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**Fourth Session — Thirty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

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**29 Elizabeth II**

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Speaker*



**VOL. XXVIII No. 67 - 2:00 p.m., WEDNESDAY, 28 MAY, 1980.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty - First Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, A. R. (Pete)</b>	Ste. Rose	NDP
<b>ANDERSON, Bob</b>	Springfield	PC
<b>BANMAN, Hon. Robert (Bob)</b>	La Verendrye	PC
<b>BARROW, Tom</b>	Flin Flon	NDP
<b>BLAKE, David</b>	Minnedosa	PC
<b>BOSTROM, Harvey</b>	Rupertsland	NDP
<b>BOYCE, J. R. (Bud)</b>	Winnipeg Centre	NDP
<b>BROWN, Arnold</b>	Rhineland	PC
<b>CHERNIACK, Q.C., Saul</b>	St. Johns	NDP
<b>CORRIN, Brian</b>	Wellington	NDP
<b>COSENS, Hon. Keith A.</b>	Gimli	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CRAIK, Hon. Donald W.</b>	Riel	PC
<b>DESJARDINS, Laurent L.</b>	St. Boniface	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOMINO, Len</b>	St. Matthews	PC
<b>DOWNEY, Hon. Jim</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>EINARSON, Henry J.</b>	Rock Lake	PC
<b>ENNS, Hon. Harry J.</b>	Lakeside	PC
<b>EVANS, Leonard S.</b>	Brandon East	NDP
<b>FERGUSON, James R.</b>	Gladstone	PC
<b>FILMON, Gary</b>	River Heights	PC
<b>FOX, Peter</b>	Kildonan	NDP
<b>GALBRAITH, Jim</b>	Dauphin	PC
<b>GOURLAY, Hon. Doug</b>	Swan River	PC
<b>GRAHAM, Hon. Harry E.</b>	Birtle-Russell	PC
<b>GREEN, Q.C., Sidney</b>	Inkster	Ind
<b>HANUSCHAK, Ben</b>	Burrows	NDP
<b>HYDE, Lloyd G.</b>	Portage la Prairie	PC
<b>JENKINS, William</b>	Logan	NDP
<b>JOHNSTON, Hon. J. Frank</b>	Sturgeon Creek	PC
<b>JORGENSEN, Hon. Warner H.</b>	Morris	PC
<b>KOVNATS, Abe</b>	Radisson	PC
<b>LYON, Hon. Sterling R.</b>	Charleswood	PC
<b>MacMASTER, Hon. Ken</b>	Thompson	PC
<b>MALINOWSKI, Donald</b>	Point Douglas	NDP
<b>McBRYDE, Ronald</b>	The Pas	NDP
<b>McGILL, Hon. Edward</b>	Brandon West	PC
<b>McGREGOR, Morris</b>	Virden	PC
<b>McKENZIE, J. Wally</b>	Roblin	PC
<b>MERCIER, Q.C., Hon. Gerald W. J.</b>	Osborne	PC
<b>MILLER, Saul A.</b>	Seven Oaks	NDP
<b>MINAKER, Hon. George</b>	St. James	PC
<b>ORCHARD, Hon. Donald</b>	Pembina	PC
<b>PARASIUK, Wilson</b>	Transcona	NDP
<b>PAWLEY, Q.C., Howard</b>	Selkirk	NDP
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<b>RANSOM, Hon. Brian</b>	Souris-Killarney	PC
<b>SCHROEDER, Vic</b>	Rossmere	NDP
<b>SHERMAN, Hon. L. R. (Bud)</b>	Fort Garry	PC
<b>STEEN, Warren</b>	Crescentwood	PC
<b>URUSKI, Billie</b>	St. George	NDP
<b>USKIW, Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, D. James</b>	St. Vital	NDP
<b>WESTBURY, June</b>	Fort Rouge	Lib
<b>WILSON, Robert G.</b>	Wolseley	PC

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Wednesday, 28 May, 1980.**

**Time — 2:00 p.m.**

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions . . . Reading and Receiving Petitions . . .

**PRESENTING REPORTS BY STANDING  
AND SPECIAL COMMITTEES**

**MR. SPEAKER:** The Honourable Member for Radisson.

**MR. ABE KOVNATS:** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directed me to report same and asks leave to sit again.

I move, seconded by the Honourable Member for Wolseley report of Committee be received.

**MOTION presented and carried.**

**MINISTERIAL STATEMENTS AND TABLING  
OF REPORTS**

**MR. SPEAKER:** The Honourable Minister of Government Services.

**HON. HARRY J. ENNS (Lakeside):** Mr. Speaker, I should like to table for information of the members of the House an updated report of the fire situation and the general drought situation in the province of Manitoba.

**MR. SPEAKER:** Notices of Motion . . . Introduction of Bills . . .

**ORAL QUESTIONS**

**MR. SPEAKER:** The Honourable Member for Transcona.

**MR. WILSON PARASIUK:** Thank you, Mr. Speaker. My question is directed to the Minister of Health. Could the Minister indicate to us if the hospital managements and CUPE have had further contract talks since the strike took place, and if so has he received the report from his observer on the management team?

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L. R. (Bud) SHERMAN (Fort Garry):** Yes, Mr. Speaker, there have been talks continuing, notwithstanding the strike, the work stoppage. The conciliation officer, dealing with the dispute between members of the Manitoba Health Organizations who were operating and bargaining through the central table, i.e. those facilities independent of the Health Sciences Centre engaged in this dispute up to the present time, has called the two parties back to the table tomorrow morning, so that those health facilities' managements and representatives of the

union will be reconvening with the conciliation officer tomorrow morning.

With respect to the Health Sciences Centre there are and have been continuing sporadic talks going on. I might say, Mr. Speaker, that there's an agreement in place at the Health Sciences Centre between management and CUPE under which essential service and support workers have been designated and under which they are on the job. The situation at the Health Sciences Centre is considerably more stable today than was the case yesterday.

**MR. PARASIUK:** A supplementary to the Minister. Since the Minister has made public comments favouring managements' offer in this dispute by saying it was fair and as a result has intervened in the bargaining process, is the Minister prepared to, himself, sit in on the negotiations in an effort to bring them to fruition?

**MR. SHERMAN:** Not at this juncture, Mr. Speaker, nor do I accept the suggestion that I've intervened in the bargaining process. I have been involved in debate in this House, which is a normal democratic circumstance for persons on both sides of the Chamber. My reference to the offer that has been made was made in the context of the debate as to whether budgets, under which the health facilities and the Health Sciences Centre are operating, provide them with the leeway and manoeuvrability to make the collective bargaining process meaningful.

**MR. SPEAKER:** The Honourable Member for Transcona with a final supplementary.

**MR. PARASIUK:** Since the Minister has threatened to intervene in the bargaining process by destroying it, through back-to-work legislation, is the Minister prepared to intervene in the bargaining process in a constructive, positive way so that the industrial dispute may be solved through free collective bargaining, rather than through back-to-work legislation, which is what the Minister has threatened to do?

**MR. SHERMAN:** No, Mr. Speaker, nor do I have any intention, nor do my colleagues have any intention of invoking back-to-work legislation, other than under the circumstances which were proposed to me in question form as to how far we were prepared to permit the strike to go. I reiterate, in case there's any misunderstanding, that unless patient life and safety is threatened the government has no intention of intervening. We believe the collective bargaining process can work effectively; we believe that, up to this point in time, it has been and is continuing to work effectively; we believe there is co-operation being shown on both sides, by the union and by the health facilities and indeed by health facilities in the city of Winnipeg who are assisting in handling the patient volume that would normally go to the Health Sciences Centre. So there

is no need for any other action at this point in time, Sir.

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** Order please. If I may interject for a moment, we have 30 students of Grade 5 standing from the I. L. Peretz School, under the direction of Mr. Minuk. This school is in the constituency of the Honourable Member for Seven Oaks.

We also have 41 students of Grade 5 standing from the Assiniboine Elementary School, under the direction of Ms. Creary. This school is from Oak Lake in the constituency of the Honourable Minister of Agriculture. On behalf of the all the honourable members, we welcome you here today.

### ORAL QUESTIONS Cont'd.

**MR. SPEAKER:** The Honourable Member for St. Boniface.

**MR. LAURENT L. DESJARDINS:** Mr. Speaker, I'd like to know what the Minister of Agriculture is doing, trying to take over from the Minister of Corrections. If he looks at Hansard on the 26th, I see where he's conducting the affairs of his department and also he's butting in in the estimates of our department here, look on Page 3985.

**MR. SPEAKER:** Order, order please. It was brought to my attention that there was a mistake in Hansard and I should have announced it to the House and had the correction made.

The Honourable Minister of Agriculture.

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, it's not that I was trying to butt into the Minister of Community Services affairs, but you have indicated that there is a correction required and statements have been attributed to me which I was going to bring to your attention later on before Orders of the Day.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet.

**MR. SAMUEL USKIW:** Yes, Mr. Speaker, I would like to ask the Minister of Health whether or not, given the fact that, according to him, negotiations will be under way again, with respect to the health institutions, has the government advised the health organizations that they are now not limited to the 8 percent increase in their budgetary allocations, as was the policy up to this point in time?

**MR. SHERMAN:** No, Mr. Speaker, there has been no change made in terms of the guidelines under which the hospitals and health facilities are operating and inside which they are attempting to come. There will be, as there is every year, a budget review and appeal process later this spring. In fact, in the case of some facilities, it may already be under way at which time particular difficulties are addressed and adjusted.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet.

**MR. USKIW:** Mr. Speaker, in the event that there is no announcement at this time as to an adjustment of the 8 percent ceiling on increased expenditures on the part of these institutions, is the Minister prepared to indicate that his department will absorb the overages at the end of the fiscal year, should the negotiations result in those institutions not being able to live within those guidelines?

**MR. SHERMAN:** Mr. Speaker, the same practice will be followed this year as has been practised for many years in this province with respect to hospital budgets. If the question being asked of me by the Honourable Member for Lac du Bonnet is related strictly to the kinds of offers that health facilities are able to put on the table in current negotiations, I repeat what I said yesterday, that in the context of settlements being made and having been made in the province of Manitoba at the present time I believe that the health facilities, in this case, the Health Sciences Centre in particular, have acted responsibly and have made a responsible offer. Whether it is viewed as such by the union or not is not for me to say but I put to the members of this Legislature and the people of Manitoba whether that represents meaningful collective bargaining within their budgets or not. I suggest that it does.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet with a final supplementary.

**MR. USKIW:** Well, no, Mr. Speaker, this is a new question to the same Minister. My understanding has it that the Canadian Union of Public Employees has offered to assist the government with respect to care for patients that might be moved from Kenora to Winnipeg because of the fire hazards in that particular community of Kenora. I'm wondering whether the Minister has accepted their offer and whether arrangements are being made in order to co-ordinate those efforts.

**MR. SHERMAN:** That is correct, Mr. Speaker. The CUPE Union has made that offer and it has been accepted with gratitude by the Manitoba Health Organizations, by representatives of the management of the health facilities of the province. I must say, without having commented directly on it, that I also expressed my appreciation and gratitude for that gesture by CUPE. I think it underlines what I said a moment or two ago, that responsibility and co-operation is being demonstrated on both sides. That responsibility and co-operation, that demonstration up to this point, makes it unnecessary for any interventionist action to be taken. The two sides appear to be determined to work out a co-operative and reasonable solution.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. SIDNEY GREEN:** Mr. Speaker, I'd like to direct a question to the Minister of Health, who has characterized the hospitals' offer as being responsible. I wonder whether the Minister would characterize likewise the union's last offer as being a responsible one and I wonder also whether the Minister would advise whether, if the kind of

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legislation that he contemplates is made necessary under the conditions that he suggested would be brought in, would the dispute between the employees, on the one hand, and the employer hospitals, on the other hand, be something that would be unilaterally decided or would there be provision for a third party decision.

**MR. SHERMAN:** Mr. Speaker, on the latter part of the honourable member's question, there is no specific definitive answer that I can give at the present time. He knows as well as I do, perhaps far better than I do, that there are at least three alternatives for settlement under those circumstances that could be pursued. We have made no such decision. No such crisis, no such imperative confronts us at the present time.

The first part of his question dealing with responsibility of offers, I would say that, from the point of view of the members of CUPE, no doubt the position that's been advanced thus far by their leadership at the bargaining table would be described as responsible and I have no dispute with that, Mr. Speaker. But one has to remember that just as he, at one time was a trustee of public funds and public spending, I am in that position at the present time and I am observing the positions that are on the bargaining table at the present time in the context of the capacity of the people of Manitoba to pay for health care. In that context I suggest that the Health Sciences Centre is being responsible. From the point of view of the CUPE membership, I would concede that the CUPE position no doubt would be interpreted as responsible. I do not think that the people of Manitoba can afford to pay more than one-third of their total provincial budget on health care. We have to operate responsibly within that kind of limitation and I believe that the Health Sciences Centre management and representatives at the bargaining table are acting in that context and that's what I describe as being responsible.

**MR. GREEN:** Mr. Speaker, I'll try to creep through some of the verbiage and ask the question to the Minister, him having characterized, of his own opinion, that the hospital offer is one that he considers responsible and saying that, from the point of view of the union representatives and themselves, they would consider their last offer responsible, may I ask the Minister whether, just as he characterizes in his own opinion, the hospital offer to be responsible, would he characterize in his own opinion, the union offer to be responsible?

**MR. SHERMAN:** Mr. Speaker, the Honourable Member for Inkster has many objectives no doubt in his line of questioning, I shall not impute motives to him. Let me repeat, I believe that the process going on has been responsible on both sides. I believe that there is co-operation, there is good intent. I believe that this test of the designated essential worker concept can work because I believe both sides want it to work and will make it work. I believe that it possesses within itself the seeds of a general solution to the possibility of crisis in the health care system in the future. I want it to work, they want it to work. In that respect both sides are acting very responsibly.

**MR. SPEAKER:** The Honourable Member for Inkster with a final supplementary.

**MR. GREEN:** Mr. Speaker, I had hoped that the Minister would be completely impartial and characterize the union position as he has characterized the employer position, but he won't. May I now ask the Minister, who says that legislation is a feature, whether it is the government's intention to abide by a third-party decision with respect to payment of wages in the event that he brings in that legislation and, therefore, yield on the amount of money that is willing to pay if it is decided by a third party to do so.

**MR. SHERMAN:** Mr. Speaker, with respect, Sir, I will not answer that question. We are not on the verge of bringing in legislation. I ask my honourable friend, who may or may not have been here yesterday, to recall the circumstances of question and answer in debate that revolved around this issue yesterday. My comments with respect to what the government might have to do in given circumstances were made in that context. We are not there yet; hopefully, we never will be there. We are not contemplating the kinds of alternatives that he is trying to extricate answers on. We believe that this will be settled between CUPE and management under the agreement on designated workers that's in place right now.

**MR. SPEAKER:** The Honourable Member for St. Johns.

**MR. SAUL CHERNIACK:** Thank you, Mr. Speaker, I wanted to ask the Honourable Minister of Health, in view of his answers dealing with responsible positions being taken, is he saying that in the context of what I understood him to say yesterday and that is that in the 1980s people will have to become accustomed to being overworked and underpaid. If I misunderstood his statement, would he mind clarifying whether or not he did indeed say that.

**MR. SHERMAN:** Mr. Speaker, essentially I would agree with the honourable member's interpretation but I would hope that he would recognize with me the explicitness of the point I was trying to make, and that is, that all of us in this country, and I've made the point before, all of us in this country for some considerable time I think probably were underworked to a certain extent. So that a mind set in an attitude towards work developed which was quite inconsistent with that which has existed in this country in prior decades and is likely to return and continue to exist through the 1980s. That will involve overwork for a lot of us because of the challenges that the province and the country face. If, in terms of that kind of work, one feels one is not being recompensed properly, then I suppose one considers oneself underpaid. I would think that condition might continue for some while.

**MR. CHERNIACK:** Mr. Speaker, in view of the Honourable Minister's apparent, apparent to me, position that the Health Sciences Centre, as the employer bargainer, is not restrained from making an adequate settlement by government financial

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restraint, in view of his statement that he thinks the offer made by the employer is both responsible, and he also said fair, would he not accept the probability that his statement now, that people will have to get used to being overworked and underpaid, could well be attributed as his approach to the present negotiations at being a warning or even a threat to the bargaining members on the side of the employees.

**MR. SHERMAN:** Not at all, Mr. Speaker, not at all and, in fact, my comments, if the honourable members wishes to check Hansard, were not made in the context of the negotiations going on at the Health Sciences Centre at the present time. They were made in the context . . . —(Interjection)— they were not. They were made in the context of newspaper reports relative to alleged discontent in the nursing profession and I made the point at that time that the nurses were not in negotiation at the present time. But I reiterate, I would not concede or agree with the point the Member for St. Johns is attempting to make in any way, Mr. Speaker. I suggest to him that we all face challenges in Manitoba and Canada that are going to require us to work harder. If that means that he feels that he is not being paid adequately, then so be it because a lot of us may be in that position, and I include management in that category as well as labour.

**MR. SPEAKER:** The Honourable Member for St. Johns with a final supplementary.

**MR. CHERNIACK:** Yes, Mr. Speaker. I would like to ask the Honourable Minister to clarify that since there is a substantial distinction between self-employed and employed people in Manitoba, would he say there is some way in which the self-employed people can be kept in check in order to comply with his objective of seeing to it that all of us in Manitoba are overworked and underpaid in the 1980s?

**MR. SPEAKER:** Order please. Order please. I find the question to be one that is argumentative and I would have to suggest to the honourable member he should rephrase it.

The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Speaker, I would like to ask the Honourable Minister that in view of the fact that his statement, about people having to become accustomed to being overworked and underpaid, could well be attributable to restraint on employees. How would he, as a Minister of the Crown, attempt to impose this same objective on self-employed people?

**MR. SHERMAN:** Mr. Speaker, I don't know where the Honourable Member for St. Johns has been for the last few years but if he has been where I think he has been, I think he has participated with all of us in a difficult and challenging economic and social time in this province and in this country. I simply suggest to him that all of us in Canada today are probably working harder than we did 20 years ago and thought we might ever have to work because of the challenges that we face. It is not always possible for the economy to keep pace in terms of remuneration

with all that effort that has to be made. That is all I am suggesting, I suggest that we all share in that. I am anxious to elevate all categories in the health care spectrum to as high a ranking, in comparative terms, across this country as we can possibly achieve and we will get there, we are working towards it, but people are working harder in order to get there, that's all I am suggesting to him.

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, I was asked a question yesterday by the Member for St. George about a problem of milk shortages or a possibility of milk shortages. I have checked, Mr. Speaker, with the Department who are responsible for the dairy section and they have indicated to me that there has been no drop-off of any significant amount in milk production to this particular time, at the present time; and further, checking with some of the dairy processing plants, that they also have indicated that there hasn't been a noticeable drop-off of supplies to those plants. So the information to this point, Mr. Speaker, is that there isn't a shortage of milk for the people of Manitoba at this particular time.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MRS. JUNE WESTBURY:** Mr. Speaker, my question is also to the Honourable Minister of Health. It has to do with the welfare of the remaining patients. Mr. Speaker, could the Minister advise the House who is carrying out the essential services for the remaining patients? Is it management? Is it other staff? Or is it volunteers or a combination of all three, please?

**MR. SPEAKER:** The Honourable Minister of Health.

**MR. SHERMAN:** Mr. Speaker, it is the nursing staff and management and the designated workers, those who are designees under the agreement that is in place at the present time that I referred to earlier, plus non-union personnel.

**MRS. WESTBURY:** Mr. Speaker, referring to the Minister's answer to my question yesterday asking what incentives were being provided to nurses or offered to nurses to persuade them to stay in this province, in view of the fact that 168 of the 233 nurses who have left Manitoba since January 1st, 1980 were Manitoba graduates, would the Minister tell us specifically what incentives, what specific incentives are being offered to Manitoba nurses to remain in this province, please?

**MR. SHERMAN:** Mr. Speaker, I can't identify specific incentives other than the appeal of life in Manitoba. There is no denying the fact, Mr. Speaker, that when the current contract existing between the professional nurses of this province and the health facilities of this province expires at the end of this year, and prior to that, that there will be negotiations involving proposed wage increases, wage settlements, that I hope will be achieved in a fair and equitable manner that will be reasonably attractive to

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them. But at this point in time, they are not in negotiation. I can only hope that the province of Manitoba, as a place to live, for a variety of reasons that don't need to be debated in question period, is sufficiently attractive to entice most of our nurses to remain here.

I might say on that subject, Mr. Speaker, that considerable publicity and attention is given to the question of the nurses who are leaving. I would remind the honourable member and honourable members that of this year's graduating class from the Manitoba Medical College of 94 students, some 75 are remaining in Manitoba for their residencies and internships; and of the 32 graduates of the Dental College, which is a bumper crop in dentistry, 20 are remaining in Manitoba and 9 are going to rural practices.

**MR. SPEAKER:** The Honourable Member for Fort Rouge with a final supplementary.

**MRS. WESTBURY:** Mr. Speaker, if the Minister would permit a suggestion, I wonder if he would recommend to his colleagues that —(Interjection)— Would the Minister advise the House whether he will be recommending to his colleagues that, of the 4 million that has been stated as an amount for Day Care, some of this should be put into expanding the Day Care facilities at the Health Sciences Centre where there is a waiting list of over 200, for instance.

**MR. SHERMAN:** Mr. Speaker, I'm sure that my colleague, the Honourable Minister of Community Services, is considering all aspects of the Day Care expansion subject and will have noticed the question.

**MR. DESJARDINS:** Thank you, Mr. Speaker. I had a question for the Minister of Health and I would ask only for 50 percent of the leeway that he's had in answering these questions. Mr. Speaker, I would like the Minister to reconcile or explain his position. He states on the one hand that he is not interfering with the negotiation, that it is not done by himself; and he stated repeatedly that they are not going to spend any more money and that the budget of the hospital would remain at 8 percent. Could the Minister explain how can any one negotiate when there is 8 percent for the budget of the hospital? In fairness to the Minister he said that the odd hospital might need less than 8 percent and that money would remain; it might go to others but there is not too many that being the case.

Mr. Speaker, I'm asking the Minister, how can people negotiate in fairness if they have only 8 percent to negotiate and when all the non-salary items are over 8 percent to start with? That would place a maximum. What's the use of negotiating? —(Interjection)— Oh, deficit budget of the hospital, that's it. Oh, thank you for the answer from the government side.

**MR. SHERMAN:** Mr. Speaker, all I can tell my honourable friend from St. Boniface is that the Health Sciences Centre and other facilities have received no instructions from my office with respect to the kinds of bargaining positions that they can propose at the table. The Health Sciences Centre has made an offer. They have not come to me about

it. I presume that they have, in their wisdom, made the decision as to how they're going to be able to cope with it.

**MR. DESJARDINS:** Mr. Speaker, I am sure that this will be recorded and the hospitals will be notified. Is that what the Minister means then, that the hospitals will be notified that they can go ahead and they have a deficit budget; they don't have to worry about the 8 percent?

**MR. SHERMAN:** No, I can't confirm that it means that, Mr. Speaker. The bargaining that the Health Sciences Centre and other health facilities are doing on the wage contract negotiations at the present time is theirs, and theirs entirely, and up to them and we will deal with other problems and challenges as they arise, if they arise.

**MR. SPEAKER:** The Honourable Member for Rock Lake.

**MR. HENRY J. EINARSON:** Mr. Speaker, I would like to direct this question to the Minister of Agriculture. I wonder if the Minister could indicate to this House how many acres of fall rye were planted in the province of Manitoba last fall.

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, I would have to check with the department or with the statistics branch of the department. I would say an estimated figure would be in the neighbourhood of 100,000 acres but I would take that question to further advisement.

**MR. EINARSON:** A supplementary question, Mr. Speaker, which is ever so much more important than the first one I asked. I wonder if the Minister at the same time could check out and find out, of the total acres that were planted last fall, if he can indicate to this House how many acres at the present time have been written off because of the serious drought. We talk about hours of work lost by people in segments of society, Mr. Speaker, I would say that honourable gentlemen opposite consider the hours lost by farmers.

**MR. DOWNEY:** Mr. Speaker, even though the members opposite don't consider an agriculture question or the crop conditions a serious matter to the province of Manitoba, I do take it as a serious question and I would say that the majority of the fall rye that has been planted, particularly in the areas of the province where it has been extremely dry, it is almost too late for the crop to recover because of rain and the livestock have been turned in for . . .

**MR. SPEAKER:** Order please. Order please. The Honourable Member for St. George on a point of order.

**MR. BILLIE URUSKI:** Mr. Speaker, if the Minister is going to get up and make snide remarks about questions, whether they are answered or importance of other questions, then the Minister I believe should be prepared to tell the farmers what he is prepared

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to do with respect to the instability in the marketplace with respect to the drought.

**MR. SPEAKER:** Order please, order please. Order please. The Honourable Member for St. George had no point of order and I would suggest that he await his turn to take part in the question period.

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, I would like to rise on a point of order and have the member withdraw that statement. It wasn't a snide remark that was made by myself, it was a serious answer to a question that I am showing concern about the condition of the rye crop and the noise that was coming from the other side and the hilarious remarks that were coming, certainly were the snide comments coming from this House. I think we'll let the farmers decide who had the snide remarks.

**MR. SPEAKER:** The Honourable Member for Churchill with a question.

**MR. JAY COWAN:** Thank you, Mr. Speaker. My question is to the Minister of Agriculture. Can the Minister confirm that a proposed trip by the MV Arctic into the Port of Churchill on or about June 15th has apparently been cancelled and can the Minister indicate what action his government will be taking in regard to this cancellation as it will have a profound impact on the future of that port and we should try to avert it if at all possible?

**MR. DOWNEY:** Mr. Speaker, the information I have received is the fact that the MV Arctic will not be coming in for an early shipment of grain out of the Port of Churchill. I am concerned about it and it will be one of the items that will be brought to the attention of the Minister of Transport next Tuesday in Victoria at a grain handling and transportation meeting.

**MR. COWAN:** Thank you, Mr. Speaker. I thank the Minister for his concern and look forward to him reporting back to us on this important matter after that meeting. My question is to the Minister of Health. In light of the Minister's statement that voluntary essential services at the Health Sciences Centre appear to be working and appear to have stabilized, and in regard to that endorsement of that policy, is the Minister now prepared to recommend to the Manitoba Health Organization, which has in the past rejected that policy, that they do in fact take a second look at it and institute it in order to ensure the health and safety of all persons in other Manitoba hospitals?

**MR. SHERMAN:** Mr. Speaker, the policy was considered very seriously by the Board of MHO. They found that they could not find a consensus among the membership. They did not feel themselves in a position to impose it. It would be an unenforceable imposition, I suggest, in the first place. I think it's the kind of thing that is achieved through goodwill and through the passage of time. If the project and the concept is successful at the Health

Sciences Centre, and I believe it will be, I would suggest to the honourable member that will stimulate a much broader endorsement of it at the MHO.

**MR. SPEAKER:** The Honourable Member for Churchill with a final supplementary.

**MR. COWAN:** Thank you, to the Minister of Health, Mr. Speaker. Well, as an unfavourable alternative to this essential service program would have to be back-to-work legislation which we do not appear to want, is the Minister prepared to very strongly endorse to the MHO, and to hospitals that may come across a situation where they may need to work out essential services programs, that they do, in fact, adopt this program that has been put forward by the union and appears to be working very satisfactory in the test case that is before us now?

**MR. SHERMAN:** Mr. Speaker, I'm sure that I would and my colleague, the Honourable Minister of Labour, would in the future but it is premature, I suggest, to respond with a direct answer in the affirmative to that question at this point in time. We have been in a strike situation in the Health Sciences Centre and some other health facilities for some 36 or 40 hours. Hopefully, it won't go on many more hours but that still, Sir, is relatively limited, a relatively short period of time, and I think it's premature to make an adjudication on the success of the policy. But I do want to say that the union has assumed great responsibility in this experiment and I think it will be successful, largely as a result of their willingness to make it work.

**MR. SPEAKER:** The Honourable Member for The Pas.

**MR. RONALD McBRYDE:** Mr. Speaker, my question is to the Minister of Northern Affairs. Well over a month ago I asked the Minister whether the grants have been paid out for this year to the Northern Association of Community Councils and to Native Communications. I wonder if the Minister has that information.

**MR. SPEAKER:** The Honourable Minister of Northern Affairs.

**HON. DOUGLAS M. GOURLAY (Swan River):** Thank you, Mr. Speaker. Yes, I can advise the honourable member that this money has been paid out.

**MR. McBRYDE:** Mr. Speaker, now that the Minister has further delayed the normal annual grant to the Manitoba Metis Federation through a study committee, would the Minister now be willing to release at least the interim funding for the Manitoba Metis Federation to last them up until September when a report of his committee is supposed to be coming in?

**MR. GOURLAY:** Thank you, Mr. Speaker. No, the funding is being held up until I get a report from the advisory committee.

**MR. SPEAKER:** The Honourable Member for The Pas with a final supplementary.

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**MR. McBRYDE:** Mr. Speaker, then I have to ask the Minister how long and how severely does he and his government intend to punish the Manitoba Metis Federation because of their support for demonstration against the inaction of this government?

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Thank you, Mr. Speaker. I'd like to address a question to the Honourable Minister of Labour and ask the Minister of Labour that, given the fact that for the first three months of this year, that is, January to March, the value of building permits has declined by 57.8 percent from the first three months of last year, that is down from 72.4 million to 30.6 million, is the Minister and his research staff now projecting a reduction in the number of jobs available in the construction industry in the province this year?

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, the member has some figures that I don't have in front of me. We're not projecting any downswing in the construction industry this particular year, in fact, I think with the satisfactory conclusion of a two-year agreement between the industry and the trades that there may be a good chance that additional work may in fact take place this year.

**MR. EVANS:** Mr. Speaker, I wonder if the Minister and his staff would look into these figures. These are just recently released from Statistics Canada and they are entitled, The Value of Building Permits. I wonder if he and his staff would look into the figures and ascertain whether it is true that Manitoba's position has deteriorated the most drastically of any province in Canada. In other words, of the 10 provinces, 5 provinces have gone up, 5 provinces have dropped and of those 5, Manitoba has unfortunately experienced by far the largest and most drastic decline.

**MR. MacMASTER:** I'll have a look at the figures, Mr. Speaker.

**MR. EVANS:** Well, a supplementary then to the Minister of Economic Development who is sitting there looking very inspired. I wonder if the Minister of Economic Development, who I know is very concerned about these matters, I wonder if he could advise us, in view of this rather drastic information on the level of building and level of construction in the province, would the Minister of Economic Development advise the House whether he and his department intend to do anything to stimulate construction in this province?

**MR. SPEAKER:** The question is repetitive. The Honourable Member for Flin Flon. Order please.

The Honourable Member for Brandon East on a point of order.

**MR. EVANS:** My point of order, Mr. Speaker, that you just observed that my last question was

repetitive. I'd like to ask you to look at Hansard if you will or recollect that I did not ask the Minister of Labour if he intended to do anything to stimulate the construction industry. I did ask the Minister of Economic Development if he would do anything and therefore, Sir, that question was not repetitive, it was a new question.

**MR. SPEAKER:** I apologize to the honourable member for his question not being repetitive. The Honourable Member for Flin Flon.

**MR. THOMAS BARROW:** Mr. Speaker, I certainly resent the favouritism between the front and back benches.

My question is to the Minister of Labour, Mr. Speaker, and maybe it's a little repetitious because I asked the same question the day before yesterday. It was on the minimum wage paid firefighters in northern Manitoba and the Minister, I think, misled the House by saying he pays the same rate that any other jurisdiction or any other province in Canada, which is not true. He said there was no time-and-a-half overtime, which isn't so. I will give the Minister some examples. Well, in Alberta they pay 7.25 and they're working in the Riding Mountain Park at that rate. They fight a nine hour day . . .

**MR. SPEAKER:** Order, order please. Is the Member for Flin Flon on a point of privilege, or is he on a question?

**MR. BARROW:** I'll go on a point of privilege, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Flin Flon on a point of privilege.

**MR. BARROW:** Mr. Speaker, I'm not prepared and I'll make it very brief. This is the first time I've spoken on a point of privilege because I didn't think anything else was this important. I think this is an important thing and it should be dealt with this session.

When you talk about firefighting — (Interjections)— Well, is this the point of privilege where I can speak unlimited or what?

**MR. SPEAKER:** I would like the honourable member to tell me what his point of privilege is.

**MR. BARROW:** Mr. Speaker, I have facts here that show the Minister mislead this House on his answer to my question, to show it I have to explain or tell you the different rates and right here are the facts, compared to his answer, I have it here. That he believe that he pays the same as any other province in firefighting, no overtime or no time-and-a-half and no statutory holidays, and to ask my question I have to inform him of something he should know and ask the question. Right?

Now in Alberta, the rate is 7.25. They are fighting fires in Manitoba right in the park. That's double ours, or more. They are working a nine hour day with time-and-a-half for overtime — that's for the extra hours in the nine hours — double time for weekends. In Saskatchewan, 41.68 a day or 5.31 per hour. Ontario, 4.50 per hour, 7.00 to 7.70 with overtime

provisions; that's if qualified firefighters. Northwest Territories; federal only, uncertified 4.20 to 7.30, certified 4.70 to 8.00; in training 3.60. They're getting more to train than we are to fight fires. Alberta, most firefighters are paid 3.95, about 90 percent are native; certified 4.75. The Minister involved promises a review on the wages. Nova Scotia, a depressed province, Mr. Speaker, I came from there, general 3.00 an hour, experienced up to 4.12, the most depressed province in Canada.

**MR. SPEAKER:** Order, order please. Has the honourable member any further information?

**MR. BARROW:** In B.C. the range is 6.20 to 8.15. A pump operator and we all do this, Mr. Speaker, I fought fires, I operated a pump, or truck driver receives 6.20 and a power-saw operator 7.30. A crew boss with a crew over 75 receives — hold your breath — 152.00 a day. Quebec, the starting wage, minimum wage 3.65 up to 8.00, depending upon experience.

So, Mr. Speaker, the Minister has misled the House in saying our rate for the most dangerous, uncomfortable, dirtiest job there is, with unlimited hours, is only worth 3.15 a hour.

I would implore the Minister to reconsider this rate. I mentioned yesterday he should be organized, and the First Minister said You've never worked a day in your life; you've never fought fires. I've fought fires, Mr. Speaker, and 3.15 is a miserable, dirty low rate that shouldn't be tolerated in this House. Thank you.

**MR. SPEAKER:** Order please. Order please. I should like to point out to the Honourable Member for Flin Flon our rules, and I refer him to Page 59, Members sometimes raise so-called 'questions of privilege' on matters which should be dealt with as a personal explanation or correction, either in the debates or the proceedings of the House. A question of privilege ought rarely to come up in the Legislature. It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy.

Since the honourable member did not make such motion, I have to declare his point of privilege not to be a point of privilege.

The Honourable Minister of Labour.

**MR. MacMASTER:** Mr. Speaker, I haven't checked Hansard but if in fact I said that we were getting identical treatment to other people across the country, then I withdraw that. I don't remember saying that, Mr. Speaker. There are a large variety of ways in which people are paid across this country, there are those that are volunteers; some are on permanent staff; some are provincial, some are federal; some get free room and board and some don't; some pay for meals, some don't; some get overtime and some don't; some get clothing and some don't.

Mr. Speaker, I'll think you'll find, if the Member for Flin Flon would check very closely, the facts that relate to the Saskatchewan firefighters as relate to ours in Manitoba, I think you'd find they are very close to being identical.

**MR. SPEAKER:** Order please. Time for question period having expired —(Interjection)— Order please. There was no point of order. Order please. The Honourable Member for Flin Flon.

**MR. BARROW:** The honourable member has not answered my question on the consideration of a higher wage.

### COMMITTEE CHANGES

**MR. SPEAKER:** Order please. Order please. The time for question period having expired, The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Before Orders of the Day, Mr. Speaker, I'd like to substitute the Member for Flin Flin for the Member for Rupertsland on the Economic Development Committee.

**MR. SPEAKER:** Are those changes acceptable to the House? (Agreed)

### ORDERS OF THE DAY

**MR. SPEAKER:** We will proceed with Orders of the Day. The first item of business is Order for Return. The Honourable Member for Kildonan.

**MR. PETER FOX:** Mr. Speaker, may we let this matter stand until my Leader comes in tomorrow?

**MR. SPEAKER:** Is that agreed? (Agreed).

### SECOND READING — GOVERNMENT BILLS

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. GERALD W. J. MERCIER (Osborne):** Call Second Readings as they appear, with the exception of Bill 33, and then proceed to Adjourned Debates on Second Reading.

**MR. MERCIER presented** Bill No. 9, An Act to amend The Limitation of Actions Act for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, the amendments to The Limitations of Actions Act in this bill are based largely on the report of the Manitoba Law Reform Commission on Limitation of Actions, Time Extensions for Children, Disabled Persons and Others. The Law Reform Commission recommended that the special time extension provision for children and disabled persons, contained in Section 9 of The Limitations of Actions Act, should apply to all actions for personal injury, whether covered by Section 3(1) of the Act or by the various statutes referred to in Schedule A. The Law Reform Commission stated that it is particularly important that claims under The Fatal Accidents Act be included.

The proposed amendments, Mr. Speaker, are greater in scope in that they provide that the special time extension provision for children and disabled persons will apply to actions of all kinds and not just

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to actions for personal injury, as was contemplated by the Law Reform Commission. The Law Reform Commission further recommended that the special time extension provisions for children and disabled persons, contained in Sections 9 and 58(1) of The Limitations of Actions Act, should be reworded to ensure that an action may be commenced at any time during the period of infancy or disability and Section 9(4) of the proposed bill provides for this, Mr. Speaker.

The majority of the members of the Law Reform Commission recommended that the special time extension provision for children and disabled persons should remain an absolute right. However, the Commission also recommended that the potential defendant should be permitted to demand the commencement of actions during the period of infancy or disability. This Act would permit potential defendants to demand commencement of actions as recommended by the Commission. The only restriction on the absolute right to children and disabled provisions of the special time extension, is Subsections 9(5) and 15(4) of the Act, set an ultimate limitation of 30 years within which the cause of action must be commenced.

The Law Reform Commission recommended that the special time extension provision for children and disabled persons should not be restricted to cases where the plaintiff is not in the custody of a parent, guardian, committee or trustee and as such, Mr. Speaker, such restriction is included in these amendments.

The Law Reform Commission recommended that the special time extension provision for disabled persons, under Section 9 of The Limitations of Actions Act should be available for disabilities occurring during the normal limitation period as well as for those in existence when the cause of action arose and the bill so provides, Mr. Speaker.

The Law Reform Commission further recommended that the definition of disability should be expanded to cover all forms of mental or physical impairment which render persons incapable or substantially impeded in the management of their affairs. Subsection 9(1) of the Act ensures that disability covers all forms of mental or physical impairment which renders persons incapable of management of their affairs.

Lastly, Mr. Speaker, the Law Reform Commission recommended that the time extension provisions in Part II of The Limitations of Actions Act should be clarified to ensure that a subjective standard is applied by the court in determining in accordance with Section 21(7) whether material facts were within the knowledge of the Plaintiff and Subsection 15(1) of the Act so provides.

Part II of the Act, dealing with extensions of limitation period, has been completely drafted to make the provisions consistent in their approach. The Legislative Council, Mr. Speaker, were of the view that certain of the present provisions were very difficult to extend, particularly the present Section 17 and further the present Section 18 appear to establish only a limitation period for actions for contribution. Amendments provide that limitations would be not only for the action to recover contribution itself, but for the granting of leave by the court to begin an action to recover contribution.

Mr. Speaker, I believe the report of the Law Reform Commission has been circulated to all members of the House and I submit this bill for serious consideration by members.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Burrows that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 12 — THE LAW FEES ACT. LOI SUR LES FRAIS JUDICIAIRES.**

**MR. MERCIER** presented Bill No. 12, The Law Fees Act, Loi sur les frais judiciaires, for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, this new Act will bring the law into accord with the practice in the courts. It clarifies that the Act applies to all levels of courts and makes the proper officers in the courts responsible to ensure that payment of all prescribed fees are made. The new Act will permit a special examiner, who is not a member of the Civil Service, to retain the fee for taking an examination and permits a court reporter to retain fees for copies of transcripts of proceedings of evidence. However, no other officer or Clerk of the Court is entitled to any law fee paid. The present Act requires all fees to be paid in cash. This is not in accord with longstanding practice and the new Act will permit fees to be paid in cash or in a manner prescribed by the regulations. In effect, payment by cheque may be permitted by regulation.

Mr. Speaker, this is more of a housekeeping bill. The previous legislation was outdated and had been drafted and approved quite some time ago and I submit this bill, Mr. Speaker, to members of the House as more of a housekeeping measure to bring the legislation in this area up to date.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. ROBERT G. WILSON:** Mr. Speaker, I just wanted to make a few brief comments which I'm sure at committee stage may get dealt with, but while it may be housekeeping in nature, and it is putting it into a modern thrust, I do believe that in some cases the modernization of things should call for a reduction rather than an increase and I think particularly in the term of photostatic copies and copies and the fact that in some cases people who are not members of the Civil Service, they can retain the fee; in other words, it becomes a sort of a windfall over and above. What I'm concerned about is in my own personal experience I've been denied many copies until I'm willing to come up with 53, 60, 70, 80.00 in cash money in order to get a copy of something that would concern myself and/or could concern any citizen in the province. I'm suggesting

that photostatic copies and xeroxed copies and that have gone down.

I remember the day when copies used to be 25 cents, 30 cents, and now they're down to about four cents a copy. I would think the fee should be pointed downwards because what these people are doing is they're getting paid a modernistic salary, a modernistic fee, and they've got this windfall of being able to literally sock it to the people for these extra copies that are made. In other words, I can envision cases, cases that are of public interest, where the media themselves may be required to go to this great deal of expense to pay for these copies. I think there should be a clearly defined schedule of fees printed so that the public knows what they're going to have to pay and maybe it might be the day fast approaching when the original person receiving the original copy — at whatever it is, 75 cents a copy — would be able to go to that law firm and have them legally run off a copy for the cost of two or three cents a copy rather than having to pay some special examiner 53 or 75, in some cases where there is quite a few pages, a great deal of money. I think that the schedule of fees should be adhered to by the special examiners. I didn't mean to add them to the list of people I seem to be concerned about, but I am concerned that — it says here that he may retain the fee for his own possession. In other words, he's getting a windfall from the court system that normally wouldn't accrue to somebody — it should be worth something to him, because in this day and age everybody wants to get paid for their just labour, but it would seem to me that the cost of copies in 1980 are only about one-fifth of what they used to be in 1970.

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Wellington, that debate be adjourned.

**MOTION presented and carried.**

## **BILL NO. 26 — THE SUITORS' MONEY ACT**

### **LOI SUR LES SOMMES CONSIGNEES EN JUSTICE**

**MR. SPEAKER:** Bill No. 26 — the Honourable Attorney-General.

**HON. GERALD W. J. MERCIER (Osborne)** presented Bill No. 26, The Suitors' Money Act, Loi sur les sommes consignees en justice, for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, this new Act will permit payment of interest on moneys in the county court and the surrogate court as well as the court of Queen's Bench. Interest will be determined from time to time by regulation. Interest will be credited and compounded in accordance with the regulations.

Subsection 8(1) of the Act provides that where moneys are not withdrawn for a period of two years,

notice shall be forwarded to the person entitled to the moneys or to a solicitor of record. Further notice must be mailed where moneys have not been paid out of court for five years. Any moneys not claimed within six years will be transferred to the consolidated fund, but the Minister is required to pay from and out of the consolidated fund any amount where a person establishes a legal claim. As of April 30th, 1980, there was a total of 1,708,444.78 in the consolidated fund, including 1,153,439.72 in the court of Queen's Bench, and 555,005.06 in the county court, being moneys paid into court for various legal actions.

Presently interest is being paid only on the moneys in the court of Queen's Bench. As I have indicated, Mr. Speaker, interest will be determined semi-annually. Present interest rate is 12 percent per annum.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** Mr. Speaker, I rise to certainly commend the Attorney-General for the action in taking this bill and bringing it to this stage. I think it is the end of a long road for certainly myself, who in talking to the former government and for many years have attempted to get this obvious problem area brought into something that, while it is a windfall for the government, I think there is an onus on government to appear to the public to be morally responsible, to appear to be interested in the welfare of the taxpayers, rather than some form of benefitting from the errors of others.

In my March 18th address, I had spoken about what I considered a lack of performance or a lack of dedication by certain members of the legal profession in not . . . they were given the job of obtaining this money. In many cases they took a retainer, and they gave a commitment and an oath when they graduated from law school to bring some finality to matters that are in their jurisdiction. I had been pressing the Law Society for years and they just dismissed it as the barkings of some crank in city council, but I had a number of personal experiences and indeed there is a good deal of my own personal money in there that I was unable to get out because of the wording that has not been changed, that only the solicitor on record can get out these funds.

I welcome the fact that it's far better than I ever anticipated when I asked for three years that they notify the citizens of Winnipeg that their money was in, that the grocery store and the small corporations, the service station and the taxpayers, that their money was sitting in the Suitor's Trust Account, and I think the Attorney-General has shown the fairness that comes from time to time when things become public and has put in the two-year period, which is far more than I ever expected. However I do believe that some time, whether it be three years or five years, if the solicitor on record, through lack of performance, through lack of regulation, within The Law Society Act, will not see to it that their members bring some finality, bring some business ethics to the shingle that they hang out, namely that they will take a retainer and finalize an account.

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In many cases the disbursements are prepaid, in fact I would say in the majority of cases, so the small grocery store that puts up the attorney's fees, the filing fee, the writ of summons, puts up all this money, he's actually chasing . . . say a person owes him 100 for groceries, he's chasing that man, he's spending good money after bad, unless the member of the legal profession is willing to finalize that particular dilenquent account. I say it's incumbent upon government to not be party to this lack of performance, and this bill does that to a certain degree. It's such a happy day that I'm sorry I didn't have a chance to peruse it more carefully. I do think that there has never been anything that I feel so ecstatic about having put before us for second reading, and hopefully it will go through with some further amendments and become a law that is long overdue, because you can't have the government having a windfall of 1.7 million without asking yourself why. And the answer is because there has been this type of lack of caring, lack of priority, and in some cases negligence, and in some cases change of solicitors.

The very Income Tax Act we have brings the fact that a person writes off these bad debts and they're forgotten about. I spoke in my, on page 1130, on May 18th, there was three types of lawyers; the dedicated ones who took the money out of court and immediately paid it out to his client; the one who took the money out of court and put it into his trust account and it somehow or other got lost through a history of time; and then those who were too busy and the money stayed there, and after a period of six years it was reverted to the Crown, and after seven years it became part of this windfall.

And then the scarcity of being able to find this list to see if you were on that list, where there was only two copies made and one was put in each court and they never even kept a copy on file. But you had a safety valve, because you had the trust ledger any investigative reporter could look at and find out where the money was sitting.

However, the government which I'm part of — and the computerized age decided, I believe, March of '79 that they were going to computerize everything, so it's no longer of public record per se in that it goes into the computer, and unless the citizen knows the exact suit number — and how in the world can a garage keeper and a grocery store operator remember the suit number if his lawyer has moved away to Vancouver, has moved, as any businessman will, transfers across the country. How can that man possibly remember that suit number?

That's why I hope that there'll be some sort of effort made to be able to track down this grocery store operator and then when you find him and notify him, if his lawyer is living in Vancouver or has been transferred to Toronto, that this particular solicitor on record clause — you know all laws we pass in this House unfortunately seem to be created to create work for some other member of society. I would like to see a layman's approach to this, a grass roots approach where the ordinary citizen can go down to that awesome building called the Law Courts and be able to go in there and pay a fee and produce, just like he would if he was cashing a cheque, his Visa card, his driver's licence; if he proves he's the Plaintiff he should be able to get the

money out. This protectionism that we have, and unfortunately the majority of members of this Chamber and a good deal of them will not save them from themselves so I guess I'm put in the role of the devil's advocate and I have to speak out and say that I'm concerned that a lot of the laws we pass, and especially when you have the solicitor on record, means that a person cannot get the money out if (a) his lawyer has moved away; he's had a disagreement with the lawyer; he's fed up with the lawyer not answering his phone calls or letters — and what happens? He knows he's got the money there and he can't get it out.

I know the experience I had, my 90.00 is still sitting there and I couldn't get any of the magistrates to sign it. They wanted me to hire a lawyer, pay him 100 to get 90.00, and one of the things about the list that the Minister of Finance provided me with after four years of trying was that most of these claims were under 200.00. A lot of them were under 50.00. So why should it be a prerequisite on the average taxpayer working man to have to only have the solicitor on record be able to withdraw these funds? I say that at some level, if we want to protect the lawyers, make it 200 and over so that all the small little men can go out and be able to get their money.

I can go down to the — in fact I did it — to the bank in St. Vital where, as a paperboy with the Winnipeg Free Press, I had a bank balance and over the years they finally discovered where I moved some day — from St. Vital I moved downtown — and they found me and I went there and I got my 24.00 out of the Bank of Commerce. That's the kind of thing that I like is the banks made an effort to find me.

Now the government, under this administration and under the Attorney-General, is making an effort to find the people and should be given some sort of congratulations; but I want to say that while I'm happy with the Act, it's been a long time coming. There's these fine points that I hope in committee will be looked at and maybe some effort given to think of the small man who . . . Most of this money when you consider in those days, the small profit margin that a grocery store had. I remember many of my mother's accounts when we had the grocery store in St. Vital were written off. We issued the small debts claims; we did all we could, and we had the knowledge of being able to be somewhat of collectors. What about these people that are good mechanics? When we get to The Garage Keepers Act I'll speak about that.

Governments throw roadblocks in the way of a man who has ability, through his blood, sweat and tears, to be able to be a mechanic, to repair cars and make an income, and governments throw roadblocks in his way to be able to get the money which is justly his, and I say to the government, it was a windfall of 1.7 million. Hopefully a couple of years from now when I look at this, it'll be down to about 400 or 500,000 and if the government gets to keep that windfall, I will at least know in my own mind that they did the moral and the just thing in trying to get hold of these taxpayers of Manitoba and let them know that this money is sitting in the Suitors' trust account.

**MR. SPEAKER:** The Honourable Member for Logan.

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**MR. JENKINS:** Yes, Mr. Speaker. I beg to move, seconded by the Honourable Member for Kildonan, that debate be adjourned.

**MOTION presented and carried.**

**BILL NO. 34 — AN ACT TO AMEND THE GARAGE KEEPERS ACT.**

**MR. MERCIER** presented Bill No. 34, An Act to Amend The Garage Keepers Act for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, the new subsection 12(1.1) of the Act requires a garage keeper who intends to sell a motor vehicle under the lien provisions of the Act, to give notice to any person who has filed a financing statement in the Personal Property Registry on the same motor vehicle. This will give any secured party the opportunity to pay off the garage lien in order to protect his security. The new subsection 12(4) of the Act makes it clear that upon the sale of the motor vehicle, or farm vehicle, or a part, accessory or equipment pertaining thereto, if the sale is made bona fide for value, the rights of the former owner are terminated.

The new subsection 13.1(2) of the Act extends the present provision to situations where an owner acknowledges his indebtedness in order to get a car released but later determines that work was improperly or inadequately done. In this situation the garage keeper may file a lien under the Act and proceed to repossess the vehicle under the lien. The amendment would permit the owner to dispute the indebtedness and obtain repossession of the vehicle by paying money into court despite the previous signed acknowledgement of the indebtedness.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** Thank you, Mr. Speaker. Again, I want to welcome some of the changes that have come forward by the Minister under this Act. However, one of the phenomenas of the many many tinkering that we've added to modernize this Act has been that the garage keeper has become so confused with the maze that he faces, that there's been a drastic reduction in the filing of garage keepers' liens and the actual non-existence of repossession activity.

I have a — I don't know if the word would be a conflict of interest or a vested interest in bringing what I consider — and speaking for the garage keepers because they are not really truly united. They have the Automotive Trades Association but I don't think they have a very strong lobby in this area. I think one of the problems that you have is that the fee increased from 1.00 to 5.00 and that was a start in itself. That could be called inflation, I guess, but what it meant is that really what we are trying to do is we want to accommodate a commercial transaction. We have the garage keeper not wanting to hang onto his customer's car because he's hoping he'll be a good customer; this customer

may come back and give him some additional work but at the same time, because of inflation, because of extra costs, he almost is in a position today where he should be COD or cash. So he wants to be able to protect himself and at the same time have some form of public relations.

So the result is, he is not a lawyer nor an accountant, he's a mechanic by and large, a small businessman and he as a result lets that car go and maybe the cheque is NSF or maybe the fellow's promise to come back on Friday doesn't work, or whatever, and he's faced with the prospect of going down to the 15th floor in the Woodsworth Building and paying 5.00 to file a lien; and then he's terrified at the word financing statement and copies of his bills, or whatever.

But then the Act has been further tinkered so that after a man gives him an NSF cheque, after a man does not pay for the just work that's been done on his vehicle, after he has filed the lien and everything and paid a repossession company to take possession of that unit and the debtor is given a chance to pay the money before that unit is repossessed, invariably they know that they have the Consumers Protection Act. They know they have, I say, terrible amendments to the Act which I hope will be changed in committee, and he finds himself that he has to pay the repossession fee. But then at one time the debtor used to pay that. So here's a man who will be allowed probably a maximum of about 50 or something for costs or less who has to pay a licenced and bonded repossessor about 65 to repossess a car. So if the bill owing is only 50, he in fact is being discouraged from chasing his just obligation because the debtor no longer has to pay for the repossession charges, the collection charges or whatever. Because you have the case of not being able to decide whether The Consumer Protection Act supersedes The Garage Keepers Act or vice versa.

This is what probably makes so many of the legal profession happy because most of these cases end up in court because there is no clear definition as to priorities. We've got to establish, does The Garage Keepers Act take priority over The Consumer Protection Act, or does The Consumer Protection Act take priority over The Garage Keepers Act, because The Garage Keepers Act says, in fact — here's another amusing dog chasing its tail. The garage keeper, if he does it privately, has to pay the repossession charge. But conversely, if the money is paid into court on a dispute, the debtor has to pay the costs. He has to pay, I believe 50 if my memory serves me correct. So what I am saying, you have two situations which are not really clear because you have The Consumer Protection Act saying that the debtor doesn't have to pay a dime because we're now into the Legal Aid Society and we want to protect the consumer. The little garage keeper doesn't have to worry, he's got lots of money. But then you have The Garage Keepers Act doing something different from The Consumer Protection Act, saying pay the money into court.

In fact, a man who pays the money into court in theory is breaking the law, if you want to carry it to its ridiculous conclusion, because The Consumer Protection Act says you can't collect any money from the debtor. I stand to be corrected on these.

Now, just this year another regulation came in from the Consumers' Bureau that said, if a bank in their diligence, if you have a loans officer who knows what kind of a car he took out a lien on — it might be a Fast Back, or it might be a Rolls Royce or whatever — and he remembers what that car looks like, a credit union employee. He spots that car at a garage, he goes in and he says to the garage keeper, What's the story? The garage keeper says, The fellow owes me 200, he gave me an NSF cheque; I've got control of this car and he's not getting it back till I get my 200.00. The bank is willing to pay the 200 and get possession of the car, but the Consumer Protection Bureau in their wisdom says, you must notify the debtor before you can take the car. What in the world has the debtor got to do with that car? That car has a lien on it; it has two liens on it, the garage keeper's lien and the bank lien. That car should be able to be picked up by the bank and taken to the bank's compound and the bank has the requirement under the Consumer Protection Act to notify him within 20 days or within 48 hours or whatever and, certainly, within 28 days or something, to be able to sell it.

I see another problem here in that we have no buyer beware in the '80s. We have the overburden of government imposing their will on the particular commercial transactions in the marketplace. So that what happens is the garage keeper throws up his arms; he's getting no help from his organization, the ATA, and he sits there at the mercy of somebody in government who is going to have all of these things so that he doesn't have any political flack as a civil servant. He doesn't want to have anybody complaining that he's been unfair because there is where the bad egg comes from, one person, who feels aggrieved. I say that person who is a very rare animal has the courts, he has Legal Aid, he has the court system. He doesn't need in addition, a huge, cumbersome chapter after chapter of government regulations. I say that there are too many things in The Garage Keepers Act that have thrown roadblocks in what was designed to help the small businessman, the garage keeper, make it easy for him. I would like to see the day where he can go down to the 15th floor, take a copy of his signed work order, attach it to it a receipt or something that he puts his signature to, and pay his 3.00 — I'd like to see the fee reduced to 3, because since when does government impose a charge five times, five times, what it was before, from 1 to 5.00?

Now this is what the problem is with the small working man and I respectfully suggest that the two Acts when it's at committee should be looked at to see if it is not true what I say, that if in a dispute in The Garage Keepers Act the money is paid into court, where under The Consumer Protection Act it says the debtor does not pay any costs at all. They are solely the burden of the mechanic that did the work, the garage keeper, and that should be appealed right away because we should go back to where the marketplace was before that you can spell out under a schedule of fees what the debtor should pay. If you're worried about some unscrupulous collection agent charging the guy, on a 75 repair bill charging him 150 for repossessing a car, you can spell it out in The Garage Keepers Act that the fee he shall charge shall be 50 or shall be 35 or

whatever fee you want to put on it. But make the debtor pay something.

Why aren't we vehicles against dishonesty in government? Why are we encouraging a debtor's haven in Manitoba? It's time that we got on with having the marketplace, something where the small businessman can survive in without cumbersome government regulations.

**MR. DEPUTY SPEAKER, Abe Kovnats (Radisson):**  
The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Flin Flon, debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 42 — AN ACT TO AMEND THE CREDIT UNIONS AND CAISSES POPULAIRES ACT**

**HON. ROBERT (Bob) BANMAN (La Verendrye)**  
presented Bill No. 42, An Act to amend The Credit Unions and Caisses Populaires Act, for second reading.

**MOTION presented.**

**MR. DEPUTY SPEAKER:** The Honourable Minister.

**MR. BANMAN:** Thank you, Mr. Speaker. The amendments to The Credit Unions and Caisses Populaires Act are in a large part of a housekeeping nature. The Act was proclaimed in October of 1979 and in some of the instances the terminology appearing in the present Act leaves room for interpretation for debate. The amendments are intended to reword for clarification and/or correction.

There are also a number of amendments which make the Act uniform with The Corporations Act. Where possible The Corporations Act of Manitoba has been used as a model in drafting The Credit Unions and Caisses Populaires Act. The Corporations Act has been amended since and in order to retain the uniformity with The Corporations Act, the credit union system has requested that The Credit Union and Caisses Populaires Act be amended to be uniform with the amended Corporations Act.

Another amendment allows for the flexibility in determining loan interest rate ceilings and is perhaps the most meaningful amendment in the bill. This amendment removes the necessity for the Lieutenant-Governor-in-Council to set the ceiling on the amount of allowable interest to be charged by the credit union and caisses populaires movement. Mr. Speaker, in this past year because of the increased interest rates, that had to be adjusted upward three times in the last year and it is felt that the caisses populaire and the credit union movement, upon their request, it is felt by the government that they should be allowed the latitude to set their own ceilings with regard to the interest rates.

We are one of the few provinces that have this particular control in place and it is, Mr. Speaker, rather a meaningless control because as we all know

they have to set rates which are competitive within the marketplace and have been doing that in the past number of years. We feel that it would be much more advantageous for them to not be required to adhere to this particular section of the legislation.

So, Mr. Speaker, as I mentioned before, it's basically housekeeping in nature and the majority of the amendments are to conform with The Corporations Act.

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Kildonan, that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 59 — AN ACT TO AMEND THE FATALITY INQUIRIES ACT**

**MR. MERCIER** presented Bill No. 59 — An Act to amend The Fatality Inquiries Act, for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, the need for the proposed amendment to Subsection 2(3) of the Act was brought to our attention last August by the unfortunate and untimely death of a long-time servant of this province, Dr. William Parker. With respect to Section 9(3), there was a proposal last year by the Member for Wellington and while, Mr. Speaker, it has been the policy of the department to require an inquest into violent deaths in our correctional institutions or where the deceased was an involuntary resident in one of our institutions, the confusion surrounding the determination as to whether there should be an inquest into the unfortunate death of the mental patient at the Brandon Mental Health Centre has persuaded the government to clarify our stated policy in legislation.

The present Subsections 21(1) and 21(2) of the Act make the provincial judge responsible for any determination to postpone or adjourn an inquest where a criminal charge has been preferred arising from or related to the death. This amendment was apparently overlooked in 1975 when a major overhaul of the Act was undertaken to reflect the fact that the provincial judges were not involved in the determination as to whether or not an inquest should be held. The new provision makes it the responsibility of the Minister or counsel acting on his behalf to stay any inquest pending the determination or hearing of a criminal charge.

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Burrows, that debate be adjourned.

**MOTION presented and carried.**

### **ADJOURNED DEBATES ON SECOND READING**

**MR. SPEAKER:** We go on to Adjourned Debates on Second Reading. Bill No. 4, the Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, could we deal with Bills No. 13 and 35, and then deal with No. 4?

**MR. SPEAKER:** Is that agreeable with all? (Agreed)

### **BILL NO. 13 — AN ACT TO AMEND THE DEFAMATION ACT**

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I adjourned this debate on behalf of the Honourable Member for Wellington.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. BRIAN CORRIN:** Thank you, Mr. Speaker. This, Mr. Speaker, is indeed an important bill insofar as it deals with two very essential recognized freedoms, being freedom of the press and freedom of expression. We, on this side, with some reservation, and I will explain the reservation in a few moments, Mr. Speaker, commend the government for maintaining a vigilant posture in this particular regard. But, Mr. Speaker, I must say that we find it somewhat ironic that the government wishes to protect the right of newspapers to publish the views of others but very recently have not conferred the same rights on book sellers to do the same thing via retail sales to their customers. You will recall, Mr. Speaker, earlier this month, that the Attorney-General's department was involved in a matter relating to sales of books. I believe they were described as being gay sex manuals by two Winnipeg book vendors. In that case, Mr. Speaker, the Minister and his department issued what amounted to an injunction to the two companies in question advising them that if they did not . . .

**MR. SPEAKER:** Order, order please. The Honourable Attorney-General on a point of order.

**MR. MERCIER:** Mr. Speaker, on a point of order. With all due respect to the Member for Wellington, the matter he is now raising and referring to has no relationship whatsoever to the principles contained in the amendments to The Defamation Act and letters to editors published by newspapers.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** On that point of order, Mr. Speaker, I would remind the Honourable Attorney-General that it has everything to do with the concept before us in this bill. As I indicated in my preface, the matter before us deals with freedom of the press, and I don't think my honourable friend would take exception to that. I think he would agree that my interpretation in that respect is faithful and accurate.

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What he purports to do is allow the press to faithfully disseminate information provided information provided to them by members of the public, and what I am talking about is that concept, freedom of the press, and I say that freedom of the press is essentially parallel and equal in terms equivalent in nature to the fundamental right of freedom of expression, that the two are collateral and corollary. Having said that, Mr. Speaker, I can't see where one could draw a distinction as between the right of a book seller to disseminate written material in his or her shop and the right of a person who owns a newspaper to disseminate information via whatever media format he or she is working with. So I would ask you, Mr. Speaker, on the basis of that to make a ruling that my remarks are indeed germane and logically flow from the concept embodied in the bill.

**MR. SPEAKER:** The Honourable Member for Wolseley on a point of order.

**MR. WILSON:** No, I wanted to speak on the bill, Mr. Speaker.

**MR. SPEAKER:** Order please. We can only have one speaker at a time. The point that the Honourable Member for Wellington makes I think is one that I would tend to allow him to continue at this particular time, but I would ask him to temper his remarks and make sure that the matter does apply to the Act that we are discussing.

The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, thank you very much. In this regard we acknowledge on this side that I am sure it would be accepted by my learned friends opposite that, if anything, less harm is likely in the case of retail sales, less harm is likely to flow because only those wishing to be exposed to the opinions contained in the publication will indeed by exposed to it. So on the one hand the government wishes to secure and rushes to secure freedoms for certain members of the public . . .

**MR. SPEAKER:** Order please. The Honourable Attorney-General.

**MR. MERCIER:** I wonder, Mr. Speaker, if the Member for Wellington would submit to a question.

**MR. SPEAKER:** The Honourable Member . . . ?

**MR. CORRIN:** No, Mr. Speaker. So on the one hand —(Interjection)— This indeed, Mr. Speaker, will be excellent practice for forthcoming times when hopefully the Honourable Attorney-General will occupy a position on this side of the House as opposed to the . . .

Mr. Speaker, we are suggesting that the government's unseemly haste to secure liberties and freedoms for certain members of the public seems to defy the actions of the Minister's government with respect to a parallel situation respecting book sellers' rights. So we're saying that logically, Mr. Speaker, there is an inconsistency in the application of the government's attention with respect to these two seemingly similar classes of citizens.

Mr. Speaker, we submit that freedom of the press is a two-way street, and therefore we say that the Attorney-General can't avoid accusations of political hypocrisy, when on the one hand he restricts access to literature by exercising departmental compulsion and duress against the booksellers, and on the other hand encourages the press to publish all opinions regardless of whether they agree with them and reflect editorial policy or not.

Mr. Speaker, in my submission, defamation and obscenity are obverse sides of the same coin. Governments have historically justified becoming legislatively involved in both areas in order to restrict proliferation of material that may be injurious to individuals or groups within society. This is ostensibly done in order to protect individuals, and indeed society itself, but there is a distinction to be made as between the actual enforcement of laws regulating such communications and the bare threat of such enforcement. The latter represents a form of censorship and threatens our most basic individual liberty, that of freedom of speech and expression. Governments that engage in such repressive measures threaten the very concept of democracy, as it is a short hop from the repressing of freedom of speech to totalitarian takeover.

And so, Mr. Speaker, in conclusion, the government is to be commended for correctly recognizing that this essential and basic freedom is the bed-rock of our democratic society, but we would be remiss if we did not remind the Honourable Attorney-General that his responsibility is the protection of all rights of expression and not just those addressed in this bill. Thank you.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** I had a chance to read this bill over some time ago, and I too welcome the changes. I do think there is a slight bit of a problem here with myself as an ordinary person having to look at what we call freedom of the press and find that no such freedom exists. I also refer to the fact that I believe, that if lawyers during an election campaign can issue statements of claim containing untruths, allegations, nothing more, exaggeration, tenuous situations, and can file those and then the media can print it verbatim, based on the fact that it became public document, I would say that if you're going to allow members of the legal profession this form of dirty tricks, this form of dirty pool, then you should be able to allow people who are willing to accept a lawsuit, to be able to write a letter to the editor complaining about any particular subject, and if they're willing to sign their name and send it to the editor, and if the editor decides it's in good taste and it brings forward a public subject that is worth commenting on, then I do not believe that the newspaper should be sued for printing that particular thing.

I welcome this particular change, because it's a very interesting thing, that for years the legal profession has had what I call freedom of the legal profession, freedom of the use of the court systems to be able to destroy people, and I look with some concern at the press being able to perform this task, now as well as the members of the legal profession.

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Certainly I am one who has had to witness a lack of freedom of the press, because of the fact that in the thing under The Defamation Act you look at the Criminal Code, you look at whether it's the term perjury or defamation or whatever, and then you slip over into contempt, and you always find that the newspapers will play it safe. And if you have reporters who are beholden to the Crown, in the case of court reporters who rely on them for a living, who are spoon fed information, then you have the press accepting allegations and nothing more in printing them verbatim in the newspaper and yet refusing to print the written word, the spoken word of an ordinary citizen, then I say that we have to go much farther than this Bill 13. We have to give a true freedom of the press to be able to allow like they do in the United States to print both sides of the story, not just the mumblings and allegations and tenuous dreams and fantasies of some obsessed Crown lawyer who may want to use the media for his own career or budgetary reasons for his department.

And I say that the time is fast coming when bills like Bill 13 have got to be amended further to give a true freedom of the press, because the way it is right now, the media are being used in a system to destroy individuals' right of choice, not only human but civic rights, because they're only allowed freedom of the press from one side, the court system. And the lawyers with their statements of claim, and now we have the ability, maybe, to be able to print letters to the editor that may be controversial and what have you, and the Member for Wellington speaks of the ban on publications and books. There doesn't seem to be anything. If we're going to ban that, then I have to look in my Wolseley riding at just literally hundreds of things that really defame property. My own building has an anarchy big A with a circle and a bunch of nonsense on it. They post these things all over the place. One businessman, Mr. Golden, tried to stop one of them; he was severely tongue lashed because these people said we have this freedom to be able to plaster the bridges, plaster the buildings, plaster anything that we want to deliver a message that there's going to be some rally for something anti-Shah or whatever, and I look with interest of being able to tear down some of these derelict buildings so that this so-called freedom of expression, that we'll have less places for them to plaster this nonsense over.

I just wanted to add those few remarks, that I am very encouraged at this Bill 13, because the press is now going to have to look at letters from ordinary people. They're going to maybe some day look at what ordinary people have to say. There's going to be a case some day where a reporter is going to get beyond the establishment inner circle who will ban a controversial article and won't allow it in their publication, and the reporter in his desire is thwarted by a group of faceless individuals who will not print the truth, who will edit and shop stories and who will put headlines in such a way to literally cast doubts on the very subject of the story that is in the newspapers. I can't think of anything else that I can think of as one of the greatest pieces of yellow journalism as the article that I read in yesterday's Tribune. Thank you.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I move, seconded by the Honourable the Member for St. Boniface, that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 35 — AN ACT TO AMEND THE LEGAL AID SERVICES SOCIETY OF MANITOBA ACT**

**MR. SPEAKER:** Bill No. 35 — the Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I adjourned this debate on behalf of the Honourable Member for Wellington.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, it was indeed a pleasure to peruse the contents of this particular bill because I couldn't help but immediately notice that it included amongst its provisions a recommendation for revision and reform of this particular statute that I'd made by way of a Private Member's Bill last year; that is, Mr. Speaker, with respect to the payment of costs by the Legal Aid Society in cases involving successful applicants who were involved in litigation before the courts. As you may remember, Mr. Speaker, last year I brought to this Assembly the plight of a lady who had been sent to the Manitoba Court of Appeal by the Legal Aid Society. She filed an application, being a successful candidate, she was deemed eligible and I was, in this case — it was not a conflict of interest — but in this case, Mr. Speaker, I was asked to attend to the case for her. I proceeded to the Court of Appeal — and I should mention that she was unrepresented in the Lower Court. I was fortunate in that I was successful in regaining her rights at the higher court.

But, Mr. Speaker, because she was unrepresented in the lower court she had not followed the correct procedures of the courts. Also her appeal had been, in terms of its filing, had been somewhat dilatory because of the length of time that it took for her to gain eligibility through Legal Aid, and as a result costs were awarded against her and in favour of the other party in the Court of Appeal. What happened, Mr. Speaker, is that I brought this matter then to the attention of the Attorney-General, and as a matter of fact, to all the people at Legal Aid, and was advised that there would have to be a legislative revision in order to allow persons in this situation to apply to the society for reimbursement of their costs or for payment of their costs. Having established that, Mr. Speaker, I put the Private Member's Bill on the Order Paper and as you will undoubtedly remember, Mr. Speaker, this matter was left standing on the Order Paper at the end of last year.

My remarks in this regard will be succinct, Mr. Speaker, because I think that indicates how unfortunate the partisan nature, the adversarial nature of these proceedings can be in terms of its impact on the lives of people that we all represent.

Mr. Speaker, there is absolutely no reason why the Honourable Minister could not have acted on the advice of Legislative Council, and I know that this particular bill was recommended to him last year, in writing —(Interjection)— Later on, Mr. Speaker, I will provide a copy of the letter which I have managed to keep on file so that my honourable friend can see it.

Mr. Speaker, having said that I wish to indicate — I don't wish to engage in debate with the member from his seat — but I wish to indicate that it's seemingly unconscionable that persons' rights should be imperiled and prejudiced simply as a result of the partisan nature of this Assembly and its processes.

So, Mr. Speaker, an indigent lady —(Interjection)— Mr. Speaker, an indigent woman, a taxpayer of this province, a citizen of this province was, as a result of the very partisan expressions by the members opposite in stalemating and stonewalling that particular initiative last year, was as a result of that. Mr. Speaker, put to considerable hardship. And, Mr. Speaker, I daresay that there were other people in the year that has since passed that also found themselves impaled on the horn of this dilemma. Mr. Speaker, I had personal conversations with the member opposite. I indicated to them that this was a concern for other solicitors, other clients, this was not the first time that it had ever arisen in the history of this province. —(Interjection)— Yes, three in eight years in Ontario. I thank the Honourable Minister for doing his research, Mr. Speaker. If that submission is correct, that's three too many. That's my retort to that — it's three too many.

So, Mr. Speaker, regardless of the type of people that we're dealing with, regardless of the nature of the claim, the point is simple, that all people should have equal access to justice and the partisan processes of this assembly shouldn't interfere with that access.

So on the one hand, I thank the honourable member for finally giving this some attention, but on the other hand I condemn the delays that have affected presumably not only this particular lady, but also others.

Mr. Speaker, in saying that we commend this particular bill for discussion at the committee stage.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** Mr. Speaker, I wanted to add a few words and possibly a revolutionary concept to this entire bill, which may or may not, I wanted put on the record, and it's a fact that I believe true that there should be equal access to justice and I would like to see, because I believe that government should be a vehicle against dishonesty, and I have been for years one of the greatest persons who has demanded an examination of the Legal Aid lava flowing in this province. And I have been looking at it because in the area that I live in, everyone is on Legal Aid and everyone is being encouraged to go to the courts system and encouraged to go their lawyer, and the incredible thing is that they have these regulations which stipulate the honour of the person who, even though he signs a document under The Canada Evidence Act and could be subject to two years in jail, the maximum sentence for that, I don't

believe there's been a prosecution yet under people, knowingly, wilfully or absent-mindedly neglecting to tell the government as to how much money they earn or make.

And so I'm going to suggest that everybody in the province of Manitoba be given the freedom of choice, what this party stood for, and everybody be given the opportunity to have legal aid and then you will have a declining scale on the lawyer's bill as to if he makes a certain amount of money say, 50,000 a year, he may only have 10 percent of his bill paid by Legal Aid. If we are going to have this type of system that is continually so full of loopholes and abuse, I'm going to have to stand up here as long as I'm here and say there's got to be an examination of this system, the way it is that you have a ceiling.

We have a Medicare system, we have a system where nobody is denied the right of equal access to health and equal access to justice is what I'm talking about, and we all know that the Law Society cannot force anybody to act for you; they have some kind of a referral system they call it. The silly devils go on a rotation method but the — all the lawyers have to put their name in there — but unless you can get a type like the Member for Wellington who may be only 50 an hour, you'll get a Q.C. who wants 150 an hour. Because he belongs to the Law Referral Committee you go and visit him, you wait in the lobby for five or six hours, you go to his wall-to-wall carpeting, he says My son, I don't want to waste your time because I'm 150 an hour and you look like the type that needs somebody without a Q.C. behind his name, you need a 50 an hour lawyer. So you'll go back and the Law Society will give you another name. And after about 15 or 20 names you get the message that nobody wants to be your lawyer, and maybe justifiably so, but there should be equal access to justice, regardless if a person is controversial, outspoken, who's willing to stand up and be counted.

So I suggest that legal aid be made available to everybody on a scaling system and people would then be honest and tell you what they truly make, and I'm talking about salesmen that are on commission, people that don't — goodness knows, if you believe the newspapers, there's got to be at least 100 people a year beat the income tax. Goodness knows we've got this huge building on Portage Avenue with wiretapping and everything, trying to catch people for income tax evasion. So if you're going to have this game being played, that is in some cases even condoned by the churches —(Interjection)— Oh yes, yes, yes. They say there is nothing wrong, if the government is out to bleed you for every tax dollar they can get out of your hide, you have a moral right to be able to use whatever steps are necessary to pay them as little as possible. And I'm sure they didn't mean questionable activity but they meant whatever you could do to stretch, by hiring a good accountant or whatever Block Brothers, or do it yourself or whatever.

I'm saying that under the Legal Aid system we've got to make it available to — I'm saying that it's coming. —(Interjection)— The Member for Fort Rouge is talking from her seat and her former Leader, Izzy Asper, was the person that said that this was coming and each year that you allow the ceiling to go up on legal aid, you're including more and

more people and that means to say you've got to expand — if I'm not correct, how come the budget's gone from 300,000 to over 3 million or 4 million? You are expanding the use of legal aid. I say let those that can afford it pay something toward the cost and that means to say that nobody should be denied justice and equal access to it.

So Legal Aid, you should be able to go in there and show your T-4 slip, if you happen to be a stockbroker making 40,000 a year but you at one time, maybe when you were 20 years of age, didn't pay a lawyer's bill, so the word is out, you're sort of blacklisted at the Law Society and at the squash club they say Oh, that guy doesn't pay his legal bills so nobody does work for him if he's over the ceiling he can't get anyone from the Law Referral Committee, he's been blacklisted because he didn't pay some lawyer the bill and he can't get legal aid because of the ceiling, then I say it's time we made legal aid available to everybody on a scale system that they pay according to their income.

**MR. SPEAKER:** Are you ready for the question? The Honourable Attorney-General will be closing debate.

The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, I just wanted to make a few remarks relative to the comments of the Member for Wellington. I would urge, Mr. Speaker, that he review Hansard last year and that he would review the remarks I made in speaking to his Private Member's Bill at that particular time. He was not present in the House at that time and I doubt, in view of the remarks that he has made, that he read Hansard at that time. Because, Mr. Speaker, I made certain remarks with reference to his suggestion that Legislative Council had recommended this bill to me.

If I had my rules out, Mr. Speaker, I could point out to him that under the rules, Legislative Council are required to forward to me legislation that is being proposed and introduced in the House, Mr. Speaker, and particularly Rule 100(2)(a) The Law Officer shall advise upon legislation and prepare and draft Bills as required by the Executive Council or a member, and render to the private members such assistance, and all that happened in that particular instance, because of his duties under the rules in the Legislative Assembly Act, he sent a bill to me that the Member for Wellington had requested him to draft for him for presentation to this Chamber.

That's why, Mr. Speaker, I refer him to Hansard at that particular time and I'll go back myself and check on that but I'm satisfied, Mr. Speaker, that Legislative Council — and I'd be awfully surprised if that was indeed their responsibility, to be a policy advisor as suggested by the Member for Wellington.

Now secondly, Mr. Speaker, I explained to the member last year, when his client was in this situation, that I had indicated to the Chairman of Legal Aid that, under a broad interpretation of the existing statute, it was my view the fees could be paid as a disbursement under that Act and my information was, as I expressed it in this House in speaking to his Private Member's Bill last year, that the Chairman of Legal Aid had attempted on numerous occasions, to telephone the Member for Wellington to advise him of that position. But up until

the time I spoke, he hadn't returned his calls. I don't know what happened after that, but I do know that efforts were made to contact the Member for Wellington to resolve that particular situation, and I hope it was resolved according to that solution I proposed to the Chairman of Legal Aid. So, Mr. Speaker, I just wanted to make that explanation with respect to the comments of the Member for Wellington in concluding debate on this bill before it goes to Law Amendments Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 49 — the Honourable Member for Logan.

**MR. JENKINS:** Could we deal with Bill No. 4 now, Mr. Speaker? I adjourned that debate on behalf of the Honourable Member for Rossmere, who is present in the Chamber. I asked you first if you would deal with Bills 13 and 35.

**MR. SPEAKER:** Is it the pleasure of the House to now deal with Bill No. 4? (Agreed)

#### **BILL NO. 4 — AN ACT TO AMEND THE FATAL ACCIDENTS ACT AND THE TRUSTEES ACT**

**MR. JENKINS:** I adjourned this debate on behalf of the Honourable Member for Rossmere.

**MR. SPEAKER:** The Honourable Member for Rossmere.

**MR. VIC SCHROEDER:** Thank you, Mr. Speaker. We have reviewed this bill. It is an Act to amend the Fatal Accidents Act and The Trustee Act. The first result of the amendment will be to eliminate the right of an individual to sue for loss of expectation of life on behalf of another individual. The second result will be, that people will be entitled to sue for loss of guidance, care and companionship of an individual who was close to them.

It is our position that those amendments are just and reasonable and we therefore support the motion now going before committee. Thank you.

**QUESTION put, MOTION carried.**

#### **BILL NO. 49 — AN ACT TO AMEND THE OMBUDSMAN ACT**

**MR. SPEAKER:** Bill No. 49 — the Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Speaker. I adjourned this debate on behalf of the Honourable Member for Burrows.

**MR. SPEAKER:** The Honourable Member for Burrows.

**MR. BEN HANUSCHAK:** Thank you, Mr. Speaker. In perusing the bill, we found that it deals with three issues really: (1) The filling of the position of Ombudsman in the event of vacancy, or the manner of dealing with it in the event that there is knowledge of an existing resignation effective within a 12-month

period; (2) Or that the term of appointment is an expired 12-month period; and (3) deals with the matter of Ombudsman serving beyond the age of 65; and the other, the non-application of The Civil Service Act. I have a couple of questions to the Attorney-General which I hope he would answer in closing debate, and that deals with reference to the application of the Civil Service Act.

You will recall, Mr. Speaker, that at the present time in the existing legislation, The Civil Service Act does not apply to the position of Ombudsman, with the exception of those sections, one dealing with political involvement and political contributions, running for political office, etc.; and the other which provides for a gratuity at the discretion of the Lieutenant-Governor-in-Council payable to a widow of a civil servant who had been in the employ of the government for two years or more. Now in the bill before us, it appears that the Ombudsman, or that his widow, will no longer enjoy that benefit in the event of his decease after employment exceeding two years. Now I quite understand, Mr. Speaker, that at the present time the Ombudsman is over the age of 65, and perhaps it would make sense not to extend this privilege, I don't know. But there is nothing within the legislation that makes it mandatory that Ombudsmen be individuals approaching the age of 65. It's conceivable that his successor might be a younger man, and in the event of decease it would seem that his widow should be entitled to that benefit, as she is under the present law. So I would like to hear the Minister's explanation why this was removed, and if it was done inadvertently, I would like the Minister then to give some indication as to what course of action he's going to pursue when this bill goes to committee.

That brings me to the other major point that the bill deals with, and that is the course of action to be taken to fill a vacancy in the position of Ombudsman. Now you will recall, Mr. Speaker, that the legislation under which the Ombudsman operates at the present time under which he was appointed, is now 10 years old, and at the present, in the event of a vacancy by resolution of the House, a committee of seven is formed to make recommendations to the President of the Executive Council as to a suitable appointee. I would suggest to you, Mr. Speaker, that there was good reason for writing the legislation in that fashion, to assure that the appointment of Ombudsman will at all times remain within the control of the members of the House, will remain within the control of the members of both sides of the House, the government and the opposition, because it was recognized — and I would hope that it still is — that the Ombudsman is answerable to the House. In fact, I believe that the Act states that the Ombudsman is an officer of the court. So therefore, by setting up the procedure for filling a vacancy as outlined in the existing Act, it gives the members of the House, when such occasions arise, the opportunity for full debate of many issues related to the office of Ombudsman, to debate the reason for the vacancy, why did the vacancy arise?

On occasion the opposition may wish to question the creation of the vacancy. It gives an opportunity to discuss the role of the office of Ombudsman, his effectiveness, his impartiality, perhaps the job description. It gives the members of the House an

opportunity to indicate to the members of the committee the type of individual that they would like to see continue in that office, his role, his function. It gives the members of the House an opportunity to discuss the makeup of the committee. Now I know that general practice — and I would suspect that a committee of this kind be no different — that the government side would propose their nominees and the opposition theirs. But it may be that from either side the government might have some concerns about some of the opposition members appointed to such a committee, and similarly the opposition would have concerns about some of the government appointees, to ensure that we do in fact have the best committee established that would propose a name of an individual who would be fair, impartial, unbiased in dealing with the types of matters that under the law he is expected to deal with.

But now under the existing bill, that opportunity is taken away from us, Mr. Speaker. We will not have an opportunity to enter, to engage in that type of debate, because the bill that's before us, it states that where there's a vacancy, or if the term is to expire within 12 months, or if there is a resignation effective within 12 months, that the President of the Executive Council shall convene a meeting of a Standing Committee of the Assembly on Privileges and Elections, which shall consider persons suitable and available to be appointed as Ombudsman. Regardless of whether the House is in session or not, the President of the Executive Council does not have to bring the matter of the filling of the vacancy of the position of Ombudsman into the House, and he will not do so, because the bill clearly states that he does not have to, that he can go directly to this committee and let the committee deal with the matter of making a recommendation with respect to the appointment of an Ombudsman.

Now the Minister may argue, Mr. Speaker, that the committee to which the matter is referred is one appointed by the Legislative Assembly. That is true, but I would suggest to you, Mr. Speaker, that this is too important a matter to simply have referred automatically to a committee bearing a certain name, a certain title, a certain name-tag. I would suggest to you, Mr. Speaker, that when the need arises for this House to deal with the appointment of an Ombudsman, we would want to be involved in the naming of a committee to deal with that particular assignment, and not just simply say, well, let's refer it to a committee that isn't busy, or that has the least work to do, and let it make a recommendation with respect to the appointment of an Ombudsman. The matter is too important to be treated in that fashion.

So I would suggest to you, Mr. Speaker, that the Minister, the Attorney-General could achieve what he wants to achieve by leaving the legislation as it presently stands, i.e., only with a couple of amendments. He could name the three instances in which this committee will act, i.e. where there's a vacancy, where the term will expire within 12 months; where there's a resignation effective within 12 months, he could add that and leave the rest of the section as it stands and that would still leave the matter within the control of the Legislative Assembly and not take it out of the Legislative Assembly as this bill would, in fact, do.

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You will recall, Mr. Speaker, that in 1969 when The Ombudsman Act was debated in this House, there was great concern expressed on both sides of the House, the then opposition and government, that there be nothing contained in the legislation establishing the position which would in any way encroach upon or minimize the control of the Legislative Assembly over the office of Ombudsman. Both sides wanted to have total control in the appointment and the operation of this office and hence, the legislation was written in the manner in which it was; that there is a committee established by resolution of this House which gives an opportunity for debate, and that committee then makes a recommendation to the President of the Executive Council and the appointment is made. There's also provision for removal of the ombudsman, and there again, that action can only be taken by the Legislative Assembly. It indicates clearly in the Act that the ombudsman is an officer of the Legislative Assembly. It spells out the manner of reporting and he reports to the Legislative Assembly and so it should be. But here, this portion of the bill, Mr. Speaker, would be a sort of a carving away, a whittling away of this control that the Legislative Assembly has over the office of ombudsman by taking it out of the Assembly and putting it in the hands of the First Minister, the president of the Executive Council, and allowing him to make certain decisions with respect to filling this vacancy without bringing the matter into this Chamber to allow an opportunity for full debate.

Perhaps it may be that this was some oversight on the part of the Attorney-General, and here again I would hope that he would clarify this matter. Perhaps he had no intention of changing the intent of that portion of the bill, and in fact I would like to believe that he had no intention of changing the intent because in introducing the bill for first reading on the 7th of May he says, and I'm quoting him, A special committee cannot be established until there is a vacancy in the office of ombudsman. If a vacancy occurs there is authority to appoint an acting ombudsman only. If a vacancy occurs while the Legislature is not in session, no steps can be taken until the next session of the Legislature, when a special committee can be established to make a permanent selection of the replacement. Even when it is obvious that the office will become vacant at some future time, steps cannot be taken. Under the present legislation, steps cannot be initiated to select a replacement until the office is actually vacant.

So I would say to the Attorney-General again, that he could do that by simply amending the relevant section of the bill to make specific reference to the instances in which the matter should be brought to the Legislative Chamber by resolution and a committee established. In the case of vacancy, in the case where we know the term will expire within 12 months or when we have a notice of termination of employment, then let the Legislative Assembly deal with the matter rather than just allowing the president of the Executive Council to go directly to the Committee of Privileges and Elections because, and I want to emphasize the point, Mr. Speaker, that the way the bill reads, the president of the Executive Council may take this course of action even while the House is in session. Because it doesn't say that he is

to take this course of action only between sessions. In other words, if a vacancy should arise tomorrow or if the First Minister should receive a notice of termination of employment, or if this should be within a 12-month period of his term of appointment, the First Minister could go directly to the Committee of Privileges and Elections without bringing the matter to the House.

I wish to point out to you again that if I understand the Attorney-General correctly, his concern was dealing with the matter of appointment between sessions. Well then, if that's his only concern, then he should leave the legislation as it stands and only make the three changes that I have indicated, and then it would be in line with what he had indicated is the intent of this amendment. So it's not our intention, Mr. Speaker, to block passage of this bill, but there are these questions that I hope the Minister would answer, and if the answer should not be to our satisfaction at the time of letting this bill go through, we will certainly pursue the matter further in whatever committee that this bill might be referred to.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, I only have a few general and brief remarks to make with respect to this bill. As you are aware, Mr. Speaker, this particular bill provides a waiver respecting the normal legislated mandatory retirement age of 65 years. This, Mr. Speaker, brought to mind immediately, since in fact we're allowing the deferral of the normal retirement period in this case, it brought to mind the case of a gentleman who was employed in the office of the Court of Appeal as a Registrar who went to court to try and gain essentially the same rights as are now being provided to the ombudsman. This gentleman went to court approximately a year ago when he was advised that legislation prohibited his further retention after the statutory retirement age of 65 years. He felt that he was still a useful member of the Civil Service and indeed I think all those here who know him, Mr. Speaker, would agree, and he felt that in view of his invaluable experience in that particular situation, his willingness to continue occupying that particular role and responsibility, that he should be allowed to defer retirement for some time. It is my understanding that there was a contested case involving the government and this individual, Mr. Speaker, and that it was determined that he had no recourse but to accept mandatory legislated retirement.

Mr. Speaker, I would say as a general statement of principle that I do not find this sort of legislation to be acceptable. I do not believe as a matter of principle that otherwise useful people should be, to use the term, the colloquial term, put out to pasture simply because they reach a certain threshold age. It makes no sense to me that useful people should be forced into that situation. I might add in this regard, Mr. Speaker, that the Human Rights Commission had a special adjudication convened at the request of the board and held before the Dean of the Manitoba Law School wherein Dean London approximately a year to a year-and-a-half ago indicated that in his opinion, in cases where there was no legislation such as

pertained to the Civil Service of Manitoba, that age alone would not in his opinion be a ground for mandatory retirement. I believe that he indicated that there should be a reinstatement of an employee who had come before the board in this regard.

In the brief moment that's left, Mr. Speaker, I also wish to indicate that I personally do not take exception to the method of appointment of the ombudsman. I recognize that the government must have the final say in this regard, but what I wonder, Mr. Speaker, is why this principle cannot be extended to such situations as the Chief Electoral Officer. I don't understand why we can't have an extension of this approach . . .

**MR. SPEAKER:** Order, order please. I suggest the honourable member confine his remarks to the bill at hand.

**MR. CORRIN:** The bill at hand does deal with the method of appointment of the incumbent to the position, Mr. Speaker, and what I am saying as a matter of principle is that this method that is seemingly endorsed by the government with respect to the appointment of the ombudsman should be extended to include such positions as the Chief Electoral Officer.

**MR. SPEAKER:** Order please. Order please. Again I suggest to the honourable member to refer his remarks to the bill at hand.

The hour being 4:30 . . . The Honourable Member for Kildonan on a point of order.

**MR. FOX:** Mr. Speaker, I believe it is customary when having a debate in this House that members may extend their remarks to indicate other areas which have similarities. Therefore, I think there was relevancy to the member's remarks in respect to other people having retirement situations or being appointed in the same respect, and I do not believe that the honourable member was out of order.

**MR. SPEAKER:** The hour being 4:30, I am now interrupting the proceedings for Private Members' Hour.

### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** On Wednesday, the Private Members' Hour, we are dealing with resolutions.

### RESOLUTION NO. 11 — AMBULANCE SERVICE

**MR. SPEAKER:** Resolution No. 11 — the Honourable Member for Transcona.

**MR. PARASIUK:** Thank you, Mr. Speaker. I welcome the opportunity to join in this debate because it gives me the opportunity to point out that this is another example of the government not providing a level of funding for a vital area of health care that even keeps up with increases in the cost of living. After a three-year freeze, this government has decided to allocate some 55,000 more as its contribution to the Winnipeg Ambulance Service, which is an increase of something in the order of 8 or 9 percent. It's below the projected rate of increase

in the cost of living. It is below what the actual cost increases will be because fuel is the major component and it's gone up, supplies have gone up, and if you look at this over a three-year period, what they've done is increased the allocation to ambulance care by 8 percent and the cost of living has gone up by 28 percent. I can't help but think of the similar situation that exists right now with respect to hospitals, where the government has been incredibly stingy, has not given a proper level of funding to the hospitals and as a result, we find ourselves in a situation where the hospital administrators find themselves with a Conservative gun at their head in terms of trying to provide an adequate level of health care.

And so I think the city of Winnipeg finds itself with a Conservative gun at its head as well in trying to provide an adequate and a decent level of ambulance care in the city of Winnipeg. It has been the city that has had to bear the costs of Tory cutback and restraint. Originally, back in 1976, the province was contributing something in the order of 50 percent of the subsidy to the deficit of the Winnipeg Ambulance Service. After three years of Conservative incompetence we find that the provincial contribution to the deficit is 27 percent. That gives you an indication of Conservative justice, what they consider to be a fair and a just type of contribution to something which I am sure members on all sides of the House would classify as a very critical ingredient of a health care program. We on this side certainly believe that. That's why we moved in the mid-70s to provide for provincial contributions for ambulance services, because we recognized that the availability of ambulances to individuals should not be predicated on a person's ability to pay, that health care should be accessible to all. And we still have, or we have had as a result really of inadequate funding by the Conservative government, a 60-a-ride user fee.

Imagine a situation where someone might collapse somewhere and people hesitate for a few minutes, trying to determine whether indeed they should incur that 60 user fee because it's a very stiff penalty. And it is precisely in that short period of hesitancy that you most endanger lives of people who are suffering heart attacks, who are suffering any other serious cardiac or other type of heart failure arrests, like a stroke. It is this government's attitude, which is negative in this respect, that is leading to another decrease in the quality of health care. The parallels between this example and the hospitals are very clear; the parallels between this example and the decrease in the quality of care provided in nursing homes is very clear. The decrease in the quality of home care through freezes, the parallels are there as well. This government has not taken the attitude that it would take a program that was a fine program in 1976 and try and make it better. Because frankly, in 1976 this program was quite embryonic. It was just starting out. One would have thought that they would have tried to refine this program and make it better. What they've done however, Mr. Speaker, is that they've taken the program as it existed in 1976 and they've really decreased the quality of it over a four-year period.

We have scientific evidence from experts, a number of doctors who have pointed out that you

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have to improve the quality of the ambulance service; that it was a good idea to get it started in the first place but we shouldn't rest on our laurels, we should make it better; that two people in an ambulance aren't enough if you want to save lives. But this government takes the approach, cost before need with respect to health care, and it will not act. I deplore the actions of this government in this respect, and frankly I have to commend the actions of the city of Winnipeg in finally moving to disregard the province's attempts to hold back this program; to go it alone if necessary in order to put need before cost, and that's what they've done. They've done it in particular with respect to my area, the area of Transcona. 27,000 people live in Transcona; they did not have an ambulance. We have something in the order of 7,000 to 8,000 people working daily in Transcona, many of whom come from other parts of the city. They had no ambulance service. We had to wait 15 and 20 minutes to get an ambulance out there.

We've had situations — and if you look at the places where people work — you have the CNR shops, over 5,000 people there; you have Co-Op Implements which employ up to 1,000 people; you have Flyer Industries which can employ between 500 and 1,000 people; you have Griffin Steel; you have International Harvester; you've got the Fish Marketing Corporation; you've got Chicago Blower; you have many many others. It's not as if you're talking about some sleepy little suburb out there that doesn't have a lot of industrial activity taking place within it. The point is that the people who got injured in those places had to go into hospitals bleeding like stuck pigs in the back of cars without any assistance, and that was the message taken forward to City Council by a number of people over and over again, and the city kept saying, we are trying to get more assistance from the provincial government with respect to ambulance services. —(Interjection)— We need a lot more. We started the program. We started the program. What are you doing about something like this? That's the point. It's an open question right now. You have the ability to stand up and speak in favour of this, but you won't, you won't speak about something like this at all, because you don't want to jeopardize that philosophy you've got over there, which puts cost before need. —(Interjection)—

That's right, and they want to be Cabinet Ministers. It must be tough sitting in the back there trying to speak in rhetorical terms about need, but at the same time when it comes to the crunch, putting cost before need. —(Interjection)— That's right. That's exactly what happens. And I commend the City Council. I commend the City Council for taking the step of adding 200,000 to the Winnipeg Ambulance Service budget, and providing for an ambulance and providing for people to man the ambulance in Transcona.

I would have thought that maybe the Member for St. Matthews would have in fact understood that. He grew up in Transcona. I thought he had some affinity for the community of Transcona. But it shows you, Mr. Speaker, that people are willing to cut whatever roots exist in order to somehow curry favour. Anything to get to the top is right, to forget all their roots, their desperate scramble to get up there. I would have thought that we would have seen more

support for something general like that. We don't have it, Mr. Speaker, we don't have it at all. I say that the ambulance service in Transcona is necessary for the residents and for other people in Manitoba, people from places like Beausejour and Dugald who work in the Transcona shops and work in these other places; people from other parts of the city who work in Transcona.

**MR. DEPUTY SPEAKER (Mr. Abe Kovnats):** The honourable member has five minutes.

**MR. PARASIUK:** Thank you, Mr. Speaker. So I say that the city, when they took that action, they took an action that benefited the people of Transcona, but they took an action that benefited the people of Winnipeg, and indeed benefited the people outside of Winnipeg, outside their boundaries, benefited their fellow Manitoban citizens. And they did it on their own. They asked the province for assistance and they were turned down cold, turned down cold, a tragic situation. Another example of the callous approach on the part of this government to health care; has shown that callous approach with respect to education; has shown that callous approach in area after area of human need.

We have all these grand DREE programs developing. We have a 5 million program established for some type of flood control at Carman that doesn't really pass any type of cost benefit analysis. We have that type of approach taken by the government, but when you point out concrete tangible examples of human need, this government turns its back on those areas. It turns its back on those areas, and what is the defence of the Minister of Health? The defence of the Minister of Health is, I'm sorry, we can't afford those types of things. Really, if you translate that into what it really means, it means that we put costs ahead of needs, we put costs ahead of needs. That is the wrong philosophy to have for a health care program. It is one that is shortsighted, because I want us to try and put a value on human life, and we are willing in many concrete examples to put a tremendous value on human life and to spend that which is necessary. But when we talk about something that could be preventative, light, quick, efficient ambulance service, this government turns its thumbs down on that type of proposal and forces the city to meet a need, but meet it on its own, and forces the individuals who use ambulance services to, in fact, have to pay 60 fees every time they use an ambulance, and that is outrageous for most of the people in Winnipeg and most of the people in Manitoba.

It shows that this government has no attitude that maybe they would try and foot 50 percent of the deficit, which would seem to be a fair approach on the part of the government, but they won't take that position at all. They, in fact, rely on their Minister to get up, again to wring his hands, to say woe is me, isn't this a tough situation, I can sympathize; we're studying it and we're monitoring it and we'll look at it in the future, but we're not prepared to do what the Member for Seven Oaks suggests. We aren't prepared to provide increases to this which would match the increases in the cost of living over the last three years. They aren't prepared to do that at all. So it's another example, Mr. Speaker, of bleeding

heart Conservatism, where they try and fake a sympathy for the need, but ultimately, Mr. Speaker, their position is Conservative, ultimately it's cut back, ultimately it's restraint, ultimately it puts costs before the needs of the people of Manitoba.

**MR. DEPUTY SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, there's only one motive that drives me to speak in this Chamber usually, and that's usually the hypocrisy that's displayed by members opposite. Mr. Speaker, as a member of City Council, I think there was one mistake I can recall that we made, and that was agreeing with the then provincial government to an amendment to The City of Winnipeg Act, which gave municipalities the authority to operate ambulance services. Because, Mr. Speaker, I personally feel that this is clearly, as is indicated in the amendment proposed by the Member for Crescentwood, clearly a service fundamentally related to health care and it clearly should be, in my view, a part of the Medicare Program, and I hope that that is part of the recommendations that have developed by the Manitoba Health Services Commission in the study that the Member for Crescentwood indicated is under way.

This was clearly a program, Mr. Speaker, that in my view, municipalities should not have been encouraged by that government to have gotten into. As a member of the former Council, the Member for Fort Rouge and the Member for Wellington, and other former members of Council will be well aware of the approaches that were made to members opposite when they were in government, indicating and requesting that the ambulance service be taken over as part of the health care system in this province, which is where it should be, and they turned it down. The Member for St. Boniface was the Health Minister. He turned it down very clearly and concisely at a meeting with the city's official delegation, with the then Premier and other Ministers in attendance, not only once but on a number of occasions. —(Interjection)— The Member for Selkirk says, let's live in the present, and I am. I'm indicating what I think, certainly in my own personal view, is the ultimate direction of financing of ambulance service.

The Member for Selkirk would prefer to forget the positions that they took in the past. You prefer not to recall them. The Member for Transcona talks about other essential service programs undertaken by our government in comparison to this program, forgetting that he was the genesis behind so many of the so-called economic development programs of the previous government, like plane building and all of the other losing economic developments that occurred throughout the province, while he was the adviser behind the throne.

Mr. Speaker, I wanted to speak to this matter. One of the sub-amendments refers to an increase in funding. The Minister of Health has brought forward in his estimates a 9 percent increase in the grant to the city. I certainly acknowledge it doesn't cover all of the actual operating costs. It's an interim step while this whole program is being reviewed by the Manitoba Health Services Commission. I have no difficulty, Mr. Speaker, in supporting the amendment

of the Member for Crescentwood — in fact, compared to the resolution by the Member for Wellington, which merely referred to an advisory committee, I think the proposal by the Member for Crescentwood in the study that's under way is a much more in-depth review of this service to the citizens of Winnipeg and, in fact, throughout the province of Manitoba.

But more particularly I support it, Mr. Speaker, because it recognizes what I believe are the true facts of the situation in the whereas clauses, that it's fundamentally related to . . .

**MR. SPEAKER:** May I suggest to the Honourable Minister that we are dealing with the sub-amendment at the present time. Once we have disposed of the sub-amendment or accepted it, then I would think that his remarks on the amendment would be more appropriate.

**MR. MERCIER:** Mr. Speaker, I've indicated I can't support the sub-amendment. The Minister has indeed brought forward an increase in the grant for ambulance service throughout the province this year. I fully expect, Mr. Speaker, that as a result of the studies under way under his jurisdiction at the present time that a more permanent long-range solution will be developed in this particular area, one that the members opposite rejected. And that's the main point I want to make, Mr. Speaker, the fact that the members opposite rejected the basic proposition of ambulance services. I feel that it's a basic medical service that should be paid for under Medicare and should be premium-free. I think, Mr. Speaker — (Interjection)— I've been right here and members opposite were where they were for eight years and weren't even prepared to consider that for one moment. The reaction of members opposite when they were in government, their request to the city of Winnipeg, Mr. Speaker, was that they wouldn't even consider it.

At least, Mr. Speaker, in this instance the Minister of Health and the Manitoba Health Services Commission have been persuaded to take a long-range view of ambulance service and study this matter and make recommendations to them. I think, Mr. Speaker, members on this side will be prepared to deal with this subject in a long-term way in future budgets brought forward and aren't subject to submitting to this Legislature the hypocritical comments that have been made by the previous speaker.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Thank you, Mr. Speaker. I was interested in the remarks by the previous speaker, because I would like to remind the House that the ambulance service as it was operated privately was a disaster. Now, I can support the sub-amendment and the amendment. I can't disagree with the Minister's remarks about the eventual funding, but to say that this government will deal with it in a long-term way is not acceptable, I suggest, to the people of Winnipeg. This government is in a position to change the system. They can either improve it or they can introduce legislation to change the system, but in the

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meantime, the provision of ambulance service just is not satisfactory. It is most unsatisfactory; it's dangerous for many people. We have heard about the situation in Transcona which has been remedied by the councillors of the city of Winnipeg, to their credit, after many years of attempting to get the provincial government to agree to the extension of adequate service into Transcona.

But, Mr. Speaker, it's also been drawn to my attention that there is no ambulance stationed in Charleswood or Tuxedo or River Heights. I don't hear the members for those areas asking for this service for their constituents and I can't understand their silence. I think that this is deplorable. I'm told by the administration of the ambulance service that if anyone in those three areas, Charleswood, Tuxedo, or River Heights, needs an ambulance, one is sent either from Lipton and Westminster — imagine in the rush hour in Winnipeg trying to cross either the Maryland Bridge or the St. James Bridge to provide a service to a heart attack or stroke victim in the River Heights area or, depending on which end of the constituencies it might be, might come from Lilac and Beresford where it has to cross railway lines, and that can hold an ambulance up for several minutes. Or they can be dodging around trying to get over ahead of time or get behind. Or the third alternative is from St. James, the Banting Street ambulance. And the people in that area are becoming aware of the fact that they are inadequately covered for ambulance service, Mr. Speaker. I would have thought that this would be a matter of concern to the representatives of those particular suburbs, including the First Minister.

One of the things that bothers me about the provincial Health Department, Mr. Speaker, is that it does not seem prepared to spend money to save money. Anyone who has operated on any sort of a budget in a fairly small way, in a small business or on a household budget, knows that sometimes you have to spend in order to save in the long run. We're not looking to the future; we are making insufficient arrangements for preventative health programs and for emergency backup care. We're not coming to grips with the fact that by the year 2000, we're going to have a senior population which is 12 percent of the total population, and which will account for an estimated 46 percent of hospital patients. It's been pointed out at city council and in the media that our ambulance crews are not trained in the very best methods of resuscitation for heart attack victims. Now, surely it's obvious that the sooner we can transport a heart attack victim or an accident victim to the hospital where the victim can receive adequate care, the shorter the time that person will remain in the hospital — if they survive, of course.

It seems to me that it's absolutely essential that society, through government, should look at ways to shorten hospital stays without interfering with the responsibility of the doctor to determine the length of stay of a patient. But the point is that, as I was saying, they won't spend money to save money. The provision of adequate preventative and emergency care can in the long run shorten the length of hospital stay. This seems to be very important to this government. It helps to keep elderly people emotionally and physically capable of looking after themselves in their own home if they can be sure

that emergency services can be provided at the first possible moment after they are required, Mr. Speaker.

It's bad enough that we're spending 138 million on redevelopment at Health Sciences Centre at the same time as we're closing down beds at that centre. It's bad enough that sufficient extended care beds are still not being proposed for the care of geriatric and other long-term patients. But we have to address ourselves more than we ever have done before, or more than I can see contemplated by this government, to the whole question of adequate emergency and preventative health care. Adequate home care and day hospital must be provided, offered, so those who respond better to living at home may continue to do so. This is to the advantage of the patient but it's also, Mr. Speaker, to the advantage of society as a whole. It's to the advantage of the taxpayer.

That person who is living at home, even though perhaps not in the very best of health, not in the very top physical condition, must be safe in the knowledge that emergency service is available for him or her if and when it is needed and immediately after it is needed. They need preventative care and they need the assurance of adequate emergency care. Part of this whole subject of emergency and preventative care includes the construction of adequate facilities, not only for nursing home care, but for the years before they are ready for nursing home care, for the years when all they need is a day hospital combined with home care which has been pointed out many times in this House by me and by other is economically much more advantageous. I do feel when talking to the members opposite that the economics of health care seem to preclude other considerations very often.

Very little has been heard from this government on day hospital and home care. Anything else to do with preventative health care, Mr. Speaker, community-based approach would include these things as well as adequate ambulance service, supportive of the patient and it frees up extended and acute care beds for those who need them most. Mr. Speaker, in December of last year, Dr. David Skelton, who is acknowledged as one of the specialists in Winnipeg in the area of geriatric care, joined the hundreds of professionals who have left Manitoba. Before leaving, he made a number of comments on the care of the elderly as it is provided in this province. He made the point that programs have been curtailed and threatened because . . .

**MR. SPEAKER:** Order, order please. May I suggest to the honourable member that we're dealing with a sub-amendment to an amendment to a resolution. We're dealing with the sub-amendment at the present time.

The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Mr. Speaker, I think it's very difficult to separate the whole subject of this motion and its amendments when it comes to the fact of the provision of health care. The sub-amendment — it refers — the advisability of increasing its funding support for ambulance services to reflect the actual increase in costs since 1977. That is only as an interim to the amendment, so I don't see how one

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can separate the amendment from the sub-amendment, which is a qualification of the amendment. But in view of the Speaker's comments I will sit down and continue my remarks on the amendment and on the main motion. I will have to speak three times, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. ALBERT DRIEDGER:** Thank you, Mr. Speaker. I just have a few off-the-cuff remarks that I would like to make, and listening to part of the debate regarding the ambulance services, that we've had basically city members speaking on it and criticizing to some degree the lack of government support, the lack of service that the ambulances in the city are providing. I'd like to draw the attention of the members of this House to the services that are available in the rural area. I've had cases where my best friend last year, as the airplane crashed and he burned, and by the time the ambulance arrived it was two-and-a-half hours later. There was criticism in the paper at that time about it. What happens, though, in defence of the ambulance service in the rural areas, very often when an accident or a sudden illness strikes where an ambulance is required, they don't even know the location of the property. The drivers, to the best of their ability, these people have full-time jobs; they work on a part-time basis. Assuming that an accident or a heart attack or something of this nature strikes, we get on the phone, we phone the hospital and ask for . . .

**MR. SPEAKER:** Order, order please. I realize it's difficult for all members, but we do have rules in debate, and the question before the House at the present time is a sub-amendment moved by the Honourable Member for Seven Oaks. Be it further resolved that in the interim, the government consider the advisability of increasing its funding support for ambulance service in 1980-81 to reflect the actual increase in costs since 1977. I would hope that honourable members would address themselves to the question of the sub-amendment and when we have completed that, then we can go back and deal with the subject matter of the amendment and then the whole resolution.

The Honourable Member for Emerson.

**MR. DRIEDGER:** Thank you, Mr. Speaker. My impression was and my apologies, I thought we were talking about the ambulance business and the funding of it and the effect on the rural communities. We're talking of added financing for the ambulance service in Winnipeg and I'm trying to indicate the position that we are in, in a rural community in terms of funding out there, where there is no funding from government really, it's through the hospital services. In some areas I know that communities have raised their own moneys to support and finance the ambulance services.

In our particular area, in the southeast, there are various organizations that work at this thing on a year-round basis to try and raise funds, to provide adequate or improved services for ambulance service. And I was referring to some of the items before, the case of my friend, it took two and one-

half hours for the ambulance to arrive and this reflects to some degree the fact that we do not have adequate funding in the rural areas. I have another case where, when I was coaching a hockey team at one time, one of my midget players, 15-year old boy, driving a tractor, the tractor overturned, he was pinned and it took them an hour-and-a-half before they finally got an ambulance out there in the rural area. These people are talking about 10, 15 minute intervals were they get service, and there should be more funding to make it more adequate, to be able to provide better service. The people that drive the ambulances out there, they're not qualified to give all kinds of proper medication at that time, we have limited equipment, it takes time to get them out there, they rush out there to the best of their ability with the equipment that they have, and we hope that given a reasonable period time, an hour or two, we can get them to the hospital where they can get adequate treatment.

This is the only thing that I'm trying to indicate to the members here today. The Member for St. Johns thinks it's a joke. Well you know, the people in the —(Interjection)—

**MR. SPEAKER:** Order please. The Honourable Member for St. Johns on a point of privilege.

**MR. CHERNIACK:** The honourable member who was speaking said that I think it's a big joke; he hasn't the slightest idea why I was smiling and he has no reason or right to comment as to how I was reacting to what he was saying.

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. DRIEDGER:** Mr. Speaker, if the Member for St. Johns has other things on his mind that are entertaining while I'm speaking about a dramatic thing like some peoples' lives, that's his privilege.

I would just like to say to the members of the House that when we talk, it's been basically city members that have been speaking on this Resolution, their concerns, I just wanted to raise some of the rural concerns that we have as well. I think we have equal rights to be treated the same way as you people here, and our situation is more dramatic than some of the cases that you have stated here.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Speaker. Well, I will have to follow on the heels of the Honourable Member for Emerson in regard to some of the problems that lack of funding by his government has created in ambulance services in rural areas — (Interjection)— By every government. Perhaps the member is right to a certain extent, but we have seen the problem exasperated in recent years; we've seen it as part of a total, acute, protracted restraint mentality that has been prevalent since this government took office.

But I don't want to be sidetracked into that just yet, Mr. Speaker, I want to follow on some of the

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comments that the Member for Emerson made and which you allowed and which I think were pertinent to the debate and I believe are also pertinent to the situation in northern Manitoba, and I would just like to add my voice, on a rare occasion, to the Member for Emerson's voice in regard to encouraging the government to provide adequate funding for ambulance services in northern Manitoba as well as in rural Manitoba, throughout the province, because that is in fact their responsibility and they seem to have turned their back on the north of this province.

You know, we had a very good ambulance service before. It was called the Northern Air Patient Transportation Program, or Northern Patient Transportation Program, NPTP. We called it in the north, Air Ambulance — that was a colloquial term for it, north of the 53rd, Air Ambulance. Well, that Air Ambulance Program has been for the most part disbanded, and has been now turned into instead of a rather uncomfortable but speedy ride into the city, uncomfortable because the person was usually sick or ill or needed hospital care, for the most part, into a gruelling, overnight bus ride. And that's one of the results of their government not providing the type of funding that is necessary to ensure that all the people of this province have access to the health care system and that all the people of this province, whether they be rural or northern or even in the inner city, in the suburbs as the Member for Fort Rouge mentioned, have access to adequate, proper and expanding health care. They seem to have taken the mentality that, as it was in 1977, let's drop back a few paces from that and pretend — and it is a pretension — that we are in fact making great strides in improving health care.

Well, it is a ludicrous argument. I listened to the lackadaisical speech by the Attorney-General and I have to admit that it is not his typical speech in this House. He's usually more vibrant and more excited on a subject like this — a subject that affects him very strongly. And when he mentioned, Sir, that the blame should be on this side of the House and that his government was doing everything that it could, that, Sir, flew in the face of the facts. The facts are that since his government has come to power, the situation has deteriorated, primarily because of lack of funding and that's what we're talking about in this particular amendment.

You know, it's typical Tory tactics to point the finger, to cast the blame, rather than examine the problem and try to come up with some solutions to problems that are not always of their making. Let's be very clear about that. These problems that they face, a lot of them are historical problems; a lot of those problems, Sir, are countrywide, a lot of them are worldwide problems. But they don't want to examine them and deal with them in the Manitoba context, they would far prefer to cast the blame, to point the finger at this side of the House and say, well, it's as a result of the mismanagement of the previous administration and we're doing all we can to correct that situation.

That is becoming a more and more ludicrous argument, and let me just point out, Sir, how that is becoming more and more ludicrous, given the events of the past few days. It's ironic that we are talking about a part of the health care system right now when in fact we have much of our health care

system, or a portion of our health care system right now, the support-workers in that system, on strike, and they are on strike because of funding. They are on strike because, Sir, their wages have not been able to keep up for the year 1980-81 enough to reflect the actual increase in their cost of living since 1977. And yet, when we know that fact, and we know that their wages have not been able to keep up with that cost, primarily because this government has refused to live up to its responsibility to adequately fund the hospital and the health care system in this province, we have the ludicrous spectacle of the Minister standing up today and saying, well, it's all your fault. Three years away, three years down the road, and the Minister is telling us that the problem in funding and the problem in increasing their wages to reflect the actual increase in cost since 1977 is a problem of the previous administration. Well, that is not the fact, Mr. Speaker. They cannot, although they will try, but they will not be able to get away with blaming the strike that began yesterday or this week, on the previous administration, a strike that was brought about entirely . . .

**MR. SPEAKER:** Order please. May I suggest to the honourable member we're dealing with ambulance services.

The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Speaker. Perhaps because of the magnitude of the problem that faces the province I have been tempted to stray from the actual subject matter before us, but I must point out to the members who are listening that those ambulances drive up to the hospital doors, and those hospital doors are not open to the extent that they should be because of the policies of this government, because the fact is that this government has refused to adequately fund the ambulances, it has refused to adequately fund the health care system. It's all part and parcel, they have refused to provide the type of money that is necessary for the hospitals to be able to negotiate with faith, it's all part and parcel of the same system.

**MR. SPEAKER:** Order please. I have repeatedly today asked members to stick to the subject matter at hand dealing specifically with the sub-amendment before us dealing with ambulance services.

The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Speaker. The Member for Rock Lake has just said across the chambers, if I don't, call me to order, and I appreciate, Sir, your advice and guidance from time to time when I do stray and I would encourage you to take the advice of the Member for Rock Lake and when I and others in this chamber do not apply ourselves directly to the subject matter before us, we do, as always, appreciate your advice and your guidance and we'll take it in the manner in which it is provided and that I believe, Sir, is in all due respect, it is provided as that, as guidance and advice, and I assure you that we do take it as that.

I want to talk, Mr. Speaker, just briefly about how we arrived at this amendment, the process by which we arrived at the amendment, and I think that is in keeping with the amendment itself. Because in order

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to understand the amendment per se, we must in fact understand how that amendment came about. It came about because of a resolution put in by the Member from —(Interjection)— the Member for Wellington, excuse me. The Member for Elmwood has time and time and again corrected my language on this side of the House and I have made sort of an internal agreement with myself that I will say the Member for the different constituencies, if he will in fact start saying Mr. Chairperson, but I have to convince him of the legitimacy of that trade-off. At any rate, that is an aside and I probably should have been called to order for that, but I want to get back to the subject matter at hand.

The Member for Wellington put before us, what I believe to be a legitimate and reasonable resolution that outlined a series of problems, Mr. Speaker, and then called for an advisory committee to evaluate the adequacy and efficiency of the Winnipeg and other municipal ambulance services and report thereon. If I were to amend that, I would have amended that in keeping with the comments from the Member for Emerson and my own concerns and the concerns of my constituents, to also evaluate the efficiency and the adequacy, especially in regard to funding, of the ambulance services throughout the province. But that, Sir, was not the case.

What did happen was this motion was amended by the Member for Crescentwood and I want to look at what that member did to the motion in order to get us to the amendment that's before us today. What that member did was he said that after the word survival on the third line, which is the first whereas, delete everything and include in what were his own particular choice of whereases. What did they delete, Mr. Speaker? Well they deleted a statement that said, And whereas authorities have recently stated that this survival rate could be improved to 25 percent if Winnipeg ambulance service crews were better trained and equipped. I wonder what they found offensive about that statement, because if they have taken the time to delete it, surely it must have been offensive to them. Surely they must not have agreed with it or they would have left in the whereases and made their amendment read a bit differently.

They also deleted a statement that said, And whereas ambulance services are related to general health care and therefore directly impact an important area of provincial responsibility. One has to ask why they deleted that. I think they deleted it because they are ashamed . . .

**MR. SPEAKER:** Order please. I've allowed a fair degree of room for the member to get to what he is supposed to be talking about, and that is the sub-amendment. I would hope that the honourable member has had sufficient time and he will now deal with the sub-amendment.

**MR. COWAN:** Thank you, Mr. Speaker, I appreciate again your advice, and you are probably correct somewhat that I may have dwelt on that too much but I was trying to work my way to the sub-amendment. The next whereas, Mr. Speaker, is particularly applicable to the sub-amendment and that whereas, and it is a whereas that the Member for Crescentwood also chose to delete, I can only

imagine with the advice and consent of his caucus and that is, And whereas the provincial government will subsidize approximately 25 percent of the Winnipeg ambulance service's projected operating deficit for 1980. I think they wanted that deleted, Mr. Speaker, because they are ashamed of that, I think that's why they wanted it deleted. Because that, Sir, represents the problem that they have had in attempting to fund services such as the ambulance service, health care services.

I believe, Mr. Speaker, that I should be allowed a certain amount of latitude to talk about the health care system in overall and I base that, Sir — and I would seek your advice after I made my comments — I base that on the fact that the whereases of the amended motion that was put forward by the Member for Charleswood said, And whereas ambulance services are fundamentally related to general health care. That was a statement that was made by the Member for Crescentwood, and the next whereas was, And whereas pre-hospital care is an important extension of hospital care.

**MR. SPEAKER:** Order please. If I have to interrupt the honourable member again I would have to say that he is refusing to obey the wishes of the Chair, and I would ask him to carry on and deal with the subject matter of the sub-amendment.

The Honourable Member for Churchill.

The Honourable Member for Kildonan on a point of order.

**MR. FOX:** I realize that you are trying to adhere to the rules, but one must also take cognizance of the fact that relevancy is pretty hard to define, especially when is dealing with an amendment or even a sub-amendment, because there must be some room for debate in respect to how the amendment affects the amendment. So therefore one can not just confine one-self in debate to the particular words that are in the amendment. One has to have some relevancy to what the issue is all about, and I would respectfully suggest, Sir, that you do allow a few more parameters within which the debate can occur. Otherwise there will be no debate on any amendments.

**MR. SPEAKER:** Order please. I don't make the rules of this Chamber. The House, through its Rules Committee, makes those rules. We can only deal with one subject matter at a time. The subject matter before the Assembly is the sub-amendment as proposed by the Honourable Member for Seven Oaks.

The Honourable Member for Churchill.

**MR. FOX:** Mr. Speaker, again on the point of order, I would suggest . . .

**MR. SPEAKER:** Order please. Order please. The Honourable Member for Kildonan on another point of order?

**MR. FOX:** Yes, Mr. Speaker. I do believe that the rules are there, and I am certain that all of us agree that we shouldn't change the rules in mid-stream. But I do believe that there is interpretation involved, and I would suggest if we are going to have any kind

of meaningful debate, there has to be some give and take. And again I ask you, Sir, to consider relevancy so that members can express themselves, declare analogies between issues and subjects so that the debate is meaningful.

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, on the same point of order, you've already made similar rulings with respect to the Member for Fort Rouge, the Member for Emerson, myself, and a number of other members who have spoken with respect to this matter, so I would suggest the Member for Churchill should be subject to the same restrictions.

**MR. SPEAKER:** The Honourable member for St. Johns on a point of order.

**MR. CHERNIACK:** On a point of order, I've been looking forward to participating in this debate on the amendment to the amendment. Mr. Speaker, I read it and you read it today, Be it resolved that in the interim ... In the interim of what? In the interim while something is going on. ... the government consider the advisability of increasing its funding support for ambulance services, 1980-81, to reflect the actual increase in costs since 1977. Mr. Speaker, I suggest humbly and in my own protection, that we are dealing about an interim period of time which has to relate to something happening, which is mentioned in the amendment.

Secondly, we are dealing with funding support commensurate with cost of living increases. Mr. Speaker, I see no way we can discuss that by being limited to ambulances, unless we could relate it to the government's program of health support generally, which does bring in funding increases, which does bring in cost of living, which does bring in the attitude of the government. And, Mr. Speaker, if you want to talk about ambulances only, then there would be no point in discussing an amendment which talks about an interim period. And I am suggesting to you that this amendment deals with funding support relating to an actual cost of living increase since 1977, and that is what we have a right to speak on as it relates to ambulances and as it relates to this government's policy. Mr. Speaker, I suggest to you that it is in order to speak on funding support and to speak on cost of living increases since 1977 as it affects the health of the people of the province and the ambulance service as related to that.

**MR. SPEAKER:** The Honourable Member for Wellington on a point of order.

**MR. CORRIN:** Mr. Speaker, it occurs to me that the Honourable Member for Churchill is in effect trying to establish for us a certain critical perspective in order that we can exercise some critical judgement in the course of our debate and discussion. When he — and I am referring now specifically, Mr. Speaker, to the point on which you brought him to order — when he compares the provisions of this sub-amendment with the other sub-amendment and the original resolution before

the House, he does so, and I think this was clear from his remarks, he does so in order to establish what the import of the sub-amendment is. What it is that is being deleted is quite relevant, because obviously he is entitled to infer that anything that is being deleted has a bearing in the mind of the person who has moved the sub-amendment. I don't think without a historical review we can adequately assess the potential of the full resolution before the House, and certainly we can't hope to define the sub-amendment. So I think in fairness to the member, Mr. Speaker, he should be allowed to, in this way, come to conclusions based on logical deduction, and that's what he is attempting to do. He is simply going through a rational cognate of process in trying to establish the import of the sub-amendment. I don't think that's irrelevant, I think it's pertinent and should be allowed, and must be allowed within the rules.

**MR. SPEAKER:** The Honourable Member for Minnedosa on the point of order.

**MR. DAVID BLAKE:** Thank you, Mr. Speaker. On the same point of order, we've seen the shenanigans that is obviously in play on the other side done before. They've obviously been trying to run the clock out, Mr. Speaker, so if it will help you in your ruling, I would suggest that we call it 5:30 and then we won't have to go on with the points of order for another two-and-a-half minutes, because that's what is going to happen.

**MR. SPEAKER:** The Honourable Member for Churchill on the point of order.

**MR. COWAN:** On that last point of order, I assure the member — and I do resent the imputing of motives and the fact that he refers to this as shenanigans, which I feel and I know you feel, to be a very important part and process of our work here in the House — but I do assure the member that I am quite concerned about the clock being run out. I had hoped to finish my remarks and would like the opportunity to finish my remarks.

Mr. Speaker, you said earlier that if I were to continue on the same vein, that you would have to interpret it as refusing to obey your ruling. I assure you that there was no refusal intended. I may have had difficulty, Sir — I asked for nothing, Mr. Speaker, I asked for no special permission and Hansard will be very clear — I asked you to bear with me, Mr. Speaker, I don't believe that to be a special permission; I believe that to be a part of your office to hear members of this House out, to see if what they are saying is in fact relevant to the subject matter at hand. But I want to assure you, I want to put on the record . . .

**MR. SPEAKER:** Order please, order please. I have listened to the points of order. I believe the member was starting to get back into debate. I refer honourable members to Citation 440 of Beauchesne's Fifth Edition: As the proposal of an amendment to an amendment originates a fresh subject for consideration, the new question thus created must, to prevent confusion, be disposed of by itself. An amendment when undergoing alteration

is therefore treated throughout as if it were a substantive motion under which an amendment has been moved. The original motion is accordingly laid aside and amendments become for the time a separate question to be dealt with until its terms are settled.

The Honourable Member for Churchill.

**MR. COWAN:** Mr. Speaker, I'm not rising on the point of order. I hope that I will be permitted to continue . . .

**MR. SPEAKER:** The honourable member on the debate.

**MR. COWAN:** I would just ask you how much time I have left in my presentation.

**MR. SPEAKER:** The hour is 5:30. The honourable member will have eight minutes.

**MR. COWAN:** Thank you, Mr. Speaker.

**MR. SPEAKER:** The hour being 5:30, the House is accordingly adjourned and stands adjourned until 2:00 tomorrow afternoon. (Thursday)