



First Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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The Honourable George Hickes
Speaker*



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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ALLAN, Nancy	St. Vital	N.D.P.
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ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary	Tuxedo	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
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MARTINDALE, Doug	Burrows	N.D.P.
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MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
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SCHELLENBERG, Harry	Rossmere	N.D.P.
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SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott	Brandon West	N.D.P.
STEFANSON, Eric	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 22, 2000

The House met at 10 a.m.

PRAYERS

Introduction of Guests

Mr. Speaker: Prior to Orders of the Day, I would like to draw the attention of all honourable members to the gallery, where we have with us from the Deloraine Elementary School 20 Grade 5 students under the direction of Mr. Herb Horner. This school is located in the constituency of the Honourable Member for Arthur-Virden (Mr. Maguire).

Also in the gallery we have from Garden Grove School 64 Grade 6 students under the direction of Mr. Dave Boulton and Mr. Murray Kehler. This school is located in the constituency of the Honourable Minister of Labour (Ms. Barrett).

On behalf of all honourable members, I welcome you here today.

ORDERS OF THE DAY

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call second readings Bills 34, 36 and 37.

SECOND READINGS

Bill 34—The Statute Law Amendment Act, 2000

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 34, The Statute Law Amendment Act, 2000, Loi de 2000 modifiant diverses dispositions législatives, be now read a second time and referred to a committee of this House.

Motion presented

Mr. Mackintosh: This bill is before us primarily for the purpose of correcting minor errors in the statutes. Honourable members will note that Part 1 of the Bill corrects typographical numbering and other editing errors in the English and French versions of acts. As well, provisions that are no longer in effect are repealed.

In five acts, the French version is being amended to correct a translation error as to the terminology used to describe a professional corporation. This affects The Certified General Accountants Act, The Chartered Accountants Act, The Dental Association Act, The Law Society Act, and The Medical Act.

Part 2, Mr. Speaker, updates references to the names of ministers and departments to reflect the reorganization of executive and government.

I believe that concludes my remarks on this bill, and I am pleased to discuss the Bill further at committee stage.

Mr. Marcel Laurendeau (St. Norbert): Mr. Speaker, I move, seconded by the Honourable Member for Seine River (Mrs. Dacquay), that debate be adjourned.

Motion agreed to.

Bill 36—The Summary Convictions Amendment Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 36, The Summary Convictions Amendment Act, Loi modifiant la Loi sur les poursuites sommaires, be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Mackintosh: This amendment allows for a penalty of \$35 per ticket when an accused fails to plead guilty voluntarily and pay the fine or challenge the ticket in court. The process is called a default conviction, and this would result in the judicial officer having to review a ticket and the court administration having to send additional notices to an accused to inform the individual of the conviction.

In general, if a person is default convicted, the court will have more difficulty collecting the fine, and therefore not only is the enforcement of legislation impaired, but of course the revenues that are due to the Province and to the public is affected.

For those fines where the court must go to a collection process, the additional penalty will only be as difficult to collect as the fine itself would be. The penalty will, however, help to offset the costs of proceeding to collection. Collection agencies currently charge 20 percent of each fine they collect and, in addition, the Department incurs other costs such as postage and salary costs to collect those fines.

The Province receives about 100 000 tickets per annum, of which about 20 percent is default convicted. The Department anticipates that adding the \$35 penalty will go some way to reducing the number of defaults. The default, as well, does allow for the differentiation between those accused who choose to resolve the ticket within the given time requirements and those who choose to do nothing and force the Department to add a series of costly administrative tasks to the process. This kind of penalty is common. The City of Winnipeg, of course, imposes such a default penalty, as do other provinces.

Mr. Marcel Laurendeau (St. Norbert): Mr. Speaker, I move, seconded by the Honourable Member for Emerson (Mr. Jack Penner), that debate be adjourned.

Motion agreed to.

Bill 37—The Miscellaneous Health Statutes Repeal Act

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I move, seconded by the Minister of

Justice (Mr. Mackintosh), that Bill 37, The Miscellaneous Health Statutes Repeal Act (Loi abrogeant diverses lois en matière de santé), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Chomiak: Mr. Speaker, this particular amendment is an administrative issue. It is a statutory repeal of a number of acts that no longer, in fact, apply as a result of the process of regionalization. The Bill repeals private acts that incorporated five Manitoba hospitals. Each of these hospitals is operated by a regional health authority under The Regional Health Authorities Act, and the private acts, obviously, no longer apply. In each case, each of these institutions voluntarily entered into arrangements and co-operation effectively with the specific regional health authority in question. When the previous administration brought about a system of regionalization in this province, they put in place this process, and this actual repeal of the acts that are taking place today is the natural progression of that particular process that is put in place.

It is an administrative matter. It is a matter of law. I did ask, and it is interesting, of course, that in this particular administrative and statutory change that is taking place, a period of history for many institutions is eliminated from the record book. I am sure members will permit the indulgence of discussing each of these institutions, just briefly, for the historical record, Mr. Speaker. For example, The Brandon General Hospital Incorporation Act was assented to on July 7, 1883. It is an Act that has served, and it is a hospital that has served the people of that area and region well for well over 100 years.

Just for the record, perhaps I will just read the preamble of the Brandon General Hospital Incorporation Act, which says, and I quote:

"WHEREAS the first members of the said corporation included the following persons: Richard Spencer, M.D., Alexander Fleming, M.D., John McDiarmid, M.D., F.W. Shaw, M.D., L.M. Moore, M.D., Rev. J. Boydeell, Rev. John Ferries, Rev. Thomas Lawson, Hon. J. W. Sifton, J.E. Woodworth, M.P.P., William

Winter, T. Mayne Daly, jr., L.M. Fortier, James A. Johnson, William J. White, D. M. McMillan, the mayor of the city of Brandon, and the warden of the municipality of the county of Brandon;

"AND WHEREAS the Minister of Justice has caused the Act to be prepared in English and French for re-enactment in accordance with a judgment dated June 13, 1985 and an order dated November 4, 1985 of the Supreme Court of Canada."

It then goes on through the statutes to incorporate The Brandon General Hospital Incorporation Act. I daresay, Mr. Speaker, that each of those,—there is a story that could be told about the history. As one would note from the names who were the original incorporators, there is a history to this that I think would be useful reading and useful review by a variety of people in the province of Manitoba. There are some Manitobans who are recognized within that group nationally and many, many locally. So it is an interesting historical review that could take place of this, and today in this Legislature we are eliminating the actual reference to this act, but I wanted to note in the record some of the history behind that.

With respect to another institution, The Pine Falls General Hospital Incorporation Act, I should just read the preamble as well:

"WHEREAS the persons hereinafter named, by their petition, prayed that Pine Falls General Hospital should be incorporated: Thomas Newman McLenaghan, Jenus Ingvar Hundevad, Douglas Allison Cutten, Samuel Wilbur Jackson and Kjartan Ingimundur Johnson, all of the community commonly known as Pine Falls, in the Province of Manitoba;

"AND WHEREAS their prayer was granted, and resulted in the enactment of an Act to Incorporate Pine Falls General Hospital, assented to May 6, 1963;

"AND WHEREAS the Minister of Justice has caused the Act to be prepared in English and French for re-enactment in accordance with a judgment dated June 13, 1985 and an order dated

November 4, 1985 of the Supreme Court of Canada;" et cetera.

*(10:10)

Likewise, the history of this hospital and the individuals involved, while eliminated formally from the statute books of Manitoba, evolves into a new phase with the regional health acts as well as the regionalization that we have entered into in this province.

Similarly, The Pas Health Complex Incorporation Act,

"WHEREAS 'Les Soeurs de la Charité de l'Hôpital Général Saint-Antoine de Le Pas' (hereinafter referred to as the 'religious order') was enacted as a body corporate and politic by chapter 102 of the Statutes of Manitoba, 1961 (First Session);

"AND WHEREAS the said religious order owned and operated a general hospital at The Town of The Pas, in Manitoba, under the name of St. Anthony's General Hospital;

"AND WHEREAS the said religious order was desirous of transferring the management and ownership of St. Anthony's General Hospital to a new corporation;

"AND WHEREAS the persons hereinafter named, by and with the consent of the said religious order, by their petition prayed for their incorporation as a body corporate to acquire, own and operate the said hospital: Albert Reginald Hayes, Retired, William Henry Harvey, Merchant, Laurent Piorier, Priest, Jeanette Manseau, Supervisor, and Annette Chapdelaine, Comptroller, all of the Town of The Pas, in Manitoba;

"AND WHEREAS their prayer was granted and resulted in the enactment of An Act to Incorporate St. Anthony's General Hospital, assented to October 10, 1969."

This particular enactment of this act was preceded by the Act that had The Pas Health Complex Incorporation Amendment Act, it was precedent and subsequent in some sense to the previous act, also was referred to with regard to

The Pas. In fact, there were three actual acts that are being dealt with in terms of The Pas.

With respect to Thompson General Hospital, Mr. Speaker:

"WHEREAS the persons hereinafter named, by their petition, prayed that Thompson General Hospital should be incorporated: Carl Alvie Nesbitt, Jack Broughton McConnell, Donald Edward Munn, Alan Robinson Smith and Joseph Ross Hawkins, all of Thompson, Manitoba;

"AND WHEREAS their prayer was granted, and resulted in the enactment of An Act to incorporate Thompson General Hospital, assented to May 11, 1965;

"AND WHEREAS the Minister of Justice has caused the Act to be prepared in English and French for re-enactment in accordance;" et cetera.

Mr. Speaker, and again, with the Act that we are bringing, the history will remain, the history will change, and it has now become part of the regional health authority.

Similarly and finally with respect to Wawanesa:

"WHEREAS the persons hereinafter named, by their petition, prayed that the Wawanesa and District Memorial Hospital Association should be incorporated for the purpose of constructing, conducting, maintaining and equipping, a hospital for the treatment of the sick in the village of Wawanesa in the province of Manitoba: Ernest Ellis, Farmer; Henry Clare Cory, Farmer; Ruth Scott, wife of Charles Scott, Farmer; Henry Ethbert Cory, Farmer; Earl Sifton Dixon, Farmer; all of the Rural Municipality of Oakland in the province of Manitoba; Thomas Alexander Carol Clark, Apiarist; George Moore Mooney, Farmer; Christina Mary Sundell, wife of Eric Andre Sundell, Farmer; all of the Rural Municipality of South Cypress in the said province; Henry Ernest Hemmons, Insurance Manager; Charles Lorraine Atkinson, Barrister-at-law; Fred Burns MacArthur, Treasurer; and Benedict Kirsten Peterson, the Younger, Clerk, all of the village of Wawanesa aforesaid;

"AND WHEREAS the prayer was granted, and resulted in the enactment of An Act to incorporate the Wawanesa and District Memorial Hospital Association, assented to March 24, 1948, et cetera, and then it follows through, as it does in all acts, to privately incorporate hospitals within the various regions."

I think it is an interesting review of history in terms of how one views the various means and methods by which each of these areas and these populations in Manitoba brought about the establishment of a hospital. It is in fact a reflection of the diverse ways that Manitobans have, through working together, brought together requirements for their needs in health care to be met. It is a testament to their fortitude and strength that they accomplish those goals. I think it is also a testament to their understanding of the future needs of people of the region that what will result today in actual fact is the legal repeal of those acts and the legal elimination of the statutory authority of those various acts to be eliminated and to be acquired by the regional health authorities. In fact, in practice, that has already occurred as a result of regionalization, both in fact and in deed.

What we are doing today by virtue of the repeal of these acts is formally changing the structure. I thought it would be useful, just for the historical record, to outline for the members of the Legislature a little bit about the history that one can capture by reviewing the private acts. It is an interesting history. It is again, as I indicated earlier, a testament to the diversity of this province as to various means and methods by which these various institutions were incorporated. I think it is a testament to the hope and to the strength of those communities that they have all entered into a different type of relationship with respect to their various hospitals, districts and regions.

I think that what we have seen in this country over the past decade has been a move toward regionalization on the premise that a move toward regionalization would result in an ability to better utilize resources and better reflect the needs and requirements of populations in those specific regions. It has been a move and a phenomenon that has literally taken place across the country, some jurisdictions

moving earlier, some jurisdictions moving later. There have been different formats and different frameworks.

We are still in a situation of change with respect to the evolution here in Manitoba, so we smove on. I look forward to any discussion or debate that might take place in regard to these amendments as well as committing it to committee for their advice and suggestion. With those comments, I will close. Thank you very much, Mr. Speaker.

Mrs. Louise Dacquay (Seine River): I move, seconded by the Honourable Member for Emerson (Mr. Jack Penner), that debate be now adjourned.

Motion agreed to.

Hon. Gord Mackintosh (Government House Leader): Could you please call Debate on Second Readings with the bills in their order on the Order Paper.

DEBATE ON SECOND READINGS

Bill 5—The Wildlife Amendment Act

Mr. Speaker: On the proposed motion of the Honourable Minister of Conservation (Mr. Lathlin), Bill 5, The Wildlife Amendment Act (Loi modifiant la Loi sur la conservation de la faune), standing in the name of the Honourable Member for Lakeside (Mr. Enns).

Some Honourable Members: Stand.

Mr. Speaker: Stand? Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Lakeside (Mr. Enns)? *[Agreed]*

* (10:20)

Hon. Jon Gerrard (River Heights): I rise, Mr. Speaker, to speak to Bill 5, the Bill which deals with the additions or changes to The Wildlife Act, The Wildlife Amendment Act.

I rise to indicate first of all that, while I support measures to end hunting in small enclosures called pens, I do not support this bill.

The ending of hunting within small enclosures called pens could have been done, I believe, under the existing legislation. So this bill really was not necessary. Secondly, it is quite clear that when you look carefully at this bill, it is a very poor piece of legislation.

Let us begin with some of the very fundamentals. We have heard from many of the NDP speakers on this bill about the importance of and the role of this bill in ending penned hunting. Yet, within neither The Wildlife Act, right, nor this bill with its amendment, is there a definition precisely of what a pen is. So if that is your goal there should have been a definition of what a pen is.

There is, under the Act, a shooting preserve. It is possible that that is what the proponents of this measure are referring to in terms of pen. But I would put on the record the definition of shooting preserve here means land that is privately owned and maintained and on which wildlife that has been raised in captivity is kept in captivity or released for the purpose of hunting.

Now, I would suggest to you that it is quite possible to have wildlife which was not raised in captivity put in a pen and it would fall outside the definition of what is a shooting preserve. So the first point would be that the definition of a shooting preserve is not adequate, it is not appropriate for what you are trying to do in terms of a pen.

Now, it would seem to me that in the context of what most citizens of Manitoba understand in terms of a pen, they are talking about a small enclosure within which animals cannot escape easily or run away. One of the fundamental issues here is: Are you going to ban hunting within any enclosure? If an enclosure was 80 acres, 160 acres, a mile, a First Nations community of many miles square or kilometres square or a township or a larger area, are you going to ban hunting? Are you going to call this a pen or not?

At least the citizens of Manitoba should have on the table a clear understanding of what you mean by a pen when we are debating this bill, and you have not given it to us. So that is the first point that would be pretty important.

The second point that I would raise is the definition here of "exotic." Now, "exotic" under this act is "wild by nature and not indigenous." Well, let us, first of all, address the issue of what is indigenous and what is not. Species move around the globe. The house sparrow did not originate in Manitoba, but it is rather plentiful here. The starling was not indigenous; the ring-necked pheasant was not indigenous. There are many, many, many more birds which we consider normal populations of species within Manitoba, and yet—[interjection] Liberals, yes. We have been here for a long time, a lot longer than the NDP, so do not forget that. The Member for Emerson (Mr. Jack Penner) mentions that the white-tailed deer may not be indigenous to Manitoba.

But the issue here, in a sense, is when is something indigenous and when is it not. It is not defined in the Act. How long does a bird or an animal have to be here before it is considered indigenous? This becomes quite important in terms of how the act is interpreted, how people and citizens throughout Manitoba are interested, concerned and regulated under this act.

The definition "wild by nature" is put there clearly to differentiate what is a domesticated species from what is a wild species, but it is important, therefore, to remember that all of the species which are domesticated now were wild once and that, indeed, where and how long does something need to be in a domesticated state before it is considered domesticated as opposed to wild? Where does the bison fall? Where do a lot of animals and birds fall that have been in captivity for some time? Clearly, it would not be immediately coming in from the wild, but certainly there are species which have been domesticated for several generations which we need to understand with this act where they will fall. I suggest to the members opposite that this act is really deficient in not providing basic information about what it will cover, what it will do, for the citizens of Manitoba. So there is a problem in terms of definitions.

I would take this a step further and go to the definition of "hybrid." Now, hybrid in a traditional sense is the first-generation cross between two species, but when we get into the era, where we are now, of understanding and

being able to look carefully at genes and genetic linkages, where we are involved in things like biotechnology, cloning sheep and so on, that the word "hybrid" may take on a different definition, and, indeed, in the act it refers to a hybrid descendant. Now, is this just the first F1 generation hybrid? Is this further animals descended from that? Is this any animal with, in fact, some genetic material from an exotic animal? If we now did DNA assays on species and found that there was genetic material from a wild animal, would this now classify that species as a hybrid?

Clearly what we need is more clarity, more precise definitions so that citizens in Manitoba in considering this act will be able to make a clear decision and know what we are talking about and what the government is really trying to regulate.

I think it is important in looking at the Act to understand as well that under The Wildlife Act hunting is not restricted to shooting, pointing a gun and pulling the trigger at an animal, that hunting as defined under this act is much broader. I will quote from the Act. It says: Hunting means chasing, driving, flushing, attracting, pursuing, worrying, following after, on the trail of, searching for, shooting at, stalking or lying in wait for wildlife, whether or not the wildlife is then or subsequently captured, killed, taken or wounded.

It does not include some activities: stalking, attracting, searching in the course of trying to take pictures, but it does not include worrying a wild animal while you are taking pictures. That would be considered hunting. Your definition under this act of what is hunting and what is covered is really much broader than just taking a gun out and shooting.

This needs to be considered very clearly in understanding what the purpose of your bill is. Let us face it, if we have got animals which are wild by nature which are in some form of enclosure, you go in there to worry them to vaccinate them, to draw blood samples, to do all sorts of things, then in fact you are hunting them. What you are trying to do, if indeed that is your intent, is to ban all these sorts of activities where you have an animal in an enclosure where it has

some trace perhaps of DNA material from an animal which is wild and not indigenous.

* (10:30)

So I would suggest to the members opposite that this bill has a lot of problems and that it really needs to be considered much more carefully. While many of these aspects could be considered in the regulations which are drafted subsequently, the Bill itself should provide a much clearer picture of the direction that you want to take Manitoba rather than have something which is as broad and general as this act.

Now, I have listened and I have read the impassioned speeches from the members opposite about banning penned hunting. As I said, I agree that it is time to end the hunting of animals within small enclosures using guns where you are shooting at animals purely for the purpose of sport, but I suggest that this bill has a lot more than the hunting of penned animals and that the members should speak to the larger changes that this bill is trying to introduce.

The members have not provided any justification for including eggs, sperm, embryo, body parts of animals. Presumably this is not because the members are going to hunt sperm or egg in the traditional sense. Maybe that is what they want to do in a non-traditional sense, and that would be included, but quite frankly if you have got exotic wildlife, as is now the practice in some domesticated animals, you are involved in artificial insemination, this could be used to suggest that what we want to do is to end the practice of chasing after an animal which is in a pen which is for the purposes of artificial insemination.

The implications need to be understood of what the members are trying to do or accomplish or to achieve. Clearly the members in their speeches to date have barely scratched the surface on the sorts of things which are covered in this act and which need to be dealt with honestly and forthrightly instead of just pretending that this is a bill solely about ending the hunting of animals in small enclosures.

Give us more data on what the real intent of this legislation is. Certainly you have caused

anxiety among many who have exotic animals, many who have farms with bison or buffalo or various other animals, and it is time to proceed in a more rational manner. Do the consultation first; explain more clearly what your goals are. If you really want to have a bill which ends the hunting of wild animals in small enclosures, then you could have done that in a much more focused fashion, and that is what you should have done. If you want an omnibus bill that is going to regulate all aspects of the handling of wildlife, then explain to us why you need all these measures, where you are going with all these measures.

One of the implications of the reference to eggs and sperm and body parts and so on in an era where we are dealing with biotechnology is we are dealing with another issue which may be very important in this debate. But let us debate that issue; let us not debate penned hunting if that is what you want to achieve. If you want to regulate the biotechnology approaches which might involve in some fashion exotic animals, then tell us that that is what you want, but do not pretend that what you are trying to do is just end penned hunting.

So this Chamber and the people of Manitoba deserve a bill which is much clearer, which is much more precise and to the point, which ends the hunting of wild animals in small enclosures. If that is what you want, if you feel that you cannot possibly do that under regulation, fine. We support you. But this bill where you have not shown or told us what you really want with all these omnibus measures, I do not see any reason to support this at this time because you have not provided the basis for that support.

It obviously covers a lot of areas beyond penned hunting, and on this basis, Mr. Speaker, I voice my opposition to this measure.

Mr. Speaker: As previously agreed, this bill will remain standing in the name of the Honourable Member for Lakeside (Mr. Enns).

Bill 6—The Water Resources Conservation and Protection and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the Honourable Minister of Conservation (Mr.

Lathlin), Bill 6, The Water Resources Conservation and Protection and Consequential Amendments Act (Loi sur la conservation et la protection des ressources hydriques et modifications corrélatives), standing in the name of the Honourable Member for Arthur-Virden (Mr. Maguire).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Arthur-Virden? *[Agreed]*

Bill 7—The Protection for Persons in Care Act

Mr. Speaker: On the proposed motion of the Honourable Minister of Health (Mr. Chomiak), Bill 7, The Protection for Persons in Care Act (Loi sur la protection des personnes recevant des soins), standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for St. Norbert? *[Agreed]*

Ms. Bonnie Korzeniowski (St. James): I rise today to make remarks on a bill of great importance to me. I have worked in the health care field for a number of years as a social worker with psychogeriatric patients. As a matter of fact, I worked in a position that allowed me to go into personal care homes on a consultation basis, as well as working with the patients before they even got that far. As someone working in this field, I can certainly testify to the need for the increased protection of vulnerable individuals.

Although it happens infrequently in this House, I would also like to take the opportunity to thank the Opposition today. Were it not for their handling of health care issues dear to me, I may never have decided to run for office. It was a profound sense of frustration that in fact encouraged me to get out and campaign in the past election.

I, like other Manitobans, watched as the former government pledged to strengthen en-

forcement of personal care home standards a decade ago. I witnessed first-hand the inaction of members opposite on this promise, and it certainly served me well on the doorsteps.

Mr. Conrad Santos, Deputy Speaker, in the Chair

It is incomprehensible the implications of the laying off of 1000 nurses, how that really did affect not just the amount of care that people were able to receive, but more so the amount of care that they could not, and the quality. Staffing levels were directly affected not just in time, but contributed to the neglect. Consistency in approach are key factors in managing, in particular, difficult behaviours.

* (10:40)

I would just like to speak a bit to the Bill. To ensure that an investigation can be thorough and complete, following an investigation reports are made taking into account patient wishes. Then a direction is given as a result of these activities. Very significantly, the Bill provides protection for employees who make report of abuse and prohibit any action including adverse employment action being taken against the person who makes a report in good faith. It also provides protection for members of a family of an individual who reports such matters.

I feel confident that this bill, except in very few instances, may work as a preventative measure. I think this is even more important to be used as a prescription against abuse. It will not simply exist as a post-incident process, because that is where the unfortunate incidents that we are so aware of happen.

I would like to speak just a moment to abuse. The Act defines abuse as mistreatment, whether physical, sexual, mental, emotional, financial or a combination of any of them that is reasonably likely to cause death or that causes or is reasonably likely to cause serious physical or psychological harm to a person or significant loss to the person's property.

Now, when we think of abuse, I think most of us think of it in terms of the obvious, the physical. I would just like to speak on the less

obvious, the more benign, the cases of neglect, the cases, in particular, for instance, of discrimination. Discrimination is so insidious because it often not only is not intended, it is done in a manner that is meant to be kind, which makes it doubly hard for the person to respond to and for other people to understand why others are upset.

I can give a few examples. I think in terms of racial discrimination in health care, we are all probably most familiar with the case where the surgeon sewed beads into the incision of a native patient. I worked in the system at that time. I am fairly confident that that was not done in a malicious manner. I am sure after the coverage it got that the doctor realized that it was not funny, but it is a case of abuse.

In terms of ageism, I have a clear example in my mind where my elderly aunt went into hospital with a delirium, which is quite treatable. Because she was in her 90s, well into her 90s, people assumed that she had come in probably with Alzheimer's or some kind of a dementia, and when I came in to visit her, this woman, who could beat the pants off anybody in Scrabble just the week before, or bridge, was strapped into a wheelchair scooting around the hallways looking for the Toronto Airport. A nurse came up to me and thought she was being very kind when she said: Isn't that cute? I burst into tears, and the nurse had no idea what she had done, but obviously it was very hurtful for me. It was degrading for her, if she could have been aware enough to realize what was being said. To me that was a clear situation of ageism, and it happens. I saw it happen at work frequently where some people do not like being called honey. They like to be called by their proper name. They do not like being spoken down to as if they are children. That is abuse.

In sexism, I can give an example of an incident that happened actually here in the Chamber that, and again this is the insidiousness of it, not only was something said that was not intended to be offensive, nor taken to be offensive, it was actually meant as a compliment. Again, I emphasize this is how insidious any kind of discrimination is because it is hard to eradicate when it is couched in humour and camaraderie, and I think it is important that

people recognize, in order to prevent this kind of thing happening, that they need to appreciate that what they are saying, the words in black and white, can often indicate a sense of injustice, of indignation.

We know from the 1993 Manitoba Centre for Health Policy and Evaluation reports that privately run facilities run a significantly higher risk of having conditions that indicate a lower quality of care than that in non-profit care homes. The records of both Heritage Lodge Personal Care Home and Holiday Haven Nursing Home seem to also affirm this. I must say I have been in both of these homes, and I have seen many, many incidents. The reason that the risk of conditions, the quality of care being lower is because the balance of the staffing was much easier to manipulate, and it was cheaper to hire people who were not the numbers as qualified. Aides are a critical part of the staffing, but there are a certain number of RNs who are needed who can recognize the symptoms or indications of deterioration in patients that others perhaps cannot, and again this is what can prevent that kind of abuse that happens either knowingly or unknowingly.

* (10:50)

Some of the other kinds of abuse that happen, they talked about the overdrugging of patients, and I can certainly speak to this with great authority because I worked in a workplace that was focused on enhancing and enabling people to live to the maximum of their ability for as long as they can to keep them out of personal care homes. When for whatever reason they were no longer able to be kept in their home, whether it was caregiver burnout or their disruption or their inability to get any satisfaction out of the program, they would go to the nursing homes.

Another part of my job was working in an in-patient assessment unit where people would be brought from nursing homes when they were not able to be managed or they were labelled "behavioural problems." I cannot tell you how many times I get a patient that I had been working with, as a member of the day program that I worked in perhaps just weeks prior, who functioned beautifully, come back in as a

"behavioural problem," overdressed beyond my recognition of that individual as a person.

That reminds me of one specific incident that rather breaks my heart when I think about it, because this one man was a veteran. He had been a World War II pilot. He had just the charm and quality I have seen in many, many pilots. He was of great character and very, very polite. His manners, his courtesy to others never failed. I think everyone will find that those kinds of things are usually the last to go in people with Alzheimer's—anyway, the first earliest learned things are the last to go.

This man had not only never created a problem, he had been most courteous and enjoyable the whole time I had known him. Before he was brought in for treatment, we were called out to do an assessment. I actually witnessed this man being strong-armed by a nurse who took great pride in bragging about her skill that she learned from her husband, who happened to be a Mounted Police officer who taught her how to do this arm-hold up his back. I saw him being removed from one room to the other on his tippy toes.

That is the kind of abuse that I think people, when they think of abuse, think of. Again, it is the overdressing as an abuse is one thing. The other thing that people do not see, and this happens not just with people who are cognitively impaired, this happens to people who do not have family to represent them in institutions. That is the case more of neglect, where they are not receiving the kinds of drugs they need. Actually there was a study done in Deer Lodge Centre by, among others, Margot Christie, a pain study. It was determined that there are many, many residents suffering pain unnecessarily, medications being withheld because of either lack of funding, lack of staff with the skill to recognize the need.

I can think of another one that is no longer a problem but was quite a controversy for the government office at the time, the drug Aricept. It was brought to the government three times before it was finally passed. It was only passed just before the election. I also was on the board of directors for the Alzheimer Society and was therefore privy to a lot of work that had been

done lobbying for this drug. I worked with caregivers who told me their sad stories all the time. I think one of the last situations I had before the election that I take great satisfaction from at this time but was absolutely incensed at the time was a veteran, I guess, particularly our veterans who were prepared to lay their lives on the line for our country, was given a trial run on Aricept, and the improvement was absolutely incredible.

When I went out to visit him, I read the letter from the doctor the last time he had had an assessment, and it said that this man is untestable because he could not communicate enough to be tested. I was just blown. I was amazed when I got there that I not only was able to test this man, but he scored a fairly, reasonably, relatively high score, which certainly after having been on the drug for that length of time indicated—and, granted, it does not work on everyone and it does not work in the same way, but this man was so obviously benefiting from this drug that for the family it was like getting their husband, father, grandfather back. It was a reprieve. It meant that they were going to be able to have him around for a few more years.

This family was paying four hundred and some-odd dollars per prescription. The children moved in with the parents to help and were starting to feel the strain of the finances due to that. I just could not believe that the government at the time would put this family in the horrible, horrible position of having to choose between having their father or husband back, living a quality of life, the life that he had laid on the line for his country, or suffer financial ruin. It was just inconceivable to me that this sort of thing should happen. To me, that is the kind of abuse that I think, again, is not as recognized as the more common physical abuses.

Just while we are on that note of cognitive abilities, I want to address the issue of the increasing numbers. I think we are all aware, probably a lot of us a little frightened, about the increasing numbers of the cognitively impaired in Manitoba. We currently have 15 000 Alzheimer's victims in Manitoba. One in 13 over 65 will develop the disease. Fifty to 90 percent are in personal care homes, and these statistics are misleading because many of the frail elderly

develop the disease once they are in. Nonetheless, it gives an indication of the numbers of people who are not only frail and vulnerable but who are unable to speak for themselves who can be subject to an abuse.

The other piece of it is that even though they do have family to speak for them, there have been situations where if the person is cognitively impaired, that the family must speak for them, and they do not maybe want to put the money out on medication that is not available through pharmacare or through the system. That extends to things like aids, physical aids, walkers, hearing aids. They do not maybe want to spend their inheritance, or sometimes, again, if we come back to the staffing who are not able to recognize the needs or have the time to assess for these kinds of needs, that they are not informed. But whatever the reason, the victims nonetheless are there and are suffering.

Again, in 1990, I said, the Tory throne speech promise, following an extensive consultation process, my government will be implementing a strategy to protect seniors from abuse while working to ensure they remain independent. I think I have just given a few examples of how not independent people can be. This strategy will include initiatives to deal with financial abuse, respite care, a seniors safe house and, most importantly to this bill, strengthened enforcement of personal care home standards.

Again, I saw those standards not being met. I heard about those standards not being met. I listened at board meetings of how those non-activities were going to be addressed, and again it is the increase of the impaired people and the decrease of staffing. As I said, its approach is so critical to their care. It tells you how, if the standards are not met, that the abuse can only continue to increase.

Mr. Speaker in the Chair

* (11:00)

Actually, if you bear with me, I have somewhere here—it is interesting. This kind of abuse is common through Canada. I would refer somewhat embarrassingly to, but this is one of those entertainment magazines, our *Reader's*

Digest. When I was reading it, I could not help but relate to so many of their examples of the kinds of abuse. The title of the article is "Canada's Hidden Crime." In some seniors' homes, the elderly may as well be dead, and that is the truth of it.

Some of the examples, I said earlier, I broke down and cried says this man. All my dad could do was sit there and drool. They had drugged him up to keep him calm. We could not make out anything he was saying, and he had been an articulate man before moving there.

Well, I have been,—again, I saw a client go from our home, our day program as a high physically functioning man. I went to visit in a personal care home, one of the two mentioned earlier, to find him laying on the bed, drooling, overdressed.

Going hungry, there, this is another common one that you hear from the caregivers a lot. The physically frail or the cognitively frail either cannot or do not know enough to eat when their food is brought before them, and I have seen that many times. I have walked in and seen staff come and take away a full tray that has not been touched because the person did not know what was in front of them. The explanation was they were not hungry. That is abuse.

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Diapering, that is good for the dignity, because either the staff are not there to have the time to take the patient to the toilet when they are needing to go, or it is a lot easier to just put a diaper on them. Again, it is mentioned here that another person hated to see her mom's independence and dignity being eroded. She could not get to the bathroom on her own, and she was often forced to wait because staff were too busy to take her. She ended up wearing adult diapers. I have seen patients sitting on toilets, dangling off toilets, strapped to toilets, back prior to the election.

When I spoke earlier about the staffing levels, this quote here made me think of another situation where the patient became violent. When a nurse and care aide could not get him back to his room, they summoned the owner to subdue this man. The owner, who has no

training as a nurse or caregiver, pushed him, and he fell hitting his head on the floor. She warned the nurse and care aide not to say anything about her actions, even though she was asking them to break the law.

Well, that happens here, too. Again, that is an abuse more in the form of not having the skills. It is a neglect. It is a not knowing. It is not a deliberate physical attempt to hurt the person. It is not having the person there with the skills to deal with it. And it does happen. I have seen that happen frequently where people who were trained to wash people but had no concept of what kinds of behaviours can happen very quickly, have to subdue people rather than being able to deal with them in a reasonable manner. They have what is called a catastrophic reaction from people with cognitive disabilities, where overstimulation can create situations where they suddenly become uncontrollable. We have staff who are able to recognize the symptoms leading up to this, or the situations leading up to this, but if they do not have the staffing levels in the nursing homes, then we have people who do not know how to deal with this create an even more explosive situation.

That was another problem when the previous government was in power that I struggled with. I was in a position of working with people who trained people in this regard, and there was no compensation given to the people who required the training to come out and receive it. Even though the effort was there to try to remedy this problem, the money was not there to provide the incentive, so we still had this ongoing problem.

I have seen these same people who train people to deal with these kinds of situations go into the nursing homes when they were called to help with complaints of behaviour and how to manage a patient who was giving them a hard time, particularly the privately owned care homes, who not only disregarded any recommendations. I know of one situation where the social worker was actually threatened with his job if he repeated any of the orders they had been given after disregarding these recommendations.

So not only did the problem not go away, but there was the cost of sending these professionals into these homes time and time again only to have the patient eventually brought in to an even more expensive situation of the assessment unit where they would inevitably be brought back to their highest form of functioning, to return home, their home being the nursing home, and the vicious cycle repeat itself.

It is a complicated and sensitive issue that people do not think of, and I have heard it from many, many staff. I have heard it from management, and I have heard it from nurse's aides; in fact, my own sister. One big concern is what about the caregiver, the professional caregiver? What about abuse on that side? There are patients who are like anybody else, if they were obnoxious before they became sick, they are just as likely to be obnoxious after. If some of their cognitive abilities go, that can become even worse.

This bill should be seen as one that protects everyone, not just the patient. This should make people feel safe, feel comfortable and secure in reporting an abuse without any repercussions. On the family side, they may be afraid to report an abuse because their loved one may receive less than kind care because of their nuisance factor. On the other hand, I have seen a situation where a patient has abused a staffperson, and none of the other staff wanted to speak up to protect that particular staff for fear of reprisal because with this sensitive issue, so often the patient is always right. The family is always right.

*(11:10)

Well, it should not be seen that way. This act should be there to make people feel comfortable whether they be the patient, whether they be the family, whether they be the staff member, that if they see an abuse in any way, shape or form, that they feel that they are going to be supported, not just supported, they should be congratulated in helping to wipe out a very needless, very often needless—again, it is the insidious ones that are probably a bigger problem than the obvious. I mean, anybody who sees someone being spoken harshly to, which is

a form of abuse—I do not think this bill is intended to be nitpicky. I am talking about the spectrum of abuse, just to put it in perspective, that abuse can exist on a daily basis many, many times over and that it does not need to. If we build in with this law, if people get to a comfort level, then they are going to hopefully address their fellow workers; they are going to address a family member without fear of any kind of reprisal.

There was a letter that a former employee in 1997 said that I think is worth repeating because it is so true: I was told that you were initiating an investigation. This is, I believe, speaking to the critic for Health: My only regret is not reporting this information years ago. I must admit, though, that I was afraid of losing my job and never working again in Manitoba. As well, I had reported incidents in the past to the administrator and met with her and other staff who had several of the same concerns for the welfare of the resident, and this information was totally disregarded. As a matter of fact, I was told by the administrator to stop monitoring things from my office. I realize now that it is important to reveal what I have seen and heard. God willing, neither you nor I will have to worry about family and friends' health care in long-term-care facilities. I will sleep better knowing that I have shared the truth, as I know it, with you. I can tell you, Mr. Speaker, I recognize this. I worked with this person, and that is absolutely true and is part of my extreme frustration of working in a system that continued to allow that kind of thing to happen.

I think I am running out of examples here, Mr. Speaker. I am hoping, though, that my comments are helping people understand better the need for this bill. I have a quote here as well. I mean, why re-invent the wheel when some people say things so eloquently? I believe the Minister, I think it was—the need to protect some of the most wonderful people in our society, typically, the sick and infirm, the elderly who are in a position where there is no one perhaps to stand up for them. For employees, visitors—visitors, yes, we do not have to be family members or caregivers or others to protect those individual's interests in the event that they are suffering from some form of abuse.

I think, if you do not mind, I would like to report, the Minister responsible for Seniors was

congratulating the Minister of Health (Mr. Chomiak) for his work in bringing in this bill and how one of the hallmarks, she said, one of the highlights, one of the symbols of a civil society is the way we treat our most vulnerable persons. The Minister of Health has been talking about seniors and the infirm and the sick. We often talk about children as being vulnerable members of our society so, again, she points out that his bringing in this bill is his commitment to a civil society. Mr. Speaker, that statement stuck out in my mind, and I would just like to reinforce it. I think I would like to bring this to a conclusion by, again, a quote from this same Minister: In bringing in this bill, this minister and this government have assumed moral responsibility to protect—

Mr. Speaker: Order. The Honourable Member's time has expired. Bill 7, The Protection for Persons in Care Act, will remain standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

Bill 8—The Enforcement of Judgments Conventions and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), Bill 8, The Enforcement of Judgments Conventions and Consequential Amendments Act (Loi sur les conventions relatives à l'exécution des jugements et modifications corrélatives), standing in the name of the Honourable Member for Lac du Bonnet (Mr. Praznik).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Lac du Bonnet?
[Agreed]

Bill 10—The Cooperatives Amendment Act

Mr. Speaker: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs (Mr. Lemieux), Bill 10, The Cooperatives Amendment Act (Loi modifiant la Loi sur les coopératives), standing in the name of the Honourable Member for Steinbach (Mr. Jim Penner).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Steinbach? *[Agreed]*

Bill 12—The Public Schools Amendment Act

Mr. Speaker: On the proposed motion of the Honourable Minister of Education and Training (Mr. Caldwell), Bill 12, The Public Schools Amendment Act (Loi modifiant la Loi sur les écoles publiques), standing in the name of the Honourable Member for Fort Garry (Mrs. Smith).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Fort Garry? *[Agreed]*

**Bill 14—The Provincial Railways
Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Minister of Highways (Mr. Ashton), Bill 14, The Provincial Railways Amendment Act (Loi modifiant la Loi sur les chemins de fer provinciaux), standing in the name of the Honourable Member for Carman (Mr. Rocan).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Carman? *[Agreed]*

Bill 15—The Water Rights Amendment Act

Mr. Speaker: On the proposed motion of the Honourable Minister of Conservation (Mr. Lathlin), Bill 15, The Water Rights Amendment Act (Loi modifiant la Loi sur les droits d'utilisation de l'eau), standing in the name of the Honourable Member for Arthur-Virden (Mr. Maguire).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Arthur-Virden? *[Agreed]*

**Bill 16—The City of Winnipeg
Amendment Act (2)**

Mr. Speaker: On the proposed motion of the Honourable Minister of Intergovernmental Affairs (Ms. Friesen), Bill 16, The City of Winnipeg Amendment Act (2) (Loi no 2 modifiant la Loi sur la Ville de Winnipeg), standing in the name of the Honourable Member for Seine River (Mrs. Dacquay).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Seine River? *[Agreed]*

**Bill 18—The Labour Relations
Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Minister of Labour (Ms. Barrett), Bill 18, The Labour Relations Amendment Act (Loi modifiant la Loi sur les relations du travail), standing in the name of the Honourable Member for Springfield (Mr. Schuler).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Springfield? *[Agreed]*

**Bill 21—The Water Resources
Administration Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Minister of Conservation (Mr. Lathlin), Bill 21, The Water Resources Administration Amendment Act (Loi modifiant la Loi sur l'aménagement hydraulique), standing in the name of the Honourable Member for Arthur-Virden (Mr. Maguire).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Arthur-Virden? *[Agreed]*

**Bill 22—The Court of Queen's Bench
Surrogate Practice Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), Bill 22, The Court of Queen's Bench Surrogate Practice Amendment Act (Loi modifiant la Loi sur la pratique relative aux successions devant la Cour du Banc de la Reine), standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for St. Norbert? *[Agreed]*

* (11:20)

Bill 23—The Jury Amendment Act

Mr. Speaker: On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), Bill 23, The Jury Amendment Act (Loi modifiant la Loi sur les jurés), standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for St. Norbert? *[Agreed]*

**Bill 24—The Personal Property Security
Amendment and Various Acts
Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs (Mr. Lemieux), Bill 24, The Personal Property Security Amendment and Various Acts Amendment Act (Loi modifiant la Loi sur les sûretés relatives aux biens personnels et d'autres dispositions législatives), standing in the name of the Honourable Member for Seine River (Mrs. Dacquay).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Seine River? *[Agreed]*

**Bill 25—The Interpretation and Consequential
Amendments Act**

Mr. Speaker: On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), Bill 25, The Interpretation and Consequential Amendments Act (Loi d'interprétation et modifications corrélatives), standing in the name of the Honourable Member for Seine River (Mrs. Dacquay).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Seine River? *[Agreed]*

**Bill 26—The Court of Queen's Bench
Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Attorney General, Bill 26, The Court of Queen's Bench Amendment Act (Loi modifiant la Loi sur la Cour du Banc de la Reine), standing in the name of the Honourable Member for Carman (Mr. Rocan).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Carman? *[Agreed]*

**Bill 27—The Correctional Services
Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), Bill 27, The Correctional Services Amendment Act (Loi modifiant la Loi sur les services correctionnels), standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for St. Norbert? *[Agreed]*

**Bill 28—The Northern Affairs Amendment
and Planning Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Minister of Aboriginal and Northern Affairs (Mr. Robinson), Bill 28, The Northern Affairs Amendment and Planning Amendment Act (Loi modifiant la Loi sur les Affaires du Nord et la Loi sur l'aménagement du territoire), standing in the name of the Honourable Member for Morris (Mr. Pitura).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Morris? *[Agreed]*

**Bill 29—The Health Sciences Centre Repeal
and Consequential Amendments Act**

Mr. Speaker: On the proposed motion of the Honourable Minister of Health (Mr. Chomiak), Bill 29, The Health Sciences Centre Repeal and Consequential Amendments Act (Loi abrogeant la Loi sur le Centre des sciences de la santé et modifications corrélatives), standing in the name of the Honourable Member for Seine River (Mrs. Dacquay).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remain standing in the name of the Honourable Member for Seine River? *[Agreed]*

**Bill 31—The Electronic Commerce and
Information, Consumer Protection
Amendment and Manitoba Evidence
Amendment Act**

Mr. Speaker: On the proposed motion of the Honourable Minister of Industry, Trade and Mines (Ms. Mihychuk), Bill 31, The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act (Loi sur le commerce et l'information électroniques, modifiant la Loi sur la protection du consommateur et la Loi sur la preuve au Manitoba), standing in the name of the Honourable Member for Seine River (Mrs. Dacquay).

An Honourable Member: Stand.

Mr. Speaker: Is there unanimous consent for the Bill to remaining standing in the name of the Honourable Member for Seine River? *[Agreed]*

Mr. Jim Maloway (Elmwood): Mr. Speaker, I am very pleased today to be speaking to Bill 31, The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act, and I want to say at the outset that I want to thank all of the people involved in the process of getting this bill to the stage it is at right now.

In fact, the preparation of this bill started under the previous government, and it has evolved over a number of years to the point it is right now. In fact, it involves three ministers, three departments, and many entities within the departments. Of course, as everyone in this Legislature knows, when you get that many people involved, it becomes more complicated in moving the process along. To that end, the implementation team, the team that got the Bill together, met day after day in recent months under a lot of tight time frames and a lot of pressure, but they not only met the deadline, they exceeded the deadline. On that basis I wanted to compliment them about that, and maybe we will have some future activities for this particular group later on, because they certainly produce some very good results.

Mr. Harry Schellenberg, Acting Speaker, in the Chair

Now, in preparing the Bill, what we found is that in the other provinces where similar legislation has been dealt with, not one single member of any legislature in Canada has voted against this particular type of bill, so that should tell the Opposition something here that this is not extremely controversial. If one of them were to vote against the Bill, for whatever reason, they would be a first in Canada to do so.

Now the major reason for this bill, and there are many aspects to it, is so that Manitoba does not fall behind in the electronic age. We have Saskatchewan, our neighbour to the west, passing an e-filing bill a couple of years ago, and this spring, as a matter of fact, budget day in

Manitoba on May 10, bringing in a comprehensive electronic commerce bill. We had Ontario at the same time rushing to complete their bill, and they introduced it just recently. Almost daily we get e-mails from people in the Department of Industry and Mines sending recent information about other jurisdictions around the world who are introducing similar bills. I think Mexico introduced a bill recently. The United States government has introduced a bill, a very comprehensive bill, fairly recently, the Philippine Government, and on and on. As a matter of fact, in many ways, we are at the forefront of e-commerce legislation, but also we are none too soon in bringing it in because there are a number of jurisdictions that are ahead of us.

I must point out that just because we pass this legislation, we are not going to see Manitoba automatically become the leader in e-commerce activity in this field, but certainly it is a confidence builder. It is a sign that we understand where the future of the economy is going and that we are prepared to show some leadership and give confidence to the components in the province, the business community in the province and people in the province, that they should not be afraid of the new economy, that they should move to participate in it, and at the end of the day, the province and the people in it will all become winners because of that.

We certainly do not anticipate that we are going to become leaders overnight. We are not suggesting that, but we certainly do not want to fall behind in the process. There are many indications that not only Manitoba but Canada as a whole in some respects is falling behind other countries in this whole area of electronic commerce, but we can deal with that later.

Once again, the questions that have to be asked is to why it is required. Certainly we have dealt with some of those, but in terms of this particular bill, there are several aspects to it. One of it is that there is some public expectations of improved service from the Government, including services on-line. We can deal with the one issue dealing with the electronic filing, which is a fairly significant component of this bill. The reason for that is that governments around the world are seeking to streamline their

activities and offer services to the public and do it in a more efficient way than is being done at the present time.

* (11:30)

The Conservatives when they were in government talked, as a lot of incoming governments have over the years, about streamlining business red tape. You have heard governments talk about that ad nauseam, and they never seem to accomplish what they are trying to do. I remember the ex minister from Portage la Prairie, Mr. Pallister, doing a study on business regulations and indicating that Manitoba was going to become an easier place to do business, and that he was going to reduce the number of regulations. In effect what happened, it has happened over the years, is not only have the regulations not gone down but they have actually gone up.

Here we see an opportunity for governments to accomplish what they have been promising over the last 10, 20 years, and that is an actual reduction in the amount of business red tape. Now, how would and how does a government succeed in doing that? One of the ways they do it is to adopt a common business identifier. That is a big part of this bill. The common business identifier is the basic use of the federal government's business identification number. So, if you take a business in Manitoba, or anywhere in the country for that matter, the business will have several accounts with different parts of the federal government, whether it is the GST department or other departments, but in fact they have a central number that identifies the business.

Manitoba participates in that system and so it is logical that we as a province adopt it. I believe the Province of Nova Scotia currently has an agreement with the federal government to adopt the business identifier. If we adopt it and all the other provinces do likewise, what we will have is a fairly efficient system whereby each business will be identified by this single number. It will improve a lot of the services that governments provide to the businesses, particularly in the area of the taxation of a business.

So, for example, in the area of the provincial sales tax, if a business is connected to the

Government and has established the account with the provincial government, then operating under this new regime will allow the business or the Government to perhaps improve its collection of sales tax to get the money a little quicker than in the past. The benefit to the business is that they will have a reduced amount of forms to fill out and red tape associated with it.

Another huge issue that applies not only to businesses but also to the citizens in the province is a single-window approach to the Government. Right now, it is very frustrating for people. As MLAs, we all know we get calls from our constituents, from people being unsure of where they go to apply for student aid or for social assistance, for other programs of the Government. As a matter of fact, one knows that a lot of the programs cross departmental lines. We just found the other day that the Minister of Culture (McGifford), while she is responsible for the artwork of the province, the Minister of Government Services (Mr. Ashton), unbeknownst to him, had a role in this as well.

So the question is if we as MLAs and Cabinet ministers are sometimes unclear as to who is responsible for what and where things are and if we as MLAs get calls from constituents and constituents ask us what department deals with this and what department deals with that and we do not have ready answers, I mean, that is hardly a very efficient system. So you can imagine the taxpayer, the constituent, the citizen out there who is trying to deal with the Government, who does not have the benefit of expert advice from their MLAs and they are trying to deal with the Government, how frustrated they get. A lot of them do not achieve the benefits that they are entitled to because they just give up in frustration because they are not sure which department to go to, or they bounce around from department to department, attempting to get service. In addition to that, they can only get service if they are actually physically present here in Manitoba.

So what this new system will do, in fact, is allow people to access the Government or the City government through one window. So when you go into your computer, you access the Government of Manitoba, and from there you do not really care what department is dealing with

your interest. You do not have to know that you are looking for the Department of Highways or that you are looking for the Department of social services. You simply go in through the Government of Manitoba and request your service, and you are routed right through to the Department that you are looking for, and you do not really care what department it is.

Now, if you happen to be out of the country, if you happen to be a snowbird residing in Mexico for the winter or if you happen to be over in Holland for a little visit for a couple of weeks and you want to be able to access the government services, you will be able to do that. You do not have to be here in Manitoba and access the Government right here in Manitoba. You can be sitting in Holland or you can be sitting in Mexico, and if you have a question of the Government of Manitoba or you want to know about a service that the Government offers, you can simply go into the Government Web site and order your Canada maps or whatever maps you need or fill out a student aid application or whatever it is you want to do when you are out of the country.

So these are huge, huge improvements and will result in huge reductions in the red tape to the government and to businesses. Hopefully out of this, we will have a happier, content and more satisfied electorate. So you basically have a win-win-win situation. You have a streamlined government, you have a more efficient government, you have happier clients, you have happier constituents who get the services at lower cost and a much more efficient system.

This is what is happening. That is why we have to move, because if we do not do it other people will and other people are. As a matter of fact, we are aware of certain jurisdictions, for example, in the United States, certain cities, certain states, that have parallel electronic services systems set up through a single window set-up, whereby if you are in a certain city in the United States you can go right in and access the city services and do it when you are far away from home and not be victimized by the run-around that has characterized service with the government in the past.

So these are all admirable goals to work for, but the big problem here is the technology of

course changes so fast that it is very difficult to keep up with what in fact is happening. I know that, for example, in the state of Victoria in the country of Australia, as far back as 1997, they developed a system whereby they were offering, I think, perhaps 80 government services online. The more they looked at the government services that they could put online and offer to the public, the more they found—in fact, my memory tells me that there were perhaps, I think, 80 services online at the present time that they have identified literally hundreds and hundreds of them that can be offered to the public on an online basis. And there in Australia they are only scratching the surface at this point.

They have a different system than we have here. They adopted a system that I personally would not necessarily favour, but this cost the Government no money. Now, you ask, how would you do that? Well, what they did was they allowed private companies to come in and bid, I think, on a three-year contract to offer the service, and they charge a transaction fee. So, if you want to do a service in Australia, the state of Victoria, with the government and you are prepared to pay a dollar or so fee to do it online, then that fee actually goes to the company that is providing services. It is a little like the parking tickets that the Attorney General's office, the Traffic Division, offers the option of paying by Visa. If you pay by Visa, you must pay a \$2 or \$3 charge to pay your parking fine or your traffic fine by Visa. That is how that system operates.

* (11:40)

So there are many ways of approaching the problem. In so-called free enterprise provinces like Alberta and Ontario, their preferred approach is, well, privatize as much of the government services and outsource as much of the government IT as possible and we will have a more efficient system as a result of that. Now that is one way of doing it, but I do not think necessarily that we as a government would support that model that somehow things will be run better if we turn everything over to the private sector. But that is how the model developed in Australia. Singapore is another area that is fairly hot and advanced in this area, but there are certainly other models that can be used.

One model is that the Government develop a lot of the programs itself. That is in fact what happened in Manitoba, even though you had a Conservative government running the province for the last dozen years—

An Honourable Member: Way too long.

Mr. Maloway: Way too long, the Member for Minto (Ms. Mihychuk) states, and it is certainly true. But the fact of the matter is that they did make some good moves, maybe accidental that they were good moves in the IT area. There could have been some improvements, but the fact of the matter is that they could have—and you think back now—they could have gone the route of Alberta. They could have gone the route of Ontario and privatized and outsourced more of the Government IT, but, no, they decided at the time that that was not the way that they wanted to go. In fact, they built a computer system in the province here in the Government, the Desktop system. They bought it. The Government owns it, and the Government operates it, although they have outsourced the service part of it. The service part of it and the help desk has been outsourced. But they did not run on a purely ideological "outsource everything, sell off all the computer services and lease them back" model that some of the other provinces have.

Nevertheless, there is a point at which we have to aim for and shoot for, and we are continuing, in some respects, what they started. We had to make some changes in some of the things they were trying to do. The BSI program was a little bit unfocussed, to say the least, and as a government we have curbed or changed the focus, I guess, refocussed the project. You know, it is starting to show some results. It is a long, painful process trying to re-engineer a government. In fact, what they did with the—and we may have not supported at the time their centralized approached. We would have liked to have seen more local components and local businesses being included in this process.

But, in fact, we are the envy of some of the other provinces right now with our Desktop program because they were able to under pressure, and I think also they offered to pay for the computers, too. That also helped. But, by

going to the departments and offering the departments the computers and that they would pay for them, the departments had less reason to argue about being autonomous and controlling their own equipment and so on. So they were able to bring the system in, and then that was necessary. But, once again, in fact, with the BSI project, you are dealing with re-engineering of government processes, of workforce processes, and that is a very, very expensive and very, very difficult process to do.

So you have to question, you have to ask yourself sometimes, whether you should be getting involved to that extent, whether you should be trying to develop software, which I think costs probably a quarter million dollars a person for the professional developers, or whether you should be buying the software simply off the shelf, whether you should be just buying software that is available on the market. To that end, I think the solution probably is to co-operate on a national basis and even internationally. We have some such agreements now, and I do not know how well they are working. But the intent and the desire should be that, before a department of the Government, a Crown corporation of the Government, a school division, a municipality goes out and signs contracts to develop from the ground up software or buy expensive systems, in fact they should be required, they should be mandated from the Government centrally that, before they do that, they have to clear this centrally with a government entity and that in fact they have to check around and find out: Is there such a program available either in the province that some other entity is using or is there such a program available in other provinces?

Let me give you some examples of how that can work very well. The Securities Commission just last year had to replace its programs, and what did it do? It did not go out and spend millions and millions of dollars developing a new program from the ground up. It did not do that. In fact, it did not go out on the market and try to buy a commercial off-the-shelf package, which would be an acceptable way to do it as well. No, what they did was they simply canvassed the other provinces, the other governments, and found that there were two programs available.

There was one in B.C., which was a Cadillac program and one that they could not justify adopting because of either implementation costs or ongoing costs, but there was one in Alberta, and it was a barebones kind of program that they felt would just work nicely, and, in fact, they made arrangements to obtain the program. I think they got it for free. I do not think it cost them one cent. So there you have a situation where the Alberta government paid for this program some years ago, developed the program, and, in fact, Manitobans have benefited because a securities commission did not hit the taxpayer up again to develop a program. They simply borrowed it from Alberta.

I think that wherever we can develop a program, where we can either trade it with another province or lend it to another province or sell it to another province to recoup some of our costs, that is the way to go. But this has to be centrally planned. You cannot just allow this to evolve on its own because the costs, in fact, cannot be contained.

So it seems to me that in the area, for example, of health care that, if you are going to develop a software for a hospital, then what you should do is, you should develop the software for one hospital on the code, the computer code, and simply replicate it to all of the hospitals in the province, so you only pay once. Why do we insist upon paying over and over and over again? Why do we develop a program for one hospital, and let the private firm own the code and own the software, and then the private firm not only sells it to hospital A, but turns around and sells it to hospital B, C, D, E, F, and many, many times over. Now that, to me, is not being very helpful or healthy for the taxpayers of the province.

* (11:50)

We can take that idea just a little bit further and we can say, well, what about other provinces? If you have Saskatchewan next door, if they develop a hospital program for one area, then why do we not trade with them? So this is what we should be doing. We should be trying to minimize the amount of development costs by buying, trading internally, programs, and sharing programs, and that has to be done more.

For example, we have developed through BSI an inspection system for the Department of Labour. This is a very effective, efficient system, brand-new, probably very expensive in its development, but it is here now. They are at the top of their game. It is a top-notch program. Now there is a window of opportunity to sell it. If we do not act now, in another year from now another, better program will surface somewhere else and our market possibilities will be lost. So we have to be aggressive now. We have to promote this program. We not only have to promote it to other provinces and either trade it or sell it to other provinces, but we can replicate it here in Manitoba. We have paid for it. We own the code. We have developed it. So now it is incumbent on us to simply make certain that we use it.

I am told there are a whole number of areas; for example, the Liquor Commission has an inspections department. Why could they not simply adopt this system? Any area that has an inspection department, if they can change their business methods, re-engineer their department to fit into this particular regime, then we have a solution. The solution is right here. It is here now, and we should be taking advantage of it.

So, without picking on any one jurisdiction or another, or one authority or another, the point is that we do not need, nor do we want, a situation where the entity, this program might be useful, says: Whoa, we do not want it. We do not like it. We want to develop our own program. Now, I ask you what sense does that make. So clearly there is a whole range of questions here, and it could take days to discuss all of these areas, and a lot longer than days I can assure you to resolve the issues. I think the answers are fairly straightforward, and I think a lot of people kind of understand the direction we should be going. The problem is that there is always a difficulty with people wanting to do their own thing, and I accept that, and I guess that will always continue.

Mr. Speaker in the Chair

I had, when I started, plans to go through the Bill, and I know at second reading we are talking about the principles of the Bill, so I guess that is what I have been talking about. But I have

several pages here of issues that I wanted to deal with that would answer some of the Opposition's questions and, in fact, maybe questions of members of this side of the House about the Bill. I will try to deal with some of them in the few minutes that I have remaining.

I did want to tell the members that if they go on to the Government site, they will see that there is a service called Canada Map Sales, and it has been doing very well. As a matter of fact, there was a press release just sent out yesterday on this service, but, certainly, it has been around for a few months. It started last December, I think, and to the Government's surprise, they have had quite a lot of activity. As a matter of fact, most of the sales have been to the United States. In the United States, people are buying maps, Manitoba maps, and they are paying in American money, using their credit cards over the Internet.

The real advantage of this is that this is a 24-hour service. If you are anywhere in the world, literally, and you need a map of Manitoba—by the way, these are topographical maps and camping sites and other things—but if you are in Europe and you are planning to come to Manitoba for the summer and you want to get camping sites and so on, or get maps of Manitoba, you can order this 24 hours a day and pay for it with your credit card.

This is just the beginning and, by the way, just so the members are clear, I think you should try to develop services that do not compete directly with local Manitoba businesses. I think, to the extent possible, we should try to follow that. In this particular case, there is not really any competition here.

But let me give an example of what could be done, and I think Saskatchewan has a system where they integrate, I am told, a lot of their tourism facilities and so on. We could do that here in Manitoba. Why would we not go to people, say, in Churchill, for example, and offer Polar Bear Tours and stuff like this, offer these entrepreneurs the opportunity to put their tours on the site, so that people from Japan who are ordering their tickets and so on could just simply book on-line. The local businesses up in Churchill would be benefiting—*[interjection]*

But, anyway, these are ideas that certainly should work, that should not impact on local travel agencies in Manitoba who are not selling to Japanese tourists anyway. That is my point. I do not think you will get any complaints about that particular activity.

There is a proposal now to wire the desks in the Legislature here for use of laptops. There are people in all the caucuses who are not really supportive of that, because they either do not understand it or they do not really feel that it is necessary. But the point is we are the legislators of Manitoba, and we should not expect government departments to be forced with technological changes and accept that, well, somehow, it is good for them, but we as MLAs should not be dealing with the same issues, that we should sit here and we should say, well, we are going to force the Department to change the way it does business, but yet, somehow, MLAs are exempt, that we should not have to do this.

But, you know, when you explain to the individual MLAs and you say, well, by hooking

up your laptop in the legislative desk, that you will be able to communicate with your caucus, you will be able to communicate, for the ministers, with their staff in their office. When you explain it, then it becomes a little friendlier idea. It becomes something that they are more willing to accept.

So a lot of the problems with this legislation or with this whole area is just resistance to change. People are used to doing things a certain way, and, by gosh, we have done it that way for a hundred years. My grandfather did that way; I am going to do it that way, and my kids are going to do it that way, right? We have to quit that kind of thinking.

Mr. Speaker: Order. When this matter is again before the House, the Honourable Member will have six minutes remaining.

The hour being 12 noon, I am leaving the Chair with the understanding that the House will reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 22, 2000

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