



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

**DEBATES
and
PROCEEDINGS
(HANSARD)**

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

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, Gulzar	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
MALLOWAY, Jim	Elmwood	NDP
MANNESSE, 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

Friday, June 5, 1992

The House met at 10 a.m.

Madam Deputy Clerk (Bev Boslak): It is my duty to inform the House that Mr. Speaker is unavoidably absent, and therefore, in accordance with the statutes, I would ask the Deputy Speaker (Mrs. Dacquay) to take the chair.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mrs. Sharon Carstairs (Leader of the Second Opposition): Madam Deputy Speaker, I beg to present the petition of Janet Bray, Sherry Dubuc, and G. Podoles and others urging the government to consider establishing an Office of the Children's Advocate independent of cabinet and reporting directly to the Assembly.

Ms. Jean Friesen (Wolseley): Madam Deputy Speaker, I beg to present the petition of Leona Singer, Robert Ages, May Churches and others requesting the government to consider restoring the former full funding of \$700,000 to fight Dutch elm disease.

READING AND RECEIVING PETITIONS

Madam Deputy Speaker (Louise Dacquay): I have reviewed the petition of the honourable member for Inkster (Mr. Lamoureux). 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 Manitoba Heritage Federation has received and processed nearly 1,200 grant applications and awarded and monitored almost 700 grants; and

WHEREAS 300 different organizations in 98 different communities representing every region of the province have received grants through the efforts of the Manitoba Heritage Federation; and

WHEREAS the government has taken away the granting authority of the Manitoba Heritage

Federation and now plans to control the distribution of heritage grants; and

WHEREAS this action appears to represent the politicization of the heritage granting process; and

WHEREAS it is unclear as to what the government's real commitment is to funding heritage in the province; and

WHEREAS the Board of the Heritage Federation is composed of urban and rural members which represent a wealth of heritage experience from all over the province; and

WHEREAS this move will have a critical impact on the heritage community throughout the province.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba strongly urge the provincial government to reconsider its decision and return the Manitoba Heritage Federation's granting authority.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mr. Bob Rose (Chairperson of the Standing Committee on Agriculture): Madam Deputy Speaker, I beg to present the First Report of the Standing Committee on Agriculture.

Madam Deputy Clerk (Bev Boslak): Your Standing Committee on Agriculture presents the following as their First Report.

Your committee met on Thursday, June 4, 1992, at 10 a.m. in Room 255 of the Legislative Building, to consider bills referred.

At the June 4, 1992, meeting, your committee elected Mr. Rose as its Chairperson.

Your committee heard representation on Bill 44, The Milk Prices Review Amendment Act; Loi modifiant la Loi sur le contrôle du prix du lait, as follows:

Mr. James Wade, General Manager, Manitoba Milk Producers Marketing Board.

Your committee considered:

Bill 11, The Bee-Keepers Repeal Act; Loi abrogeant la Loi sur les apiculteurs

Bill 12, The Animal Husbandry Amendment Act; Loi modifiant la Loi sur l'élevage

Bill 43, The Farm Income Assurance Plans Amendment Act; Loi modifiant la Loi sur les régimes d'assurance-revenu agricole

and has agreed to report the same without amendment.

Your committee has also considered:

Bill 44, The Milk Prices Review Amendment Act; Loi modifiant la Loi sur le contrôle du prix du lait

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

MOTION:

THAT the proposed subsection 3(3), as set out in subsection 4(1) of the bill, be amended by striking out "on a semi-annual basis," and substituting "from time to time".

All of which is respectfully submitted.

* (1005)

Mr. Rose: Madam Deputy Speaker, I move, seconded by the honourable member for St. Norbert (Mr. Laurendeau), that the report of the committee be received.

Motion agreed to.

Mr. Jack Reimer (Member of the Standing Committee on Law Amendments): I beg to present the Third Report on the Standing Committee on Law Amendments.

Madam Deputy Clerk: Your Standing Committee on Law Amendments presents the following as its Third Report.

Your committee met on Thursday, June 4, 1992, at 10 a.m. in Room 254 of the Legislative Building to consider bills referred.

Your committee heard representation on Bills as follows:

Bill 80, The Dental Association Amendment Act; Loi modifiant la Loi sur l'Association dentaire

Dr. Mike Lasko, Manitoba Dental Association

Bill 81, The Optometry Amendment Act; Loi modifiant la Loi sur l'optométrie

Dr. Scott Mundle and Ms. Carol Lloyd, Manitoba Optometric Society

Bill 91, The Liquor Control Amendment Act (2); Loi no 2 modifiant la Loi sur la réglementation des alcools

Mr. Bill Hammond, Private Citizen

Your committee has considered:

Bill 15, The Highway Traffic Amendment Act; Loi modifiant le Code de la route

Bill 80, The Dental Association Amendment Act; Loi modifiant la Loi sur l'Association dentaire

Bill 81, The Optometry Amendment Act; Loi modifiant la Loi sur l'optométrie

Bill 91, The Liquor Control Amendment Act (2); Loi no 2 modifiant la Loi sur la réglementation des alcools

and has agreed to report the same without amendment.

Your committee has also considered:

Bill 14, The Highways and Transportation Department Amendment Act; Loi modifiant la Loi sur le ministère de la Voirie et du Transport

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

MOTION:

THAT section 5 of the bill be struck out.

MOTION:

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

All of which is respectfully submitted.

Mr. Reimer: Madam Deputy Speaker, I move, seconded by the honourable member for St. Vital (Mrs. Render), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Bonnie Mitchelson (Minister responsible for the Status of Women): Madam Deputy Speaker, I would like to table the 1992-1993 Supplementary Information for Legislative Review for Manitoba Status of Women.

Hon. James Downey (Minister of Energy and Mines): Madam Deputy Speaker, I am pleased to table the Oil Activity Review for 1991.

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): Madam Deputy Speaker, I am pleased to table the 1992-93 Departmental Expenditure Estimates for Industry, Trade and Tourism.

Hon. James McCrae (Minister of Justice and Attorney General): Madam Deputy Speaker, I table today the annual reports of the Public Trustee

for Manitoba for 1989-90 and 1990-91, and I table the annual report for 1991 of the Office of the Commissioner, the Law Enforcement Review Agency and Law Enforcement Review Board.

Introduction of Guests

Madam Deputy Speaker: Prior to Oral Questions, I would like to draw the attention of all members to the public gallery where we have with us this morning the youths from Gatineau, Quebec, with the Canadian Voyageur Program under the direction of Jacques Paylhus, hosted by Silver Heights Collegiate. Silver Heights Collegiate is located in the constituency of the honourable member for Sturgeon Creek (Mr. McAlpine).

Also with us this morning we have 140 Grade 9 students from Charleswood Junior High under the direction of Barbara Fitzjohn. This school is located in the constituency of the honourable Minister of Urban Affairs (Mr. Ernst).

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

* (1010)

ORAL QUESTION PERIOD

Economic Growth Employment Creation Strategy

Mr. Gary Doer (Leader of the Opposition): Madam Deputy Speaker, four years ago this government promised Manitobans jobs, jobs, jobs, just like Brian Mulroney. We have had now four years of Conservative government and what we have seen is more unemployed, less people in the labour force and today, in May, rising unemployment.

The unemployment rate in May of '88 was 7.3 percent. It is now 9.7 percent in this province. There are now 12,000 more people unemployed from 39,000 to 52,000 than there were when they came into office. Madam Deputy Speaker, there are less people working on a net total basis in spite of the fact that populations grow and provinces can only have opportunities with growth.

I would like to ask the government, the Deputy Premier, why their economic strategy is failing and why the promise they made to Manitobans in 1988 of jobs, jobs, jobs is not coming to fruition in our great province.

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): Madam Deputy Speaker, as is far

too often the case when economic indicators come out, the opposition do their best to find any element of doom and gloom that they possibly can instead of recognizing today, if they look at the statistics that were released, that employment in Manitoba increased by 5,000 people from April to May of 1992, the largest increase of any province in Canada, that 6,000 more people entered the labour force in May of 1992 from April of 1992.

While we are not happy that the unemployment rate has slipped one 10th of 1 percent, six other provinces have slipped, and we still have the third lowest unemployment rate in all of Canada here in Manitoba. The hypocrisy coming from the opposition, when they have the claim to fame of being the government of the day when the unemployment rate was the highest in the history of Manitoba, between 1982 and 1988, 10.8 percent under their government, Madam Deputy Speaker.

Mr. Doer: Madam Deputy Speaker, the government, of course, knows that it always improves in May from April and does every year. The question is, why are we failing so much over the last 12 months and over the last four years?

Manitoba's economy was in last place in 1991, last place. That is according to Stats Canada and according to the Conference Board—10 out of 10. It was not like that. We have to go right back to when Walter Weir was defeated in 1969 to have a similar last-place performance from a Manitoba government, another Tory government.

Why, in the last 12 months, has the unemployment rate, the percentage change in unemployment, gone up from May of 1992 over May of 1991 by 15.9 percent? We are not talking April to May; we are talking the last twelve months. Why is the increase 15.9 percent the second highest in Canada? P.E.I. is higher with 22 percent; Ontario is close with 14.1 percent. Why do we have this increase of 15 percent in unemployed people in the province of Manitoba over the last 12 months and, more importantly, what mid-term adjustments are you going to do about it, because this government has not been right on its unemployment projections since the budget of last year? Fourteen straight months it has been wrong. What are they going to do about the unemployed people in this province?

Mr. Stefanson: Madam Deputy Speaker, as I pointed out to the Leader of the Opposition, for the month of May six other provinces had slippage in their unemployment rates, but the Canadian

unemployment rate is 11.2. Manitoba's is 9.7, third lowest in all of Canada, and the Leader of the Opposition continues to harken back in the past instead of looking at today's economic indicators.

I encourage him to look at today's economic indicators, what is being forecast for Manitoba. In terms of manufacturing investment, that we will lead the nation; in terms of private sector investment, that we will be the second highest increase in all of Canada; in terms of gross domestic product that the honourable Leader of the Opposition likes to mention so often, we will have the third highest growth of any province in all of Canada. I can go on and on, outlining all of the economic indicators which point very favourably to the economy of Manitoba, because we have held the line on taxes, we have decreased taxes, unlike what was done from '82 to '88 when there were tax increases of \$820 million brought in by that government of the day.

* (1015)

Talk to business people, talk to Manitobans, and the biggest concern on their minds is taxes and the effect that increased taxes have on the economy.

Oak Hammock Marsh Development Impact on Tourism

Mr. Gary Doer (Leader of the Opposition): Madam Deputy Speaker, when you go two steps forward in your economy when it is in 10th place, hopefully we will go one step forward with the Tory economic performance, and we believe we should go three steps forward and get Manitobans working again instead of just being on the treadmill as this government is.

Madam Deputy Speaker, on March 3, 1992, when we asked questions about the international reputation of the Ducks Unlimited project at Oak Hammock Marsh, the government responded to us and said that this would be an advantage for our \$1 billion tourism industry. Today we see that the L.A. Times has a front-page three-page story dealing with the Ducks Unlimited project at Oak Hammock Marsh.

I would like to ask the Minister of Tourism, who is also failing dramatically in terms of American tourism, how many jobs will be lost with this ill-fated project that this government has put Manitoba taxpayers' money into? How many jobs in our tourism industry are going to be lost with this black-eyed project in this province?

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): Madam Deputy Speaker, this is almost the ultimate in hypocrisy. On the one hand they express concern about the decrease in visitations from our friends to the South, the American visitors, which of course decreased by some 25 percent from 1982 to 1988 under their government, but we will not talk about that today.

Here we have a major tourism attraction, Madam Deputy Speaker, that will enhance the tourism economy here in Manitoba, that will be an attraction for Americans to come up and visit, will also be an attraction for Manitobans and will add to the billion-dollar industry that we have in Manitoba. So it appears that members of the opposition are speaking out of both sides of their face. On the one hand, increase tourism, do more for tourism, but yet halt a project that is going to significantly add to the tourism economy here in our province. Unbelievable.

Oak Hammock Marsh Development Government Withdrawal

Ms. Marianne Cerilli (Radlsson): Madam Deputy Speaker, in the past, Manitoba's and Canada's tourism industry has been dependent on Manitoba and Canada being seen as pristine wilderness. Unfortunately, that reputation is changing and the building at Oak Hammock Marsh, much as we warned, is ruining Manitoba's reputation. The Oak Hammock Marsh development is going to make Manitoba to be seen as hypocritical, greedy and shortsighted in terms of environmental issues.

Given this international embarrassment of having negative front-page stories in American newspapers, I want to ask the government, will the government do the right thing and take steps to withdraw from this project at Oak Hammock Marsh and not jeopardize the reputation that Canada has enjoyed?

Hon. Harry Enns (Minister of Natural Resources): Madam Deputy Speaker, I really and truly regret—

Madam Deputy Speaker: Order, please. I am having great difficulty hearing the response from the honourable Minister of Natural Resources.

Mr. Enns: I really and truly regret that honourable members opposite cannot acknowledge what, in fact, is taking place in that man-made facility known as Oak Hammock Marsh.

I truly regret that honourable members will be part of irresponsible allegations—and when I say irresponsible allegations, there is no conservancy of Canada group. Do you want to check on who Mr. Sullivan is, Madam Deputy Speaker? He is a discredited, single individual, expatriot American who is under possible criminal indictment for fraudulent stock dealing, who makes himself out to be an environmentalist, has no calling, but has support from members opposite and has, I admit, an uncanny way of duping in the media. He has been doing it very successfully.

Of course, with what some of my American friends in the media publish from time to time, it does not surprise me, because those of us who watch that scene from time to time know the sensationalism that they like to engage in.

* (1020)

I am satisfied that this facility will add immeasurably to the tourism strength of this province. I am satisfied, more importantly, it will add immeasurably to the education of our own children, of our own people to the importance of wildlife.

Ms. Cerlill: I will remind the minister that the federal court of Canada is going to be looking at this project still to see if it, in fact, is going to stand up as the minister has said.

Madam Deputy Speaker: Does the honourable member have a question?

Earth Summit Communications with the Premier

Ms. Marianne Cerlill (Radlsson): My question is for the Minister of Environment (Mr. Cummings). Has the Minister of Environment or the Minister of Natural Resources (Mr. Enns) been in contact with the Premier (Mr. Filmon) in Rio, and can he tell the House if the Premier is being questioned about his ethics and hypocrisy in misrepresenting Manitoba in Rio with respect to this question?

Hon. Glen Cummlngs (Minlster of Envrlonment): Madam Deputy Speaker, I find it very interesting that on the day when the galleries are filled with young people who are searching for some information, looking for the opportunity to learn about the natural environment that surrounds us, that we have the opposition that is critical of an opportunity to turn a situation where we in fact have reclaimed farmland—in many cases has been put back into a marsh, reclaimed—and is now being expanded as a

result of the agreement, that this educational facility be located there; and we will see, as a result of the educational facility being located there, expanded opportunity for adults and for youth alike to gain a greater understanding of the wildlife and the marsh life that are part of the activity out there; and it will enhance tourism in this country as well.

Oak Hammock Marsh Development Government Withdrawal

Ms. Marianne Cerlill (Radlsson): Madam Deputy Speaker, will the minister call the Premier (Mr. Filmon) in Rio and let him know that this project is causing a lot of problems for Manitoba? It is jeopardizing our reputation internationally. Will he call the Premier and contact him to discuss withdrawing the support for this project?

Hon. Harry Enns (Minlster of Natural Resources): Madam Deputy Speaker, I cannot think of a better way to illustrate the silliness of what it is that we are talking about. The same author of these stories cites the Minister of Natural Resources, Harry Enns, as being violently opposed to the project.

Some Honourable Members: Oh, oh.

Mr. Enns: Honourable members opposite know that is not true, do they not? So, no, I will not be calling the Premier. The Premier is attending important business, not just for this province, but for the international sustainable unit there, and I would think that he and I would ask that honourable members get on with some more important matters of state.

* (1025)

Constitutional Proposal Areas of Agreement

Mrs. Sharon Carstairs (Leader of the Second Opposition): Well, I am very interested in the quote that the member for Portage has just said, because that in essence is the issue that I want to address today, and that is the issue of the public not being fully informed about the constitutional discussions going on.

All week long I have asked the minister questions with regard to those negotiations and in essence I have agreed with the responses that he has given, and I want to make that very clear. That is why I was so dismayed when I went home last night to pick up my copy of Canada's national news magazine and

to have a chart indicating all of a number of issues which have been agreed to at these constitutional negotiations, despite the fact that we have been getting assurances from our minister responsible for those negotiations that there has not been any agreement on these very critical issues.

So, once again, it would appear that the public is being bamboozled. Yet once again they are being given misinformation by someone as to what has been agreed to at the negotiating table and what has not been agreed to at the negotiating table.

Madam Deputy Speaker, will the Minister of Justice (Mr. McCrae) reassure the House this morning that there has been no agreement on, for example, the extension of the notwithstanding clause, that there has been no agreement on the distribution of federal powers to the provinces, that there has been no agreement on issues affecting the distribution of money from the federal government to the province?

Hon. James McCrae (Minister responsible for Constitutional Affairs): If the honourable member, Madam Deputy Speaker, is looking for assurance that there has been no agreement, the answer is, there has been no agreement on any of the issues she has listed or any other issues.

Mrs. Carstairs: Madam Deputy Speaker, can the minister explain to the House why the national negotiator, Mr. Clark, consistently says in broadcasts that there has been agreement, that a national news magazine can put out a chart indicating that there have been significant areas of agreement when our minister is at the same time telling us, and I believe what he is saying, that there has been no agreement in any of these areas?

Mr. McCrae: Madam Deputy Speaker, I do sincerely thank the honourable member for River Heights (Mrs. Carstairs) for raising this question because the language Mr. Clark uses at the end of each day of our work is misleading. Each time he uses the word "agreement," I approach—[interjection] Each time he approaches the microphone to—[interjection] If the honourable member for The Maples (Mr. Cheema) would listen, I would like to finish. Each time he approaches the microphone, the word "agreement," does creep into his language, and each time that happens, I approach the microphone to remind everyone that when Mr. Clark, the Right Honourable Joe Clark, uses the word "agreement" to describe the things we are doing, he is incorrect, because nothing is

agreed to until everything is agreed to. I go to great efforts on a daily basis to make it clear to anyone who will listen to me that that is precisely the case.

The honourable member spoke about the public not being involved, I have to take some issue with that because here in Manitoba we have had two task forces, all-party ones, led by Professor Wally Fox-Decent, an independent chair. We have heard from hundreds and hundreds of Manitobans on the Constitution.

The Spicer exercise heard from thousands of Canadians. Then there was Dobbie-Beaudoin. Then there were five constitutional conferences in five Canadian cities. We have the present process that Mr. Clark and other ministers are reporting on as often as we can to keep everybody informed. The honourable member knows there will be hearings under our rules of this Legislature if ever there is a proposed constitutional arrangement. That will come to this House. There will be a referendum in British Columbia, possible referendums in Alberta, Newfoundland and maybe even a federal referendum. I do not know how much more public consultation you can suggest, but I certainly understand the honourable member's concerns about the use of the word "agreement" to describe what we are doing, because she is absolutely right. Nothing is agreed to until everything is agreed to.

* (1030)

News Briefing Request

Mrs. Sharon Carstairs (Leader of the Second Opposition): Madam Deputy Speaker, my concern with regard to public involvement is that they are getting very mixed messages at the present time. They are getting messages which come from Mr. Clark at the national level; they are now getting messages from a national news magazine; they are getting messages from The Globe and Mail; they are getting messages in the federal Parliament. Yet the message that seems to be coming, and I believe is coming from the Province of Manitoba, is that it is two different messages.

Will the Minister of Justice agree today to hold a full news briefing with the local media in order to go through with them, step by step, point by point, so that we can assure the people of Manitoba in the most widely possible manner that we can, that there has been no agreement and that there will be no

agreement until the people of this province have had a say in the public hearing process?

Hon. James McCrae (Minister responsible for Constitutional Affairs): There seems to be in the everyday life, and to include in the constitutional life of this country, mixed messages. Every day in this House you get a message from that side of the House and then a different message from this side of the House and people have to decide which message is the right one, or maybe it is sometimes a combination of the messages.

Each time I have been asked questions by the news media, either at the meetings that I am attending or here in Manitoba, I make the points that the honourable member is concerned about. I am not sure if we can totally satisfy the honourable member, but she should remember that the process that I am involved in at this time is only one step along the way and the work that we are doing, should we be successful in arriving at something that we think is sufficient to put before First Ministers, it will then go before First Ministers. After that point, if they are successful in arriving at some kind of consensus, it will come to be discussed publicly, and it will become a matter of discussion in this House and in public hearings in Manitoba.

So I believe, hopefully at the end of the road, if there is an end to this very long road, that the message will become unmix and everybody in this country will understand the message and be supportive of the message, and the result will be a united Canada.

Policing Services Agreement User Fees

Mr. Dave Chomlak (Kildonan): My question is for the Minister of Justice as well.

The minister just indicated in his statement regarding the Constitution that "nothing is agreed to until everything is agreed to." That is why I was surprised yesterday when the minister who negotiated and signed a 20-year policing agreement regarding the RCMP did not know whether or not the agreement included a user fee for police services.

Is the federal government breaking the agreement by charging a user fee, or does the minister not know whether a user fee is included in a 20-year agreement that he negotiated?

Hon. James McCrae (Minister responsible for Constitutional Affairs): The details of that

agreement, many hundreds if not thousands of details of that agreement, have been negotiated over a long period of time. The agreement took effect the first of April of this year, will run for 20 years, guaranteeing every signatory to the agreement the cost-share ratios that existed prior to the renegotiation of the agreement. I told the honourable member yesterday, I will check into the question he was asking and he should be patient and wait for me to get the information that he is looking for.

Mr. Chomlak: Madam Deputy Speaker, I am very patient but quite surprised that the minister does not know those details. Can he confirm that the federal government wants to collect and is budgeted to collect \$700,000 from the province for a user fee?

Mr. McCrae: The honourable member should see how much the federal government would have collected if we had followed his advice and the advice of his Leader and signed on the dotted line, as the NDP did back in 1981 when the last RCMP agreement was signed. If the honourable members would like, I will produce that agreement, too. At the bottom line it says Roland Penner on it. The honourable members should be aware of that.

As I said to the honourable member, the question he raised is a serious one, and I took the question seriously. I took it as notice, and I will get the information he is looking for.

Mr. Chomlak: My final supplementary is: Will the province take a strong stand to ensure that every fingerprint check, every time a police officer phones a computer facility, every lab test, is not charged on a fee-for-service basis, because this could have a very profound impact on crime prevention and on police detection services in the province of Manitoba?

Mr. McCrae: It is because this province took a strong stand, unlike the stand taken previously; it is because this province joined with Newfoundland's and Northwest Territories' Attorneys General; it is because that happened, those three ministers—and others—but certainly those three ministers took strong stands in the negotiations with the federal government; it is because we took those strong stands that we have agreement that will save this province, the municipalities, and other provinces and municipalities in other provinces millions and billions over the term of this contract, billions of dollars.

So the honourable member ought not to come here at this stage attempting to pick apart something that we know that if his colleagues had been in government, they would have backed down and signed on the dotted line long ago.

GRIP Program Objectives

Mr. John Plohman (Dauphin): Madam Deputy Speaker, during the Estimates process the Minister of Agriculture (Mr. Findlay) said that the primary objective of GRIP was that it would be targeted to those most in need. The latest farm census shows that the number of farm families has dropped by nearly 6,000 since 1986, largely under the stewardship of Tory governments, both provincially and federally, and their philosophy that big is better.

I want to ask this Minister of Agriculture if his program, GRIP, is so targeted to family farms and those most in need, why do we continue to lose family farms in Manitoba at a record rate?

Hon. Glen Findlay (Minister of Agriculture): Madam Deputy Speaker, I am absolutely flabbergasted at that member's question. The census was from the time period 1986 to June of 1991. GRIP did not start until August 1, 1991—August 1 of 1991, after the five-year period is over.

He says that the number of farms fell by almost 6,000. The number of partnerships, which means more than one person, meaning at least two, rose by 3,800. So people are working together in partnerships to a greater extent than we are losing individuals. I would ask the member to do his arithmetic before he asks questions of that nature.

Mr. Plohman: Madam Deputy Speaker, no amount of rhetoric can deny the fact that we had the largest decrease in family farms west of Quebec in census farms—

Madam Deputy Speaker: Order, please. Would the honourable member please put his question now?

Southwest Manitoba Coverage Levels

Mr. John Plohman (Dauphin): The issue of targeting with this program, that is the significant issue here. I want to ask this minister, since he says that his programs are targeting and therefore should stop this hemorrhaging of family farms in this province, why will he not ensure that southwest area

Manitoba farmers could at least receive a decent, a fair coverage under GRIP rather than a loss of less than—

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

Hon. Glen Findlay (Minister of Agriculture): Madam Speaker, for the member's edification, in 1991 we had a GRIP program across western Canada, basically similar in the three prairie provinces, with offsets in place, so those that had the poorest crops got the highest payment. They had a guaranteed gross revenue in the spring that they knew that was going to occur in the fall.

The party that he represents, now governing Saskatchewan, threw that all out the window, so that in Saskatchewan, if they have a drought this year, those who are hurt the worst get the least payment; those who have the biggest crop get the biggest payment. That is what the philosophy of his party would do in Manitoba if they were here. This government has put in place a program with offsets that guarantee that those who hurt the worst get the greatest degree of government support in the GRIP program.

* (1040)

Mr. Plohman: Yes, Madam Deputy Speaker, right in this minister's back yard. I want to ask a question of the Minister of Agriculture.

Madam Deputy Speaker: Please ask the question now.

Mr. Plohman: If it is not this minister's deliberate attempt to get rid of family farms, will he now take action to inform the signatories committee that he wants an immediate decision on the petition that I presented to him during Estimates that asked for at least 50 percent of their coverage to be at the area average so at least they can get some fair coverage in southwestern Manitoba under GRIP?

Mr. Findlay: Madam Deputy Speaker, the member talks about family farms. If he looks at the census report, over 98 percent of the farms in Manitoba are family farms as it has been for a long period of time in this province.

Madam Deputy Speaker, the number of people signed up for GRIP this year remains approximately the same as last year, slightly up, but around 12,500 farmers. In Saskatchewan, with the program that they did, the changes they made, the number of farmers in the program dropped by 8,000. So I think our record compared to Saskatchewan is a very

commendable record, and the issue that the member brings forward in terms of the problem in southwest Manitoba is going to be duly dealt with, I am sure, by the Crop Insurance Review Committee which has 10 people from across the province going to report to this minister and to the Crop Insurance board in due course.

St. Boniface Hospital Bed Closures

Mr. Gulzar Cheema (The Maples): Madam Deputy Speaker, my question is for the Minister of Health.

The health care reform has to be meant only to deliver the best quality of care. I received a letter this morning from Dr. Blight, one of the well-respected family physicians who is working out of St. Boniface Hospital. According to Dr. Blight, St. Boniface Hospital will eliminate at least 37 percent of the family practice beds. This will lead to elimination of family practice out of St. Boniface Hospital, basically, in the long run, eliminating the primary care in that area.

Can the Minister of Health tell us, is he aware of such initiatives and can he tell us how this kind of attitude in a given hospital will improve the quality of health care in any part of the city?

Hon. Donald Orchard (Minister of Health): Madam Deputy Speaker, I can neither confirm nor refute the allegations on what type of beds are involved in the St. Boniface portion of the 240 beds to be retired from service at St. Boniface.

The plans that involve those kinds of bed closures are at the discussion stage with the ministry, with the departmental personnel, to assure that circumstances such as concerned or feared or mentioned in this physician's letter are avoided to the degree possible in shifting our resources from institution to community. When I have the details of the recommendations of what types of beds are to be retired from services and the support of infrastructure that will replace those in the community, I am prepared to debate that issue to the fullest degree possible to assure that the circumstances addressed in that letter are not valid concerns.

Health Care System Community-Based Services

Mr. Gulzar Cheema (The Maples): Madam Deputy Speaker, these concerns are not simply

fear, these concerns are for basic primary care. The minister should know that the community care given hospital is part of the community. Can he tell us, without the access to their family physician in their own area, without the access to a given hospital in their own area, how can we have any faith in the community-based health which the minister is saying? We agree with the basic principle, but then they should do what they preach.

Hon. Donald Orchard (Minister of Health): Madam Deputy Speaker, that is exactly what we intend to do. My honourable friend is making a case, if I can be so liberal with his question, that there shall not be any admissions by family physicians to St. Boniface General Hospital. I cannot say that is a valid conclusion or even contemplated by St. Boniface General Hospital.

St. Boniface Hospital Bed Closures

Mr. Gulzar Cheema (The Maples): Madam Deputy Speaker, I will table the letter, and the minister should read this letter. He should get in touch with the management of the hospital and make sure that before any decision is made they should consider and meet with the medical staff and also get the recommendation from the Hunt commission, which clearly outlined the family care physician must have access to at least one given hospital. Without access, the patient will not have access to their own community hospital. The hospital is part of the community and that must be clearly outlined.

Hon. Donald Orchard (Minister of Health): My honourable friend has quantum leaped conclusions and suggested courses of action that we are currently undertaking. As my honourable friend full well knows, the budgetary plans, the commitment to the reform process by St. Boniface and other hospitals are currently subject to very much discussion between the ministry and those respective institutions to assure that the transition over the next two years from institutional-based care to community-based care happens in an appropriate fashion to mitigate against the circumstance he identifies. We are in that exact process right now. To conclude, as my honourable friend appears willing to do, circumstances that have yet to happen is inappropriate, as the reform process changes the system fundamentally.

Bristol Aerospace Pipeline - Environmental Concerns

Mr. Gregory Dewar (Selkirk): The Minister of Rural Development (Mr. Derkach) at a recent conference in Brandon praised Bristol Aerospace as a model for other businesses in this province. The residents of Stony Mountain and the provincial taxpayers, who now have to cost share \$800,000 for a pipeline for water, water that Bristol contaminated, do not agree.

My question for the Minister of Environment is: Since environment officials do not know how far or how fast this contamination is travelling, why did he decide to limit the pipeline, excluding many residents of West St. Paul who have legitimate concerns about the quality of their water?

Hon. Glen Cummings (Minister of Environment): Madam Deputy Speaker, one of the primary concerns that we have had is to make sure that the pollution that has occurred in that area is not in any way allowed to expand. That is one of the reasons why we have been interested in stopping withdrawals from water in that area, primarily for the concern that this material is heavier than water and we believe will stay in one spot if not actively caused to flow by well withdrawal.

It was our approach that the known area of contamination would be dealt with in the proposed pipeline, and the sector that is some considerable distance away from Bristol, in fact, has a separate and different thumbprint chemically to the material that is known to have polluted the groundwater from the Bristol site. Therefore, that is the basis upon which we configured the agreement.

Pipeline - Boundary Review

Mr. Gregory Dewar (Selkirk): In view of the number of residents who have requested access to the pipeline, will the minister review the boundaries of this pipeline?

Hon. Glen Cummings (Minister of Environment): Madam Deputy Speaker, it is not our intention at this time to go back and review those boundaries, but I would be more than prepared to provide assurance that there will be monitoring continuing in that area to make sure that our assumptions are correct and to make sure that we do not have a movement of the material into other parts of the aquifer.

* (1050)

Environmental Cleanup Costs

Mr. Gregory Dewar (Selkirk): My final question is to the Minister of Environment as well. How much is the Minister of Environment expecting the province to pay for government work, for cleanup monitoring and the protection of water in the Stony Mountain-West St. Paul area? What is the total bill?

Hon. Glen Cummings (Minister of Environment): Madam Deputy Speaker, the member has encompassed a number of parts to that question. The fact is that the work that we are doing in terms of monitoring and a vast amount of departmental time, I have not factored that in at all. I cannot give him a correct answer. I will attempt during the Estimates process to quantify that because it is a legitimate question.

The Department of Environment does incur a lot of costs in dealing with polluted areas, and that is in fact why we are seeking to give ourselves authority to be able to recover at full cost departmental costs incurred when we are dealing with monitoring and remediation of polluted sites—very definitely a concern that we share.

Manitoba Heritage Federation Minister's Support

Mr. Kevin Lamoureux (Inkster): Madam Deputy Speaker, my question is for the minister responsible for Culture, Heritage and Citizenship.

Last week we heard the minister talk about all these wonderful signatures that she has in support for not restoring the money back to the Heritage Federation. My question to the minister is: Will she supply me, as I have supplied her, names of individuals, names of people who support what she is doing to the Heritage Federation?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): Madam Deputy Speaker, what I will commit to supply to the critic for the Liberal Party is in fact the new model that will be put in place as a result of consultation with the heritage community.

Madam Deputy Speaker: Time for Oral Questions has expired.

ORDERS OF THE DAY

House Business

Hon. Darren Praznik (Deputy Government House Leader): Madam Deputy Speaker, on a

number of particular issues, I would like leave of the House to change the Department of Justice for completion in the sequence of Estimates. I understand in yesterday's committee, the Estimates were completed to the point of the Minister's Salary, and as members are aware, the Minister of Justice (Mr. McCrae), being involved in national constitutional matters, will not be able to be in attendance on Monday.

Therefore, with leave of the House, I would like to move, seconded by the honourable Minister of Natural Resources (Mr. Enns), that the sequence for consideration of Estimates, as outlined in Sessional Paper No. 72 tabled on March 20, 1992, and subsequently amended, be further amended in order to set aside the Estimates of the Department of Justice and of the Aboriginal Justice Initiatives, being considered in the Chamber and to continue with the sequence as listed. I gather with the Department of Justice in its normal place, so with leave of the House, I would so move.

Madam Deputy Speaker: Does the honourable deputy government House leader have leave to introduce this motion? [Agreed]

Motion agreed to.

Mr. Praznik: Madam Deputy Speaker, I have been requested by the honourable Minister of Natural Resources (Mr. Enns) and if you canvass the House I believe you will find a willingness for unanimous consent to withdraw Bills Nos. 21 and 22 from the process completely.

Madam Deputy Speaker: Is there leave of the House to cancel Bills 21 and 22? Leave?

Mr. Doug Martindale (Acting Opposition House Leader): Madam Deputy Speaker, yes, I have discussed this matter with the deputy government House leader today. We know that the public has been very concerned about these two bills. We are glad that the government has finally come to their senses and listened to the public and listened to us. We are opposed to both these bills and we give our—

Madam Deputy Speaker: Order, please. Is there leave to permit the withdrawal of Bills 21 and 22? [Agreed]

Mr. Praznik: Madam Deputy Speaker, I would ask that you call the following bills: Bill 70, Bill 34, Bill 73, Bill 49 and Bill 64.

I would ask as well that in advance of calling those bills for debate on second reading, you would also

call first for introduction for second reading Bills 88 and 89.

SECOND READINGS

Bill 88—The Homesteads, Marital Property Amendment and Consequential Amendments Act

Hon. James McCrae (Minister of Justice and Attorney General): Madam Deputy Speaker, I move, seconded by the honourable Minister responsible for the Status of Women (Mrs. Mitchelson), that Bill 88, The Homesteads, Marital Property Amendment and Consequential Amendments Act (Loi sur la propriété familiale, modifiant la Loi sur les biens matrimoniaux et apportant des modifications corrélatives à d'autres lois), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. McCrae: Madam Deputy Speaker, this bill updates and amends some very important pieces of family law legislation. Under the bill, The Dower Act is repealed and partially replaced by a new Homesteads Act. The Marital Property Act is amended to complete the replacement of The Dower Act and to ensure the property accumulated during a marriage is divided fairly upon the death of a spouse.

All Manitoba legislation is made consistent with respect to the disposition of marital property and the rights of surviving spouses. This bill is the product of extensive consultation and examination of the pertinent issues. In 1984, the Manitoba Law Reform Commission issued a report containing extensive recommendations on the distribution of marital property on death of a spouse and on the protection of homesteads. More recently, we consulted very extensively with interested groups and individuals throughout Manitoba on these and related issues.

In repealing The Dower Act, we are getting rid of archaic, outdated legislation that is hard to understand and is standing in the way of consistency in family law. The new Homesteads Act replaces those parts of The Dower Act that protect a spouse from a sale or other disposition of the family home without consent and giving a surviving spouse the right to keep the family home for life. These provisions will be continued in the new legislation together with new measures

designed to protect the economic security of spouses.

The legislation will now make it clear that a condominium can be considered homestead property. Persons who are defrauded of their right to the family home by their spouses will now be able to obtain compensation by way of damages from the other spouse or through the Land Titles Assurance Fund. Furthermore, under The Dower Act, a spouse who left the home could lose his or her dower rights. Under the new legislation the issue of fault has been removed.

Before I begin my outline of the amendments to The Marital Property Act, it would be useful to summarize existing rights in the areas covered by the amendments. At present, generally The Dower Act gives a surviving spouse the right to half the estate of the deceased spouse. This is so, regardless of the length of the marriage, how the assets were acquired, or how wealthy the surviving spouse is.

This fixed-share scheme is inconsistent with The Marital Property Act which provides for equal sharing only of assets acquired during the marriage. The amendments provide that on death as well as separation, the property to be settled is the property accumulated during the marriage. The new legislation also contains new measures designed to protect a spouse from trying to circumvent legislation. At present, under The Dower Act, spouses can lose their rights to half the estate of the deceased spouse if they are left certain bequests in the will. This exemption is being eliminated.

* (1100)

Similarly, a spouse could avoid The Dower Act by channeling assets out of the estate to third parties before death. The new legislation requires the estate to account for such assets.

It will also require that any payment owed to the surviving spouse will be paid first before any bequests to others. The surviving spouse will also not have to account for certain assets, such as life insurance proceeds or a home the spouses owned in joint tenancy.

The valuable features of the existing Dower Act that promote the economic security of spouses have been retained and improved. The outdated property-sharing scheme has been replaced. This new legislation is designed to maximize the share

of a surviving spouse in a manner consistent with the philosophy of marriage as an equal partnership.

With these comments, I commend the bill to the consideration and support of all honourable members.

Ms. Becky Barrett (Wellington): Madam Deputy Speaker, I move, seconded by the member for Flin Flon (Mr. Storie), that debate be adjourned.

Bill 89—The Family Maintenance Amendment Act

Hon. James McCrae (Minister of Justice and Attorney General): I move, seconded by the honourable Minister of Consumer and Corporate Affairs (Mrs. McIntosh), that Bill 89, The Family Maintenance Amendment Act (Loi modifiant la Loi sur l'obligation alimentaire), be now read a second time and referred to a committee of this House.

Motion presented.

Mr. McCrae: Madam Deputy Speaker, The Family Maintenance Amendment Act is intended to make it easier for persons to obtain nonmolestation orders against their partners or former partners to protect them and their children. Through these amendments to The Family Maintenance Act we will increase access to justice in time of need or emergency.

We expect increased protection against harassment and abuse. Under the present legislation, a person seeking a nonmolestation order in Winnipeg, Selkirk and Brandon has to apply to the Family Division of the Court of Queen's Bench. In the rest of the province relief may be sought in either Provincial Court or Court of Queen's Bench. Such applications are ordinarily made on the basis of written material and usually require a lawyer. The need for a lawyer and the preparation of written material makes the procedure expensive for the applicant and, more importantly, may increase the time needed to obtain protective orders in emergency situations.

Our amendments will make it possible for applicants to go to designated magistrates without a lawyer and at no cost and ask for a nonmolestation order quickly and informally. These magistrates who are already on duty for a variety of other purposes, as part of our expanded court services, will be given authority to grant an order on the spot.

Madam Deputy Speaker, these designated magistrates are attached to Provincial Court, and

regulations under this legislation will result in changes to Provincial Court procedures to implement the changes we are intending. At the same time, I have asked Court of Queen's Bench to see if it can simplify its procedures.

Besides increasing access to protection orders, this legislation will provide stiffer penalties for persons who violate nonmolestation orders and prohibition orders. Current penalties are a fine of up to \$500, imprisonment for up to six months, or both. The new penalties will change those maximums to a \$1,000 fine and/or imprisonment of one year. The increased penalties are intended to send a strong message that breaches of restraining orders will be viewed as serious offences.

Madam Deputy Speaker, these amendments are part of the government's policy of action against family violence and victimization of women. Simplifying the procedures that are changed by this bill was one of the recommendations of the Pedlar review into domestic violence. This bill will help send a strong message that partner abuse will not be tolerated in Manitoba, and will increase access to the justice system for victims.

Madam Deputy Speaker, I commend this bill to the attention and support of all honourable members. Thank you.

Ms. Becky Barrett (Wellington): Madam Deputy Speaker, I move, seconded by the member for Flin Flon (Mr. Storie), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 70—The Social Allowances Amendment and Consequential Amendments Act

Madam Deputy Speaker: To resume debate on second reading of Bill 70 (The Social Allowances Amendment and Consequential Amendments Act; Loi modifiant la Loi sur l'aide sociale et apportant des modifications corrélatives à d'autres lois). On the proposed motion of the honourable Minister of Family Services (Mr. Gilleshammer), standing in the name the honourable member for Brandon East (Mr. Leonard Evans). Is there leave to permit the bill to remain standing. [Agreed]

Mr. Jerry Storie (Flin Flon): Madam Deputy Speaker, I rise to speak on this piece of legislation, hopefully briefly. There are some things, I think, that

need to be said with respect to this bill in terms of how they affect northern Manitoba.

I think a number of people before me have identified the fundamental concern with this legislation, and that is, while the government has tried to portray it as a means of ensuring equity across the province and ensuring uniformity, the fact of the matter is that this piece of legislation guarantees neither.

I think if the people of Manitoba were told the truth by this government and this minister, they would be told that this is an effort to save the government money on the backs of Manitoba's poorest and weakest and least influential people. That is what it is; in its undisguised form, that is what it is. It is an effort to attack the people in our society who have the least.

Madam Deputy Speaker, I am going to explain in a couple of minutes why I think, if the government was listening to people in Manitoba, particularly representatives of our poorest in our country, they would withdraw this bill. We have seen the government withdraw two bills today. Almost unprecedented that after defending Bills 21 and 22, bills that were undemocratic, that had been brought into this Legislature without consultation, that did not have the support of the people that they supposedly were introducing this legislation to protect and to have their concerns addressed, they withdrew them today. Unprecedented. Debate on second reading had not even finished and what it speaks of is the "I" word: incompetence. That is what it speaks of.

Bill 70 I think has the same odour about it, because it is not designed to fix any of the problems that face Manitoba's poorest people; it is designed to save this government money, a thinly disguised effort to save money.

Madam Deputy Speaker, for the record, I want to put—and I should not have to remind the government, I should not have to remind the minister responsible for Family Services of what is going on in our province. I should not have to remind him of the people who are on unemployment, who are on social assistance, the increasing number of people, and I should not have to remind him that this kind of a measure is going to attack not only the people, the adults who have the least, who are the poorest, who have the fewest resources, the fewest supports in our communities, but more importantly, it is going to affect the children of those people.

Madam Deputy Speaker, I want to put on the record some comments that were made, some facts that were placed in the Winnipeg Free Press by one of its editorial writers. They were commenting on the impact of poverty in Manitoba and the fact that Manitoba has the highest rate of poverty in any province of this country. The headline of this article says, suffer the little children—could be Manitoba's motto—and this minister and this government are making it worse, not making it better like they pretend they are concerned about.

Every statement from the Minister of Family Services (Mr. Gilleshammer) and perhaps more importantly and more unfortunately, the First Minister (Mr. Filmon) talks about how concerned they are about the social conditions in our province. Well, this bill and many of the things this government has done belie that concern. I want to put on the record these important observations about poverty and its impact on Manitoba society.

The risk of being poor is greatest—and this is in reference to poverty—for a child six years old or younger, supported by a single mother with less than a high school education, working part time or not at all.

* (1110)

Fact No. 1: Of all of the people who are going to be impacted by this Minister of Family Services' bill, those people are going to be affected. The risk of being poor is greatest for a child six years old or younger supported by someone who is unemployed or on social assistance, with very little education, and, frankly, right now in Manitoba very little prospect of ever becoming employed.

Number 2. Research consistently demonstrates a strong association between child poverty and poor health, and low levels of educational attainment.

Number 3. Research shows that the mortality rate for children in the lowest income families is 56 percent higher than the rate in higher income families.

Poverty, Madam Deputy Speaker, means fewer opportunities, more ill health, greater chances of mortality. That is what it means for the poorest people in this province.

What is the government's response? The Minister of Family Services (Mr. Gilleshammer) wants to pretend that this legislation is going to somehow create equity. What I want to explain now to the Minister of Family Services is why that is not

going to work. Number 1: Madam Deputy Speaker, we know that the largest number of people on welfare are in the city of Winnipeg, the largest single number. Probably 80 percent or even more of the people who are on social assistance are in the city of Winnipeg. What does this bill do for those people? What this bill does is penalize the City of Winnipeg for being more generous, particularly with respect to food. For people who are on social assistance, for these young children, for these single parents, for these people who are disabled, that is what it does.

Madam Deputy Speaker, in rural Manitoba, where in some communities the unemployment rate is 80 percent and 90 percent, where social assistance is obtained through a very publicly humiliating process, this legislation does nothing to protect them. I believe that the Minister of Family Services (Mr. Gilleshammer) should know that in many, many communities of rural and northern Manitoba the process for even accessing social assistance is a demeaning one, one that involved ensuring that every member of the public, every person in your community knows of your circumstances.

The administrative practices that occur in some municipalities are demeaning in that they imply that people are not entitled to social assistance. There are practices going on in rural and northern Manitoba, to the chagrin, I think, of everyone, including giving people who apply for social assistance bus tickets, one-way bus tickets, a practice that happens over and over again.

So the Minister of Family Services is not only essentially cutting—they are indirectly cutting money that is currently going to people who require assistance for food and shelter. Indirectly he is doing that, but there is no guarantee in this that any of the administrative practices are going to be cleaned up by this legislation. How is the minister going to enforce it? Can he assure us that some of those practices will at least be cleaned up?

Madam Deputy Speaker, the real issue is poverty. The real issue is whether in fact the government is interested in resolving some of those problems. The simplest solution to the minister's dilemma—and I say it is a dilemma because in the last two years this government has increased the welfare budget by \$90 million. In the last two years the Province of Manitoba spent 90 million additional dollars. That is not their budget; that is 90 million additional dollars.

Madam Deputy Speaker, where are the jobs? Where are these people going to get the jobs? This government has announced publicly on many occasions its stand-aside philosophy and a stand-aside philosophy means there are 52,000 people today unemployed in Manitoba and there are another 60,000 or 70,000 people on social assistance.

One in 10 people in the province of Manitoba live in poverty, and the proportion of children is even higher. So what we need from this government is not Bill 70. What we need from this government is a plan to employ people, to create the employment for these people, a plan to make sure that even if they are poor, even if they are unemployed, even if they are single parents, even if they are six-year-old children, that they have enough to eat. I want to reinforce this by telling the Minister of Family Services (Mr. Gilleshammer) something I heard from the health policy evaluation group established by the Minister of Health (Mr. Orchard)—interesting statistics.

Dr. Noralou Roos, who is the director of that centre, has done some sort of analysis of the factors that contribute to longevity, life expectancy. Madam Deputy Speaker, if the government of Manitoba or a doctor in Manitoba found a cure for cancer today, found a pill that they could give every single Manitoban today, life expectancy in the province would increase by approximately five years. The same research shows that if we could cure poverty today, if we could fill every belly in Manitoba, every belly of every child and every adult in northern Manitoba, all we would have to do is feed them, life expectancy would increase by more than eight years. So what is the greatest threat to life expectancy? What is the greatest threat to quality of life in Manitoba? It is poverty.

What this government is doing by this bill is institutionalizing poverty and social assistance. Madam Deputy Speaker, this is simply not good enough. It is simply not good enough.

This article that I was referring to in the Free Press goes on to lament the fact that more than one in five, 22 percent of Manitoba children, live in poverty. In Winnipeg, that figure is more than one in four. In Winnipeg, one in four people already live in poverty.

What is this bill going to do? What this bill is going to do is penalize the City of Winnipeg for trying to prevent poverty. The City of Winnipeg has a higher social allowance rate than this minister is going to

establish in this legislation. They are providing more money, more money, some \$5 million more, we are told by City of Winnipeg officials. This government is institutionalizing poverty at a time when every piece of research that this minister has at his disposal, that this Legislature has at its disposal knows that institutionalizing poverty is going to mean more health problems and educational problems, family problems down the road.

You have to ask yourself what kind of a government would establish this as its policy for families? What kind of a government would set this as its priority? We have seen the government come to its senses on Bill 21 and 22 in an unprecedented way, after defending them for months, withdrawing them. Madam Deputy Speaker, I implore the Minister of Family Services to do the right thing, withdraw Bill 70 and let us start dealing collectively with the problem of poverty and the implications of poverty in a more constructive way.

Let us not try to save \$5 million or whatever the government's estimates are. They have not been straightforward when it comes to the financial implications for the government to this bill, but let us be a little bit more straightforward. Let us not save that \$5 million or whatever the figure is on the backs of the poorest people, on the backs of our children who are already immersed in poverty up to their necks. That is the problem.

Madam Deputy Speaker, this bill does nothing to improve the fairness of the social assistance program in rural Manitoba. Yes, in principle we understand that some municipalities are paying less than the level that will be established by this legislation, but on the other hand, other cities, other municipalities are paying more. On balance we know that this will save the government money in the short run, and that is the key. The government is going to save money in the short run.

The Social Planning Council, in its recommendations on the Social Assistance Review, the numerous other health-related articles have shown quite conclusively that saving money in this kind of meanspirited way does nothing to improve the quality of life, the health status, the educational status of people in our province. So why would we do it, Madam Deputy Speaker? Why would we do it?

* (1120)

Well, one can only guess what the motives of this government are. It reminds me of a famous quote from this Legislature in the late 1970s when the Minister of Northern Affairs, I believe, said—the former member for Swan River said, you know, welfare is cheaper than jobs. What the government is trying to do today is make welfare even cheaper for the province of Manitoba. Damn the consequences. We do not care what the impact is on children. We do not care what the impact is going to be long term for families in the province of Manitoba. We do not care what is going to happen in terms of health costs five years or 10 years from now. We do not care whether our young people are going to be forced into lifestyles that are going to cost us more money in the long term. We are looking at whether we can save money today.

Madam Deputy Speaker, with all the evidence that the Minister of Family Services (Mr. Gilleshammer) has at his disposal, he should know better. This is no way either to attack the problem that we have in fiscal terms in the province of Manitoba, nor to attack the problem we have with increasing numbers of social assistance recipients, nor to attack the problem of the unemployed or the undereducated. This is not the way. It is a regressive step, and if the minister will take time to reflect and listen to what health experts, social policy experts, and yes, probably members of their own party say, this is a meanspirited backward piece of legislation that is intended to look like the government is doing what is right.

This legislation which is going to harmonize the rates across the province is a thinly disguised attempt to cut government costs on the backs of the weakest and the poorest and the most at risk in our society.

Madam Deputy Speaker, this bill is a mistake. Thank you.

Madam Deputy Speaker: As previously agreed, this bill will remain standing in the name of the honourable member for Brandon East (Mr. Leonard Evans).

Bill 34—The Surveys Amendment Act

Madam Deputy Speaker: Bill 34 (The Surveys Amendment Act; Loi modifiant la Loi sur l'arpentage), to resume debate on second reading, on the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), standing in the name of the honourable member for Interlake.

Mr. Cliff Evans (Interlake): Madam Deputy Speaker, it is my pleasure to be able to rise today and make my few comments on Bill 34, The Surveys Amendment Act.

In the minister's opening remarks, when he proposed this bill, he had indicated that he needed and wanted some co-operation from this side of the House and opposition members to pass through to committee this substantial bill. This is an administrative bill to be able to cover costs and regulate the fees for maps and surveys within his department.

However, he indicates that this bill, though maybe small in his indications to regulate the costs—in that it would not have much effect on the surveys and the costs and the fees, new products that he claims that are coming in regularly to improve the services for maps and surveys—the minister feels that without having the regulation or without having the power and authority to be able to set the fees as such so that the present government does not lose, in his indication, hundreds and thousands of dollars, we wonder here whether the minister is, as in other bills that he has introduced, wanting this tremendous amount of power that he claims to always indicate.

He feels, and government feels, that going through Order-in-Council, going through cabinet, that they will lose the fact of products being introduced and that the government will lose money. Well, we wonder now, and as always on this side, whether in fact something like the fees and the regulations being imposed by a certain minister will provide the minister with that authority to impose fees at any time that he so pleases without proper consultation through cabinet and through Order-in-Council.

The effect that this may have to the people who use the services in maps and surveys could in fact have a tremendous effect on themselves. Now, we realize that people would say, well, this is not affecting me and I am not concerned about whether the minister has the authority or not. But we see that the people that do use these services, it is important that they know and have a hold on the fees that are going to be imposed on them for their services: universities, municipalities, lodge owners—lodge owners who need the maps and surveys for their businesses and for their consultations.

These fees—without being able to consult, without being able to have a say—the minister wants the authority to be able to just increase the fees and the

tariffs at his own whim without having any overseeing effect, whether it be through other ministers through cabinet or through opposition.

Now, Madam Deputy Speaker, when the minister says that this will be to the public's interest, the fact of being able to bring in extra revenue to this government, I wonder whether in fact this minister has thought that increasing the fees to certain services, services that now within his department have diminished in many, many situations in many cases and yet, on the other hand, fees are still climbing each and every year. So we have reservations on this side, whether this bill will in fact benefit the public. I would have a sense of feeling, and we do here, that impacting fees and higher fees at any time that the minister so feels fit to do so will in fact on certain people of this province have a negative effect.

The minister has indicated in his very short speech, introduction to this bill, that we on this side and people in the province will have the opportunity to come to committee and have and ask questions of his staff within to better explain the implications and negative or positive aspects of this bill. We here feel that yes, committee is a time to hear what the opposition or what the positive side of this bill will be in fact to the people in Manitoba.

But flexibility that this minister wants in certain aspects may, and I say may, may have an effect, a positive effect; but we wonder at the time that whether it be positive or negative if the minister feels at any time that he should impose a fee on a new product, on something new being brought into within his department, that the effect may in fact be detrimental to certain people. He feels that collection of fees for products and services can be accomplished just by ministerial regulation and that this act will give this minister again the power to be able to do just that.

The current process in many cases is a process that we feel—going through cabinet, through Order-in-Council—on many situations is a point that should be maintained in many cases and I wonder whether there has been proper consultation within his cabinet to impose a regulation that will allow him, the Minister of Natural Resources (Mr. Enns), to set tariffs and fees at any time for any product without anyone really being aware of it until they come to use the services that are supplied, or the product that is being implemented within his department.

* (1130)

He feels that not having this authority to set the fees and regulations may cause this government losses in his department, loss of revenue. Madam Deputy Speaker, this same minister seems to forget the fact that within his department—one of the largest cuts in the budgets, one of the largest cuts in services of staff. Now the minister is saying that by having the power and authority to increase fees for certain products is going to assist in some way and upgrade the revenues for this province.

Well, Madam Deputy Speaker, we wonder whether in fact if this minister and this bill go through, and the minister has that authority, what will other ministers then feel about fees and services and regulations and tariffs within their own departments? What perhaps would we have in store for us and for the people of Manitoba if all the other ministers decided to have the authority and wanted the authority within their own departments to increase fees here and increase tariffs there, do this and do that, without having some overseeing authority, without being able to consult within cabinet, without being able to consult with other ministers and government in place to be able to just go ahead and increase the fees?

Madam Deputy Speaker, we are also talking about services and fees. The minister says that providing these products and services will require at times an increase in the fees for this. We see the fees for services in the last three or four years being increased very slowly, very quietly as such, with services for these fees being taken slowly and slowly away.

We feel that the minister in charge of any department should, in fact, have some control over certain aspects within his department. Madam Deputy Speaker, when we are talking about imposing tariff fees, taking away services from people in Manitoba, we feel the minister should have someone to answer to, someone who would be responsible enough to point out to a minister whether or not he in fact, by what he is doing, in increasing fees or tariffs on any services, should be controlled within cabinet and Order-in-Council.

The process, Madam Deputy Speaker, that we have now with certain regulations and certain aspects of the Legislature we feel is the way to go. I feel satisfied people would know that if there were any regulations or changes within regulations or changes in services and fees and tariffs within their community, within their work, within their

necessities, the consultation process would have been one that a minister would get ideas, would get the pros and cons from each side and from different aspects and from different thoughts.

However, this bill will take this away from the people. Madam Deputy Speaker, one day you may go and require services to get a survey or a map, and one that you have not just six months ago paid a certain amount for, all of a sudden you come in without any public notice, that the fees have gone up for this map or this survey, for this service.

He and this government—and we feel that we are wondering just where a bill such as this, within this minister's department, is going to lead to future bills and the future ministers within this government, as to what their plans are to regulate the fees within their own departments.

Now, Madam Deputy Speaker, with this idea in mind, slowly but surely, responsibility for such important legislative regulations and fees will be given to certain ministers, as this minister wants his authority and his control over fees. He wants control over retaining a matter of \$100,000 or so, where, in fact, \$100,000 if he feels is so important to provide the services within his department, if the revenue is going to indeed go to his department for use within his department, then perhaps it may on certain aspects not be such a bad idea.

If the minister feels that \$100,000 is going to improve the total revenue for this government and, in fact, make the services that he has available harder to achieve and harder to get because of costs to the people of Manitoba, I think the minister should look at that and just wonder exactly which way he is going to go with this.

We feel that fees that the minister is imposing or the regulation that the minister wants put in is going to improve, is going to satisfy and is going to enhance the availability of products, the services he so claims are going to do, I imagine we will have to wait and see. We will have to wait and see the response from the people and we will have to wait for the response in committee as to what more this bill actually contains and what more these changes that are being introduced, how they are going to affect the people who use these services, how they are going to affect the people in Manitoba. Again, as I mentioned earlier, not necessarily everyone within the province is using these services, but we must see exactly what costs will be incurred to the

people who do use, do require these services within the minister's department.

On principle, Madam Deputy Speaker, when you want to increase a fee, a tariff for a service, that fee should be in line with the fact of what service is being provided. If the service that is being provided is in line with what the minister feels is required to pay for the service, the service itself and the product itself would have to be one of enormous importance and one that is going to definitely provide the best type of service that is required by anyone who needs this.

Madam Deputy Speaker, the minister in his opening comments had indicated, and so have I, that we are prepared to go to committee with this, and he is prepared to bring his staff in to answer any questions that may come out of such an inconsequential bills, as he so states. We will in fact see, during committee and after, what effects this Bill 34 will indeed bring to the people of Manitoba who use the services that this minister provides and this government provides. Thank you very much.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 34. Is it the will of the House to adopt the motion? [Agreed]

Bill 73—The Health Care Directives and Consequential Amendments Act

Madam Deputy Speaker: To resume debate on second reading of Bill 73 (The Health Care Directives and Consequential Amendments Act; Loi sur les directives en matière de soins de santé et apportant des modifications corrélatives à d'autres lois), on the proposed motion of the honourable Minister of Justice (Mr. McCrae), standing in the name of the honourable member for Thompson (Mr. Ashton).

Is there leave to permit the bill to remain standing? [Agreed]

* (1140)

Mr. Gulzar Cheema (The Maples): Madam Deputy Speaker, I am very pleased to speak on this Bill 73 on behalf of our caucus. Simply, I will mention from the beginning that this bill is a duplication of Bill 16.

We are very happy that at least the government has seen fit to bring in this bill. It is a bill which has been drafted from the work done by the Law Reform Commission. It is the first kind of bill in this country

which will, if it is passed, become a law. I was reading the Minister of Justice's remarks on May 1, 1992, and in his almost 35 minutes of speech, he did not even have the courage to mention once that the bill was already in front of the House as a private member's bill.

Madam Deputy Speaker, when we introduced this bill—that was about four or five weeks ago—the kind of support we received from various organization—and I will go through those organizations one by one—but I just want to mention that there is wide support among the community at large to make sure that we have a law in Manitoba that will give patients control of their lives. Bill 16 will do the same thing, but there is only a minor difference in Bill 73. They have brought two or three main areas which will deal with mental health.

So in a matter of principle, we will support this bill, but we may have a couple of amendments and a couple of concerns which will bring it to the committee stage. We want to make sure that the people who are concerned about this bill will come forward with some of their own ideas. We should be open for their suggestions, because this bill is, as I said, the first of its kind in this country and we have to do everything possible to make sure we do the right thing. The right thing is to have a consultation process as much as possible. I hope that the minister's office will give enough notice to all these organizations who have worked very hard for the last number of years to bring forward this bill.

Madam Deputy Speaker, you know and the members of this House know what happened in Quebec this year in terms of Nancy B's case. That was the situation where a patient was left in a situation where she was not able to decide about her future, about her health, and she had to go to a court to make sure that her wishes were fulfilled. I think that was very sad and that touched millions of people in this country. Then everybody thought there is a need to bring such a kind of bill that will give dignity back to the patient. This bill will eventually do that.

There are a number of studies which have been done across this nation, and I just want to mention one person's name from Manitoba, Dr. Barney Sneiderman. He is a professor of law who has worked very hard and has established himself as one of the leading people in the area of advance directives and living wills, and he has published a number of articles and has given advice on this bill

when the Law Reform Commission was making the recommendation.

I think it is very good to have people like him in our province who are concerned for people and the patients and the dignity of the individual. That goes along with our own philosophy that the person's right must be respected at all costs and this bill will achieve that.

Madam Deputy Speaker, in terms of the various organizations that we have contacted and that have sent a letter of approval of this bill in principle include the Association for Rights and Liberties. The Manitoba Health Organization has also shown interest, but they made it very clear that the government is going to bring its own bill. We also got communication from the Manitoba Pharmaceutical Association. We received support from the Canadian Mental Health Association, Bill Morden, Executive Director of the association, in support of this bill. We also got communication from the Manitoba Dental Association and from the Manitoba Association of Registered Nurses, as well as the Women's Health Clinic and the Manitoba League for the Physically Handicapped.

We also got communication from various other individuals whose names may not be possible to mention in this debate at this time. We also got a communication from the Manitoba Medical Association, Consumer Health Organization, and the Manitoba Council on Aging.

Also, we got communication from the College of Physicians and Surgeons. They had expressed some concerns, and I hope that they will come while we are at the committee stage to bring their concerns so that their concerns can be addressed, because I think the physicians and the health care providers have to be an integral part of this process because they are the ones who have to be a part of the decision making and they are the ones who are going to provide to the patient the best possible advice and tell the patient and their families what is possible under the medical conditions and what is possible in the long run to make sure that they get the best possible advice. In my view, health care professionals are the best to do that. That is why it is very essential that their advice must be sought and I hope they will come forward with their own views at the committee stage.

I will again emphasize that the Minister of Justice (Mr. McCrae) should communicate with those organizations and make sure they are given ample

amount of notice so that they can come and make their presentation. We have seen many times that when we are at the end of the session, the time limits are there so that people are not given notice in the time that they can come and make presentation.

A bill like this should have come long time back in the early stages of this House so that by now we should have passed either the second or third stage and gone back to the committee. I am really disappointed that the Minister of Justice did not see fit to bring this bill at the earlier stage.

As I was saying that during my participation in various organization meetings as well as through the various radio shows—and I want to mention here that the CJOB Radio's Mr. Grant McGinnis was very helpful to bring this bill at the public stage. Two hours were given to this bill. There was wide support, but many individuals were not able to call because it is very, very complicated. They simply wanted us to do the right thing. I am simply asking the minister again to make sure that the proper consultation is done so that we can have the best possible bill.

Madam Deputy Speaker, I just want to go back and read some of the things of the Canadian Medical Association, which is also very much concerned about the living wills in terms of the advance directive for resuscitation and other life-sustaining measures. They have made it very clear that there are situations when families are left in a sort of state of shock to decide when a person whom they love so much is in a situation where the person cannot decide about their health care needs and health care treatment. If somebody can make sure that a member of the family or somebody they can trust can be given this sort of guidelines, which will clearly outline that these are the four or five things that that patient would like to do if there are circumstances which will come and have some difficulty with the patient's illness—I think those things can be made very clear, and this bill will help to clarify those situations.

* (1150)

Madam Deputy Speaker, as I said with our aging population, the way our lifestyle is changing in this country, sometimes it is very difficult to get hold of the families in a time of need. In terms of when you do not know how to get hold of them, you are in a situation where you have to make a decision. If you have the living will put into place, I think that will take away the anxiety from this major decision which at

times the health care providers are unable to do, even though they know the outcome may not be in the best interest of patients, but by law they have to protect themselves. I think this bill will also protect the health care providers. I think that is very important that it will give them a cushion to make sure that the law will say that they have done everything possible within the medical technology available, within the acceptable level of care. I think that can be done.

The other issue here that some people will raise is, who will have the final authority in terms of if there is a change in status? This bill clearly outlines that as long as a patient's mental capabilities are intact, the patient is able to make a decision. He or she can designate any person as a proxy, and if that proxy is not fit for any reason, then the committee can look into that patient's affairs. I think that the process can be followed in a very reasonable way. I think they should be a part of our wills as such, because we always take care of our financial aspect, but we never take care of something that is very important like this, especially in situations where somebody will go into a coma and when you do not have a will and you know that you cannot do much about them and so you are left with a decision that you may feel guilty in the long run.

You want to make sure that every kind of explanation is given to the patient, to the family, and to the concerned individuals. I would emphasize that the family care physicians and the health care providers who are giving services to a given patient are in the best position to explain. I think it is very essential that the proper time is given, proper education is given, to the health care providers to make sure they spend enough time with the patient to explain all those things. I think that should be a part of the daily practice of any medical officer, and that has been emphasized by the various organizations in this country and also by the Manitoba Medical Association and the Canadian Medical Association.

Ultimately, there are only two individuals who are affected. One is the patient; second is the health care provider. If you can protect both of them, and ultimately we can protect the patient and we can give dignity to the patient to make his or her decision.

I think that is the best thing we can do. The other thing that has to be clarified in this bill, people should know that one can change a will any time, as long

as you are in a situation of full mental capacity to decide about your future in terms of you are not certified under The Mental Health Act to make decisions. So you can change your proxy; you can change your will; and, if there is a dispute within the marriage, or if you want to change your proxy in terms of some other person or significant others, it can be changed. So it is not something once you put into law you will never be able to change. That has to be clarified. It is very essential that people should know that they have such a law in Manitoba.

Also, I think the other organization that was very supportive of this bill was the Manitoba Law Society, because they are the ones who ultimately end up with some of the problems in terms of the patient and the health care providers. That way it will give them also something to fall back on.

The institutions are going to benefit from this bill also. If a particular patient is being treated in any given institution, and if something goes wrong, if you do not have the will of the patient and you do not know what the patient wanted, then that institution is also liable for a suit.

So I think this bill is going to protect a lot of individuals and, ultimately, will protect the person who is the most important and the person when he or she is in a situation when he or she cannot make a decision for his or her self, I think this bill will help.

Madam Deputy Speaker, the other issue that is going to benefit from this bill—it is not a human issue, but a financial issue in terms of sometimes the treatment is being done simply on the basis of medical technology available. The patient's family or the patient may not want that kind of treatment, so it would save a lot of money in the long run. But that is not the primary concern. The primary concern is patients' rights and patients' dignity and the ability of the family and the health care providers to make a decision. I think we can do that.

We will take the credit as our party was the first one to propose this bill. We were not afraid of taking a risk, and I think finally the Minister of Justice (Mr. McCrae) learned that everyone was asking why they were not doing it. I was disappointed, and I will say it again. He did not have the courage to put on the record—and I was very disappointed—that the bill was the idea, not his own, not ours, but of the Manitoba Law Reform Commission. He was not able to even give them credit.

Madam Deputy Speaker, I will end my remarks saying that we will support this bill in principle, and

we may have two or three concerns, and we will ask the Minister of Justice (Mr. McCrae) to make sure that he will notify all the concerned organizations that have written to him and to us. I have mentioned their names in my speech, and make sure they are given enough time to come and make the presentations so that we can have the best possible law to make sure that the dignity of the individual person is maintained so that the basic rights of a person, whether they are in a situation where—in cases of whether they are mentally competent or not, whether they are in a terminal stage, whether they are suffering from illness, whether they want to make it a final choice about their health status, I think they should be given the chance. I am sure the other provinces will also learn from the experience that we have in Manitoba.

I will end my remarks by saying that we hope that we will have a speedy passage and if there are problems in the long run, we can come back again for the amendment, because I know that there could be some practical problems, and they may come because the bill is the first of its kind in this country. We should not shut our doors and make sure that we keep our eyes, ears and our minds open to make sure that the best bill is being given to the people of Manitoba.

Thank you.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Madam Deputy Speaker, I am pleased to rise today to speak on Bill 73, which is The Health Care Directives Act, which as the member for The Maples (Mr. Cheema) pointed out, is an almost exact duplicate of Bill 16. It is deeply regrettable that the government did not acknowledge that when they introduced their bill because, quite frankly, we are confident that it was because we introduced Bill 16 that the government finally did the right thing in introducing Bill 73. The idea was not ours. The idea comes from the Manitoba Law Reform Commission.

(Mr. Marcel Laurendeau, Acting Speaker, in the Chair)

It is sad to me that organizations such as the Manitoba Law Reform Commission and the Canadian Law Reform Commission are being given less and less authority and funding from a variety of levels of government. At the federal level, for example, it has been disbanded, which I think is a tragedy, because the work of law reform commissions in a nonpolitical way can address

serious issues, particularly ethical and moral issues and that is exactly what we are dealing with in The Health Care Directives Act.

So we decided last fall that in order to give the government a little bit of push, we would announce that we would be prepared to introduce such a piece of legislation. We hoped that would be enough, that we would not even actually have to go to the drafting stage with our piece of legislation, but it became very quickly evident that the government needed an additional push and that is why in mid-February the member for The Maples (Mr. Cheema) introduced Bill 16. Finally, just a short time ago, the government acted on something it should have acted on much earlier and introduced its own health directives act, and that is the act that is presently before us.

We obviously support the principle of this legislation. Bill 73 and Bill 16 have some minor differentiations, ones that we would like to ensure are adequately covered at committee stage. If we do introduce amendments they will, we hope, be considered very friendly amendments because we want those amendments to ensure that the proper safeguards are in place, that the proper consultation is in place, to make sure that we have a bill which provides the opportunity for Manitobans to make decisions as to how they want to spend the last days, weeks and hours of their lives.

* (1200)

This bill has a particular importance to me. It does because of my own family situation with regard to both of my parents when they both experienced, at the end of their lives, cardiac arrest, and what had only to be interpreted as extraordinary treatment of them at that particular point in time. I remember going to Halifax to visit my father who was in coma and whose body was already filling with fluids, and the doctors unwilling to make any decisions as to when they would turn off the machines. I suspect part of that, Mr. Acting Speaker, was the fact that he built the hospital in which he was presently residing in when he was the Minister of Health. There were a number of people who were a little leery, quite frankly, of making a decision of this magnitude with regard to what they considered to be their former Minister of Health.

But that was not the issue. The issue was that this man in fact was no longer alive in the true sense of the word. He had no brain activity. He was being kept alive only by extraordinary measures, only by

technology that allowed his heart to keep on beating but the soul, the mind, the spirit of the man was no longer in existence. I went to visit my mother who said to me, Sharon, go back to the hospital and tell them to do what they must do with respect to your father. So I did that. I went back and I met with the doctors and I indicated to them very clearly that no more extraordinary measures, no more extraordinary use of technology was to be done in this case.

Well, it is always interesting when people to some degree make some decisions about their lives, but the reason why my father was in a state of cardiac arrest at that particular point in time was because he had submitted himself to a surgery which he probably should not have subjected himself to. He was a stroke victim of some 10 years at that point, but he also was someone who had had diabetes for 30 years in a very brutal form of diabetes. My mother, who had been caring for him throughout his diabetes—because she was a professionally trained nurse—as well as through his stroke, was herself in a deteriorating health condition.

I have always believed that my father made the decision that if he was going to become a greater burden upon my mother that he would rather no longer be doing that. The only way he was going to be less of a burden was to subject himself to the surgery, which was extremely risky. It was a form of vein transplant for an individual who, quite frankly, had all the indications that he should not subject himself to surgery. Well, the reality was that, like so many cases, he came through the surgery but shortly thereafter had a cardiac arrest.

Well, that was in May of 1980. In August of 1980 I went back to Halifax, to see if my mother was doing well, to realize that no, her condition was deteriorating as well. She had what is considered to be congestive heart failure.

I called her in November, and I think it is interesting how we develop relationships with our parents. There are many who think, of course, that because my father was a politician, I am most like him. In reality, I am most like my mother, and because we were two of a kind we did not always get along because her will and my will frequently came into conflict. When I called her in November to hear this very, very soft voice on the end of the phone say, would you please come home—I need you, I immediately got on a plane and immediately arrived in Halifax.

I arrived there to discover that she certainly needed 24-hour care. I had two choices. My family lived in Winnipeg, and I indicated to her that I could hire 24-hour nurses in Halifax to look after her or I could bring her back to live with us. We made the decision that she would come back to Winnipeg and live with us. Three weeks later she went into serious heart problems and we admitted her to the Grace Hospital.

When we admitted her, she very clearly stated what she wanted her wishes to be. She knew she suffered from congestive heart failure. She had had a cardiac arrest once before. She did not want to be revived. She wanted to die with dignity. She did not want to be hooked up to machines.

I left her at about twelve o'clock on that Saturday evening and received a phone call from the hospital one hour and a half later to say that my mother had had a cardiac arrest but that they had revived her. I went to the hospital. She was in coma, the exact same duplication of my father just five months before. I asked the doctor why they had revived her, why, when it clearly stated on her admission that she did not want to be revived, that they had done this to her. He indicated that they had to take all measures possible to keep her life going. I said, but you know she suffers from congestive heart failure. You know that this is just going to be an ongoing series of events. You know that she is now in a quality of life where she has little or no brain activity and yet you are playing God with my mother when she has tried to make her own opinions on this matter very clear.

He indicated at that particular point in time that he would no longer play God with my mother's life, and when she had a further cardiac arrest some three hours later, they allowed her to die in dignity.

Mr. Acting Speaker, that is what we want to see accomplished by this bill, that individuals like my mother and my father, who choose to die in dignity, who choose to make decisions about their own life and about when that life should pass in its appropriate time, that they and they alone should have the final authority on the quality of their life in their remaining hours.

It has always been interesting to me that my mother was particularly terrified of the means of resuscitation from a cardiac arrest. For some bizarre reason, my mother was very frightened of electricity, so frightened that she would not change light bulbs. I know that when I would go home to

Halifax, I would be given this pack and told where the ladder was. I am not talking about a very old woman, I am talking about a woman—she died when she was 73, but in her mid-60s. When I would go home she would say, Sharon, the light bulbs need to be changed in the second floor hallway or in this bedroom or in another room. She simply would not touch it.

Whether she had had a bad experience with electricity as a child, I do not know, but when she had her cardiac arrest in her mid-60s and she became conscious as they were putting these paddles on her, they frightened her more I think than the fact that she had massive congestive heart failure. She was terrified and the thought that they might have done that again to her was enough for her to say, no, I do not want any of that kind of resuscitation.

It has always filled me with a silent rage that I do not know whether she was ever aware of the fact that they did it to her again when she had indicated so clearly she did not want it done. I hope she was not aware of it. I hope that, for whatever reason, her coma had begun at the moment of her cardiac arrest and that she was not aware, because I can just hear her, if she had been saying, that daughter of mine, she just did not do what I told her to do yet once again. That would have been I think her reaction. She would not have blamed the doctors, she would have blamed me for not having to prevent this particular situation from occurring to her.

We all have to experience these things. I think it is tougher when it happens to you when you lose both parents in less than half of a year. But we have all been through this difficulty. I notice the member for Charleswood (Mr. Ernst) nodding his head because he certainly has had a similar experience, and he knows too what it is like when this happens. Like me, I think, he also wants not only for himself but for others faced with the same circumstances, as we have been faced with, that death with dignity be allowed to take place.

However, there are also controls that we must put in place. I think that it is clear that there must be absolutely no coercion on a patient so that they sign a living will, because someone may think that it is convenient for them to leave this earth at a particular time. That is why the legislation must absolutely guarantee that any use of a living will must be done in a legal format so that there is proof of consciousness of the decision being made by the

individual patient and that there is no coercion, and there is no issue of convenience for society for the reason why this particular action will be taken by an individual on health care directives of this nature.

* (1210)

It is also important for patients such as Nancy B. That was, of course, a very unique situation because she was within a hospital setting, and they were taking the attitude that they could not remove life supports from her unless the court gave them permission to so do. Why? Because they believe, and rightly so, how a hospital and medical complex is in place to ensure in a very positive way the protection of life to preserve health to the greatest degree possible within the support system for health. Yet we all know that traditionally, for many, many decades, doctors have been making decisions and leaving themselves open to a certain amount of legal liability as a result. I do not blame them, quite frankly, for being cautious about their liability if they make a decision without the approval of family members and without the approval of the individual.

In the case of someone in a coma, that individual cannot possibly make that decision at that particular moment in time, so a living will gives them the right to give the direction on that particular issue to a designated member of their family, a spouse, a sibling, a child who can understand fully the ramifications of the health care directives on them as individuals.

It is also interesting, Mr. Acting Speaker, to be conscious of this even with respect to our own children. I think our children have quite a different attitude about many of these things than we do. When we are faced often with a complex illness that affects our children, it is important, I think, that we have had discussions with them about their wishes on this matter. Obviously, that is not possible in the case of very small children, but it becomes significantly possible when children get to an age when they can make decisions about their own activities. It is an interesting discussion to have, I can assure you, with children when they are in their teenage years about what kind of quality of dying they wish to experience and what is the quality of dying that you wish to experience as their parent.

Last summer, when we received a phone call from a hospital in Vermont to tell us that our daughter had been brought in and it appeared that she had broken her neck, all of a sudden you remember those kinds

of discussions. Fortunately for us, although it appeared from the early X-rays that Jennie had indeed broken her neck, the CAT scan indicated that she had not and that she was a very fortunate young woman.

You recall all of the things as parents that you have discussed at that particular moment in time. In her case, you have a child who is engaged in a dangerous sport. She jumps horses at anywhere from three-feet to five-foot-six jumps. She has the most expensive helmet that parents can buy because you are concerned about any brain damage, and she flies through the air and hits the top of the jump, not with her head but with her chin which is not protected, snaps her head back and obviously is in a situation where she could have easily severed the appropriate bones and therefore have been, in essence, a quadriplegic.

The quality of life, all of a sudden, in all those issues of quality of life, come very much home to roost at that particular moment in time. Yet, interestingly enough, we had had that discussion with Jennie and she had indicated very clearly that if she was in coma and if she was considered brain dead, that she did not want to have any extraordinary circumstances used in her life.

Well, lo and behold, Mr. Acting Speaker, I received a phone call from that same daughter in January on a Wednesday night to tell me that she and a group of students at Queen's were all going to live that next year in a house, and that Linc Newman—Don Newman of CBC fame—was going to be one of the group that was going to share in that housing.

That was about nine o'clock on a Wednesday evening. On Thursday morning, I received a phone call from someone who identified herself as a friend of the Newmans, could I please get them a number where they can get in touch with Jennie. I said, why do you want to be in touch with Jennie? They said Linc Newman has just died.

I wanted to know how he had died. The situation was that he had gone to have his wisdom teeth removed on a Monday. They had injected him with an anesthetic, which the inquest will tell us sometime in the future whether he was allergic to or whatever, he went into a cardiac arrest. By the time they took him to the Ottawa Civic Hospital, he was designated as brain dead, and on Wednesday night his parents allowed no additional extraordinary

measures to be used to maintain his life and he died on Wednesday evening.

You just take all of these issues happening in your life one after another and you realize the very importance of a bill like The Health Care Directives Act. I mean, what would have happened in the case of the Newman family if the doctors had decreed that, no, they were not going to take responsibility, that they wanted to do everything. This was a 20-year-old, they had to do everything to preserve life even though it was clearly evident that this young man was brain dead.

But they had also done what we had done with Jennie. They had had discussions within their family unit about what kind of quality of life that Linc wanted to live. This was obviously tough on a lot of young people who had to deal with the reality that this young man was no longer with them, and once again we had family discussions about the quality of life. You know, we have all signed our licence forms. We have all indicated how we want our bodies to be dealt with. We have all indicated if they want them to be used for any purpose, they can be used. This would just go one step further and ensure that the quality of life that can be maintained must be at the direction of the patient.

This is very much a patient's rights bill. It designates an individual to be able to make decisions about the quality of their lives. I think that is what makes it so very much a significant issue, Mr. Acting Speaker. That is why I hope that we can get this bill into committee relatively quickly and therefore I will be the last person from my party to speak to this bill. I hope that we can engage in very friendly amendments at the committee stage from all three parties so we can make sure that we have all of the protections in place, that we can ensure that the quality of this legislation reflects the will of 57 members of this Legislature, that it does not become a Conservative bill or an NDP amendment or a Liberal amendment, that it becomes a people's bill, a patient's bill, so that it can lead to our taking a

leadership role, as Manitoba has often done in the past on social issues.

(Mrs. Louise Dacquay, Deputy Speaker, in the Chair)

We can take a leadership role and we can tell the rest of the country that, look, this is a good initiative. We have done it, join forces with us, do it Canada-wide, so that when we are outside this province we also know that our living will will be protected not only within the confines of the province of Manitoba, but throughout the nation. Thank you, Madam Deputy Speaker.

Madam Deputy Speaker: As previously agreed, this bill will remain standing in the name of the honourable member for Thompson (Mr. Ashton).

Bill 49—The Environment Amendment Act

Madam Deputy Speaker: To resume debate on second reading of Bill 49 (The Environment Amendment Act; Loi modifiant la Loi sur l'environnement), on the proposed motion of the honourable Minister of Environment (Mr. Cummings), standing in the name of the honourable member for Radisson (Ms. Cerilli).

Is there leave to permit the bill to remain standing? [Agreed]

Bill 64—The Child and Family Services Amendment Act

Madam Deputy Speaker: To resume debate on second reading of Bill 64 (The Child and Family Services Amendment Act; Loi modifiant la Loi sur les services à l'enfant et à la famille), on the proposed motion of the honourable Minister of Family Services (Mr. Gilleshammer), standing in the name of the honourable member for Osborne (Mr. Alcock).

Is there leave to permit the bill to remain standing? [Agreed]

Is it the will of the House to call it 12:30? [Agreed]

The hour being 12:30, this House is adjourned and stands adjourned until Monday, 1:30 p.m.

Legislative Assembly of Manitoba

Friday, June 5, 1992

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