burrows (Mr. Martindale) just suggested that I might commend the honourable member for Pembina (Mr. Orchard). He suggested it, and while

I often and usually follow the advice of my honourable colleague, in this case I must put on record the fact that I have never expected, nor do I ever expect to be able to commend the actions of this Minister of Health, certainly not based on his—

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

### Point of Order

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, should my honourable friend the member for Wellington (Ms. Barrett) take the very sound advice she just received from the member for Burrows (Mr. Martindale), she might get another letter of congratulations from Brian Mulroney.

**Mr. Speaker:** The honourable member does not have a point of order.

\* \* \*

**Ms. Barrett:** Mr. Speaker, after that brief interlude, I would like to get back to the issue at hand, which is a discussion of Bill 51, The Health Services Insurance Amendment Act, which simply states that the five principles underlying the medicare system in our country be enshrined in legislation in our province.

Mr. Speaker, we have an enormous number of bills and statutes and legislation and regulations in this province dealing with a vast array of issues and concerns that face our province. This however, I think, is perhaps potentially one of the most important pieces of legislation that we will be discussing in this session.

It is important because should it be passed by this government and the legislators here, which I hope it is, it would send a very clear message to the federal government in Ottawa, a message whose clarity has been clouded in recent years by the actions and inactions on the part of this provincial government when it comes to health care.

We all know that in 1984, when the current Prime Minister was seeking that position, he stated that medicare was a sacred trust. If there is one sentence that the Prime Minister of this country has uttered in his eight long years as Prime Minister of this country that encapsulates the man and his party and his government, it is that sentence: Medicare is a sacred trust.

Mr. Speaker, what has the federal government done in this last eight years to respond to that? I am not going to put on the record again the chronology of unconscionable actions that this federal

government has undertaken, but the end result of the actions of this government in the area of health care and also post-secondary education is an enormous offloading, the parent of offloading that puts to shame any of the large offloading propositions and bills and legislation and regulations that this provincial government has undertaken in its four long years in government in the province of Manitoba.

What Bill 51 attempts to do is to put, front and centre, our commitment as a province to the five principles of medicare, which are public administration, comprehensiveness, universality, portability and accessibility.

I try not to speak in public about my past experiences, because I think that it is inappropriate in many cases. I do think that when we are talking about the medicare system in Canada that it is important to have the perspective of someone who lived 35 years in the United States and has a number of personal examples of what that medical system, if you can call it a system, does to its citizens.

Members of my caucus have put on record what it was like to live in the Canada before medicare. [interjection] Mr. Speaker, where was I before I was rudely interrupted by the Minister of Health of Manitoba (Mr. Orchard) who should be listening and paying attention and following through on the directives of Bill 51 instead of doing what he has done which is following his cousin's or his uncle's footsteps from Ottawa in delisting, deindexing, deinsuring services to the people of Manitoba, providing a level playing field, which enables private doctors and private corporations to come into the medical care system in this province. Talk about the thin edge of the wedge, Mr. Speaker.

It is just unbelievable that, at a time when the United States of America is finally starting to wake up and understand the enormity of the problems that are facing their health care system and the enormity of the impact that their devastating health care system, or lack of it, is having on their ability to compete in the world global markets, at a time when they are finally beginning to realize that, this government in Manitoba and its Tory counterpart in Ottawa are proceeding to move backwards, decades, decades, Mr. Speaker.

It is just unbelievable. You know what? The people of Manitoba and the people of Canada have been slow to understand the threat that is in front of us. But they are starting now to understand the fact

that the unthinkable is not only thinkable, it is not only possible, it is not only probable, but it will happen if Conservative governments continue to be allowed to carry on with their dismantling and their pillaging of the health care system, so that the privatization that they speak so highly of can come in and take over.

The people of Manitoba and the people of Canada, I think, have been slow to understand the threat here because they cannot believe that the single program, the single area of our Canadian life that puts us at the top of the U.N. chart of places to live is our medicare system. They cannot believe that their federal leadership and their provincial leadership could say on one hand that medicare is a sacred trust and then knowingly, and with malice aforethought, just completely gut and desecrate this system.

Mr. Speaker, in four years of government in the province of Manitoba, the Minister of Health (Mr. Orchard) has started well along the road that his federal mentor, the Prime Minister, has undertaken. The Minister of Health has deinsured services, delisted drugs, a longer and longer waiting list for—  
**Hon. Darren Praznik (Minister of Labour):** More and more and more money spent.

\* (1750)

**Ms. Barrett:** Yes, Mr. Speaker, the member for Lac du Bonnet (Mr. Praznik) talks about more and more money spent on the health care system, and what do we have to show for it? We have delisting, deindexing, wait list, private doctors coming in and \$50 user fees for northern Manitobans and a pile of studies that is as tall as the NDP Health critic, taller, as tall as the Minister of Health.

I would like to ask the Minister of Health if he would be prepared to table, at some appropriate time—I would think about at an appropriate time, asking the Minister of Health if he would table in the House the cost of the studies, the working group's studies, directives, reviews, consultations.

Mr. Speaker, other than the rapid move to the United States form of medical coverage, which is a dreadful form of medical coverage which no other industrial nation in the world has, the Minister of Health's (Mr. Orchard) only other actions are to study, to consult, but his consultation is a move to obfuscate. It is obfuscation in action in the guise of action.

The people of Manitoba are not stupid, and certainly the people who work in the health care system in this province are not stupid. They know what this government has not done in the health care system. The people who work in the Health department are not stupid. They know that when they spend hours and days and months and years on papers and documents that will never see the light of day, certainly will not be acted upon, that it is a very serious matter.

Mr. Speaker, in closing I would just like to say that Bill 51, The Health Services Insurance Amendment Act, as put forward by the member for the Maples (Mr. Cheema), is a bill that we would commend to the House, because it states it very simply and very clearly that we as legislators, we as people who have a responsibility to the people of Manitoba to ensure that something that is believed in and honoured and seen as one of the legacies of the Canadian experience is maintained, is enhanced and not destroyed as this provincial government is in the process of doing knowingly, not even through ignorance. They are choosing to destroy the medicare system, and they are choosing not to bring this issue to their federal counterparts, the Tories in Ottawa.

Until they do, we are in major trouble in this province and in this country, and on their heads be it.

**Mr. Speaker:** As previously agreed, this matter will remain standing in the name of the honourable Minister of Urban Affairs (Mr. Ernst).

### **Bill 54—The Consumer Amendment Protection Act**

**Mr. Speaker:** On the proposed motion of the honourable member for Elmwood (Mr. Maloway), Bill 54, The Consumer Protection Amendment Act; Loi sur la protection du consommateur, standing in the name of the honourable member for Wellington (Ms. Barrett).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand. Is there leave? [Agreed]

### **Speaker's Ruling**

**Mr. Speaker:** On April 16, 1992, during private members' hour in debate on Bill 55 the opposition House leader raised a point of order and this was somewhat complex, so I will recap the events.



First of all, the member for Transcona (Mr. Reid), the sponsor of the bill, rose during the debate on Bill 55 and had begun his speech when a point of order was raised questioning how the member could close debate on the bill when there were other members wishing to speak on the matter.

Secondly, I indicated at the time that I had not heard the member for Transcona say that he was closing debate, and after some interventions by members, I recognized the member for St. Norbert (Mr. Laurendeau) to speak to the bill.

Thirdly, subsequently the member for Rossmere (Mr. Neufeld) attempted to adjourn debate. A point of order was raised that he could not adjourn debate and that the matter should stand in the name of the honourable member for Transcona (Mr. Reid).

Fourth, at the time I suggested to the House that the matter could be resolved by, in essence, ignoring the fact that the honourable member for Transcona (Mr. Reid) had begun to speak and to allow the honourable member for Transcona to close debate when all members who wished to had spoken.

Fifth, following further interventions by members I took the matter under advisement.

I have carefully reviewed Hansard and the events of April 16 with respect to Bill 55 and I was indeed in error. Whether or not I heard the honourable member for Transcona (Mr. Reid) say that he was closing debate, I should have realized that as sponsor of the bill he was, by speaking, doing so and should have intervened at that point to ascertain if there were any other members who wished to speak to the bill. I regret the ensuing confusion and difficulties that this error has created.

As to the principles of the issue in question, may I draw a parallel to a situation we have had in this House. If a motion is made that a certain member be now heard, but that motion is made after another member has uttered even a few words while in legitimate possession of the floor in debate, the motion that the member be now heard is out of order—in essence is null and void.

I would say that the situation we had on April 16 with the member for Transcona (Mr. Reid) is a parallel one. Once the member for Transcona had begun to speak, he had the floor and did not have to relinquish it. Anyone who wished to participate in the debate after the member for Transcona had even begun his speech would have required leave to do so. Therefore, the bill is in possession of the honourable member for Transcona. Any other member wishing to speak to the bill will require leave of the House to do so. This is a unique situation which differs from the more usual one in which leave is sought for a bill to stand or to continue to stand in a particular member's name, and once that leave is given, if it is, another member may speak. In this case the honourable member for Transcona who is a sponsor of the bill had been recognized and had begun his remarks to close debate.

One final note, during the points of order raised during this incident, the suggestion was made that a type of conditional leave would be granted, that leave would be given to a member to speak if certain other matters were complied with. I must point out that when leave or unanimous consent is given it cannot have any conditions attached to it. If a member is given leave to speak she or he receives that leave in an unqualified way.

Again, my apologies, and I trust this clarifies matters for the future. I will make a point in future that when a sponsor of a motion rises, to make it very clear that person will be closing debate, in order to ensure that anyone else wishing to debate may do so.

To conclude, leave is now required if any member other than the honourable member for Transcona (Mr. Reid) wishes to speak to Bill 55.

\* \* \*

**Mr. Speaker:** On the proposed motion of the honourable member for—six o'clock?

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

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

# Legislative Assembly of Manitoba

Tuesday, June 9, 1992

## CONTENTS

### ROUTINE PROCEEDINGS

#### Presenting Petitions

Aboriginal Justice Inquiry: Support  
for Recommendations  
Lathlin 4426

Independent Children's Advocate Office  
Carstairs 4426

Heritage Federation Granting Authority  
Lamoureux 4426

Dutch Elm Disease Funding  
Friesen 4426

#### Reading and Receiving Petitions

Aboriginal Justice Inquiry: Support  
for Recommendations  
Lathlin 4426

Independent Children's Advocate Office  
Carstairs 4426

#### Presenting Reports by Standing and Special Committees

Committee of Supply  
Dacquay 4427

#### Ministerial Statements and Tabling of Reports

Estimates: Culture, Heritage and  
Citizenship; Community Support Programs  
Mitchelson 4427

Sales of Hydro Savings Bonds  
Manness 4427  
Doer 4427  
Alcock 4427

#### Oral Questions

Conawapa Dam Project  
Doer; Filmon 4428

Multicultural Legislation  
Cerilli; Praznik 4429

Civil Service Commission  
Cerilli; Praznik 4430

Health Care System Reform  
Carstairs; Orchard 4430

Community-Based Health Care  
Carstairs; Manness 4431

Health Care System Reform  
Wasylycia-Leis; Orchard 4431

Workers Compensation Board  
Reid; Praznik 4432

Department of Natural Resources  
Gaudry; Enns 4433

Department of Family Services  
Plohman; Gilleshammer 4434

Hazardous Waste Disposal  
Edwards; Cummings 4435

#### Speaker's Ruling

Point of Order, May 6, 1992  
Rocan 4436

#### Matter of Privilege

Legislative Building Security  
Ashton 4437  
Lamoureux 4437  
Ducharme 4438

#### Nonpolitical Statements

Gratitude to Winnipeg Police  
Laurendeau 4438

Altona Volunteer Fire Dept. - Citations  
Penner 4438

### ORDERS OF THE DAY

#### Committee of Supply

Consumer and Corporate Affairs 4439  
Highways and Transportation 4462

#### Private Members' Business Report Stage - Private Bills

Bill 52, The Pas Health Complex  
Incorporation Amendment Act 4487

#### Debate on Second Readings - Public Bills

Bill 18, Franchises Act  
Barrett 4487

**Second Readings - Private Bills**

Bill 97, Winnipeg Bible College and  
Theological Seminary Incorporation  
Amendment Act

Penner 4489

**Debate on Second Readings - Public Bills**

Bill 36, Health Care Records Act  
Ashton

4490

Bill 51, Health Services Insurance  
Amendment Act

Barrett 4493

**Speaker's Ruling**

Point of Order, April 16, 1992  
Rocan

4495