



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

**DEBATES
and
PROCEEDINGS
(HANSARD)**

40 Elizabeth II

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, June, 7, 1991

The House met at 10 a.m.

PRAYERS

MATTERS OF PRIVILEGE

Mr. Dave Chomlak (Kildonan): I am using the first opportunity afforded to me to rise on a matter of personal privilege.

I move, seconded by the member for St. Johns (Ms. Wasylcia-Leis), that the Minister of Education and Training (Mr. Derkach) be requested to apologize to the House for repeatedly misleading the House both in the Estimates process and Oral Questions on the effects of his budget cuts to high school bursaries on adult education students.

Mr. Speaker, I will be tabling in this Chamber all these documents that I am going to make reference to in my discussion, most of which will deal with comments in Hansard by the minister in this House. I will table it all now.

On many occasions in the cut and thrust of debate in this House, accusations are thrown back and forth and very often members opposite say that members on this side of the House have inaccurate facts, Mr. Speaker. Most of the time, in my experience in this Chamber, our facts have been accurate and it has been the government that has had inaccurate facts.

This instance, the instance of the High School Bursary program and the effect on adult students, is one example of that and, as I have indicated, I have tabled all of the documents that I am referring to in this Chamber.

Mr. Speaker, April 16, in this Chamber, the Minister of Finance (Mr. Manness) presented his budget. At that time it was indicated in the budget that the High School Bursary program, to adult and needy children in the province of Manitoba—3,800 in total—would be cut. On May 16 in this Chamber, in response to a question of mine regarding the cutbacks to this program, I would like to quote what the minister said on page 2202 of Hansard.

The minister said, in response to my question about the cutback in the program: "... we have had some discussions with Family Services, and those students whose families are on social allowance or

the students who are will be able to gain assistance through that department."

Further on, during the course of that debate, the minister said, "... there are no costs for students who go to high school in this province ..."

Further on, Mr. Speaker, again quoting from the minister: "If there were costs, then there would be a reason for the bursary, but there is no cost to a student who attends one of our high schools, in terms of the books, in terms of tuition ..."

That very same date a letter came, and I have tabled that letter, from a student on behalf of other students at the Winnipeg Adult Education Centre to the Minister of Education and Training (Mr. Derkach), pointing out that indeed there were tuition fees at Winnipeg Adult Education Centre, and asking the minister to reconsider his decision to cut that program.

On the very same day, when the minister indicated that he had had discussions with the Minister of Family Services (Mr. Gilleshammer) respecting this program, the Minister of Family Services issued a press release via Order-in-Council, which I have also tabled, which indicates that the social allowances that the minister had referred to as an alternative to the High School Bursary program were being reduced by \$30 a month—the very same day.

The next day in Question Period, I asked the First Minister, the Premier (Mr. Filmon), to review the comments of the Minister of Education and Training the day before in Estimates, notably, the comments about the reason for the cuts in the program and about the alternatives available to the students as a result of the cuts in the program.

* (1005)

Also that same day, the Leader of the third party (Mrs. Carstairs) and our opposition critic asked the Minister of Family Services about the cuts in the program and he indicated, and I am quoting, in reference to me as Education critic: "that their critic needs a little assistance in questioning the minister of his department." And also indicated to the Leader of the third party that she was not presenting

correct information, again, information in reference to the cutbacks in these programs, Mr. Speaker.

In this Chamber and in this House, when I again raised the issue of the High School Bursary program cutbacks and the unco-ordinated approach to Family Services, the minister said in reference to me that once again my figures were inaccurate.

On June 4, in order to have the matter heard, in order to try to resolve the matter, a press conference was held in our caucus room with 20 students from the Winnipeg Adult Education Centre.

I again asked the question in Question Period about these programs. The minister again had opportunity to correct himself and did not do so, as he had on many previous occasions. In fact, he then went out of the Chamber and the students indicated to me that he told them that because their program had been cut back, they could go get social assistance. In fact, they went to the Social Assistance office and were told that there was no program available to take care of the tuition fees and the other matters that had been covered by the High School Bursary program that had been cut by this minister.

Finally, in reference to the minister's statements, the minister, in a newspaper article in today's Winnipeg Free Press, which I have also tabled, indicated, "When we looked at our programs, we did not bother checking with Family Services before we changed our programs."

Directly contrary, Mr. Speaker, to what the minister had told me in the House on May 16 and subsequently.

I would also like to table, and I have tabled it in the House, a fee schedule for the Winnipeg Adult Education Centre which points out that indeed these students who had their program cut by the minister because he said they did not have to pay tuition fees, in fact do pay tuition fees.

I have tabled that document in the package of documents that I have earlier tabled in the House to indicate in fact that the minister was again inaccurate because he justified the cutting of his program on the basis that tuition fees were not paid. He justified the cutting of the program on the basis that the Minister of Family Services, in his program, would pick up the costs when, in fact, the minister the very same day cut the program.

Mr. Speaker, it is our opinion that this is not a dispute over facts, and I want to indicate that I give

the minister credit, and I admire his courage and honesty and he went up in my opinion yesterday when he admitted to the Winnipeg Free Press that he had been wrong. I commend him for that, but that still does not deal with matters in this House and in fact it does not deal with the substantive issue of what is going to happen to the program.

Mr. Speaker, it is our opinion and it is my opinion that the minister deliberately misled this House. This is not a dispute over the facts. The minister said he had had discussions with his counterpart, Family Services, and he clearly indicated in today's Free Press that he had not. The minister indicated reasons for the cut with the program which apparently are not the case.

Mr. Speaker, I dare say if the minister did not deliberately mislead this House then there is an appalling lack of competence on that government's part in not co-ordinating the activities of two departments.

I am appalled that this First Minister (Mr. Filmon) did not have or take the opportunity since May 17, when I raised the issue specifically in Question Period with him, to do something about the minister's statements and I referred him to the statements and the First Minister indicated he would.

I am appalled that the Ministers of Family Services (Mr. Gillehammer) and Education and Training (Mr. Derkach) have not gotten together to co-ordinate their activity. I am appalled at this lack of co-ordination and, frankly, sensitivity on the part of this government. Thank you, Mr. Speaker.

* (1010)

Hon. James Downey (Acting Government House Leader): Mr. Speaker, the matter of privilege is a very serious matter, and I would have hoped every member of the House appreciates the importance of bringing it to the Assembly.

I think, Mr. Speaker, I would have to say to you, Sir, that it is clearly a dispute over the facts and possibly somewhat that the member for Kildonan (Mr. Chomiak) is confused with the numbers of programs that are within the Department of Education and Training.

I think he certainly lacks any evidence of having a matter of privilege to bring before this Assembly. He clearly indicated in his comments that, with a press conference with students, he was in some way publicly expressing, I would think—for what

other reason I do not know—why he would have not gone directly to the Minister of Education and Training with those students or written directly to the minister. I am aware that he has not done that for clarification, so one really has to question the motivation behind what the presentation here is this morning.

In fact, I think it clearly is a dispute over the facts and would have thought the member would have, on behalf of those students, gone directly to the minister to clear up any confusion as it relates to programs. So I, Mr. Speaker, do not believe the member does have a matter of privilege before this House.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Matters of privilege are of the utmost importance in this Chamber because it is the only way in which members can be guaranteed the open and free expression of opinions between members of government and members of the opposition, and when we come into the Estimates process we expect to be given accurate information.

When a minister decides to baffle, that is the minister's choice, but when the minister chooses to put facts on the record, as the Minister of Education and Training (Mr. Derkach) has done, accusing both the critic for the NDP and myself, over and over again, of putting incorrect information on the record, he must therefore be prepared to apologize when he puts incorrect, inaccurate information on the record. He has done it on a number of occasions, Mr. Speaker. This one there is clear prima facie evidence that he has done so, and I ask you to read that evidence and to make your judgment.

Mr. Steve Ashton (Opposition House Leader): To the Premier, (Mr. Filmon), I hope he would recognize that a matter of privilege is a serious matter. I would submit to you, Mr. Speaker, that the member for Kildonan (Mr. Chomiak) has met our technical requirements in terms of the matter of privilege by raising it at the first opportunity which indeed is listed in Beauchesne's Citation 115 as being a prerequisite.

Your decision, Mr. Speaker, is based on whether there is prima facie evidence on the matter of privilege, and whether indeed it is important enough to set aside other matters of business to be dealt with by the motion that has been brought in by the member for Kildonan.

Were this an isolated example, we might conclude on the opposition side that this was merely an example of perhaps a mistake on the part of the minister, but, Mr. Speaker, this is not the only time that this minister has misled the House. This is not the only time that ministers of this government have misled the House.

We have had, unfortunately, during the session, to rise on matters of privilege in other areas, but I want to deal, Mr. Speaker, with the gravity of what the minister stated in this House to the member because that is the key issue at stake, whether the minister deliberately misled the House by his statements.

* (1015)

By the documentation tabled by the member for Kildonan, there is no other conclusion that can be reached, to my mind, other than possibly two conclusions. One is that the minister is incompetent, or second, that he deliberately misled the House. Because if you read his quotations in Hansard as tabled by the member for Kildonan, he stated very clearly that discussions had been undertaken between his department and the Department of Family Services. He stated very clearly this would not impact on the students. He stated very clearly, as Minister of Education and Training, that they were not faced with tuition fees.

Mr. Speaker, he was wrong and it is not just a question of facts. Either discussions took place or they did not. If the discussions did not take place and the minister stands in this House and says that they took place, I say to you, that is not a dispute over the facts, that is a case of a minister misleading the House, and in that particular case, of deliberately misleading the House.

I ask that you do one of two things, Mr. Speaker. I would hope, in looking where there is a prima facie case, you would accept that there is indeed a matter of privilege here.

I would hope that you would also remind the Minister of Education and Training (Mr. Derkach) that he has the opportunity now to stand in his place and settle this matter, at least in terms of the matter of privilege, by standing in his place and admitting that he misled the House, that he provided inaccurate information, not just to members of this Legislature, to the many students who have been affected by his policies that were brought in, in

ignorance—his vicious cuts to programs in this province.

The way to settle this is for that minister to stand in his place right now and admit either that he is incompetent or that he misled the House.

Mr. Speaker: I would like to thank all honourable members for their advice in this matter. A matter of privilege is indeed a serious matter. I will peruse Hansard and come back to the House with a ruling.

* * *

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, I too rise on a matter of privilege, and it will be followed by a substantive motion.

I rise because it is becoming far too frequent in this House for ministers of the Crown to give incorrect information in the Estimate process of this Chamber, only to find out within a matter of days that in other documentation they provide just the opposite replies.

For example, on June 3, 1991, I asked the Minister responsible for Decentralization (Mr. Downey) a question with respect to a \$5 million budget allocation. It said in his Estimate book that it would be used for leasehold improvements, it would be used for construction projects. When I asked him to give us a breakdown of that sum of money, I received the following reply: The \$5 million is going to be used for the transfer of people, the cost of moving people. Very little amount would be used for construction, that is the cost to government or the leasing costs that come from Government Services, where they have traditionally come from. There could be a small percentage that comes for the fund for leasehold improvement.

Three days later, Mr. Speaker, yesterday, and that is why time is a factor here, the same minister put out the following press release: Downey said the 1991-92 budget includes \$5 million that will be committed to the decentralization initiative. The minister said the amount of money will be used for leasing and office renovations costs expected to be incurred as the government continues to move services closer to the people who use them, which are in direct contradiction to the remarks that he made on June 3, 1991, in the Decentralization Estimates.

Mr. Speaker, because this is such a common occurrence in this House and because a matter of

privilege is the only way in which we can get the minister to apologize for deliberately providing misinformation:

I move, seconded by the member for The Maples (Mr. Cheema), that the Minister of Northern Affairs, and Rural Development (Mr. Downey) be requested to apologize to the House for providing information to the House in the Estimate process of Decentralization, on June 3, 1991, which was repudiated in a press release from his department on June 6, 1991.

*(1020)

Hon. James Downey (Acting Government House Leader): Mr. Speaker, I am somewhat surprised at the member's motion this morning. In fact, if she had been paying attention, there have been press releases going out far prior to the one in which she brings to the attention of this House. This information was available so she has certainly had the opportunity during the Estimate process on Decentralization to have raised that very issue, but let me deal as well with what she is saying.

I have not in any way said anything different in this House than what is said in the press release. I said there would be money used for people moving. I said there would be money for leasing. I said there would be money for some up-front costs. That is what I heard her say this morning, Mr. Speaker.

I would, however, apologize to the member if she has difficulty in understanding the information. That, I am serious about. If in some way she has a difficulty in understanding this situation, understanding the information, then I will do my best to help clarify it for her, but I believe that there has been nothing misleading as to what has been presented to this House. The \$5 million is in fact being used for the decentralization initiative, and it will be used, Mr. Speaker, basically to cover the related activities as it relates to decentralization.

However, the leases traditionally have been covered under the costs of Government Services. That is not going to change. There may be some up-front costs which have to be paid for out of that fund.

Mr. Speaker, I am sure the member would have criticized us if we had not put any money to accommodate decentralization, so we have been up-front, forthright and I think very clear as to the information that has been provided.

Mr. Steve Ashton (Opposition House Leader): When I look at the continuing series of inaccurate statements, Mr. Speaker, I might suggest that we add a new item to the Order Paper, which would be Ministerial Misstatements and Corrections Thereof, because on a daily basis we see misrepresentations in this House.

I have never seen a sorer collection of misstatements. It starts from the Premier (Mr. Filmon), it works its way down. Now we have the Deputy Premier (Mr. Downey), and I regret that we have to stand on matters of privilege as has the Liberal Leader and as did the member for Kildonan (Mr. Chomiak) earlier to try and get a remedy, Mr. Speaker.

We cannot say in the House that they are making statements that are deliberately misleading. That is considered unparliamentary. Yet we see so many evidences of it.

There are, once again, only two conclusions, Mr. Speaker. Either, one, they are all incompetent by their statements that are proven to be inaccurate, or No. 2, they make these comments: they know not what they say; they know not what they do.

That is fine, but at some point in time they have to be accountable to this House and the members of the public of Manitoba. I would suggest, once again, the best way of resolving this, Mr. Speaker, rather than having you to have to arbitrate this, would be for the Deputy Premier (Mr. Downey) to admit that once again, and in keeping with the tradition of his government and other members of the cabinet benches, he was wrong. He should apologize for that, and we can end that matter right now.

Mr. Kevin Lamoureux (Second Opposition House Leader): Mr. Speaker, every day as we seem to go into this session we find out that this government wants to mislead the opposition. It has been somewhat less than honest on a wide variety of issues.

In this particular case, it is very, very clear, using the Deputy Premier's own words. He has somewhat baffled the opposition members by the comments that he put on when he looks in terms of what is in black and white. I go to what the minister in fact did say on June 3. The \$5 million is going to be used for the transfer of people, the cost of moving people, very little amount would be used for construction.

* (1025)

Mr. Speaker, three days later, on June 6, in a press release, the minister himself, Downey said, the '91-92 budget includes 5 million that will be committed to decentralization initiative. The minister said the money will be used for leasing and office renovation costs expected to be incurred as the government continues to move services closer to the people who use them. It cannot be any clearer than that. It is in black and white both in Hansard, and it is in black and white according to the press release that this minister issued three days later.

Mr. Speaker, we in the opposition can only rely on you to ensure that our rights as individual members are protected. We can only rely on your good judgment to ensure that the ministers are held accountable by providing us legitimate answers. This is one case that is in fact in black and white. I ask the minister, the Deputy Premier (Mr. Downey), to do the honourable thing and to apologize to this Chamber. Thank you.

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

ROUTINE PROCEEDINGS

TABLING OF REPORTS

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, I would like to make a courtesy tabling of the 1990 Twenty-Sixth Annual Report of Manitoba Pork Est.

INTRODUCTION OF BILLS

Bill 9—The Workers Compensation Amendment Act

Mr. Steve Ashton (Thompson): I move, seconded by the Member for St. Johns (Ms. Wasylcia-Leis), that Bill 9, The Workers Compensation Amendment Act; Loi modifiant la Loi sur les accidents du travail, be introduced and that the same now be received and read a first time.

Motion presented.

Mr. Ashton: Mr. Speaker, as is allowed by our rules, I would like to give a brief explanation to members of the House. This bill is similar to amendments we introduced which were rejected by

the former minister for Workers Compensation a number of years ago. This bill would amend The Workers Compensation Act to reinstate in legislation the protection that existed for firefighters, protection that was struck down by Justice Sterling Lyon in a court decision a couple of years ago, protection that dates back to the Duff Roblin era.

While there are other bills on the Order Paper involving workers compensation, none of them apparently deal with this area. We have decided to introduce this because we feel it is only fair to get back the kind of protection under workers compensation legislation that firefighters had for more than 20 years, protection that had been struck down by the courts, protection that should be reinstated by this legislation.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, may I direct the attention of honourable members to the gallery, where we have this morning from the Nelson McIntyre Collegiate fourteen Grade 9 students under the direction of Mr. Gosselin. This school is located in the constituency of the honourable member for St. Boniface (Mr. Gaudry).

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

* * *

Mr. Speaker: I inadvertently forgot to put the question to the House. The question before the House was first reading of Bill 9. Is it the pleasure of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

* (1030)

ORAL QUESTION PERIOD

Treasury Board Program Co-ordination

Mr. Dave Chomiak (Kildonan): Mr. Speaker, the misstatements referred to earlier started much sooner than in this House when this House reconvened. They started last September when the Premier (Mr. Filmon) went to the people and said: Trust me.

Mr. Speaker, students, nurses, average Manitobans, who were paying 10 percent increases in their property taxes across the province, have

learned otherwise. It is clear that this First Minister does not have a handle on his government, and it is also clear that what this government says one day and what it does the next day are not necessarily the same thing. No better example of this is its about-face on collective agreements.

Now that the Minister of Education and Training has indicated a different reason for the cutback on the High School Bursary program than was indicated by the Minister of Family Services (Mr. Gilleshammer), will the First Minister (Mr. Filmon) outline today what procedures are in place at Treasury Board to co-ordinate the activities between these two ministries to ensure that one minister does not cut one program and the same minister cuts another program affecting the same individuals, and both blame each other, Mr. Speaker? What program, what process is in place at Treasury Board to ensure that this does not happen again?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, during the Estimates process, we were asked questions about the High School Bursary. At that time, I indicated very clearly that there were two different high school bursary programs. One was for regular students, or the regular bursary nonadult program, which in fact had the 3,800 bursaries that were awarded. The second one was the High School Bursary program for adult students who are attending adult programs, and that program had an award of 800 students. Again this morning, the member referred to 3,800 bursaries, adult bursaries, and that is incorrect.

I have always said there were two reasons for the cuts in these programs: No. 1 was a budgetary reason, and the second one was that the bursary programs were not meeting the objectives that they were designed for in the first place. We indicated very clearly that about 30 percent of the students who receive the bursaries were dropping out of the programs and were not returning to the classes. Those were the two specific reasons that were given for the dropping off of the bursary program for high school students.

High School Bursary Program Reinstatement

Mr. Dave Chomiak (Kildonan): Mr. Speaker, the 800 students who receive the High School Bursary program were cut off by this minister. This minister indicated in today's paper that in fact he had made

a mistake, that he had not co-ordinated with his Minister of Family Services (Mr. Gilleshammer).

My question to the First Minister is: Will he direct his Minister of Education and Training, in light of the fact that the basis upon which the program was cut is nonexistent, to reinstate the program to adult high school students, the 800 who were cut off and who, in addition, by the Minister of Family Services, have had their social allowance, if they apply, reduced by \$30 a month?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, now the member has the number finally correct. He is now finally saying 800 rather than the 3,800.

I also indicated to the member during Estimates that indeed there was still another program, the ABE program, at the community colleges where the bursaries were still intact. The member has been confusing one program from another, and he has been lumping numbers together which really mislead in terms of creating an accurate picture.

Whether or not the social allowance benefits program was reduced by \$30 per month did not necessarily impact on the decision that was made by the department, because I said there were two reasons given for the elimination of the program. One was the fact that the program was not meeting its objective. Secondly, in terms of setting our priorities, there was a budgetary process that had to be gone through, and in our budgetary process, we decided to eliminate the bursary program for high school students. These were the two specific reasons given.

In doing the analysis of our budgetary Estimates, indeed there was consultation in the department, because we also indicated that we have addressed the Estimates process through an envelope system where deputy ministers from both departments were in consultation in terms of the delivery of services to Manitobans.

Mr. Chomlak: Mr. Speaker, the minister, even in his answer, has it wrong again. He admitted that the study done that showed students were dropping out did not even affect the adult students, and that is why in today's paper he indicated he would consider reinstating the program. So he has it wrong again. Even the study that he based it upon did not affect those adult students.

My final supplementary to the First Minister is, insofar as the minister has quasi-committed to look

after these adult students this year in a newspaper article, will the minister commit—because the important thing is these people, not whether or not the minister is accurate—to help these 800 students to ensure that their tuition at least is payable and is paid by his department?

Mr. Derkach: Mr. Speaker, I indicated very clearly that right from the very beginning staff within my department have been monitoring the High School Bursary program and the elimination of the program. Indeed, we have been in touch with the Winnipeg School Division, and the Winnipeg School Division has indicated to us very clearly that tuition fees have always been payable up-front, and they are payable at \$20 per program. They are higher for nonresident students, but they are not substantially higher, and that needs to be put on the record.

In these programs, the superintendent of Winnipeg School Division has indicated very clearly that those students who are on social assistance are not demanded to pay those fees up-front, but they are given some flexibility in the way that they can pay for those courses. There has been co-ordination between the department and between the school division, and we have indeed been in discussion with Family Services.

Final Offer Selection Government Commitment

Mr. Steve Ashton (Thompson): Mr. Speaker, on November 6, 1990, the Premier said: "We will act in good faith at all times in the open free collective bargaining process with all of the employees with whom we have to negotiate."

On a daily basis, we see how little commitment this government has to collective bargaining. First, we see with the introduction of Bill 70, but now we see on a daily basis how this government is being repudiated, most recently by the selector decision yesterday by David Bowman, Q.C. who said: "What is reasonably apparent is that there was nothing which could properly be termed 'free collective bargaining' . . . Here there was no sign of give and take, no sign of any real bargaining."

He also said: I see nothing in the material before me to suggest that these employees in any way contributed unduly or noticeably to the government financial problems.

In view of the complete repudiation of this government and its bargaining tactics, will the

minister now do the honourable thing and live by the word of his House leader and respect the final offer selection process, including the most recent decision yesterday which ruled in favour of the employees? Will he live up to that word at least, if he will not live up to his other words?

Hon. Gary Filmon (Premier): Mr. Speaker, I find it interesting that the member quotes selectively from Mr. Bowman's award because Mr. Bowman alleged that there were no negotiations taking place, that it was impossible to have negotiations. Then, at another point in his award, he said, and I quote: The parties had been able to agree on a wide range of questions.

That must have been by negotiation, I would think. A wide range of questions—so in fact they had been negotiating and they had been arriving at agreements on a number of issues when they were negotiating, Mr. Speaker.

The member earlier refers to whether or not the government was dealing with him fairly. Here is another quote from Mr. Bowman's selection decision. He said, quote: Overall there is no doubt that these employees have generally been fairly well paid and certainly cannot invoke the kind of catchup to remedy longstanding wrongs.

So, Mr. Speaker, he is talking about them being generally well paid as well here. These are the kinds of things that he was saying in his judgment. I think that the member opposite ought to suggest that maybe by selectively quoting Mr. Bowman, he is not telling the whole story.

Mr. Ashton: Mr. Speaker, there is one quote that is indisputable in this: A collective agreement between the parties which is fair and reasonable in the circumstances is more likely to result from the final offer of the union.

He ruled in favour of the union under final offer selection. Will the First Minister respect the final offer selection legislation that he, through the word of his government House leader, said would be in place for the operating engineers? Will he live up to that clear and absolute conclusion of the selection?

Mr. Filmon: Mr. Speaker, of course Mr. Bowman further talked in his judgment and he said: "In the public sector it is always a question of choices made by the governing body concerned. There are choices between—"

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

Mr. Filmon: Mr. Speaker, the member opposite wants to shout me down. He is not interested in the answer to the question.

* (1040)

Bill 70 Drafting Process

Mr. Steve Ashton (Thompson): Mr. Speaker, my final question is in regard to the various comments the First Minister has made in regard to MGEA negotiations where, once again, there has been no evidence of bargaining in good faith.

I want to ask him. He admitted publicly that they had this legislation drafted several months ago. The history of bargaining—if one looks at what happened, this government did not make any wage offers until January of this year.

How can this First Minister have any credibility in talking about bargaining in good faith when all he has done is give ultimatums to the MGEA and, Mr. Speaker, even when he had decided to bring in the wage freeze did not even have the courtesy to advise the head of the MGEA until 15 minutes before he made the press conference, never once in any of his private conversations ever mention the wage freeze?

Mr. Speaker: Order, please. The question has been put.

Hon. Gary Filmon (Premier): Mr. Speaker, No. 1, the member is misleading this Legislature and the people of this province when he says that the legislation was drafted months ago, several months ago. That is not true, and I have never said that. He can apologize when he has time later.

Point of Order

Mr. Ashton: Mr. Speaker, it is the Premier who is misleading the public, because I am basing it on his own statements, on his own statements.

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

* * *

Mr. Filmon: He is dead wrong. I have not said that, because it is not the fact, Mr. Speaker, and I will say to him that -(interjection)- Have you got a tape on it, because I did not say that. Put up or shut up.

Some Honourable Members: Oh, oh.

Point of Order

Mr. Speaker: Order, please. The honourable First Minister to withdraw his last comments.

Mr. Filmon: Pardon me?

Mr. Speaker: The honourable First Minister to withdraw his last comments.

Mr. Filmon: Yes, Mr. Speaker, I apologize for reacting to the kind of abusive and disruptive action that is going on opposite in the House. I should not have been drawn in by that kind of action and I withdraw what I—

Mr. Speaker: I would like to thank the honourable First Minister. The honourable First Minister to finish his response.

* * *

Mr. Filmon: Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. The honourable First Minister has the floor.

Mr. Filmon: Mr. Speaker, I will repeat for the edification of the member for Thompson and members opposite that I wanted to absolutely avoid having to bring in this legislation. I say to him that if I had sat down with the president of the MGEA and told him that if he did not agree to what we were proposing, that I would bring in legislation, the first member to jump up on his feet in this House and accuse us of threatening and violating the free collective bargaining process, and in fact an unfair labour practice, would have been that member.

I tried to persuade the president of the MGEA on three occasions, by meeting privately with him, to go back to the table and to arrive at some agreement that would achieve things for his members, achieve things such as job protection and security, achieve things such as—Mr. Speaker, again we gave the president the opportunity to discuss creative solutions which he said he was interested in and at every time he refused to do that, and so we took the only action that was a viable alternative under the circumstances.

Now the member opposite has a chance to vote on it and he can tell the public of Manitoba that he would prefer higher taxes, that he would prefer to drive up the taxes, that he would prefer higher Autopac rates, higher Hydro rates and higher

telephone rates. That is his alternative, Mr. Speaker.

Conawapa Dam Project PUB Review

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, my question is to the Premier.

This government has been squeezing seniors who have to live on 55-Plus supplements; they have been squeezing students on high school bursaries and social allowance recipients. When given the opportunity to review a major project which represents some \$6 billion of government expenditures, they fudge on the issue. The Minister of Energy and Mines (Mr. Neufeld) has received a forecast from Manitoba Hydro indicating that our need for power is slowing down and that we will not need the power from Conawapa by the year 2000 or for some years after that.

Will the First Minister now agree to take the projection that the Minister of Energy and Mines has just received back to the PUB in that their original review of Conawapa was based on their belief that we needed the power here in Manitoba in the year 2000 or the year 2001?

Hon. Gary Filmon (Premier): Mr. Speaker, as the Minister of Energy and Mines (Mr. Neufeld) stated yesterday, the Manitoba Hydro people continue to update their projections based on changing demand. I might say that when the members opposite were in government in the mid-'80s, Manitoba Hydro was projecting increased demand of 180 megawatts a year at one point in time and we questioned that. By the time we were dealing with the projections on Conawapa, that had been downgraded to an increase of 100 megawatts per year.

Now they are suggesting that as a result of demand-side management, as a result of people's higher consciousness of energy conservation and all of those things, we may in fact only be looking at 80 megawatts per year.

All of those things have an impact on future planning decisions of Manitoba Hydro, so when you get a one-page report that says that management of the demand side has resulted in reducing the increases projected for energy consumption in the future, then you have to evaluate that on a longer term.

What the minister has asked for is a full and complete analysis of that, and said, what does that do in terms of your projections for Conawapa; what does that do in terms of the economics of the sale to Ontario Hydro; what does that do in terms of all the information that has previously been debated in the public forum? Indeed, he has done the right thing by asking for a complete analysis, not just going off on a one-page memo and saying, well, this throws everything out. We will see whether it throws anything out. We will see that, and we will share that with the public.

PUB Review

Mrs. Sharon Carstairs (Leader of the Second Opposition): We have a great deal of respect for the Minister of Energy and Mines (Mr. Neufeld), who has been, in fact, initiating these requests of Manitoba and insisting on the most up-to-date figures of projection of when we are going to need the Conawapa project, but in that the government is committed to spending \$110 million on the Conawapa site prior to the environmental impact assessment, will the government now stop this expenditure until the PUB has an opportunity to review the project in light of the new information?

Hon. Gary Filmon (Premier): The PUB is a third party objective review that this government caused to have take place. It never was there in the system before. We have referred to them not only the issues of rates setting but, in fact, the whole capital planning analysis of Manitoba Hydro.

Mr. Speaker, the members opposite, based on a change in the forecast demand that has been put forward in a one-page memo that suggests that there have been some changes in the past year, are suggesting now that the whole thing is changed.

What we have to do is get a complete analysis, an economic analysis on all of the potential scenarios for future development planning, and if that analysis says that it does have material effect on the decisions, then indeed—and the Minister of Energy and Mines (Mr. Neufeld) said that yesterday—the Public Utilities Board analysis would have to follow, because we would not be asking for mandate to make a judgment and mandate to go forward with plans based on changing circumstances that have become evident.

It was the Minister of Energy and Mines who insisted that—

Mr. Speaker: Order, please.

Mrs. Carstairs: I think we got a commitment that the PUB is going to review this project yet once again, but I am not sure.

Will the Premier tell the House today if The Loan Act, which gives this government the power to borrow \$500 million towards the Conawapa project, will not permit this government to borrow that money until the PUB has had the opportunity to review this project?

Mr. Filmon: Mr. Speaker, The Loan Acts provide authority that stay in place for whenever the money is needed. Traditionally, each and every year, for our Crown corporations, for our departmental needs, we provide authority, and that authority is not used many, many times.

Oftentimes we cancel authority for hundreds of millions of dollars from one year to the next because that borrowing authority has not been used. The money will not be spent unless the project proceeds. The project will not proceed if the merits of the project cannot be substantiated, Mr. Speaker.

*(1050)

Health Care System—National Government Position

Ms. Judy Wasylycia-Lels (St. Johns): Further documentation has just been released about the devastating impact of federal cutbacks on health and post-secondary education. We have just received a copy of the National Council on Welfare report entitled *Funding Health and Higher Education: Danger Looming*. That report documents for the first time the cumulative losses, as a result of this cutback on provincial and territorial governments, to the tune of \$97.6 billion.

Considering the devastating impact that will have on Manitoba's health care system, I would like to ask the Minister of Health what position he is taking to the now-scheduled meeting of federal-provincial Ministers of Health on June 19 in Toronto?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I do not know whether I am pleased that my honourable friend from the second opposition party has said that he developed the analysis for that, because one of the things that struck me when I read the report—and I have not completed full reading of it, but when I got into the \$97 billion loss to the provinces, I was quite alarmed.

I sought to further clarify the genesis of the analysis behind that loss. What is being projected

to achieve that loss is a growth rate to year 2000 for the decade of the '90s projected to be 7.5 percent per year. I thought that was rather an interesting growth projection, and it struck me that it was somewhat at odds with the projections recently tabled by the federal government. Upon checking, I find that the growth rate projected by the federal government for that same period of time would maybe approach 2.7 percent. It would seem as if the projections and the analysis developed there do not necessarily indicate an accurate situation, Mr. Speaker.

Now, that aside, Mr. Speaker—(interjection)—Well, I mean, if my honourable friends in the opposition want to deal with inaccurate assumptions of growth, that is—thank you.

Mr. Speaker: The honourable Minister of Health, to get on with his answer, please.

Mr. Orchard: Yes, Mr. Speaker. The issue of funding of health care and post-secondary education is an issue that we have taken very seriously since this government came into office.

I want to indicate to my honourable friend, the New Democrat Health critic, that two years ago—well, a year and a half ago—the Minister of Finance (Mr. Manness) and myself attended the first ever Finance/Health ministers' provincial-territorial meeting to discuss the issue of where the federal government was moving in their support of post-secondary education and health.

Mr. Speaker: Order, please. I would remind the honourable minister that answers to questions should be as brief as possible.

Ms. Wasylycia-Lels: We can quarrel about the exact cumulative loss to Manitoba, but the fact of the matter is federal dollars will run out and the impact is serious.

I want to ask the Minister of Health how he is specifically responding to Benoit Bouchard's letter of May 31? I quote: It would help me to have the benefit of your views on the pressures which bear upon the financing and operations of the Canadian health system for a cost containment on the one hand and for service expansion on the other.

Mr. Orchard: Mr. Speaker, I am going to indicate to the honourable federal minister some of the initiatives that we are undertaking in Manitoba so that we can answer those kinds of very difficult questions.

With your indulgence, I will share with my honourable friend but only a couple. My honourable friend the Health critic for the second opposition party indicated that I will be remembered for one of two things, initiatives that have been undertaken by myself by this government. One of those two—and we will deal with the second one maybe later this morning—is the establishment of the Centre for Health Policy and Evaluation at the University of Manitoba, using the very best research minds in Canada, supported with an advisory board that is both national and international in its expertise, to analyze what we do in the health care system so that we can assure that our budget and policy decisions lead to improved health status of Manitobans in the care delivery we undertake and are not repeating procedures, initiatives for the pure and simple increase of income to professional groups within the health care system to make sure the patient—

Mr. Speaker: Order, please.

User Fee Implementation

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, time and time again this minister will refuse to answer the serious question about what position they are taking vis-a-vis the federal cutbacks. What is the strategy going into this meeting?

I want to ask the Minister of Health, since the Prime Minister on June 4 of this week in the House of Commons would not say he opposed the imposition of user fees, will this Minister of Health, since he has given us mixed signals on user fees, tell us, does he support or oppose the imposition of user fees and will he fight for medicare to the end going into that meeting on June 19?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, for three years I have been fighting for the preservation of medicare in the province of Manitoba, supported by every single member on this side of the House and without a single constructive suggestion from the New Democrats, who do not understand the health care system other than to spend, spend, spend.

Mr. Speaker, I have answered the question on user fees unequivocally, every time posed, unequivocally. There will be no user fees in this province of Manitoba, and that is consistent with every action we have taken. We have not violated that principle and we shall not, because as I have said, user fees are yet another source of income to

feed a system which may not in certain spending programs be improving the health status of Manitobans and Canadians.

That is why I give to my honourable friend the very clear answer of the purpose in the role of the Centre for Health Policy and Evaluation, the first of its kind in Canada, the first of its kind in the world, to tell us whether our policies or spending programs or initiatives are improving the health status of Manitobans and not merely spending the money at the urging of New Democratic Party Health critics who do not understand the system.

Farming Industry Debt Crisis

Mr. John Plohman (Dauphin): Mr. Speaker, yesterday the Minister of Agriculture said that he has done all of these good things, Young Farmers Rebate, guaranteed operating loans, to ease the long-term debt crisis through MACC. -(interjection)- Yes, that is right. The government was dealing with it, and there was really no problem, no big issue. There was not a problem in spite of the fact that overwhelming evidence was brought to his attention that the farmers are facing record debt in Manitoba agriculture, \$2.1 billion, up 6 percent from 1989, the highest in history.

Will the minister now stop misleading this House and admit that the total MACC portfolio, Mr. Speaker, is only 10 percent to 12 percent of the total farm debt? His programs have been an utter and complete failure and have not begun to even address the farm debt crisis in Manitoba.

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, there is no question that there is a shortage of income in rural Manitoba. The realized net income figures show it very clearly. Back in 1986, '87, '88, realized net income averaged \$350 million a year. In 1989, it was down to around \$250 million. Last year, it was down to about \$145 million, and the projections this year are somewhere closer to \$100 million. You add in GRIP program and it will probably raise that up to about \$250 million.

Mr. Speaker, the farmers have had to get along with less money. There is no question. Many farmers have noticed that and they have reduced the amount of borrowings, so the total debt load on farmers in rural Manitoba has come down, no matter who supplies the credit, whether it is MACC, FCC, the banks or the credit unions.

The Young Farmers Rebate, the member says, has been an utter failure. We have increased the number of clients receiving those benefits, and the total benefit that we will get into in Estimates has accelerated significantly in the last year or two because of more uptake and improved benefits that we have put in place. There is no quicker solution to a debt problem than an improved net income position, and the programs we have put in place in the last two or three years have been moving in that direction.

Farm Mediation Board Refinancing Statistics

Mr. John Plohman (Dauphin): Mr. Speaker, the MACC portfolio is only 10 percent to 12 percent of the total debt load. He is just barely scratching the surface.

In view of the fact, Mr. Speaker, that this minister is fond of talking about how the Mediation Board has been doing such a great job and how the number of cases has dropped from 308 in 1989-90 to 217 in 1991, will he now admit that this just points to the failure of the board, that it is largely functioning as a liquidation agent, liquidating farmers' assets on behalf of the financial institutions and that under his lack of leadership, there has been virtually no refinancing under special farm assistance?

*(1100)

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, I find that absolutely incredible. When they were in government in '86 and '87, they had \$6.5 million in the budget for special farm assistance. They never spent a penny to help the farmers. They never spent a penny. Since we have come into government, we have budgeted money, and we have spent the money to help the farm community.

The member did have the courtesy to quote the figures right from my answer yesterday, but he forgot one other figure. Those farmers who go before mediation, some 70 percent to 80 percent of them, remain farming. When he was in government, less than 50 percent of the people who went to mediation stayed in farming.

Mr. Speaker, it is a very difficult situation to mediate people in a debt crisis, but the Mediation Board has done an exceptionally excellent job of that. In fact, I want to tell the member that many provinces and the federal government are looking

at what we are doing in Manitoba because of the high success rate we have had in keeping farmers farming, in restructuring their debt and improving their assets when they are in that debt mediation process.

Funding Criteria

Mr. John Plohman (Dauphin): All these farmers have been partially liquidated, and this minister is not telling the whole facts about those farmers—at a reduced scale, farming at a reduced scale.

When he talks about '86-87, he has to remember that is when the program was introduced. They have taken all of the funding out of refinancing, Mr. Speaker, under special farm assistance.

Given that yesterday the minister dismissed as false information provided by myself that he had directed that all farmers before the Mediation Board must join GRIP, NISA and Crop Insurance if they are to continue farming, I ask this minister how he can explain the fact that a farmer from the Interlake, where crop insurance has been a complete disaster and only 15 percent or 20 percent of the farmers belong to it, has informed me that Owen McAuley of his Mediation Board told her directly that the minister has directed that GRIP, NISA and Crop Insurance must be joined? Will this minister now come clean with the House that he has given that direction?

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, no, I have not given that direction either in writing or verbally to anybody in the Mediation Board. The Mediation Board goes out and negotiates with the farmers to try to resolve the debt crisis. If they think that, in the process of that resolution, farmers enrolling in certain programs are taking advantage of our interest reduction program or whatever, then naturally that would be part of the discussion. The member, in his preamble, indicated we had taken all the funding out of Special Farm Assistance. I would ask him to look at this year's Estimates book, and he will find there is significant money still in there. We are spending around a half a million dollars a year in a program that they spent absolutely zero in two years after they introduced the mediation process.

I want to remind the member again that the Mediation Board process is an excellent process. It has done well for the farmers of Manitoba, and we have had letters from farmers telling us exactly that.

Rafferty-Alameda Dam Project Water Quality/Quantity

Mr. Paul Edwards (St. James): Mr. Speaker, my question is for the Minister of Environment.

This minister as well as the Premier (Mr. Filmon) and most of his colleagues in the government have always maintained that the Rafferty-Alameda would do nothing but increase the quality and the quantity of water supply in the Souris River basin. The Rafferty dam is now only months into operation, and we have reports that drastically lower water levels are being experienced in the Souris River. Meanwhile, the City of Regina is planning to siphon more water out of the dam for a recreational beach.

Where is the increased quality and quantity of water that this government relied upon and promised the people of this province? Why is the opposite happening?

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, the member chooses to misrepresent the position that I have taken as Minister of Environment and that this government has taken consistently, that it is our job to assure that we get the quantity and quality of water out of that system that we are entitled to and that we expect to receive.

I can tell you that the terms and conditions under which that dam site will be operated will in fact require the Saskatchewan authority to flow the better-quality water to us.

Mr. Edwards: As the minister knows, this agreement between North Dakota and Saskatchewan gave North Dakota water on demand for 100 years. We were not participants in the negotiations, nor were we signatories in the deal.

Will the Minister of Environment now admit that the former Minister of Environment in the philosophy of this government at the critical time, 1988 and 1989, was totally inappropriate and wrong, specifically the statement of July 27, 1988, of the former Minister of Environment where he said: ". . . the impact of the dams . . . will have significant good implications to Manitoba, as we will have water on a more continuous basis . . . and we think this will have significant good environmental impacts on Manitoba."? Will the minister now admit that was totally irresponsible and totally inaccurate at the time?

Mr. Cummings: Mr. Speaker, the member overlooks one rather salient point. That is, there has to be some water in the creek for it to come down. The fact is that we have always felt that we have the ability to get the quality and the quantity of water that we require. That has been built into the agreements of which we are part of, and the member also chooses to ignore that at Souris, I reserved publicly in my statements in front of the federal panel the right for this province to eventually go to the IJC for allocations of water to which we have never been given our final allocation through the IJC process. If we need additional water in the future and have the capacity to use it, we will take that route.

Mr. Edwards: Great, Mr. Speaker, small comfort. The dam is built, the dam is functioning, now this minister decides he is going to take a strong stand. Where was he when it counted?

Rafferty-Alameda Dam Project Water Quality/Quantity

Mr. Paul Edwards (St. James): Mr. Speaker, my question is for the Minister of Natural Resources (Mr. Enns). In an internal memo of June 14, 1990, the co-ordinator of Special Programs admitted that the indirect effects of the operation of the dam were a concern that had not been addressed. That was June of 1990.

Mr. Speaker, will the Minister of Natural Resources now admit that his experts were accurate, this government was totally inaccurate and dropped the ball at the critical time in its unquestioning support for this dam? Will he tell members how he intends to guarantee the water quality and quantity now that North Dakota has a 100-year deal we were not even signatories to?

Mr. Speaker: Order, please. The question has been put.

Hon. Harry Enns (Minister of Natural Resources): Mr. Chairman, Manitoba's interests were protected by ensuring that we are part of the management team that controls and regulates the water flows, not only in Saskatchewan, but as well in North Dakota with respect to the Darlingford Dam. I was advised just this week by the Director of Water Resources that the pull-flow of waters coming across the border from the Darlingford structure is in fact taking place.

We will, furthermore, be able to impact on the decisions with respect to the operations of both the

Rafferty and the Darlingford structures for the many years to come, and I am satisfied that, God willing, we get adequate moisture supplies, that initial projections and hopes and optimism for the structure will in fact be proven true.

Mr. Speaker: Time for Oral Questions has expired.

ORDERS OF THE DAY

Hon. James Downey (Acting Government House Leader): Mr. Speaker, I would ask that you would call the matter of Address for Papers and Orders for Return. I understand the minister has comments to make prior to the acceptance of that particular matter of business.

Following that, Mr. Speaker, I would ask that you would call Bill 38, second reading of Bill 38; Bill 69; Bill 44, and, if time, Bill 70 to conclude the business of this morning.

Mr. Reg Alcock (Osborne): I am sorry, Mr. Speaker, for clarification, was it the Orders for Return or the Address for Papers? I think the Address for Papers is first on the Order Paper.

Mr. Speaker: Yes, he is right.

* (1110)

ADDRESSES FOR PAPERS

Mr. Reg Alcock (Osborne): Mr. Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux),

THAT an Address for Papers do issue praying for:

documents from the Department of Family Services or Treasury Board that prove that the deficits of the Child and Family Services agencies are the result of bad management.

Motion presented.

Hon. James Downey (Acting Government House Leader): Mr. Speaker, documentation will be provided that is normally—I cannot give the assurance that Treasury Board or documents that normally would not be provided would be, but any information that would be appropriate would be made available to the member.

Mr. Speaker: Is it the pleasure of the House to adopt the motion?

Motion agreed to.

ADDRESS FOR PAPERS NO. 1

Mr. Reg Alcock (Osborne): Mr. Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux),

THAT an Address for Papers do issue praying for:

- (a) copies of all maintenance contracts in connection with repairs done for the Winnipeg Regional Housing Authority in the fiscal year 1990-1991;
- (b) Winnipeg Regional Housing Authority's policy governing selection of contractors, repair and maintenance companies.

Motion presented.

Hon. Jim Ernst (Minister of Housing): Mr. Speaker, after consultation with the member for Osborne, the government does not accept part (a) and accepts part (b).

Mr. Alcock: Mr. Speaker, the changes as suggested by the Minister of Housing are acceptable.

Mr. Speaker: Is it the pleasure of the House to adopt the motion as agreed upon?

Motion agreed to.

ORDER FOR RETURN NO. 1

Mr. Reg Alcock (Osborne): Mr. Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux),

THAT an Order of the House do issue for the return of the following information:

- (a) a compilation of all repair costs of the Winnipeg Regional Housing Authority during fiscal year 1990-1991;
- (b) the portion of this cost paid by tenants.

Motion presented.

Hon. Jim Ernst (Minister of Housing): Mr. Speaker, again, after consultation with the member for Osborne, the government accepts the Order for Return relating to the repair costs of the Winnipeg Regional Housing Authority, but on the condition that: (1) the government will provide only the total maintenance and repair costs for the 1990-1991 fiscal year of the Authority; and (2) the government will provide only the total maintenance and repair costs of the Authority for 1990-1991 that were billed directly to the tenants.

Mr. Speaker: Is it the pleasure of the House to adopt the motion, as accepted with conditions? Agreed?

Motion agreed to.

Mr. Alcock: Mr. Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux), that an Order of the House do issue for the return of the following information:

A summary of findings and recommendations arising from special investigations undertaken by the Department of Family Services in the fiscal years 1989-90 and 1990-91.

Motion presented.

Hon. James Downey (Acting Government House Leader): Mr. Speaker, I wonder if I may have leave to revert to the initial one that was on the Address for Papers, documents from the Department of Family Services or Treasury Board that prove that the deficits of the Child and Family Services Agencies are the result of bad management, and the one that has currently been introduced.

Mr. Speaker: Order, please. In order to accommodate the honourable acting government House leader, I think it is best that we will deal with the matter before the House at this time and then we will ask for leave to revert back.

Mr. Downey: Mr. Speaker, I do not accept the one which was introduced and refer it to further debate next week.

Mr. Alcock: Yes, Mr. Speaker, I ask that it be referred for debate Wednesday next.

Mr. Speaker: In accordance with Rule 49.(1), this item will appear on the Order Paper under the appropriate heading under Private Members' Business.

Also for clarification, I would remind the honourable member for Osborne (Mr. Alcock) that it will be according to the sequence as set out, whether or not it is on Wednesday or not, I believe. Okay? Done.

Mr. Downey: Mr. Speaker, I wonder if I may have leave to refer to the first Address for Papers, as well, to be not accepted and deferred to debate, as the most recent one that was just passed?

Point of Order

Mr. Alcock: Mr. Speaker, just to facilitate the proceedings, I believe that there was some confusion arising out of discussions the Minister of Housing (Mr. Ernst) and I had that perhaps were confusing to the acting government House Leader (Mr. Downey) because of the different departments involved. I would be quite willing to give leave to have this matter referred to Private Members' Business.

Mr. Speaker: The House has already adopted the motion. Is there leave of the House to withdraw the original motion?

Some Honourable Members: Leave.

Mr. Speaker: Leave is done.

There is leave of the House, therefore, to rescind its decision as previously agreed to,

THAT an Address for Papers do issue praying for: documents from the Department of Family Services or Treasury Board that prove that the deficits of the Child and Family Services Agencies are the result of bad management.

Now, the honourable acting government House leader, what are your wishes, sir?

Mr. Downey: Not accept, Mr. Speaker. We would refer it to next week's debate.

Mr. Alcock: I would ask this matter be referred to Private Members' Business.

Mr. Speaker: In accordance with Rule 49.(1), the item will appear on the Order Paper under the appropriate heading under Private Members' Business.

DEBATE ON SECOND READINGS

BIII 38—The Wildlife Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), Bill 38, The Wildlife Amendment Act; Loi modifiant la Loi sur la conservation de la faune, standing in the name of the honourable member for Inkster (Mr. Lamoureux).

Is there leave that this matter remain standing?

An Honourable Member: No.

Mr. Speaker: No, leave is denied.

* (1120)

Mr. Paul Edwards (St. James): Mr. Speaker, the member for Inkster (Mr. Lamoureux) adjourned debate on this matter on my behalf, and I thank him for that.

Mr. Speaker, I will be the only speaker in the Chamber on behalf of our party. It is the stated wish of many in the community who are concerned about this bill that this proceed to committee so that there can be a full and thorough set of hearings which the public will have access to, to the appropriate committee.

Mr. Speaker, that is very important because I have no doubt, as I believe all members would agree, that this bill has provoked fairly serious and strong feelings amongst members of the public, in particular those interested in wildlife preservation in this province and indeed the environment generally.

Mr. Speaker, the reason that this bill has provoked that kind of opposition and that kind of debate is because it seeks to include a veritable carte blanche in the hands of the minister when it comes to projects in designated areas under The Wildlife Act.

Mr. Speaker, I think my comments will be focused on that section, specifically Section 3(1) of this act, which is very clearly a direct response by this government to a specific initiative in this province which is having a difficult time getting through the legal and legislative restrictions in the way, in order to complete their development project in one of our wildlife preserve areas, specifically Oak Hammock Marsh.

I think it is important in debating Section 3(1) not to restrict comments to that specific project, although I do believe that was the genesis and that was the catalyst for this amendment. However, the implications of Section 3(1) go far beyond that and, in fact, are province-wide and without limit. It is important to recognize that, and it is important to understand the difference between regulations and legislation and the type and the extent of the mandate that is being handed to the minister that he seeks to have members of this House give him.

Mr. Speaker, executive authority is the process by which the exceptions to the normal rules of wildlife management, the normal scope and type of projects that are acceptable in wildlife areas—that is what is being proposed by the minister. It is often misunderstood by members of the public that regulations and legislation are substantially different.

I saw that recently in proposed regulations to The Mines Act, where the Minister of Energy and Mines (Mr. Neufeld) is seeking to impose restrictions on development and mining in the Shoal Lake watershed area by regulation. He is purporting to say that this has the force of law, and there is not a real distinction between this and legislation. While it may be a point which is lost on many, that must be clarified because it is an essential and critical point, and one must distinguish between regulation and legislation on the issue of how it gets changed.

Mr. Speaker, what Section 3(1) does in Bill 38 is grant to the minister—and I realize we are not to go through clause by clause, but I have restricted myself to discussing Section 3, and I want to just simply illustrate some of the words that are used.

The minister is given the ability to make such regulations as he considers appropriate. It is within his decision-making authority to do that. He may make those decisions respecting "the use, control and management of an area," any area, "authorizing, regulating or prohibiting any use, activity or thing in an area." What is a "thing," Mr. Speaker? "Thing" can be anything.

I mean, we are talking, as the Minister of Highways and Transportation (Mr. Driedger) freely admits, pretty wide. We are talking anything, Mr. Speaker. Then sub (c), authorizing the construction operation maintenance of any building, any structure or thing. There is that word "thing" again. "Thing" can be anything. That is what it means, and this minister essentially by that section says about the rest of the act, well, it is nice to have it there and there are a lot of good thoughts in this act but I do not want to be bound by it. That is what he is saying. That is the result of this act. It essentially makes the rest of the act a lot of nice words, but not worth a heck of a lot.

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

As the minister freely admits, he has covered the bases. He has, indeed. He has granted unto himself—and I do not particularly criticize him for feeling that he will have the right answers for the people of Manitoba. He was elected to put into place an agenda, and no doubt we all as politicians feel that we have something to offer, but that type of *carte blanche* over an entire piece of legislation is perhaps a bit presumptuous on his part, Madam Deputy Speaker, I would suggest, and speaks

towards an executive style of government, a presidential style of government without any limitation, which is foreign to the parliamentary system and is foreign to the way things are supposed to work in this country.

Indeed, we have gone further in this province. We have gone further than anyone in the country in trying to ensure that executive authority is curtailed. We have done that through a committee hearing process in the process of passing bills into legislation in this province. This type of *carte blanche* avoids all of that, seeks to avoid all of it and goes directly contrary, it is our submission, to the spirit and intent not only of this act but of the parliamentary process itself. I do not say that lightly, because I know the minister who proposes this is a long-time parliamentarian and one who has enormous experience, far more than I do, I might add, but that does not, I do not believe, diffuse or in any way disseminate our right and, indeed, our duty to stand up for the average citizens of Manitoba who have a serious interest in the preservation and protection of wildlife areas in this province.

We cannot, Madam Deputy Speaker, go around undercutting entire pieces of legislation, entire regimes of preservation in granting unto executive authority, the minister alone, the power unequivocally, without restraint to by-pass the entire process. Having said that and having called upon the minister to consider the parliamentary process itself and consider the need for some restriction, the need for The Wildlife Act to mean something beyond general framework guidelines for the minister, but he can do what he wants—having said that, I also feel bound to agree with him that he is not the first to put that into place. That in no way, lessens in my view, the unfortunate consequences which will flow should this bill be passed. It in no way undercuts our objection and the real reasons and substantive reasons for opposing this type of *carte blanche*.

He does have company in trying to give unto himself the ability to make that kind of executive decision. Specifically, that company comes from the former administration, the NDP. I was quite interested to look back through the regulations in this province and to see that in 1988 there was a—I am sorry, in 1982, February 13, 1982, there was a Manitoba Regulation 25 of '82 which was filed January 27 of that year, indicated in Section 1 sub 2: notwithstanding subsection 1, the minister may grant, subject to such terms and conditions as he

may prescribe, a permit to undertake certain activities or things—there is that word “things,” *carte blanche* again—to enter into any wildlife management area. What a surprise to me to see the signatory, Leonard S. Evans, Madam Deputy Speaker. The minister has some comfort in that he has had company on the desire to undercut totally The Wildlife Act.

* (1130)

Now, Madam Deputy Speaker, I was again shocked to learn that was not the end of the legacy of the former administration. I had to only turn to the next year, 1983, Manitoba Regulation 251 of '83, and I look again to the Section 9 of that which says—this is December of 1983—notwithstanding anything contained in this regulation, the minister may grant subject to such terms and conditions as he may prescribe, a permit to undertake certain activities across, within or into any wildlife management area.

Same type of *carte blanche*. What a surprise to see at the bottom the name, A. H. Mackling, Minister of Natural Resources.

So we have a long history, it appears, unbeknownst to me of total abuse of The Wildlife Management Act, Madam Deputy Speaker. Then it would have been nice to think that was enough, but it goes further. January 30, 1988, just a few months before the demise of the prior administration, and we get further evidence as to why their demise came about when we look at this.

Section 10 of Regulation 134 of '88, Section 10 of that regulation: Notwithstanding anything contained in this regulation, the minister may grant, subject to such terms and conditions as he may prescribe, a permit to undertake certain activities across, within or into any wildlife management area. Signatory, John S. Plohman.

So, Madam Deputy Speaker, I agree. The minister has a lot of company in terms of Ministers of Natural Resources who have sought to abuse, desecrate and undercut The Wildlife Act. There is one positive thing which must be said about this minister. At least he has the decency to put it into legislation, to let this House debate the *carte blanche* he is seeking to give to himself.

The other three, Mr. Mackling, Mr. Evans and Mr. Plohman, did not do that, Madam Deputy Speaker. They got it in the back door. They brought it in through regulation, no debate. They did not want to

have to face the public. This is the same party that is trying to get this matter to committee so they can hear the public. Why did they not listen to the public or offer them an opportunity to comment when they sought the same type of *carte blanche*?

That illustrates again what some would call hypocrisy or strangeness to the truth which the former administration had. It tells us that there is increasing reason, Madam Deputy Speaker, to understand why the former administration finished 10th out of 10 in this country on issues of the environment.

So it is hard for me to believe that the former administration will have any credibility in this debate. That is unfortunate, because we need an opposition to this type of *carte blanche*, but they have totally undercut themselves by their, what some would call hypocrisy in the past. -(interjection)-

Well, the Minister of Highways and Transportation (Mr. Driedger), and I do acknowledge that he is fairly blunt himself and forthright, and it was he who made the comment that -(interjection)-

Madam Deputy Speaker: Order, please.

Mr. Edwards: Thank you, Madam Deputy Speaker. It was the Minister of Highways and Transportation who commented to me just a few minutes ago that this was a pretty wide discretion being given to this minister, and I appreciate that honesty. That is what they are after and the people of Manitoba at least will not have to search the regulations and hope to make some noise about this, as they did under the NDP. They will have the opportunity to speak to a committee on the record, and that is good that they will have that opportunity.

But, Madam Deputy Speaker, that nevertheless does nothing to undercut the need of all Manitobans to understand the danger of allowing, by executive authority, by Order-in-Council, and regulation, a minister of the Crown to basically give the back of his hand to an entire wildlife management regime, an entire wildlife act, and we will most strenuously oppose that throughout this process. We know that the parliamentary tradition demands that we give an absolute override to no one at any time over such important and critical things, such as the protection and enhancement of wildlife areas in this province.

We know why the NDP did it in the past, they made exceptions for oil companies on wildlife reserves. We know why this government wants that override, they have very real political reasons for

that and at least, again, this minister has been totally forthright about his unquestioning support for the project which has been the catalyst of this legislation. We appreciate that, but he must be opposed and he must be told, Madam Deputy Speaker, that no one, not even he, is above the law, and we put a law into place and we put it there for a reason.

If we allow anyone, whether it be the minister of the Crown or anyone else, to absolutely in their own discretion override that regime, then the regime itself has no credibility because it has no security. No one can look at that act, look at the principles in it and take any comfort at all because they will ultimately be disappointed in their legislators that have put all of these sections into place, created an entire process of designating wildlife areas and what can happen and what cannot happen. Then they get to the end of the day and they see it all does not mean a heck of a lot. I am totally reliant on not 57 people in the Legislature, but one person, one minister, who will make the ultimate decision on a case-by-case basis.

So what security can the people of this province have that there is any long-term plan and that there is any long-term protection for our wildlife areas? That is the type of *carte blanche*, the type of what I would term parliamentary irresponsibility—and I do not use that lightly—that we have come to expect and know from the other two parties in this Legislature in the last number of years, and it is totally unacceptable. I look forward to the members of the public coming forward and making that point abundantly clear to this minister. I hope they will as well make it clear to the former administration, and I would hope in the unlikely event that they ever become the government again in this province, they should know in no uncertain terms that their approach to wildlife management, which was exactly the same and indeed more underhanded, Madam Deputy Speaker, is unacceptable and the people of this province should not be allowed to forget that.

I hope that the people who come forward at the committee stage most strenuously oppose this minister's approach and his attempt to get that type of power, that authoritarian and totalitarian power in his hands in this area. I hope they as well send a message to the former administration that they are in no position, given their past record, to criticize this,

and they indeed should keep that in mind, Madam Deputy Speaker.

In conclusion, I feel it is important to make one more link in this debate, and I raised it today in Question Period, that of the Rafferty-Alameda dam project. To me that signifies the most poignant and the most blatant example of the total breakdown of the system on environmental control and protection in this country in recent years.

* (1140)

If there is any more depressing spectacle of how we have failed to protect our environment, it is the Rafferty-Alameda dam project, a project which has resulted in a 100-year deal with the United States. Manitoba was not even at the negotiating table, was not a signatory to that deal, and we are the downstream recipients of the effects. Hard to believe! It was again very good to see, and I have said this before, the honesty of the federal member for Transcona when he stood in the House of Commons and was very blunt in his criticism of the former administrations being asleep at the switch on this. Madam Deputy Speaker, the former Minister of Environment in this administration, now the member for Portage la Prairie (Mr. Connery), gave the same kind of *carte blanche*: It is going to be good for us; it can only be good for us.

That is again an example of how the other two parties have failed Manitobans on a critical issue of protection and enhancement of the environment, and I see that here again. The theme is the same. It is an attempt to look good, put into place all kinds of regulations and assessment procedures and an entire wildlife act—looks great, sounds great, and then at the end of the day the politicians do what they want, and they do it in the back rooms, Madam Deputy Speaker. That is what is being attempted here. That is the consistent theme of this government, as it was of the former administration, and it simply will not do.

They have said repeatedly in their private conversations when they get together and they meet, as the now Minister of Environment (Mr. Cummings) did approximately 18 months ago with other Ministers of Environment. We want to stay out of court. That is the bottom line. That is why Bill 24 came before this House. Bar all costs, we want to stay out of court, because courts are dangerous. Courts will do what the law tells them to do. They will follow the spirit and the letter of the law. It is very

dangerous for politicians who want to make laws and decisions in back rooms which are contrary to the laws they put in place. That is the story of Rafferty-Alameda, and that is the story of this act.

This act is an attempt to deal with the unwieldy process of being dragged through court, being held up to your own standards in The Wildlife Act. Imagine that, the government of the day being held up to its own standards in The Wildlife Act. What a shame. Madam Deputy Speaker, the truth is the courts in this country in the last five years have been the only refuge for people aggrieved by political back-room decisions affecting the environment.

These politicians of the day seek to keep the courts out at all costs. They grant themselves absolute immunity and absolute authority. They will claim it is efficient. They will claim they are the government, that they were given the mandate to govern.

Well, Madam Deputy Speaker, when they were elected, did they tell Manitobans they were going to undercut the entire Wildlife Act? Did they tell them that they were seeking to make a case-by-case exception to The Wildlife Act? No, and if they took that to the people of Manitoba, they would find out today that is not acceptable, regardless of whether or not you agree with the particular project that this legislation came forward for, regardless of that. This legislation will go far beyond that specific project, and its danger is pronounced and severe indeed for the long-term protection and enhancement of our wildlife protection areas in this province.

So, Madam Deputy Speaker, we look forward to this going to committee, because we want to hear the people reiterate those concerns as I am sure they will. We look forward to as many as possible of them coming forward and committee hearings that go until they have all been heard and say all they want to say. We want to hear it. Thank you.

Madam Deputy Speaker: The honourable Minister of Natural Resources is closing debate?

Hon. Harry Enns (Minister of Natural Resources): Yes, I will be closing debate. I just simply want to thank honourable members who participated in the debate on Bill 38. I appreciate the last speaker, the honourable member for St. James, in recognizing the difference at least in my approach to bringing this matter up to debate within this Chamber.

What I hope to be able to show him and other members of the committee is that the mere fact that this kind of ministerial discretion was in place, perhaps, had a great deal to do with the fact that we could amass in this province 7.5 million acres into wildlife management areas. It is a necessary tool to have a management tool to enable us to designate and protect those valuable acres in this place.

I, like other members, look forward to the public expressions with respect to the bill at committee, and I wish to again thank honourable members for participating in the bill. Thank you.

Madam Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Deputy Speaker: Agreed and so ordered.

House Business

Hon. James Downey (Acting Government House Leader): Madam Deputy Speaker, I wonder if I may, at this time, on House business tell the members of the House that the Standing Committee on Public Utilities and Natural Resources will hold their meeting on Thursday, this next week, the 13th, at 8 p.m. in Room 255 to discuss the bill which has just previously been passed.

Madam Deputy Speaker, if you would call the bills as I had referred to them, Bill 69 now for second reading, please.

SECOND READINGS

Bill 69—The Manitoba Medical Association Fees Repeal Act

Hon. Donald Orchard (Minister of Health): Madam Deputy Speaker, I move, seconded by the Minister of Rural Development (Mr. Downey), that Bill 69, The Manitoba Medical Association Fees Repeal Act; Loi abrogeant la Loi sur les droits de l'Association médicale du Manitoba, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Orchard: Madam Deputy Speaker, I want to speak to Bill 69, which effectively repeals 1986 legislation passed by the New Democratic Party under the Pawley administration. Had I had the opportunity to make this presentation on second reading, say, as early as Wednesday of this week,

I am sure a lot of the allegations, a lot of the statements, a lot of the apprehensions, a lot of—how do I be genteel?—the ill-informed statements that have appeared around Bill 69 would have been necessarily avoided.

Madam Deputy Speaker, I beg all honourable members who are interested in this legislation to go back to Hansard around August 13, 1986, wherein the bill establishing the compulsive fees payment by physicians of Manitoba was read, introduced in this House by the then Minister of Health, Mr. Desjardins, and was immediately debated by myself as Health critic and moved to committee. Those were days when even though we disagreed on legislation, we were prepared to move that legislation forward for the advancement of business in the House.

I hold that out as an example, because I do not think a bill has ever been introduced since we have been government where it has been spoken, introduced at second reading, spoken to by one opposition critic and then moved to committee, so that the public could have their input. I also refer my honourable friends to committee stage of August 14, 1986, where presentations were made and questions asked of the presenters of the compulsive dues bill that was being proposed by the then NDP government.

Madam Deputy Speaker, I want to revisit the history behind the legislation that we are repealing. This was part of a three-pronged agreement that was arrived at approximately in 1985 between the MMA and the then New Democratic Party government. First of all, there was legislation that had to be introduced in this Chamber which prohibited extra billing by physicians in Manitoba. That was compelled by passage of the Canada Health Act, by the then Minister of Health federally, Monique Begin, wherein provinces if they did not pass complementary and parallel legislation would have had any extra billing revenues to physicians deducted from our federal transfer payments in support of our health system. Given with the circumstances in terms of federal financing, we agreed in the House to that legislation.

* (1150)

So what the NDP did to assuage the MMA, even though a very, very low percentage of physicians in Manitoba were extra billing at that time, was that they agreed to do two other things. First of all, enter

into compulsive binding arbitration for fee schedule settlement; and secondly, to pass this legislation, which we are proposing to repeal this session, which compelled all physicians to pay dues to the MMA. The agreement under which the legislation, which we are repealing, would be passed by the Legislature if more than 51 percent of physicians—

Point of Order

Mr. Gulzar Cheema (The Maples): Madam Deputy Speaker, I just wanted to clarify that. I may be in a possible conflict, so unless this matter is clear I will not be participating in this debate. Thank you.

Madam Deputy Speaker: I thank the honourable member for drawing that to the attention of the House.

* * *

Mr. Orchard: I appreciate my honourable friend the member for The Maples' position here.

Madam Deputy Speaker, the agreement for introduction of the compulsory dues legislation with the MMA was that they achieve a 51 percent majority vote amongst their membership to have this legislation passed.

Madam Deputy Speaker, I guess there is where the whole process of support of this legislation came off the rails when the then opposition party, the Progressive Conservative Party of Manitoba, opposed this legislation. I spoke to it in opposition on second reading. We opposed it at committee stage because we did not believe that the physicians of Manitoba would want to become in fact a union, and that is what this legislation was, was de facto, compulsive unionization of the physicians of Manitoba.

Two things, Madam Deputy Speaker. First of all, physicians are professionals and are outside of normal labour legislation. In other words, they cannot go to a certification vote and have their membership certified. That is my understanding of current law, and that is a very, very legitimate prohibition to have there from professional associations. If you ask any doctor in Manitoba, I would venture to say that 99 percent of the physicians of Manitoba will say that they are not trade unionists. Yet the NDP and the executive of the MMA, back in the mid-'80s, cut the deal to in fact backdoor unionize physicians of Manitoba and thereby compelling physicians to pay dues. If they

did not pay those dues the onerousness of the fine unquestioned was unparalleled in legislation, it was an automatic \$1,000 fine paid to the MMA. And that is the kind of democracy that my honourable friend, the member for St. Johns (Ms. Wasylycia-Leis) was talking about yesterday in Question Period.

So, Madam Deputy Speaker, we opposed that because we did not believe that physicians of Manitoba should be unionized with this legislation, backdoor to the process. Secondly, we opposed this because many physicians opposed it at the time. I cannot tell you how many physicians oppose it today, but if it is as few as discussions I have with the president, president-elect, of the MMA would indicate, then this legislation has no force and effect on the MMA because all physicians will pay their dues, with or without this legislation. But at the time there was a substantial opposition to the compulsory dues payment aspect of the MMA, and there were several associations formed to lobby government against the legislation. Nevertheless, the process of a vote was undertaken—and I think again it is important that my honourable friend the member for St. Johns (Ms. Wasylycia-Leis) present accurate information to the House.

You know, we had two matters of privileges today from both opposition parties about ministers not allegedly providing accurate information. Well, if we relegate this House to matters of privilege every time a member stands up with inaccurate information, I can assure you that I could go back this session and I would have probably, out of a hundred questions posed to me, an opportunity for 90 matters of privilege, because the preambles posed by my honourable friends in opposition have been laced with falsehoods and inaccuracies. Madam Deputy Speaker, an outside observer might say deliberate falsehoods and inaccuracies. Of course, I cannot.

In the questions yesterday my honourable friend the member for St. Johns, the New Democratic Party Health critic, said that a majority of physicians supported this legislation, that is why it was passed. Well, I want to indicate to you that in February of 1985 the MMA held a vote which was part of the deal of having the legislation of compulsory dues payment passed. That vote was rejected by the profession with 721 votes no, 639 votes yes.

Now, under ordinary circumstances, I would suppose the issue should have died. That should have been the end of the issue, but given that the NDP had made this deal with the executive of the

MMA, they allowed a second vote, Madam Deputy Speaker. That second vote, the results of which were contained in the then MMA president's letter of December 13, indicated—and this is where I take a great deal of umbrage with my honourable friend the member for St. Johns in putting the New Democratic Party position forward—that a majority of doctors supported this legislation. That is not an accurate piece of information. That is false, because in the MMA president's letter—

Point of Order

Ms. Judy Wasylycia-Leis (St. Johns): Madam Deputy Speaker, yes, on a point of order, the Minister of Health is not being straightforward with this House. He will know that 53 percent of doctors who voted on this matter gave their support towards legislation—

Madam Deputy Speaker: Order, please. The honourable member for St. Johns does not have a point of order. It is a dispute over the facts.

* * *

*(1200)

Mr. Orchard: Madam Deputy Speaker, I appreciate that, because I have the facts and my honourable friend does not. That is why I have indicated that she did not have correct information yesterday.

I will read from the MMA president's letter to the membership that there 2,258 physicians eligible to vote and of those there were 1,308 ballots returned; there were four spoiled ballots; 699 voted yes to compulsory dues check-off and 605 voted no. That means 30.9 percent of doctors eligible to vote supported this legislation.

Now, Madam Deputy Speaker, that is not a majority of doctors supporting this legislation, as my honourable friend wants to say. That is not even enough membership support that were doctors able to legitimately unionize through the certification process that it would have even been considered by the Labour Board, because that is only done when you have between 45 and 55 percent of your members indicating a willingness to certify as a union. My honourable friend from Transcona knows that, but 30.9 percent was enough for the New Democrats to bring in this legislation, this undemocratic legislation, part of the statutes of Manitoba. Now, that is why we disagreed with it. It

was not supported by the majority, it was not even close for consideration should it be in the certification process.

Secondly, and I want my honourable friends to read the Hansard around the committee hearing because one of the things that we insisted when we brought in association—now, bear in mind the word “in”—the Manitoba Medical Association still exists. It is not the Manitoba medical union, but association.

We have the Cattle Producers' Association, we have the Keystone Agricultural Producers Association, which we have legislation mandating their ability to represent their respective interest groups, the same argument made by the MMA in coming to this government for legislation compelling dues and membership checkoff payable to the organization. But there is one difference, the doctors represented by the MMA got exclusive no-question-compulsive payment of those dues, complete with a compulsive no-questions-asked fine of a \$1,000 imposed and paid to the MMA by NDP legislation without an opt out, without the freedom of expression of choice of payment of those dues to an association, not a union.

When we brought in Keystone Agricultural Producers Association legislation, there is an opt-out feature. We disagreed with that, Madam Deputy Speaker, when the legislation came in. We posed the question to the then president of the MMA, Dr. Sutherland, would you agree with an opt-out clause to this legislation? I beg honourable members to read the response. Neither he, representing the MMA and its executive, nor government would tolerate that—hardly the democratic legislation that the New Democrats now joined arm and arm with the MMA executive are saying we are repealing. Hardly.

What is being introduced is the opportunity of freedom of choice which should have been in that legislation and was denied by the New Democrats and the MMA of the day. Now doctors have a choice. Is that wrong that doctors in an association should have a choice? No, of course, it is not. So that is but a short list of reasons.

Now, the legislation was challenged. It was challenged through the lower court of Manitoba, it was challenged through the Court of Appeal in Manitoba and the decision was heard in February of 1989. It was challenged on two accounts: first of all, as I understand legalese, if you will, that if a

physician believed that the compulsion of dues payment to the MMA violated his rights of a freedom of association under the Charter of Rights, that was not found to be the case for whatever reason. I cannot understand the law sometimes, but nevertheless that was the decision that was made, and it was upheld in the Court of Appeal.

The second case made by the physicians was that the compulsive \$1,000—no lower, no higher, but compulsive automatic \$1000 fine for failure of payment of dues constituted unreasonable search and seizure under the Charter of Rights and Freedoms. Again, that was not found by the courts to be true.

In delivering his decision I ask honourable friends to ponder the words of Justice O'Sullivan, when, in sustaining the legislation which compelled dues payment plus the \$1,000 fine, Justice O'Sullivan indicated: While we deplore this section, which may be subject to the general law of penalties, we cannot find it in breach of the Charter.

I do not have the ability to ask Justice O'Sullivan what he meant by that, but I can tell you what I deplored about the compulsory fine. There was no opt out. There was no freedom of choice to an association, membership and payment of dues, not like the union my honourable friend from Transcona belongs to. This is not a union. This is an association.

Point of Order

Mr. Daryl Reid (Transcona): Madam Deputy Speaker, on a point of order, I would like to put on the record that the Minister of Health has indicated that I belong to a union. I must indicate to the Minister of Health that I do not belong to a union, contrary to the comments that he has put on the record here today.

Madam Deputy Speaker: The honourable member for Transcona does not have a point of order. It is a dispute over facts.

* * *

Mr. Orchard: Madam Deputy Speaker, I see the ranks of freedom fighters are swelling every day. We now have the member for Transcona here. People who believe in free enterprise and freedom of choice, contrary to the New Democrats, that is what freedom fighters are.

An Honourable Member: How about free collective bargaining?

Mr. Orchard: Absolutely love free collective bargaining. We will talk about that whenever you finish your narrowed contribution.

What we had, Madam Deputy Speaker, is legislation decided in February of 1989. Now, one could ask the obvious question: Why is the legislation, Bill 69, before the Legislature this session and not previous sessions? I want to deal with that issue.

We were elected in May of 1988, and when we came in, in May of 1988, this legislation was before the courts. It was not our legislation. We opposed it, but we made the decision that one ought not to repeal the legislation while before the courts, because that would beg the obvious conclusion that we were wanting to be confrontational with the MMA and that we were exercising a narrow, philosophical approach to government. So we let the court challenge proceed.

In February of 1989, when it was finally heard in Court of Appeal—and shortly after, I guess—no decision was made to take it to the Supreme Court of Canada. We could have repealed that legislation then, but, Madam Deputy Speaker, again, we chose not to, deliberately. Because if one might recall, we were attempting in 1989, as we approached December 31, to negotiate a new three-year agreement with the MMA. Any effort of repeal of this legislation would have been legitimately tagged by the MMA as confrontational, provocative and trying to drive a point home to the association at a time of sensitive negotiations on a new three-year contract, so we elected not to.

Could we have brought it in the spring session of 1990? No. By then we were in a full confrontation with the MMA, and I say to you, as I said then, not at our choosing, because the offer, the three-year agreement, that we offered to them and that I offered personally to the board of the MMA in November 30, 1989, doctors across the length and breadth of this province wish they would have accepted. But I want to tell you straight out, it would have been totally unaffordable given today's context and financial situation, so I thank them for rejecting it.

Every doctor in Manitoba would be happy with that three-year agreement, but they chose to fight government in a minority situation, hoping with the support of the then opposition party that they could get more money out of the government of Manitoba. As negotiations went on, we could not bring in repeal

legislation. That would have been confrontational because the contract expired April 1, 1990. Had we brought in the legislation, the first thing the president of the MMA would have said, well, government is deliberately provoking us, et cetera, et cetera, so we chose not to.

Why did we not bring it in last session, in the October session? Well, we had an agreement signed with the MMA tentatively, but it was not finally completed until late January and signed off by both parties until late January. We were ready to sign it off well before that. In fact, we even flowed the money to the MMA members before the contract was signed, but they had other issues that they wanted to resolve. We resolved them and signed the contract in January.

So we could not have brought it in last session; this is the first session in which there are no negotiation issues before us and the MMA where there can be the principle established that we are being confrontational, that we are picking on the MMA, that we are seeking revenge, as has been the accusations, or that we are before the court at the first opportunity.

Madam Deputy Speaker, I want to deal with a couple of issues that have been inaccurately alleged in discussion around Bill 69. One Dr. Cleghorn, president-elect of the MMA, says this is a revenge tactic by the government, that we are removing this ability for them to compel their members to pay dues whether they want to or not.

Should we wish to have sought revenge of the MMA, Section 8(1) of the legislation we are repealing allowed us, as of April 1, to pass an Order-in-Council—not even debated it in this Chamber—saying there are no more compulsory dues check off because there was not an agreement with the MMA. We did not do that because we did not want to have any issue that the MMA could say we were provoking them during negotiations; but we could have denied the collection, the compulsive collection of dues, from April until January 30, approximately, for a full nine-month period of time, because there was no signed agreement with the MMA.

* (1210)

Did we do it? No. So how can anyone with honesty make the argument that this is being brought in as a confrontational and revenge tactic

against the doctors of Manitoba? It is abject, false allegation. -(interjection)-

My honourable friend says, why did we not consult? We met with the president-elect of the MMA. I know what the MMA's position is on this legislation; they want it. Naturally, they want it because they do not have to appeal to their members for anything but the collection of a \$1,000 fine.

An Honourable Member: And if they do not pay it?

Mr. Orchard: Well, then, no, but that is the only time they appeal to their members. When they do not pay their membership, then they get the membership, plus a \$1,000 fine. That is the only consultation they have to do. All we are saying here is that the doctors of Manitoba have now the freedom to exercise their right to write a \$595 cheque to the MMA, because they support the activities of the association, not the union.

Now, you see, Madam Deputy Speaker, that is why I found it to be quite interesting, that my honourable friend the New Democrat would be joined with the professional association of the MMA in condemning government. But you see, the NDP are on the agenda—and my honourable friend the member for St. Johns said it. In questioning me yesterday she said, now, it brings in legislation trying to break unions—meaning Bill 69. I did not recognize that the Manitoba Medical Association was really the Manitoba medical union.

I want my honourable friend the New Democrat, and all New Democrats in this House, to go to every single physician of Manitoba and say, you know, you are a union member, you are a trade unionist. You are not a professional. You are not a free independent businessperson; you are a trade unionist, because my honourable friend the member for St. Johns says we are breaking a union. I did not know we had a union representing the doctors of Manitoba, and doctors of Manitoba never believed they belonged to a union.

Now, let us deal with some other issues that are not quite correct, as my honourable friend the New Democratic Party critic says—the majority issue. Clearly, she is wrong when she says the majority of physicians supported this legislation. A majority of physicians may continue to support the MMA, and they had the freedom to do that with Bill 69's passage.

Now, Madam Deputy Speaker, I want to close saying that this legislation does not have the revenge agenda, my honourable friend the New Democratic Party Health critic's criticism, as part of its motivation. We opposed this legislation when it was introduced, when it was at committee. We have been consistent right through with every piece of legislation we have passed for associations; we have allowed an opt out. There was no opt out in this legislation. There was none that was allowed.

The NDP and the president of the MMA in 1985 said no, we do not want an opt out in this legislation; it has to be compulsory. We disagreed with that. We still disagree with that, and that is why we are repealing the legislation. We disagreed with the onerous ability to impose, no questions asked, a \$1,000 fine on errant physicians who would dare to not want to pay their dues to the MMA for whatever reason. They would now have to pay, not only \$595, but a \$1,000 fine to the MMA as well—hardly an exercise of democracy.

Should we bring in legislation like that today for the carrot growers of Manitoba as an association compelling check off—I can hear the NDP talking about the muffled cadence of jackboots ringing throughout the halls of the Legislature.

Mr. Steve Ashton (Thompson): That is your line.

Mr. Orchard: Well, I realize that is my line. My honourable friend the member for Thompson reminds me that is my line. I had to use it quite a few times with NDP legislation, but not today. Freedom and free thinking is allowed on government's side of the House now.

Madam Deputy Speaker, I simply want to say to my honourable friends that another statement that I am not sure has been made, but certainly has been talked about in the papers, that the MMA through its public awareness and advertising campaign promotes bicycle helmet safety, et cetera. Well, you know, those are very good programs. Those are very excellent programs that are supported by the government, by the MMA, by its membership. Now, they make the case that their dues collection may go down and inhibit their ability to do them.

Well, I am willing to talk to my honourable friends at the MMA. If that is the case, I am quite willing—if they want to indicate the implication of this legislation being fairly severe on their revenue side, if they want to share with government those difficulties—to go to my cabinet colleagues and

propose the opportunity to joint venture on those, so that it becomes a partnership effort that we are trying to build throughout the length and breadth of the health care system. I am very sensitive to that kind of concern expressed by the president of the MMA. I am certainly willing, and this government is certainly willing, to talk to them about that.

Madam Deputy Speaker, I want to close by saying that this legislation does not impair in any way, shape or form the ability of the MMA to act on behalf of physicians in Manitoba—not in any way, shape or form—because as an association they will be able to prove to the 2,000-plus doctors of Manitoba that they are representing them well and that those physicians will freely, gladly and of choice pay their membership fees to carry on supporting an organization which represents them as the professional group they are, as the key and essential care deliverers that they are. Nothing in this Bill 69 prevents that from happening.

I simply wish to indicate that the physicians of Manitoba will be partners in the changing, evolving and reforming health care system in the province of Manitoba. The College of Physicians and Surgeons has been there. The MMA has been there representing physicians from the bargaining side. Other groups of physicians, psychiatrists and other groups, have been part of the reform, a partnership that we have been building in Manitoba and will continue to do so. They will continue to do so, Madam Deputy Speaker, because physicians are professionals, first and foremost. As professionals they want to see medicare; they want to see health care, they want to see Manitobans well served by the system. They recognize that so does this government.

In saying that, that is why I have no hesitation in saying that the agenda of change, reform, betterment, improvement, more effective health care delivery focused on the outcome of improving the health status of individual Manitobans will continue in partnership with physicians across the length and breadth of this province. It will not stop with passage of Bill 69, because government will not allow that to stop. Doctors are key and integral parts of the changing system of health care and its delivery in Manitoba, and government will always welcome the input of partners wanting to improve health care in Manitoba. That is the message I leave to each and every physician practising throughout the length and breadth of this province

of Manitoba because that, Madam Deputy Speaker, is the position of this government. Thank you.

Ms. Judy Wasylycia-Lels (St. Johns): Madam Deputy Speaker, I move, seconded by the member for Thompson (Mr. Ashton), that debate on Bill 69 be adjourned.

Motion agreed to.

* (1220)

DEBATE ON SECOND READINGS

Bill 44—The Public Utilities Board Amendment Act

Madam Deputy Speaker: On the proposed motion of the honourable Minister of Co-operative, Consumer and Corporate Affairs (Mrs. McIntosh), Bill 44 (The Public Utilities Board Amendment Act; Loi modifiant la Loi sur la Régie des services publics), standing in the name of the honourable member for Thompson (Mr. Ashton).

An Honourable Member: Stand.

Madam Deputy Speaker: Stand? Agreed?

Some Honourable Members: Agreed.

Madam Deputy Speaker: Agreed and so ordered.

Mr. Neil Gaudry (St. Boniface): Madam Deputy Speaker, I stand to speak today on Bill 44, The Public Utilities Board Amendment Act, or as I prefer to call it, Loi modifiant la Loi sur la Régie des services publics.

The Public Utilities Board Amendment Act, sponsored by the member for Assiniboia (Mrs. McIntosh), will grant authority to Centra Gas, the natural gas utility operating in Manitoba, to discontinue service to delinquent commercial and residential customers. I think it is very important at this time for this legislation to go through.

We recall last spring where we had a lot of dissatisfied customers or residents of Winnipeg in regard to the increase because of the delinquent accounts. I attended the Public Utilities Board meeting where I made a presentation on behalf of Manitobans. I had circulated a petition which was very strongly supported by the Manitobans.

If we recall, what they were concerned about, was the fact it was not only residential people who were not paying their bills. It was commercial accounts. If we look today, for example, in the digests where the gas company goes after their customers on a weekly basis, there are 10, 20 or 30 claims maybe

a week, and big accounts, many of them commercial, and people who can afford to pay their gas bills also.

Madam Deputy Speaker, in 1987, the Court of Appeal ruled that in the absence of specific statutory provisions gas utilities could not disconnect service for nonpayment. The reasoning behind the ruling was the protection of a citizen who could not afford to pay their gas bill from having their gas cut off in the winter months. The potential for families freezing to death in their own homes was unacceptable in 1987 and still is unacceptable. Madam Deputy Speaker, I am glad this government is finding it unacceptable in 1991.

The court ruling resulting in \$19.5 million of arrears for Centra Gas for March, 1991, an amount that the company has tried to recover in various ways, but to no avail. Madam Deputy Speaker, their last attempt was to have all consumers pay for the delinquent accounts, which, I might say, created quite a stir as I received many calls from constituents who were upset by this.

On February 7, 1991, I spoke at the public hearings of the Public Utilities Board. I also presented them with a petition signed by approximately 300 more residents of St. Boniface opposed to a residential rate increase to pay for delinquent accounts. In fact, the majority of outstanding debts were from viable commercial properties. Not only that, I had calls from residents, for example, who said that their neighbours were talking about not paying their bills, and they bragged about it.

This constituent mentioned to me, he says, what do I do? I do not pay my bill? He says, no, I get a service and I will pay for it. He says, why do my neighbours brag about not paying their bills? No. It is wrong. These residents, like all Manitobans, have worked hard to meet their financial commitments, and they do not feel that it is right for them to carry the burden that was created by customers who have not paid their bills.

Manitoba's natural gas consumers should not be forced to pay a higher price for natural gas because some businesses and people refuse to pay their bills. Madam Deputy Speaker, in these tough economic times, when jobs are being cut, wages are being frozen and inflation of 6 percent, the consumer should not be burdened with these

charges, especially when they are already being hit by the Tory GST and the recession.

Mr. Steve Ashton (Thompson): The Tory recession, too.

Mr. Gaudry: The Tory recession, too. That is what the member for Thompson says.

Manitobans simple cannot afford this responsibility. Unlike the member for Elmwood (Mr. Maloway), I do not find this piece of legislation discriminates against tenants. Unfortunately, this impression is easily given because Bill 44 is written awkwardly, and because it relies on other legislation passed in the House.

The most controversial part of Bill 44 is subsection 104.1(4), which exempts residential premises from protection against utility cut offs. On the surface this leaves tenants completely vulnerable to this continuance of their utilities when their landlord has fallen in arrears of payments. In other words, Bill 44 seems to allow conscientious tenants to be punished for the irresponsibility of the landlord. As I understand it, this is not the case.

This gap has been created in Bill 44 because landlords and tenants are already governed by another piece of legislation where provision is made for protection against undue discontinuance of utility supply. I am referring specifically to The Residential Tenancies Amendment Act. The process is a bit complicated, but the tenant is protected from utility discontinuance, not by Bill 44, but by The Residential Tenancies Act.

Under Section 60 of the legislation the utility must provide Landlord and Tenant Affairs with at least seven days notice that supply to a residential complex will be interfered with, or discontinued.

The director of Landlord and Tenant Affairs is then empowered by authority described in yet another section of The Residential Tenancies Act to sequester the landlord's rent and schedule payment to the utility.

The result is that the tenant still pays rent and still has utility supply, but the tenant's rent cheques go to the Landlord and Tenant Affairs which directs and manages revenues, so that creditors are paid as they should be.

Madam Deputy Speaker, in short, the procedure seems workable. If criticism is to be laid against Bill 44, it should not be directed at the exemption clause. Instead, I have two problems with the process, the

first is in Section 60 of The Residential Tenancies Amendments Act. There, the director of Landlord and Tenant Affairs may make an order forbidding the corporation from stopping or interfering with the supply of a utility.

We are concerned that this makes the protection for the tenant a bit too loose. If the tenant must rely on this legislation for protection, then regulations should clearly indicate that no utility will be discontinued in the residential complex where the landlord is responsible for providing that utility—no ifs, buts, or maybes about it.

Our second concern is that the process is cumbersome and awkward. Although the procedures I have mentioned appear workable, we would hope at a future date we can sit down with the government and reduce the number of linkages that must be made in guaranteeing protection for the tenant.

It is my understanding that members of the Public Utilities Board and the Landlord and Tenant Affairs are satisfied with the proposed legislation, and that there was considerable canvassing involved with various groups resulting in valuable input into the preparation of this legislation.

I believe that this piece of legislation strikes a balance in providing fairness to consumers who dutifully pay their bills, and provides protection for those who legitimately cannot afford to pay. This, therefore, leads me to conclude that Bill 44 is an acceptable piece of legislation that, despite a few flaws, goes a long way in alleviating a thorny problem. It is one that should be given consideration on all sides of the House.

Because of the growing crisis, we urge that this legislation be passed as early as possible, to provide sufficient time for the legislation to work and alleviate the burden all Manitobans are left to carry.

Nevertheless, we look forward to meeting with the other parties in the near future to continue improving the effectiveness of this new legislation.

Madam Deputy Speaker, I will conclude. Thank you.

Madam Deputy Speaker: As previously agreed, the matter will stand in the name of the honourable member for Thompson (Mr. Ashton).

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

Legislative Assembly of Manitoba

Friday, June 7, 1991

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