



Second Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

(Hansard)

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, October 23, 1996

The House met at 1:30 p.m.

PRAYERS

MATTER OF PRIVILEGE

Mr. Tim Sale (Crescentwood): A matter of privilege, Madam Speaker, is a very serious matter. Beuchesne's states that a matter of privilege is partly a question of fact and partly of law, the law of the contempt to Parliament on page 12 of the 6th Edition.

Essentially, several conditions must be satisfied for such a matter to be accepted by you as a bona fide matter of privilege. First, the matter must be raised at the first opportunity as noted by Beuchesne, Citation 117. The matter giving rise to my privilege question today arose yesterday and Monday but primarily yesterday; therefore I would respectfully contend that I have satisfied that condition.

Secondly, Madam Speaker, a privilege question must have had the effect of interfering with the opposition's and my ability to exercise my freedom, to ask and have truthful answers given to questions allowed by you. Again, to quote Beuchesne, the privileges of Parliament are absolutely necessary for the due execution of its powers.

Beuchesne also states that a question of privilege ought rarely to come up in the House. This is the first such question I have ever raised and the first in this fall sitting. Therefore, I must demonstrate to you that a minister has failed to be truthful in answering a matter raised in the House and thereby has deliberately misled this House and by so doing tended to bring this Parliament into contempt.

Madam Speaker, on Monday and Tuesday of this week I and my colleague from Dauphin (Mr. Struthers) have asked important questions concerning certain allegations made by Mr. Aitken, Mr. Bighetty, Mr. Gaudry and Mr. Sigurdson. These allegations included the facts that in two meetings with the Minister of Agriculture (Mr. Enns) and two meetings with the Minister of Natural Resources

(Mr. Driedger), discussions took place regarding the taking, transporting, processing and exporting of both fine and rough fish from Sisipuk Lake through the Spirit River fish company using the fish processing plant at St. Laurent, Manitoba, located in the Minister of Agriculture's riding.

Madam Speaker, in response to repeated questions from the member for Dauphin (Mr. Struthers) and from myself, the Minister of Natural Resources asserted that he had not broken any laws. In effect, he claimed that Allen Aitken, Pascall Bighetty and others were lying in their signed statements and letters in this regard.

But, Madam Speaker, the Minister of Natural Resources has a clear duty to enforce the acts for which he has responsibility. One of those acts is the Freshwater Fish Marketing Act, Chapter F13. This is the federal act regulating the catching, processing, transporting and exporting of fish from a participating province, of which Manitoba is one.

Madam Speaker, all parties to this dispute agree on certain things. First, they agree that the catching and exporting of rough fish, that is fish species not enumerated in the schedule attached to this act, is regulated by special permits issued freely by the Freshwater Fish Marketing Corporation and that the Spirit River fish company had such permits.

The central issue is the taking, transporting, processing and exporting of the fine species, species such as perch, whitefish, pickerel or trout, which are enumerated in the act.

All parties in the dispute have agreed in this House that the request made by Mr. Aitken, Mr. Bighetty and others was to test the export market for rough and fine fish. The Minister of Natural Resources (Mr. Driedger) acknowledges this in several of his responses to questions in the House both to the member for Dauphin (Mr. Struthers) and to myself. For example, you will find many of these readily, but I will quote one. He stated on Monday, "a request was made for allowing to export processed fish from the fish plant in the Interlake."

* (1335)

The specific matter of privilege stems from my questions on Monday and Tuesday in which I asked, and I quote from Hansard: "Will the minister acknowledge that the meetings took place, that both ministers suggested that they would look the other way when the law was being broken in regard to the taking and exporting of fish from Sisipuk Lake?" And on Tuesday I asked what was the substance of the discussions he had with the parties.

On Monday, the minister, after making some nasty personal allegations which do not bear repeating replied: "Madam Speaker, this member has invariably at various times brought accusations . . . that he can never substantiate, and I deny any of the allegations that he has put on the record here today."

In other words, he denied that the ministers would look the other way when the law was being broken. Yet, on Tuesday, the minister stated that he had indeed agreed to the taking, shipping and processing of fine and rough fish at St. Laurent, clearly knowing, by his own words, that the intent of the parties was to export the fish.

In agreeing to the catching, transporting and processing of fish to be exported, he has clearly broken much of the Freshwater Fish Marketing Act, Part 3, specifically Section 20(1) which I will quote: except in accordance with the terms and conditions set out in any licence which may be issued by the corporation, no person other than the corporation or an agent shall (a) export fish from Canada; (b) send, convey or carry fish from a participating province to another participating province; (c) in a participating province receive fish for conveyance or carriage to a destination outside the province; (d) sell or buy or agree to buy or sell fish situated in a participating province, et cetera.

Clearly the act regulates the intent to export. Clearly the minister knew that the intent of taking this fish was to export. Clearly, therefore, he agreed to an act which was illegal. The essence of the question of privilege then is that the minister knowingly gave permission to undertake acts, the intention of which was clearly known to him to be in violation of an act for which he has responsibility and which he is sworn to uphold.

In so doing, Madam Speaker, he has offended this House and misled this House since he denied repeatedly any wrongdoing on his part.

Therefore, I must move, seconded by the member for Dauphin (Mr. Struthers), that this matter be referred to the Committee on Privileges and Elections.

Hon. Albert Driedger (Minister of Natural Resources): In view of the allegations that have been put on the record here today, I would just like to clarify the position, as I did over the last few days, exactly what transpired between the meetings in my office and the actions that took place after that.

I want to repeat again that I did meet with the four people in my office, together with my executive assistant, and at that time the discussion took place in terms of whether I would allow them to take and catch fish out of Lake Sisipuk and transport those fish to the processing plant in the Interlake. The first condition of that request, I said they would have to get permission from the Pukatawagan Band which basically has jurisdiction over the Lake Sisipuk fishing area.

It is my understanding that they never even received that permission, but that was one of the conditions laid down. Further to that, I indicated if they did catch fish out of Lake Sisipuk that they would be permitted to take those fish and move them down to the processing plant in the Interlake, and they could process them whichever way they wanted. However, I clearly indicated at that time, raising the question specifically, that they would not be allowed to export fish outside of the province because that is federal law, federal jurisdiction and they basically are the ones that are responsible for the administration of that. My people, my NROs, basically enforce that law at the customs because the customs people basically inform and make our people aware of what is going on and our people enforce the federal law on behalf of the federal government. Madam Speaker, that is what has transpired. There is nothing further to that.

Mr. Steve Ashton (Opposition House Leader): Madam Speaker, in regard to the matter of privilege, first of all I would point out that your role in this, to members of the Legislature, is essentially to determine whether there is a prima facie case of privilege. I do believe that the member for Crescentwood (Mr. Sale) has satisfied the

basic requirements in terms of raising this matter at the earliest time.

I also do believe it is a serious matter, and I believe it is important that we as members of the Legislature have the ability to deal with very serious concerns in this case in a way that will ensure complete and accurate information. I do believe that the member for Crescentwood has documented why we certainly believe that this matter should be sent to the privileges and elections committee. I want to stress that this goes beyond any disagreement over the facts. There are certain facts in this matter that are not in dispute, the meetings that have taken place and much of the discussion that has taken place, and what particularly concerns us on this side is the intent to export, which we believe was very clearly demonstrated and which does, we believe, violate existing laws.

* (1340)

I do not think there has been any indication yet in the House that clarifies this to any point beyond the fact that the individuals involved who made these accusations—and I want to stress again these are not individuals who have any partisan axe to grind with the government. In fact, at least one individual has had a very close association with the government in the past. It is not a question of New Democrats and Conservatives. It is a question of four meetings that took place. Obviously, we might question even perhaps if the connection of at least one individual had to the Conservative government might have explained the fact that four meetings were arranged over a very limited period of time. We know many Manitobans who cannot get any meetings with this government, but obviously these meetings took place. The very real concern here is we have sworn affidavits, we have documented accusations made by individuals who were at that meeting that point very clearly to the possibility, we believe, if based on the evidence, the fact that certain indications were given by the minister which violate legislation, and I think it would be in everybody's best interest to have this matter dealt with at the committee of privileges and elections.

I believe it would give the minister the opportunity to deal with the matter. I also believe we should do something that has not been done recently in Manitoba history, but certainly it is within the purview of the committee

itself, and that is to call the other individuals. I believe this is a very, very serious matter. I believe the accusations are very serious and I think it is in everyone's best interest, including the minister and the government, to have this clarified. I want to suggest then, Madam Speaker, that when you rule on whether it is a prima facie case that you do in fact rule that it is a prima facie case, it goes far beyond any dispute over the facts, and I would also suggest that you put the matter to the House, as is your prerogative as Speaker, so that we can then take that opportunity to vote to send it to the Committee on Privileges and Elections.

I want to indicate to the minister who just spoke in this House, I think that is the best way for him to put out his side of what he feels happened. I also think it is the best way of bringing forward witnesses, the individuals who made the accusations and I believe it is in the best interests of the public of Manitoba, who I believe, on this and other matters in this session, have every right to question some of the things that are happening in this Legislature and have every right to question the conduct of ministers who have a distinct obligation, I believe, to be above and beyond all reproach, and I believe I would actually urge the minister and the government members to support sending this to committee because I think many Manitobans are asking questions about this government and about ministerial conduct on many issues this session, this being the most recent and one of the most serious. I think the way to resolve this is to get it into the Privileges and Elections committee and hear the facts.

Hon. Jim Ernst (Government House Leader): Madam Speaker, a question of privilege has been raised on a very serious matter indeed, not one that should very often occur in a Legislature or Parliament.

The fact of the matter is, though, that we have primarily a dispute over the facts. We have, on the one hand, certain allegations made by certain individuals that something was said and the response to which was given by the minister here in the House that those allegations were not true. So we have no further evidence to suggest that one side or the other is not telling the truth.

* (1345)

But, Madam Speaker, all members here in this House are honourable members, and the answers given by

honourable members here in the House are accepted as such. We have, in fact, one group of individuals which alleges one thing and the minister is saying something quite different. So what we have primarily is a dispute over the facts, and there is no prima facie case for a question of privilege here as raised by the member for Crescentwood (Mr. Sale).

Madam Speaker: I thank all honourable members for their contribution, and I will take this matter under advisement and report back to the House.

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Guaranteed Annual Income

Mr. Doug Martindale (Burrows): Madam Speaker, I beg to present the petition of Don Gordon, Phyllis Ann Rodych, Leslianne Côté and others requesting that the Legislative Assembly urge the Minister of Family Services (Mrs. Mitchelson) to consider withdrawing Bill 36 and replacing it with improved legislation which provides for a guaranteed annual income that allows people to have adequate food, clothing, housing, child care and health care and that this annual income increase as prices increase and that this new legislation also provides for the creation of real jobs with the goal of creating full employment so that individuals on social assistance can find safe, meaningful work of their own choosing that allows them to meet their needs and the needs of their families.

Manitoba Telephone System

Mr. Clif Evans (Interlake): Madam Speaker, I beg to present the petition of Ken Buchy, Martin Watts, Paul Maskiew and others requesting that the Premier (Mr. Filmon) withdraw Bill 67 and not sell the Manitoba Telephone System to private interests.

Mr. Jim Maloway (Elmwood): Madam Speaker, I beg to present the petition of Susan Proven, Betty Findlay, Eleanor Marnock and others requesting that the Premier withdraw Bill 67 and not sell the Manitoba Telephone System to private interests.

Ms. Rosann Wowchuk (Swan River): Madam Speaker, I beg to present the petition of Liz Ritchie, Myrt

McKay, William Procyshyn and others requesting that the Premier withdraw Bill 67 and not sell the Manitoba Telephone System to private interests.

The Grand Lodge of Manitoba of the Independent Order of Oddfellows

Mr. Leonard Evans (Brandon East): Madam Speaker, I beg to present the petition of the Grand Lodge of Manitoba of the Independent Order of Oddfellows praying for the passing of an act to amend the incorporating act to, inter alia, remove restrictions on the monetary value of real estate owned by the corporation and to remove borrowing restrictions on loans incurred by the corporation.

READING AND RECEIVING PETITIONS

Guaranteed Annual Income

Madam Speaker: I have reviewed the petition of the honourable member for Burrows (Mr. Martindale). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: No.

Madam Speaker: Dispense.

THAT in 1976 Canada signed the United Nations Covenant on Economic, Social and Cultural Rights which recognized the right of everyone to make a living by work which is freely chosen, recognized the right of everyone to an adequate standard of living, including adequate food, clothing and housing, recognized the right of everyone to enjoy a high standard of physical and mental health, and provided for the widest possible protection and assistance to the family; and

THAT poor children and adults in Canada continue to die at a higher rate and earlier age than people with adequate incomes; and

THAT Bill 36, The Social Allowances Amendment Act, will create even greater poverty among the poor in Manitoba by eliminating government responsibility to ensure that everyone who lacks adequate food, clothing, housing and health care has these needs met; and

THAT the bill proposes to punish people by cutting them off from social assistance or reducing their

benefits if they fail to meet employment expectations; and

WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba urge the Minister of Family Services to consider withdrawing Bill 36 and replacing it with improved legislation which provides for a guaranteed annual income that allows people to have adequate food, clothing, housing, child care and health care and that this annual income increases as prices increase and that this new legislation also provides for the creation of real jobs with the goal of creating full employment so that individuals on social assistance can find safe, meaningful work of their own choosing that allows them to meet their needs and the needs of their families.

Manitoba Telephone System

Madam Speaker: I have reviewed the petition of the honourable member for Interlake (Mr. Clif Evans). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

THAT the Manitoba Telephone System has served this province well for over 80 years providing province-wide service, some of the lowest local rates in North America and thousands of jobs and keeping profits in Manitoba; and

THAT MTS contributes \$450 million annually to the Manitoba economy and is a major sponsor of community events throughout the province; and

THAT MTS, with nearly 4,000 employees including more than 1,000 in rural and northern Manitoba, is one of Manitoba's largest firms, headquartered in Manitoba and is committed to Manitoba; and

THAT the provincial government has no mandate to sell MTS and said before and during the 1995 election that MTS was not for sale.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba request that the

Premier (Mr. Filmon) withdraw Bill 67 and not sell the Manitoba Telephone System to private interests.

* (1350)

Madam Speaker: I have reviewed the petition of the honourable member for Sellkirk (Mr. Dewar). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

THAT the Manitoba Telephone System has served this province well for over 80 years providing province-wide service, some of the lowest local rates in North America and thousands of jobs and keeping profits in Manitoba; and

THAT MTS contributes \$450 million annually to the Manitoba economy and is a major sponsor of community events throughout the province; and

THAT MTS, with nearly 4,000 employees including more than 1,000 in rural and northern Manitoba, is one of Manitoba's largest firms, headquartered in Manitoba and is committed to Manitoba; and

THAT the provincial government has no mandate to sell MTS and said before and during the 1995 election that MTS was not for sale.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba request that the Premier (Mr. Filmon) withdraw Bill 67 and not sell the Manitoba Telephone System to private interests.

Madam Speaker: I have reviewed the petition of the honourable member for Swan River (Ms. Wowchuk). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

THAT the Manitoba Telephone System has served this province well for over 80 years providing province-

wide service, some of the lowest local rates in North America and thousands of jobs and keeping profits in Manitoba; and

THAT MTS contributes \$450 million annually to the Manitoba economy and is a major sponsor of community events throughout the province; and

THAT MTS, with nearly 4,000 employees including more than 1,000 in rural and northern Manitoba, is one of Manitoba's largest firms, headquartered in Manitoba and is committed to Manitoba; and

THAT the provincial government has no mandate to sell MTS and said before and during the 1995 election that MTS was not for sale.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba request that the Premier (Mr. Filmon) withdraw Bill 67 and not sell the Manitoba Telephone System to private interests.

Madam Speaker: I have reviewed the petition of the honourable member for Point Douglas (Mr. Hickes). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

THAT the Manitoba Telephone System has served this province well for over 80 years providing province-wide service, some of the lowest local rates in North America and thousands of jobs and keeping profits in Manitoba; and

THAT MTS contributes \$450 million annually to the Manitoba economy and is a major sponsor of community events throughout the province; and

THAT MTS, with nearly 4,000 employees including more than 1,000 in rural and northern Manitoba, is one of Manitoba's largest firms, headquartered in Manitoba and is committed to Manitoba; and

THAT the provincial government has no mandate to sell MTS and said before and during the 1995 election that MTS was not for sale.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba request that the Premier (Mr. Filmon) withdraw Bill 67 and not sell the Manitoba Telephone System to private interests.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Standing Committee on Law Amendments Sixth Report

Mr. David Newman (Chairperson of the Standing Committee on Law Amendments): Madam Speaker, I beg to present the Sixth Report of the Committee on Law Amendments.

An Honourable Member: Dispense.

Madam Speaker: Dispense.

Your Standing Committee on Law Amendments presents the following as its Sixth Report.

Your committee met on Monday, October 21, 1996, at 7 p.m. in Room 255 of the Legislative Building to consider bills referred.

Your committee has considered:

Bill 12—The Barbers Repeal and Hairdressers Repeal Act; Loi abrogeant la Loi sur les coiffeurs et la Loi sur les coiffeurs pour dames

and has agreed to report the same without amendment.

Mr. Newman: Madam Speaker, I move, seconded by the honourable member for Pembina (Mr. Dyck), that the report of the committee be received.

Motion agreed to.

Standing Committee on Economic Development Seventh Report

Mr. Peter Dyck (Chairperson of the Standing Committee on Economic Development): Madam Speaker, I beg to present the Seventh Report of the Committee on Economic Development.

An Honourable Member: Dispense.

Madam Speaker: Dispense.

Your Standing Committee on Economic Development presents the following as its Seventh Report.

Your committee met on Tuesday, October 22, 1996, at 10 a.m. in Room 255 of the Legislative Building to consider bills referred.

At that meeting, your committee elected Mr. Laurendeau as its Vice-Chairperson.

Your committee heard representation on bills as follows:

Bill 52—The York Factory First Nation Northern Flood Implementation Agreement Act; Loi sur l'accord de mise en oeuvre de la première nation de York Factory relatif à la convention sur la submersion de terres du Nord manitobain

*Chief Eric Saunders - York Factory First Nation
Valerie Matthews Lemieux - Nelson House and York Factory First Nations*

Bill 53—The Nelson House First Nation Northern Flood Implementation Agreement Act; Loi sur l'accord de mise en oeuvre de la première nation de Nelson House relatif à la convention sur la submersion de terres du Nord manitobain

*Chief Jerry Primrose - Nelson House First Nation
Marcel Moody - Nelson House Trust Office
Valerie Matthews Lemieux - Nelson House and York Factory First Nations*

Your committee has considered:

Bill 52—The York Factory First Nation Northern Flood Implementation Agreement Act; Loi sur l'accord de mise en oeuvre de la première nation de York Factory relatif à la convention sur la submersion de terres du Nord manitobain

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

MOTION:

THAT section 2 be struck out and the following substituted:

Settlement of claims

2 A claim respecting an issue or matter in dispute which may be advanced under both the Northern Flood Agreement and the Implementation Agreement by

(a) the council of the York Factory First Nation;

(b) the York Factory First Nation;

(c) any person who is a member of the York Factory First Nation;

(d) any group or unincorporated association, whose membership or shareholding is wholly or substantially comprised of members of the York Factory First Nation;

(e) any unincorporated association or corporation established by the council of the York Factory First Nation;

(f) any share capital corporation, the shares of which are wholly or substantially owned, both legally and beneficially, and controlled by the York Factory First Nation or members of the York Factory First Nation; and

(g) any corporation without share capital, the membership of which consists wholly or substantially of the York Factory First Nation or members of the York Factory First Nation

shall be resolved in accordance with the Implementation Agreement and not in accordance with the Northern Flood Agreement, except where the Implementation Agreement otherwise provides.

Your committee has also considered:

Bill 53—The Nelson House First Nation Northern Flood Implementation Agreement Act; Loi sur l'accord de mise en oeuvre de la première nation de Nelson House relatif à la convention sur la submersion de terres du Nord manitobain

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

MOTION:

THAT section 2 be struck out and the following substituted:

Settlement of claims

2 A claim respecting an issue or matter in dispute which may be advanced under both the Northern Flood Agreement and the Implementation Agreement by

(a) the council of the Nelson House First Nation;

(b) the Nelson House First Nation;

(c) any person who is a member of the Nelson House First Nation;

(d) any group or unincorporated association, whose membership or shareholding is wholly or substantially comprised of members of the Nelson House First Nation;

(e) any unincorporated association or corporation established by the council of the Nelson House First Nation;

(f) any share capital corporation, the shares of which are wholly or substantially owned, both legally and beneficially, and controlled by the Nelson House First Nation or members of the Nelson House First Nation; and

(g) any corporation without share capital, the membership of which consists wholly or substantially of the Nelson House First Nation or members of the Nelson House First Nation

shall be resolved in accordance with the Implementation Agreement and not in accordance with the Northern Flood Agreement, except where the Implementation Agreement otherwise provides.

Mr. Dyck: I move, seconded by the honourable member for Riel (Mr. Newman), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Eric Stefanson (Minister of Finance): Madam Speaker, I am pleased to table Volume 1 of the Provincial Auditor's Report for 1995-96.

Madam Speaker: I am pleased to table the 1995 Annual Report of the Provincial Ombudsman.

Introduction of Guests

Madam Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery, where we have this afternoon 13 students from the Applied Linguistics Centre under the direction of Mrs. Margo James. This group is located in the constituency of the honourable member for St. James (Ms. Mihychuk).

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

ORAL QUESTION PERIOD

**Labour Management Review Committee
Recommendations—Labour Relations Act**

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, my question is to the Premier.

On March 1 of 1996, the Minister of Labour (Mr. Toews) sent the proposed amendments and changes to The Labour Relations Act to the Labour Management Review Committee. The Labour Management Review Committee, which reported to the minister on April 24, produced a number of recommendations that came about as a result of a series of meetings with business and labour representatives, a series of consensus recommendations to the government to have balance as a way of achieving the amendments to The Labour Relations Act.

I would like to ask the Premier today, why have they rejected the advice of Professor Fox-Decent and why have they not proceeded with consensus and balance, rather than the unilateral, autocratic way that the Conservative government is proceeding under The Labour Relations Act?

Hon. Gary Filmon (Premier): Madam Speaker, one of the curses of being in this Legislature for a long time is you tend to remember what went on in previous administrations. I remember full well the debates that occurred here when the late Mary Beth Dolin was the Minister of Labour and she brought in changes that brought in things like first contract legislation and final offer selection legislation. Those and many other changes that she brought were not endorsed by the Labour Management Review Committee, so this is not certainly a departure from what has happened in the past with respect to the recommendations of the Labour Management Review Committee.

* (1355)

Mr. Doer: Madam Speaker, the business and labour representatives of this committee that arrived at a consensus and produced a report, a consensus report, to this government have suggested that representatives of the committee meet with the Minister of Labour to discuss how they arrived at the consensus, how they arrived at the balance, how they arrived at a harmonious set of recommendations to move Manitoba into the 21st Century.

Has the Premier or the Minister of Labour met with those representatives of business and labour to look at those proposed changes, and why will they not work in a harmonious way with both business and labour representatives as recommended by Professor Fox-Decent?

Hon. Vic Toews (Minister of Labour): Madam Speaker, I have remained open to any suggestions. In fact, I have met with members of the business community who chose to meet with me. In respect to the labour representatives, specifically the MFL, they indicated that they would not meet with me to discuss those issues in that bill.

I might point out, Madam Speaker, the thrust of these amendments, without getting into the details, perhaps indicates why there is another party involved here, and that is the party of simply the individual employee who is affected by unions and employers. This is not simply a question of the opinion of employers and unions; this is a question of employee rights within the union, and so we listened to those employees.

Many dozens, if not hundreds, of employees have approached me in that respect and we have listened to them and consulted with them.

Mr. Doer: Madam Speaker, we have witnessed the way this Minister of Labour has dealt with employees in the past, either do it this way or be another seven days on strike. He does not exactly have a leadership position in working with working people in terms of his style of listening.

Labour Movement Government Support

Mr. Gary Doer (Leader of the Opposition): A final question to the Premier: Last week the Catholic bishops, in speaking to the horrendous child poverty in Canada, talked about child poverty in terms of being child abuse across this country, recommended that Christians revitalize the labour movement because it is the role in generating higher wages and improving working conditions that will eventually in our society deal with and help child poverty.

Would the Premier like to inform Manitobans how he is revitalizing the labour movement with his backward amendments to The Labour Relations Act that are before this Legislature today?

Hon. Gary Filmon (Premier): Madam Speaker, having an active participation by knowledgeable workers and employees in the decisions that are made by their unions on their behalf is the greatest way of revitalizing the union movement, making them more democratic, making them able to better represent the views of the employees instead of holding them as chattels. That is the greatest way in which we can revitalize the labour movement in Manitoba, and that is precisely what we are doing.

Westfair Foods Labour Dispute—Mediation

Mr. Daryl Reid (Transcona): Madam Speaker, Manitoba is very near to breaking the unenviable record for the most number of days lost to workplace strike and lockout. For over six months, 205 members of the retail/wholesale division of the Steelworkers have been on strike against Westfair Foods. The main issue is full-

time jobs versus the company's desire for only part-time employees.

I want to ask the Minister of Labour to explain why he has let conciliation drag on for so long and has not appointed a mediator to step in to resolve the remaining issue, as has been requested by the union on October 3.

Hon. Vic Toews (Minister of Labour): When the brother-in-law of the Leader of the Opposition phoned me a few weeks ago to raise this matter to my attention, I said I would look into the matter. I discussed this with members of my department. There are conciliation officers working with that particular union, but this particular case presents certain challenges. For example, the only operation that is still operating, where the company is still operating, 92 percent of the workers have crossed the line, and so it is a very difficult situation. My advice from my officials is that mediation would not resolve this particular situation.

* (1400)

Mr. Reid: Madam Speaker, my question for the same minister: Since 86 percent of the employees have rejected the company's offer and there are only 15 employees who have crossed the picket line, can this minister explain his refusal to appoint mediators, when in 1993, during the North West Company lockout in Pine Falls, the then-Minister of Labour, in his own constituency and upon the request from the union, appointed Professor Wally Fox-Decent as a mediator to step in and resolve the 11 outstanding issues?

Mr. Toews: Madam Speaker, each of these situations has to be looked at individually. We do not simply have the luxury of saying, well, it is a strike, therefore, this is the course of action that we take. Each situation must be looked at very carefully, and the best advice that I have received from my officials is that mediation would not be successful in this particular case.

Mr. Reid: Well, then I want to pose my final supplementary to the Premier.

Will the Premier explain how it is fair, once again, for his government to use a double standard of labour relations when one Minister of Labour under this Premier's leadership can appoint a mediator to solve a

dispute in his own constituency, and now we have a Minister of Labour, a different Minister of Labour, saying that, for the same union that is involved in this lockout, he will not appoint a mediator?

How is it the Premier can explain the double standards that he has between his two Ministers of Labour?

Hon. Gary Filmon (Premier): Madam Speaker, if there was an automatic same solution for every single issue, then there would be an automatic requirement to have the appointment of a mediator. There is not an automatic requirement because there is the intention that the leadership of the Department of Labour and the minister would evaluate every situation on a case-by-case basis and judge whether or not there is a probability of success in the appointment of a mediator.

If it were just an automatic and every one was exactly the same, then there would be no need for judgment on the part of Ministers of Labour, and that is precisely why the requirements of the law are as they are, and they require the individual judgment on the individual case by the Minister of Labour (Mr. Toews).

Holiday Haven Nursing Home Investigation

Mr. Dave Chomiak (Kildonan): Madam Speaker, the situation at Holiday Haven personal care home is far worse than dealing with just one or two individual complaints. In fact the situation is so bad that it requires an extensive investigation, a very open and broad investigation, by either the department or an outside agency.

Can the minister today outline what steps his department has taken to deal with the investigation and to deal with protecting the residents of Holiday Haven Nursing Home?

Hon. James McCrae (Minister of Health): Madam Speaker, Manitoba Health has requested documentation from the Public Trustee and the Deer Lodge Centre and has followed up on the issues with the owners of the facility. There were visits by Manitoba Health on October 3 and October 21 of this year, and the facility was asked to develop a plan to deal with the areas of concern which arose from those visits, areas such as

nursing care management, staff attitudes, physical environment and the perception of the home in the minds of the public and by home care staff.

They were also asked to hire a consultant to assist them in developing and implementing the plan. The plan for improvements is to be submitted to Manitoba Health by November 20 of this year, and the owners are to report back within a week on their arrangements with a consultant to assist in solving the issues that have been made known.

Investigation—Employee Protection

Mr. Dave Chomiak (Kildonan): I thank the minister for that response and for indicating to the House that there is some follow-up that is taking place. Can the minister therefore explain to me why the management of the home are suing or threatening to sue employees and former employees and anyone that talks about the situation, and will the minister outline for us what steps he can take to protect those individuals so they can tell their stories so improvements can be made?

Hon. James McCrae (Minister of Health): The honourable member has legal background, Madam Speaker, and knows that anybody can sue anybody for almost anything. The likelihood of success is another matter, which is a matter which is properly in front of the courts when a lawsuit is filed. There is nothing that anybody can do to prevent someone from exercising their legal rights in our country.

Investigation—Terms of Reference

Mr. Dave Chomiak (Kildonan): Will the minister give assurances to this House that an investigation will be ongoing to include families of past patients and families of present patients to review their situations because we see as recently as today's paper, families of past patients saying things like, at the home it was not unusual to see residents soaking wet or soiled clothing, et cetera? Will the minister ensure there is an ongoing investigation that includes families of past patients and present patients at Holiday Haven?

Hon. James McCrae (Minister of Health): It is very important to ensure that conditions in our personal care homes throughout the province meet the standards that

are required of them. When there are problems in regard to that, then it is the responsibility of Manitoba Health to ensure compliance with the standards and the rules that there are. In the case referred to by the honourable member, any shortcomings that have been found to exist are being actively addressed at this present time.

If the honourable member wishes to share with Manitoba Health information that has come to his attention, we would be pleased to receive that information.

Deputy Minister of Natural Resources Expense Account Claims

Mr. Stan Struthers (Dauphin): My questions are for the Minister of Natural Resources.

From March of 1995 till March of 1996 the Deputy Minister of Natural Resources submitted expense accounts to the tune of \$11,500, \$7,300 of which are for restaurant, liquor and lounge expenses; \$4,800 was spent in Winnipeg at places like Rae and Jerry's and Hy's Steak Loft and at various lounges and local liquor commissions.

Can the minister explain how over 70 visits to Winnipeg's restaurants, lounges, liquor commissions, including 15 visits to Rae and Jerry's and five visits to Hy's Steak house, counts as necessary expenses while travelling in the service of Manitoba?

Hon. Albert Driedger (Minister of Natural Resources): Madam Speaker, my deputy minister, Dave Tomasson, has been with the government over a period of time of, I think, 19 some-odd-plus years as director within the government at times and has been the deputy minister in government now for going on nine years. He is a man with integrity. I do not have to justify his expenses. Basically I think that—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Minister of Natural Resources, to complete his response.

Mr. Driedger: Madam Speaker, my deputy minister is my administrator of the department, of a substantive department. We have up to 2,500 employees in there.

Basically my department affects people in all walks of life, whether it is the resource end of it, whether it is the water end of it, whether it is the forestry end of it. He meets with many of the people, as I as the minister meet many people in my office; he meets plenty of people outside of the office and that is part of the responsibility that I consider as the normal operations for a deputy minister.

Mr. Struthers: So much for accountability in this department.

Madam Speaker: Order, please. The honourable member for Dauphin was recognized for a supplementary question that requires no preamble or postamble.

Mr. Struthers: Madam Speaker, can the minister, who has to justify to Manitobans because he is the one who signs these claims, explain why he approved claims close to \$700 for his deputy minister's trips to the liquor store, including one bill for \$321.21?

Mr. Driedger: Madam Speaker, that portion of the question I will take as notice. However, I would rather see my deputy minister, when he is out having meetings with people that he deals with, that he pick up the bill than have somebody else in the private sector pick up the bill and then be accused of having been unduly influenced by taking and being bribed on something.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable member for Dauphin, with a final supplementary question.

* (1410)

Mr. Struthers: Madam Speaker, did this minister approve these exorbitant liquor and restaurant expenses because of the large political contribution this deputy minister made to the Conservative Party?

Mr. Driedger: No, Madam Speaker, but I might also say that I do not go and check exactly to which party he contributes to, but I would hope if he is my deputy that he would be contributing to the Conservative Party if he does.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Minister of Natural Resources, to complete his response.

Mr. Driedger: Further to that, I have never made it a point to go through item by item the areas of expenses that my deputy basically puts forward. I have the confidence in the administrative ability of that individual that if he brings forward anything, I feel that he conscientiously feels it is proper to do that.

Manitoba Telephone System Marusa Role

Mr. Neil Gaudry (St. Boniface): Madam Speaker, my question is for the Minister responsible for MTS. I will take the high road, I will not make allegations here.

Yesterday, I asked the minister about a company called MG Communications. The minister was kind enough to inform the House that MG Communications had formed a strategic alliance with MTS, but I have also been told that Faneuil now buys its long-distance time from MG Communications, along with a company called P R Response (West) Inc.

If MG Communications was created to expand the call centre business in Manitoba, can the minister explain why a U.S. company called Market U.S.A., with its Canadian subsidiary called Marusa, is also a customer of MG Communications?

Hon. Glen Findlay (Minister responsible for the administration of The Manitoba Telephone Act): Madam Speaker, MG Communications is a company that purchases bulk time at tariff rates from MTS and then resells it to companies at a rate that makes it attractive for those companies to locate in Manitoba and do business from Manitoba. That is the purpose of the company, to create an opportunity for jobs in Manitoba, which, as part of the package, leads to over 84 customer-service call centre businesses in Manitoba employing over 5,000 Manitobans.

Faneuil Corporation Role

Mr. Neil Gaudry (St. Boniface): Madam Speaker, to the same minister: If the purpose of Faneuil was to

increase long-distance traffic for MTS, why is Faneuil now buying long-distance time from MG Communications at the discount rate?

Hon. Glen Findlay (Minister responsible for the administration of The Manitoba Telephone Act): Madam Speaker, I have already indicated in the previous question, they buy the bulk time at tariff rates from Manitoba Telephone System.

Strategic Alliances List Request

Mr. Neil Gaudry (St. Boniface): Since MTS is soon to be privatized, will the minister table in this House a list of all strategic alliances that MTS has entered into with other private companies?

Hon. Glen Findlay (Minister responsible for the administration of The Manitoba Telephone Act): Madam Speaker, I will endeavour to get a list of those kinds of companies and activities that MTS is involved in, provided it does not violate any confidentiality aspects.

Deputy Minister of Natural Resources Expense Account Claims

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, I was quite surprised at the answers we received and the lack of accountability we received from the minister in terms of the deputy minister's expenses for the '95 and '96 year. This is a government that is preaching restraint to everybody. This is a government that cut the baby allowances for children under one year of age by 24 percent, yet we have deputy ministers eating and drinking all across restaurants here in the city of Winnipeg.

I would like to ask the Premier, does he find this standard of expense-filing by his deputy minister and his answers by his minister acceptable in terms of the standard he is allegedly setting in terms of everybody pulling their weight in these so-called difficult times?

Hon. Gary Filmon (Premier): Madam Speaker, this government needs no admonishment about expenditures from the likes of the members opposite. We have examples that are current right now of their former members and former bureaucrats who today in British Columbia are spending \$65,000 a year in expenses, and

they had those same appetites for expenditure of public money when they were here. Ministers, deputies and all of their senior officials spent far more than anybody in this government ever has. The finest restaurants in Manitoba, the finest places to stay in Manitoba and the hugest expenditures were made by those members when they were in government and we need none of their hypocrisy.

Mr. Doer: I assume that tirade was a defence of the minister and the deputy minister in terms of their expenses. Obviously the Premier is defending the filing of liquor commission receipts and fine restaurant receipts all across this province, in the city of Winnipeg, I should say, in terms of the expenditures by a deputy minister. This is a time when we cannot even afford to have young people working at the park gates in terms of our provincial parks across Manitoba.

Provincial Auditor Review

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, there was a similar situation I can recall when the CEO of MPIC under our administration, a number of concerns were raised about his expenses and lack of judgment about his expenses and we referred that matter to the Provincial Auditor and the individual was fired after that by the previous government.

Will the Premier now, if he cannot accept any responsibility for looking at these bills, which I thought he would do in the question we posed, refer this matter to the Provincial Auditor to demonstrate whether in fact proper judgment was used in the filing and approval of these expenditures that we have for the Deputy Minister of Natural Resources?

Hon. Gary Filmon (Premier): Under these incompetent people opposite, they authorized the CEO of Manfor, a Crown-owned corporation, to be able to travel back and forth every weekend to Montreal, to have a \$10,000 membership at the biggest golf course in Montreal and to file claims that were closer to \$100,000 than they were to \$10,000 a year, and they approved it.

Madam Speaker, the reason why we continue to have to be careful in the expenditure of money is because we spend over \$600 million a year of interest on the debt that they developed because of their spending habits.

* (1420)

Mr. Doer: I recall the Premier stating before that some inappropriate filings by the former CEO of MPIC was morally bankrupt and it led to moral degradation.

Madam Speaker, I just asked the Premier a very simple question. The Provincial Auditor stated that the CEO of the Manitoba Public Insurance Corporation had shown bad judgment, and we had in turn dismissed him.

Will the Premier file these expense accounts with the Provincial Auditor so an independent review could determine whether bad judgment was used by the deputy minister and the minister in approving those expenses, so that we can ensure we do not have a double standard here in this province in terms of the citizens of this province versus the senior executive of the Filmon government?

Mr. Filmon: Madam Speaker, the former Clerk of the Executive Council under Howard Pawley was shown to have spent \$90,000 when he was operating in a similar role for the Province of Ontario—\$90,000 a year. A former minister of that NDP government spent \$65,000 the year before last in expenditures on behalf of the B.C. government. When they were in government, they authorized expenditures for a CEO that they hired at Manfor of almost \$100,000 a year. Those are the kinds of expenditures that they authorize and that is the kind of hypocrisy that they show every day in this House.

Manitoba Telephone System Privatization—Report Costs

Mr. Steve Ashton (Thompson): Madam Speaker, while we are dealing with the lifestyles of the rich and famous, I want to return to some questions about the Manitoba Telephone System and our three investment bankers, part of the MTS financial advisory group that is now going to be benefiting from the up to \$25 million of commissions, something that the Premier also does not seem to see any problems with in terms of conflict of interest.

I would like to ask the Premier how much the MTS financial advisory group was paid to do the report which he used in his very extensive two-day decision-making process to make the decision to sell off MTS.

Hon. Gary Filmon (Premier): I will say, firstly, that in the course of their investigations, obviously the various firms that were doing the assessment did report to us periodically on an interim basis and, in fact, had met with cabinet prior to our receiving the final report, so clearly we knew and understood what would be in the final report and we had an understanding of the issues that we were dealing with.

I will take the specifics of the question that the member opposite has presented to us and I will report back to him on it, Madam Speaker

Privatization—Information Tabling Request

Mr. Steve Ashton (Thompson): Now we are getting some further information on this. I am wondering if the minister will care to table this extensive reporting process that he referred to in Hansard yesterday and the day before, when we know that MTS did not do a single study; they have confirmed that. What other studies were done, if any, on this major decision that he then made, based on the final report. in two days?

Hon. Gary Filmon (Premier): Madam Speaker, I wonder if I could ask the member opposite to repeat the question.

Madam Speaker: The honourable member for Thompson, to repeat his supplementary question.

Mr. Ashton: Madam Speaker, since the Premier is now trying to say that there was some earlier consideration of this report and since he is on the record as saying that there was an extensive consultation that took place and since we know MTS—I mentioned about MTS, too—that there was no study done within MTS, I am wondering what other documentation that Premier has, if any, in regard to MTS and whether he will now table that information so we will find out what the decision was based on.

Mr. Filmon: What I indicated previously was that things that are known, firstly, MTS operates in the field of the most rapidly changing technology in the world's economy today, that is No.1, so there is a huge risk involved in that. Number 2, any system that involves government ownership and government decision making involves a very long and bureaucratic process in which

decisions are made, and so if MTS were faced with a situation that it had to make an investment decision in the hundreds of millions of dollars to get into an area of market opportunity in which it is in competition, in direct competition with the private sector—[interjection]

Madam Speaker, if the member for Wellington (Ms. Barrett) would quit attempting to harass me and let me—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. I would remind all honourable members that, through common courtesy when a member has been recognized, only that member should indeed be entitled to have his or her comments on the record.

The honourable First Minister, to complete his response.

Mr. Filmon: Madam Speaker, I think the member for Wellington (Ms. Barrett) has derailed my train of thought, but I will try and get back to it. [interjection] No, I did not mean harassment in that sense, Becky.

Because it is in the field of the most rapidly changing technology in today's economy and decisions that may involve hundred-million-dollar investments in order for it to continue to keep up with its competition in the private sector, all of these things may require months and months, if not a year, for decisions in judgments. That is not the kind of management, that is not the kind of ownership circumstances that you could expect to be productive for the Manitoba Telephone System. So you have all of these circumstances, an \$800-million debt, the largest debt-equity ratio, the highest debt-equity ratio in Canada of any of the telephone systems, the inability to make decisions quickly in a field of rapidly changing technology, the risk involved with 70 percent of its revenues in competition with the private sector, all of these things dictate that we have to look at it differently.

When the Crown Corporations Council indicated to us that it was the highest-risk Crown corporation that we had within our jurisdiction, it obviously caused us to take a look at it from all these points of view and to make our decision. We made our decision, Madam Speaker, with all of the information available to us.

* (1430)

Madam Speaker: The honourable member for Thompson, with a final supplementary question.

Mr. Ashton: Madam Speaker, I will try one more time, because on October 21—and we are not talking about broken election promises—

Madam Speaker: Question.

Mr. Ashton: When will the Premier indicate and table what the basis of his response was when he said the government listened to many, many different people and undertook analysis of a whole variety of different perspectives? When will he tell the truth in the fact that the only people they listened to were the three investment bankers that they paid to do the study and are now going to benefit from the sale of MTS?

Mr. Filmon: Madam Speaker, that is patent nonsense. As I said, the first red flag of warning came from the Crown Corporations Council when it said this is the highest-risk corporation that you have under your control because of all of these reasons that I have just listed. That—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable First Minister, to complete his response.

Mr. Filmon: Obviously, that and the other information that was available to us, as it would be to members opposite if they looked beyond the borders of this province, if they decided to read a little bit about what is happening in the rest of the world, if they understood a little bit about the pressures that are developing in telecommunications or the rapidly changing technology—if they understood any of that, Madam Speaker, they would understand that there is plenty of information available on which one can arrive at a conclusion.

What we needed, obviously, from the investment bankers was to know whether or not we could get a fair price for the corporation before we made the decision to go ahead with the privatization, and under that circumstance, we became convinced that we could get a

fair price for the people of Manitoba and that is precisely why we are going ahead with it.

Madam Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Sturgeon Creek Constituency Events Night

Mr. Gerry McAlpine (Sturgeon Creek): Madam Speaker, last evening a number of my colleagues were given the opportunity to meet with the constituents of Sturgeon Creek. There was a variety of events throughout the constituency, including a public barbecue, a health forum at the Grace Hospital, an education forum at Sturgeon Creek Collegiate, a business forum at Deer Lodge Curling Club and two seniors forums, one at 22 Strauss, and another at the St. James Assiniboia Senior Centre.

I want to take this opportunity to thank my colleagues for taking the time to meet with my constituents and listen to their concerns and queries. The Premier (Mr. Filmon), the Honourable Eric Stefanson, the Honourable Jim Downey, the Honourable Vic Toews, the Honourable Harry Enns, the Honourable Jack Reimer, the Honourable Linda McIntosh, the Honourable Rosemary Vodrey, the Honourable Jim McCrae and Mr. David Newman were all in attendance, the honourable member for Riel.

I would also like to extend my appreciation to my association for the effort they put forth in organizing a very successful cabinet and caucus tour. Invitations to the event were dropped to over 3,000 households in Sturgeon Creek. In particular, I would like to thank the president of my association, Brian LeGoff, and the manager of the Courts of St. James IGA, Mr. Jim Rawson.

Our government, through tours such as those last night, offers Manitobans an opportunity to meet with ministers in an open and public manner. I take pride in our government's policy of openness and willingness to meet with Manitobans. I know with certainty that their presence was appreciated and enjoyed by all those who came in contact with them. Thank you, Madam Speaker.

Madam Speaker: I am experiencing difficulty deciding which member on the opposition wishes to be recognized

because there are about six individuals standing simultaneously. The honourable member for Radisson.

Kiwanis Courts

Ms. Marianne Cerilli (Radisson): I am rising to make a member's statement and it is in response to the members' statement made yesterday by the member for Sturgeon Creek (Mr. McAlpine). It is interesting that he is on his feet again today, when yesterday he put on the record that we were trying to stop efforts for progress and improvements for seniors housing in Sturgeon Creek. He said: "I know that members across the way were doing their very best to try and stop any progress and improvements that I was trying to make for the seniors in Sturgeon Creek."

I want to draw to the member's attention that his own Minister of Health (Mr. McCrae), in response to questions by the member for Kildonan (Mr. Chomiak) and our Health critic, acknowledged that we on this side have helped to develop Kiwanis Courts, the development in question in the area of the member for Sturgeon Creek. The Minister of Health said: The honourable member and I were involved together in the issue related to the Kiwanis Courts and the resolution of the problem that we had there with some older, hostile-type personal care home beds. We worked very carefully with the community to resolve that problem in a way that worked for the concerns of the residents of St. James.

So obviously the member for Sturgeon Creek should stick to the facts and realize that it is his Minister of Health and his Minister of Housing (Mr. Reimer) that cannot get their act together on providing a full range of housing options for seniors.

We want to make sure that seniors know that we would support increased funding to develop personal care homes. We urge this government to go after the federal government which has eliminated all funding for future developments like Kiwanis Courts, sponsored housing for seniors and others requiring social housing in our community.

Small Business Week

Mr. Mike Radcliffe (River Heights): Madam Speaker, it is a pleasure for me to rise today in the Chamber and to

pay tribute to the backbone of Manitoba's economy, that is, small business. As we join to celebrate the 16th annual Small Business Week, I would like to put a few comments on the record in support of the important work this determined group of Manitobans does in our province. In Manitoba we have over 33,000 small businesses employing more than 400,000 Manitobans. This important sector of our economy has created 54.6 percent of the new jobs in Manitoba over the last year and has a payroll of \$10.2 billion.

Small businesses have been quick to adjust to the global economy and are now contributing more than ever to the growth of Manitoba in export sales. Our government has recognized that it is business, and small business in particular, that creates the jobs and the wealth in the economy.

Since being elected, we have worked closely with this sector to give them the tools they need to prosper in our province. We are reducing red tape and other obstacles that have stood in the way of small businesses in the past. We have created a stable economic and tax environment where business people know what to expect in their dealings with government. We will continue to work to enhance the favourable climate in Manitoba where small business will thrive. We continue to listen to what these entrepreneurs are telling us they need and then making it into government.

I call on all members to join me in paying tribute to the important role small business plays in making Manitoba strong. Thank you, Madam Speaker.

Association of Manitoba Museums Conference

Ms. Diane McGifford (Osborne): On Friday, October 19, the honourable member for Swan River (Ms. Wowchuk) and I attended the annual Association of Manitoba Museums conference in Russell, Manitoba. More than 70 persons, representatives of Manitoba's historical societies, parks services and other related organizations were in attendance. I believe it is accurate to say that nearly every Manitoba community was represented and that participants included members from various Saskatchewan museums.

The program included a keynote address by David Klatt, director of the Saskatchewan Western Develop-

ment Museum. His presentation, entitled *Surveying the Situation*, addressed the financial pinch experienced by nearly all museums. Developing the conference's main theme, that is, *Mapping New Tomorrows*, he gazed into what he called his crystal ball and forecasted both light and gloom.

Mr. Klatt stressed the importance of flexibility in finding the fine line between sound museology and commercial necessity. He concluded with some sage advice to museums caught by the pinch and ignored by government funders. As he put it, speaking in images, and I quote: The ox may be slow, but the earth is patient.

The conference continued until Sunday October 20. While the member for Swan River and I were unable to stay for the entire conference, we were delighted to participate. We offer our thanks and congratulations to the association, the conference planners and the hospitable service personnel at The Russell Inn. Everyone worked together to ensure the continued strength of the Association of Manitoba Museums and to ensure that Manitoba's museums are in a position to preserve the past and map the future.

* (1440)

Manitoba Telephone System Privatization

Mr. Steve Ashton (Thompson): Madam Speaker, the tangled web of the government's many contradictions on MTS only grows on a daily basis. I want to state on the record for those members who may have forgotten that this is the same government whose minister, Mr. Findlay, on September 26 of 1995 stated: I have not discussed the issue of privatization with anybody. Privatization, as a principle, is not driving the reorganization of MTS, not at all. The only person who is raising the issue of privatization is the member for Thompson, the NDP opposition, the only people.

This is the same government on December 8, 1995, where the Premier (Mr. Filmon) stated, and I quote: I have said before and I will say again, that we have not entered into any agreement with brokers to privatize, nor we, the telephone system.

I want to indicate, too, this is the same government that we see the minister, the same First Minister this week in

the House talking about how they consulted with many, many people. We found out that that included at most the three investment bankers who now the Premier says had some briefing meetings with the cabinet before the decision was made. In two days following the April 30 receipt of the report, on May 2, they announced the decision to sell off MTS.

I ask the question, Madam Speaker, how we are supposed to believe the word of this government, when today the Premier has extended this tangled web by saying that the reason they called in the investment brokers was to get a price assessment on MTS? Is he then saying that they had already made the decision? If they did not make the decision in September of 1995, if they did not make it in December, when did they make the decision? And if they did not make the decision until April-May of this year, why did they mislead the people of Manitoba?

I ask you, Madam Speaker, because the real difficulty for Manitobans on MTS is, when the government has been proven so clearly that they are misleading the people of Manitoba, when they misled them in the election when they said they would not sell MTS, and they have made these statements on the record, when are we supposed to believe anything that this government says about any issue, particularly in regard to MTS? Thank you.

Committee Changes

Mr. George Hickes (Point Douglas): I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Privileges and Elections be amended as follows: The Pas (Mr. Lathlin) for Burrows (Mr. Martindale); Thompson (Mr. Ashton) for Wellington (Ms. Barrett); Swan River (Ms. Wowchuk) for Osborne (Ms. McGifford) for Thursday, October 24, 1996, for 10 a.m.

I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: St. James (Ms. Mihychuk) for Selkirk (Mr. Dewar); Crescentwood (Mr. Sale) for Swan River (Ms. Wowchuk); Broadway (Mr. Santos) for Thompson (Mr. Ashton) for Friday, October 25, 1996, for 10 a.m. Thank you.

Motions agreed to.

Mr. Edward Helwer (Gimli): I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that the composition of the Standing Committee on Municipal Affairs be amended as follows: the honourable member for Brandon West (Mr. McCrae) for the honourable member for Springfield (Mr. Findlay). This was for the October 22, 1996, meeting at 7 p.m.

I move, seconded by the member for Turtle Mountain (Mr. Tweed), that the composition of the Standing Committee on Law Amendments for Wednesday, 7 p.m., October 23, 1996, be amended as follows: the member for Morris (Mr. Pitura) for the member for Pembina (Mr. Dyck); the member for Minnedosa (Mr. Gilleshammer) for the member for Emerson (Mr. Penner); and the member for Steinbach (Mr. Driedger) for the member for St. Vital (Mrs. Render).

Also, I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that the composition of the Standing Committee on Privileges and Elections for Thursday, October 24, 1996, at 10 a.m., be amended as follows: the member for Kirkfield Park (Mr. Stefanson) for the member for River East (Mrs. Mitchelson); and the member for Gladstone (Mr. Rocan) for the member for Niakwa (Mr. Reimer).

Madam Speaker: It has been moved by the honourable member for Gimli (Mr. Helwer), seconded by the honourable member for Sturgeon Creek (Mr. McAlpine), that the composition of the Standing Committee on Municipal Affairs for October 22, 1996, 7 p.m., be amended as follows: The honourable member for Brandon West (Mr. McCrae) for the honourable member for Springfield (Mr. Findlay). Agreed? Agreed and so ordered.

It has been moved by the honourable member for Gimli (Mr. Helwer), seconded by the honourable member for Turtle Mountain (Mr. Tweed), that the composition of the Standing Committee on Law Amendments for Wednesday, October 23, 7 p.m.—dispense? Agreed? Agreed and so ordered.

It has been moved by the honourable member for Gimli (Mr. Helwer), seconded by the honourable member for Sturgeon Creek (Mr. McAlpine), that the composition of

the Standing Committee on Privileges and Elections for Thursday, 10 a.m., October 24, 1996, be amended as follows—dispense?

An Honourable Member: No.

Madam Speaker: No? Order, please. The honourable member for Wolseley, on a point of order.

* (1450)

Point of Order

Ms. Jean Friesen (Wolseley): Madam Speaker, on a point of order, I would just like to say that I would like to have heard the second one that you read that some members suggested be dispensed with. I would also like to hear the one that you are currently reading, to hear the names and the times. Thank you.

Madam Speaker: The Standing Committee of Privileges and Elections for Thursday, 10 a.m., October 24, be amended as follows: The honourable member for Kirkfield (Mr. Stefanson) for the honourable member for River East (Mrs. Mitchelson); and the honourable member for Gladstone (Mr. Rocan) for the honourable member for Niakwa (Mr. Reimer). Agreed? Agreed and so ordered.

Introduction of Guests

Madam Speaker: Order, please. I would like to draw the attention of all honourable members to the public gallery, where we have with us this afternoon Mr. Dave Blake, the former member for Minnedosa. On behalf of all honourable members, I welcome you here this afternoon.

ORDERS OF THE DAY

Hon. Jim Ernst (Government House Leader): Madam Speaker, I believe that there may be a will to waive private members' hour today.

Madam Speaker: Is there leave of the House to waive private members' hour? [agreed]

Mr. Ernst: Would you call the report stage on Bill 37.

REPORT STAGE

Bill 37—The Ambulance Services Amendment Act

Hon. James McCrae (Minister of Health): Madam Speaker, I move, seconded by the Minister of Natural Resources (Mr. Driedger), that Bill 37, The Ambulance Services Amendment Act (Loi modifiant la Loi sur les services d'ambulance), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Hon. Jim Ernst (Government House Leader): Would you call, Madam Speaker, second reading on Bill 77?

SECOND READINGS

Bill 77—The Natural Products Marketing Amendment Act

Hon. Harry Enns (Minister of Agriculture): Madam Speaker, I request leave of the House to move, seconded by the Minister of Natural Resources (Mr. Driedger), Bill 77, The Natural Products Marketing Amendment Act (Loi modifiant la Loi sur la commercialisation des produits naturels), be now read a second time and be referred to a committee of this House.

Madam Speaker: Is there leave? [agreed]

Motion presented.

Mr. Enns: Madam Speaker, I would like to, for the record, acknowledge on behalf of the dairy farmers of Manitoba the co-operation received from Her Majesty's official opposition and the members of the Liberal Party for allowing this bill to proceed at this time. It was necessary to have that co-operation because of the arrangements that we are working in that preclude us from introducing new legislation during this portion of the sitting of the Assembly. So, as I say, on behalf of the dairy farmers, I sincerely express that appreciation.

The amendments contained in Bill 77 are relatively minor. What has happened, quite frankly, is that the dairy farmers of Canada have been organizing for the last

several years to enable them to, on a national scale, pool their resources in two different and distinct poolings of milk, both for industrial use and for table use. We will be working together in a western regional pool with the provinces of Saskatchewan, Alberta and British Columbia but, as well, have a national relationship with all other provinces.

In the operation of that pooled milk responsibility, from time to time monies are shared between jurisdictions. Indeed, this relatively minor amendment enables Manitoba dairy producers to receive some \$2.5 millions of dollars as their share of the national pool that they derive from other jurisdictions.

Apparently, upon legal advice, in order to make that legal, this amendment is necessary in The Natural Products Marketing Act that would allow the legal transfer of these kinds of funds. In this instance, it is coming to Manitoba, but in other instances it could also be calling for a certain portion of the funds being transferred out of Manitoba to participating provinces.

So, once again, Madam Speaker, I would be more than happy to answer more specifically any details with respect to the amendments of this bill, as well as I am sure that there will be members of the dairy industry at committee stage of the bill to answer any further and specific questions that members of the committee or opposition may have on the bill.

Once again, on behalf of the dairy farmers of Manitoba, I express appreciation to the Liberal Party, to the New Democratic Party, in moving this bill through the House with such efficiency. Thank you.

Madam Speaker: Is the House ready for the question? The question before the House is second reading, Bill 77, The Natural Products Marketing Amendment Act. Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Hon. Jim Ernst (Government House Leader): Madam Speaker, would you call, please, Bills 26, 72, 59, 67 and 63.

DEBATE ON SECOND READINGS

Bill 26—The Labour Relations Amendment Act

Madam Speaker: To resume second reading debate on Bill 26, on the proposed motion of the honourable member for Transcona (Mr. Reid), The Labour Relations Amendment Act (Loi modifiant la Loi sur les relations du travail), standing in the name of the honourable member for Wellington (Ms. Barrett), who has nine minutes remaining.

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No? Leave has been denied.

I would remind all honourable members that on this bill debate should be relative to the motion proposed by the honourable member for Transcona, which is that this bill not be dealt with but be dealt with six months hence.

Ms. Marianne Cerilli (Radisson): I think that there are a number of reasons why the government should give more consideration to this bill, and that is why we propose the hoist and would like to see the government, for sure, make sure that all parts of this bill are put forward to its Labour Management Review Committee. I know that there are at least two parts of this bill that were not reviewed by that committee, and there are a number of other parts of the bill that I think need more scrutiny by members of the public and further opportunity for full discussion in the community.

I know that there is going to be the public hearings on this bill, but I think that this is part of the government's agenda to develop a low-wage economy. It goes hand in hand with their workfare legislation to create, I think, the kind of economy that the right across the globe has been trying to create for a long time, where we are reverting back to when workers are simply considered commodities, and they are treated in disrespectful or even inhumane ways. This is definitely part of that trend, where it is very much an antiunion kind of bill.

It will make it more difficult in some ways for unions to be certified, and it is interesting that it comes up just

after many of us in this House had a chance to listen to a presentation at the luncheon with the Manitoba Real Estate Association. At that luncheon, there was a presentation about some recent trends and polling results. It showed that one of the greatest problems we are having in the economy right now has to do with the lack of job security. It is part of the reason why people are not spending and making large purchases even though the interest rates are lower than they have been for decades. That is because we have the kind of economy where workers have no security; 63 percent or more are saying that it is very difficult to make ends meet. A large percentage of workers are in fear of losing their jobs, and the vast majority, over 80 percent, feel that their children are going to be worse off in the future than they have been.

This is the kind of climate that we are in and the kind of uncertainty that is bogging down our economy. I would suggest that the kind of legislation coming forward from this government now and this amendment to The Labour Relations Act is not going to help this, because we know that one of the things that organized labour has done is provided job security. That is something that this government and the federal Liberal government are doing their utmost to eliminate.

* (1500)

They are trying to say that under the current free trade globalized economy that there is no such thing anymore as job security. There is no such thing as any security that you are going to have one job that you can rely on for the rest of your life that you are not supposed to expect to have a pension or any other benefits and even, as I have said, in a number of their policies it seems to be pushing for low wages. This is a government that waited eight years to raise the minimum wage. They are creating a large segment of society that is going to be working at very low wages.

We know that it has only been through organized labour that many of the provisions that we have in our society and in our country are there because of organized labour. I would think that it is a well-developed country and society that has a strong labour movement and strong legislation to protect workers. This is not contributing that.

A strong society and country has benefited from the work of labour unions in establishing and increasing the minimum wage. If it was not for organized labour, you can be assured that governments would not have brought in minimum wages.

The access to fair and equal wages for all workers is something that labour unions are working for and also struggled to develop the 40-hour work week and fair hours and working days. That is something that I think we need to reconsider again with the changes and high unemployment that we are facing now in Manitoba and across the country. We have to look again at the length of hours that people are working in the 40-hour work week and look again at reducing that.

It would not have occurred that there were proper mechanisms to address worker grievances if it was not for organized labour and labour unions. Now there are, either in an organized workplace through a grievance procedure or even in unorganized workplaces having a labour board and employment standards, divisions in department. There are at least some mechanisms where workers can be assured that they are going to be listened to, and they are going to be given some kind of fairness when they are being treated unfairly, and they are going to have their grievances dealt with.

Labour unions have also a strong history in working to fight discrimination in the workplace. That could be on the basis of sex, ethnic background, race, sexual preference or religion. They have worked hard to develop affirmative action policies and other policies to eliminate discrimination in the workplaces.

One of the other cornerstones of our country that has also been achieved with the work of organized labour in co-operation with the CCF and the NDP—and I would suggest that this is a cornerstone similar to medicare—and that is the provision for pensions and secure retirement for retired workers and seniors. Again, this would never have occurred without the work of unions. We also know that they have been strongly advocating and worked hard to develop laws to eliminate child labour, to ensure that there are regulations to govern the payment of wages, that they brought forward vacation pay regulations and Workers Compensation programs. All of this is under threat with the kind of labour relations amendments that are being brought forward by this government that strike

at some of the democratic and basic provisions that govern unions and that unions operate by.

This is very biased legislation. I know that some members opposite are proud that they are antiunion. I have heard comments from members of the other side that would confirm this. They have particularly had an attack on public sector workers in this province. We have seen an unprecedented number of strikes in the private sector under the Filmon government, and they have tried to demonize public sector workers including nurses and teachers. I really think that members opposite—and this was reflected in their attitude in the home care strike—I really believe that they do not think that there is a right to join a union. To me, in a large extent, that was what that strike was about, that they were determined—and I remember one of the members opposite saying all those people do is make sandwiches. What do they need to make a decent wage for? Of course, in that strike we were fighting privatization of home care, and we know that those wages for those workers would have been cut in half and that is the kind of thing that this government is willing to see happen for workers.

So they should not try to suggest that the legislation they are bringing in is going to make unions more democratic or any of this kind of stuff. They are basically out to try and eliminate the opposition that is put forward by unions to their agenda. We know that the agenda of organized labour is social justice and equity, and we know that the agenda for this government is to create very much a two-tiered society and not necessarily equity across the board.

It is interesting that recently there were the Canadian bishops who made a statement that child poverty should be considered abuse, and they are making the connection between poverty and children and the fact that many families can no longer earn enough money to feed and adequately clothe their children and house their children. They are making the connection that organized labour has a definite role in that and they are recognizing that all those things I have just mentioned that labour has done for our society are important for a government to uphold and that we should not have governments trying to bring labour unions to their knees.

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

I notice that the minister has admitted that with this legislation he is taking a cue from Ontario and he is saying that there are some proposals that were lifted, the wording was lifted, from a similar act in Ontario. It is interesting when you look at the kind of days of actions, the kind of public support that is being mobilized in Ontario against this kind of agenda that this government is bringing forward, and when you understand that this legislation in Manitoba, this amendment for The Labour Relations Act, is being considered by those outside of Manitoba as being a testing ground for labour relations legislation across the country.

I want to speak specifically about some of the provisions in this bill that are particularly—

Mr. Deputy Speaker: Order, please. I have been listening very carefully to the honourable member and now you have specifically said that you wanted to speak to the bill. At this time, we are debating the hoist motion, so I would appreciate if the member spoke about the hoist motion at this time. Once the hoist motion has been passed, we can go to the debate on the bill.

The honourable member for Radisson, to continue.

Ms. Cerilli: Well—

Point of Order

Mr. Gary Doer (Leader of the Opposition): On a point of order, Mr. Deputy Speaker, I know that you—well, I just want to clarify, because implicit in the hoist motion is the merit of why you want the bill removed from the Legislature. The reasons for why you want it removed from the Legislature for the six-month period have to do with the horrible aspects that are contained within the bill. So the comments made to the bill are consistent with the hoist motion of why this Legislature should use some prudence and hoist the bill rather than pass bad legislation, as articulated by the member for Radisson (Ms. Cerilli).

Mr. Deputy Speaker: I would like to thank the honourable Leader of the official opposition for his lead on this. He does have a point, because that is exactly the point I was making. The honourable member was not quite referring to the reason for the hoist, but as long as

she is referring to the reason for the hoist that will be just fine.

* * *

Ms. Cerilli: Mr. Deputy Speaker, what I was laying out for the House was a little bit of background in all that labour unions have done for our community and our society, because this is not just an attack then on, specifically, labour unions. It is an attack, generally, on the foundation for a lot of our economic relationships and our economy and our society, because the work of labour unions has gone into child care, it has gone into, as I said, many other areas that have benefited our society.

I think one of the other things that can illustrate this, and this is also from the presentation that a few of us heard the other day, are the changes that are going on in our economy where a few decades ago the heads of the companies—many of these would be unionized companies, but the CEOs were making 44 times the worker's salary. Now in the '90s, do you know what the CEOs are making? It is 222 times what the workers are earning in their companies. That is the kind of reason we need a strong labour relations act and not the kind of amendments that are being brought forward by the government here today, and that is why we are voting for the hoist motion.

* (1510)

On the provision that this government is trying to suggest is going to make unions more democratic, where at present it is 65 percent of workers that have to sign a card saying that they want to have a union and then there will be a certification, this government wants to eliminate that. They want to say there has to be a vote, and it has to occur after there is 40 percent of the workers signing onto a card saying that they would like a union.

Now, the members may try to say that, yes, elections are a democratic way to go, but in that case we know that elections often are won or lost by the side that has the most influence on the people that are voting. When you put this in context with the other provisions in the bill, such as an employee can get fired with no appeal, no questions asked, on a picket line for infractions, you have to know that the intent of that provision is a big stick and a big threat to try and limit the certification of unions.

One of the other provisions in the bill that very much should have further consideration is that unions will be required to file financial statements and compensation statements with the Manitoba Labour Board and particularly for any staff with the union that are earning more than \$50,000 a year. Now, again, this is just trying to supply fodder for union busters, and the members across the way may try and say, well, that is not us. I know the Minister of Labour (Mr. Toews) has tried to say that, and after listening to his comments during the casino strike we find that hard to believe. But this is merely fodder for union busters, and in other jurisdictions that have this it is always people opposed to the union that gain access or try to gain access to that information. We also know that this is completely unnecessary because union members already have access to that information in their office, and anyone in the bargaining units that are in the union can get access to all the financial information for the union. But the other point about this that is so offensive is that it is really a double standard. This government is notorious for giving out large grants to companies that have large salaries for management and they are not requiring them to have any disclosure of their—

An Honourable Member: Name them.

Ms. Cerilli: I can name one that is in my constituency, which is Keystone Ford, which even got money under the Workforce 2000 program, and we know that they do not need that. There are many others that have received money.

One of the other provisions similar to this, which again the minister and the members across the way are going to try and say is more democratic, is going against the intention of unions to create more solidarity amongst workers, and that is to allow all members of the union to vote on a contract for a specific bargaining unit. Currently a bargaining unit only votes—it is the only members of that union that vote on proposed collective agreements.

Mr. Deputy Speaker: Order, please. I hate to interrupt the honourable member, but I am having trouble hearing you at this time. There seems to be a lot of talk going on within the Chamber. Could I ask those members who want to have that conversation to do so in the loge, out in

the hall or back in their offices? The honourable member for Radisson has the floor at this time.

Ms. Cerilli: Mr. Deputy Speaker, could you tell me how much time I have left?

Mr. Deputy Speaker: Approximately 12 minutes.

Ms. Cerilli: Twelve minutes, thank you. So I was saying that this not going to help to develop the kind of solidarity and indeed could be interpreted as trying to pit different members of the same union against each other.

One of the other provisions in the bill is to apply those requirements for disclosure in voting to teachers, and they have never had that applied to them before. We know that with Bill 72 this government is out to get back at teachers. They did not like their advertising campaign during the election, and it is the next provision in the bill that is also a direct response to those kinds of advertising campaigns where they want to have union members be able to decide if any of their dues are going to go for political purposes. Again, we have the double standard where we have companies that support, to a tune of often 80 percent, Liberal or Conservative parties, and the stockholders of those companies do not get to decide if those businesses should be able to donate sometimes a \$1,000 a plate to a dinner. Yet, when it comes to labour, they want to have the unfair advantage, and they want to limit the ability for organized labour to participate in an election.

It was Mr. Brian Mulroney, during the free trade elections, that took third-party advertising to new heights with the third-party advertising from the business community to support free trade, and look where that has got us. But obviously, again, they want to have a double standard with respect to the activities for advertising and during election campaigns.

One of the other things that I think is going to be challenged and is an affront to the very democratic institution that labour unions are is that the minister can interfere and will have the authority to order a vote on the employer's last offer in the cases where the minister is of the opinion that the public interest is to do so. This is coming from the same government that voted against final offer selection. So they do not want to have provisions in there where it is an arbitrator that is a

neutral third party dealing with contract negotiations and labour negotiations, but they want to have the government able to decide when there should be a vote. That is completely ridiculous and not democratic at all because we know that currently everything that goes on in a union is done by votes held by the members.

I want to conclude with a couple of things. One is, again, the very undemocratic provision that will allow employees to be fired for infractions on the picket line. This will occur with no appeal. They are not presumed innocent until proven guilty, as is a right in our society, but they are going to be able to be fired. It will not even be a criminal offence. It would be turned back on them from their employer. Again, this seems to be a double standard where we do not know what infractions are going to be defined under this, but we would hope that the same type of provisions would be able to be levelled by employees against their employer for violations that they might undertake during a strike.

I just want to conclude then by referring to the press release that the government issued when they introduced Bill 26. In there is a quote by the minister that says: We live in an age when individual rights and the right to know are of paramount importance.

I want to contrast that with some comments that were made to me by one of my constituents. This was a constituent that was involved in a labour dispute recently. He said to me: You know, I have never really given much thought to my union; I have never really thought I needed one. And he said, now I really know I need them.

* (1520)

I just want to say that the reason that we support unions is so that it is there when you do need it. You support it when you do not need it so it is going to be there when you do need it. That is something that this government does not seem to understand. It is something that they do not seem to care about, and that idea of solidarity that you support others in your workplace in their support for the union when things may not be in a conflict state so that when you do need the union it is going to be there for you and you are going to have a chance to maintain a decent work environment and standard of living and some fairness in dealing with the employer in your workplace.

With that, Mr. Deputy Speaker, I conclude my remarks.

Mr. Doer: I would like to speak for a few moments about Bill 26. I hope the Minister of Labour (Mr. Toews) is listening, because it is his bill. It is an important tradition in this Chamber that ministers that are shepherding through bills at least have the courtesy to listen to the debate.

I am not sure we can influence this minister, which disappoints me greatly, but we will try to, which is our job and our responsibility. I have to say that the bill troubles me greatly, and I am really troubled by where we are heading as a society.

An Honourable Member: Stop the world. I want to get off.

Mr. Doer: The world is moving, and it will continue to move, as it should or perhaps as it should not. Movement in the world does not necessarily mean complicity in society. Movement forward does not necessarily mean that you wave a white flag and say, I surrender my future, my family, the future of my community, the future of my dignity, the future of my person and the future of my world—our world.

I would like the members opposite to reflect, because there is no question this bill changes the balance. You cannot escape that. If you were so committed to this bill, why did you not have the intestinal fortitude to campaign on it? You talk about democracy. You use the word as if it is almost in a Pavlovian way; just respond with it without any thought.

Why did the Minister of Labour (Mr. Toews), when he was campaigning in Rossmere, not say that, if he is elected and if he has any influence on this, he is going to change The Labour Relations Act because employers need more levers? Of course, he did not do that in his constituency because he really does not believe in democracy. It is just words put in his mouth by Tory spin people and operatives and others that are giving a communications strategy to a government.

So the ultimate in democracy is, you get a particular mandate to proceed and then you get it with basic election promises and you proceed accordingly. This is one of the

reasons for this hoist, because you do not have a democratic mandate to proceed on this legislation. [interjection]

You were elected, yes. There are some things you have a mandate to proceed on. One of them, I dare say, was the balanced budget legislation. You campaigned on it. You did not campaign on all the nuances on Crown corporations and other little tricks in there. You campaigned on saving the Jets. You campaigned on not cutting health care. You campaigned on not cutting public education. You campaigned on not selling the Manitoba Telephone System. So you have one out of five, 20 percent honesty, 80 percent dishonesty. That is the way I read it.

You did not campaign on it. That is my point. If members opposite could show me in any document in the campaign that they campaigned to change the balance under The Labour Relations Act, go ahead and show me, because you did not do it.

Here we have a society, I have to ask you the question—the member for St. Vital (Mrs. Render), there are a lot of working people in the member for St. Vital's riding. They are not exactly happy with the member for St. Vital in terms of what she has done on the education bill, and we will find that out, though, in the next day of reckoning. I agree that there is a day of reckoning for all of us. There is a day of reckoning in a more spiritual sense and there is a day of reckoning in a political sense. Hopefully we will find out the day of reckoning in the political sense of the word a lot more quickly for all of us then we will find out the day of reckoning in the spiritual sense.

Mr. Deputy Speaker, we have to ask ourselves, now, why are they breaking their election promise on The Labour Relations Act? What kind of balance do we have to reinstate in society? It is now 60 percent. The Wall Street stock index is now at 6,000. Now, when was it at 4,000, about three years ago or four years ago? The Wall Street stock index has gone up close to 50 percent in the last three or four years. Corporate profits in Canada and in North America are going up in double digits every year. KPMG just did a new study on the CEO wage increases in Canada and the wage increase for business executives last year and the year before on an annual basis was 15 percent per year.

There was a study just last month by Labour Canada that had senior executives in Canada getting a 6 percent increase and workers getting between 1 percent and 1.5 percent increase. So what balance are you restoring in our economy with this Labour Relations bill? How fast do we want to race to the bottom with a low-skill, low-wage economy?

So when the member for Highways talks about the world changing, I would agree. That is why we tried final offer selection, because it was a new and innovative way to reduce the days lost to strikes and lockouts, to use perhaps a more sensible way of resolving disputes besides strike and lockout. It was only for a five-year period. It had a sunset clause. It would allow everybody in this Legislature to evaluate.

You know what happened? The first place it was used was in the municipality of Springfield. It was before the member represented it, but it was the operating engineers that were the municipal workers in the Springfield community, I believe, or one of the communities of Springfield. I cannot remember if it was Dugald or Oakbank or another or the municipal area, but I know it was the employer. That was the first place that used it and they both came out of it saying this is good. We were able to resolve our disputes without having the public of our community suffer the loss of services. The employees were able to say this was good because we were able to solve this dispute without withdrawing our services to the citizens we serve, and this is not a bad idea.

I have talked to people who used this mechanism and I think that it was a very futuristic proposal. I find it rather ironic that members opposite awhile ago applauded the fact that the federal government was going to use final offer selection arbitration to resolve a strike that was taking place, or a lockout rather, a lockout that was taking place on the West Coast and affecting grain shipments. When they came to the NDP and said, do you support that, we said, yes. We do not think that one lockout of one grain elevator should affect the livelihood of thousands of transportation workers and thousands of farmers. What a civilized idea. The world is changing. So we brought forward futuristic ideas of how we can look at new methods to look at the fact that we had moved in the last century from an agricultural society to an industrial society and we are moving into the 21st

Century into a knowledge and information society. Let us look at new ways of doing things.

* (1530)

This bill is not a new way of doing things. It is merely, I think, giving more power to those who in our society today are obviously receiving the most benefits from the economy and those facts are inescapable. I also believe, and the member for Rossmere (Mr. Toews) tried to take I guess a cheap shot at me by mentioning my brother-in-law, a person whom I agree with lots of times and disagree with lots of times. On this particular incident, he was raising it with the workers who had been locked out or on strike for a period of a month, I agree with my brother-in-law in terms of mediation. I am glad they communicated and obviously I am disappointed in the results.

One of the things my brother-in-law also says to me, and I say this to the Minister of Labour, he said, one of the biggest winners under this bill is going to be lawyers. He is a lawyer. He says, I am going to be one of the biggest winners under this bill, and it is rather ironic it is being proposed by a Minister of Labour whose roots are deep within the legal community and who is also aided and abetted by the former president of the Chamber of Commerce who is also a very successful management lawyer, a worthy opponent, I might say, a worthy adversary. I have dealt with him on the Labour Management Review Committee. I do not agree with him, but I respect his ability to represent owners here in the province of Manitoba. They are going to be one of the biggest benefactors.

I look at the member for Portage la Prairie (Mr. Pallister) who is one of the individuals talking about deregulating and getting rid of red tape and everything else in the workplace in society. If you ever took a look at this bill, and I know you will not because it does not sound to me like you are going to be singing Solidarity Forever tomorrow, and that is your right to sing whatever you want. [interjection] That is right. You have a right to sing whatever you want, but if I look at this bill and I think about what is going on in North America, I find that this bill enhances and requires workers, your constituents, to use more lawyers at more times than ever before. The member, the lawyer from Lac du Bonnet, is moaning in his seat and I—

An Honourable Member: You do not know what I am even saying.

Mr. Doer: Well, I do not. [interjection] I hope you are moaning over something else.

Mr. Deputy Speaker, the member for Springfield (Mr. Findlay) talked about the world is changing. I would refer the member for Springfield to Nesbitt's book about the future economy. Nesbitt talks about one of the weaknesses of the North American economy. You know what one of the greatest weaknesses he identifies? Too many lawyers. We have 10 times the number of lawyers per capita than they do in Asia. We have more lawyers by far per capita than they have in Europe. The countries we compete with, we have more lawyers per capita. In Nesbitt's book, he says: Lawyers get in the stream and dam it. That is his quote.

Now, Mr. Deputy Speaker, I believe in lawyers in terms of our legal system, and I believe that it is important in our justice system to have due process, but why are we adding lawyers to The Labour Relations Act requirements? I suggest they are going to make the Minister of Labour the lawyer of the year in the Law Society or wherever these groups meet when they get together to talk about make-work for lawyers.

Because one of the great inventions of the last government, and it had lawyers in its caucus, the former member for Rossmere and the former member for St. James are two lawyers of the caucus, and many members of the party are part of the legal community, as we have members in our caucus and you have members in your caucus, we went to a thing called expedited arbitration, which meant that lawyers—

An Honourable Member: Lawyers in Cuba.

Mr. Doer: I do not know that, I have never been there.

But it meant— [interjection] There may be more—well, I do not want to get into that debate, Indonesia and other countries, but it meant that we reduced the number of lawyers that took part in arbitration cases, expedited arbitrations. With the greatest respect, most of the people I know, workers I know, like this for two reasons. One is, they did not have to spend as much money on their dues—and these are the members who talk about

being concerned about workers at the workplace—and have due increases to pay for a lawyer who represented management and a lawyer who represented labour on the arbitration board when they already had advocates on one side of the case and another side of the case, and so they merely usually had a lawyer or somebody else that was the independent chair.

So when the member takes the cheap shot—and he is out of the room—at my brother-in-law today, whom I respect a lot and argue with a great deal. He does tell me, and I trust him on this, that his law firm is going to make more money because of this bill, and he thinks it is wrong for working people to have their dues go up because this bill provides for more requirements of three-member arbitration boards which invariably will mean a make-work program for lawyers.

Now, maybe this is the kind of consolation prize for the fact that we have no-fault insurance here in Manitoba. He says, well, you know, I do not know whether it is quid pro quo or not—but I suggest to you, workers do not have to have more of their dues going to more lawyers. I really think that is a bad idea. So the lawyers will be doing well, the CEOs will doing well and working people, I suggest, will have less rights to form unions, less rights at the bargaining table and they will have less rights in terms of their dues going to lawyers. So I do not like that part of this act and I am disappointed about it.

I also think that this act and why it should be hoisted really raises the question of the ethics of the Minister of Labour. Now, we have already had citizens challenge him to a lie detector test, which I think is regrettable, but I know the first year he was in office he went around this province telling people, telling employers, telling unions, oh, you are really lucky to have Vic Toews as the Minister of Labour, I am a kinder, gentler Tory. There are other Tories there are not as kind and gentle as me, I will not name any names. I could not possibly say that myself, but I am a kinder, gentler Tory, and I will make sure that this new majority government with the new hawks that are in the benches will not bring forward these—

An Honourable Member: Name names.

Mr. Doer: No, I am not going to name names because I am not into naming names.

But just close your eyes and imagine who they were thinking about and what past incarnation that individual had. He said at Thompson, and I know from the president of the steelworkers at Thompson and I know from employers in Thompson, in question and answer and in speeches, that we believe the present labour relations laws in Manitoba are balanced, and we will not change the balance and the laws here in the province of Manitoba. Now this is the largest Steelworkers local in northern Manitoba—and I believe Bob Desjarlais when he says that. I believe him, and many others heard it in the same meeting.

An Honourable Member: The Rotary Club.

Mr. Doer: It was at the Rotary Club. That was where I got sent by the Premier to sell the Charlottetown Accord, but Steve Ashton was ready to hide. But I was out there selling it. Every steelworker there wanted to put a “no” on Brian Mulroney’s forehead, but I was out there trying to sell it at the Rotary Club. They do have very, very interesting question-and-answer exercises.

Why should the Minister of Labour (Mr. Toews) be hung out to dry like that? Did his caucus hang him out? Did the Chamber of Commerce hang him out? Did the Chambers of Commerce hang him out? It is funny who the representatives are from the Chamber of Commerce on the labour relations group. Are they owners of business? When you go to meet with the Chamber of Commerce, who is their representative on the Labour Management Review Committee? Is it an owner of a business who really knows what is going on at the workplace and really wants to keep the balance? You know who it usually is? It is usually a lawyer who represents the business at the labour-management table. I guess this lawyer says, well, we need more lawyers, more expedited arbitrations, more cost for your business.

An Honourable Member: You really want to be a lawyer, and now you are trying.

Mr. Doer: I already have a brother-in-law as a lawyer, an honourable profession, but you do not need more of them in labour-management relations. You do not need more of them in terms of the future of this economy. North America has 10 times more lawyers per capita than Japan. You have to come to grips with that.

* (1540)

So, Mr. Deputy Speaker, it is really raising questions about the ethics of this government and the ethics of the Minister of Labour.

The other issue is—and the member for Riel (Mr. Newman) in his previous life was at the Manitoba Chamber of Commerce meeting that I attended, and he asked me: Would we pass—he always asks very easy questions and if he ever has a chance in opposition in terms of winning a seat in the next election and we are, of course, in government, we will find out his questions in Question Period, but, Mr. Deputy Speaker—[interjection] I knew that would get a reaction. But we will find out. He asked two questions of me—he did not tell me he was going to be a candidate—one, will you be bringing in antiscab legislation if you are elected after the last election; and, two—this was a breakfast meeting—will you be bringing in final offer selection again? What I said to him is the same thing as I said to the labour movement. We will refer all matters of revising or changing or updating or modernizing The Labour Relations Act to the Labour Management Review Committee, a body that I had sat on with the member and generally felt was an excellent body if it is given enough time to move our labour-management relations into the future.

I do not believe in a theory that allows this kind of philosophy, a Darwinian philosophy: it is winner take all. One party wins and you go like this with a balance. Another party wins and you go like that with the balance, and I do not believe that we should have a labour-management relations system going into the future that has implicit in it “a winner take all.” That is why we tried to appoint a head of the Labour Board—and I remember arguing strongly for this—that had credibility between employers and employees, credibility, and I believe the individual is still there. The individual is still in the capacity as chair. He was appointed by us and reappointed by the Conservatives a couple of times. The chair of the Labour Management Review Committee is Wally Fox-Decent.

The Minister of Labour sent all the proposed amendments to the Labour Management Review Committee on March 1, 1996. Now, if you do not intend in following their recommendations, do not go through the absolute cheap charade of sending it to the Labour Management Review Committee. Maybe he thought that business and labour could not agree—and that has

happened in the past—and, therefore, he could send it there and then he could come back later in the House and say that they did not agree, so therefore I can do what I want. Well, they did agree. Wally Fox-Decent came to an agreement with business and labour which required compromises by both parties to make amendments to The Labour Relations Act that would make sense, and Fox-Decent sent that back to the Minister of Labour (Mr. Toews) on April 24, and where did the set of recommendations go?

I guess it went with the recommendations from the Grey Nuns; it went with the recommendations of the Health coalitions; it went with the recommendations from schoolteachers; it went with the recommendations of other people that are being affected by negative legislation. It went into the hands of the dictator who is now the Premier of this province, the autocratic Filmon Team—which, really, “Team” should be taken out of the billboards next time, it should just be called Filmon King for Life in terms of those signs—and that is where it went.

Do not go through the absolute undemocratic exercise of sending these recommendations to the Fox-Decent committee and not acknowledge the fact that people came back with a compromise. What was going on in the back rooms of the Tory caucus that was able to replace what was going on in the front rooms of the Labour Management Review Committee?

Now, I have heard from the member for Transcona (Mr. Reid) that he had mentioned that the member for Riel (Mr. Newman) had stated that this bill or this set of recommendations came from a subcommittee. Well, I went back and read the letter from Wally Fox-Decent and it is from the Manitoba Labour Management Review Committee. It says, the committee recommends this, the committee recommends that, the committee would be willing to meet with you. It did not come from a subcommittee, it came from the committee.

Fox-Decent goes on to say that the committee undertook considerable consultation with its respective constituencies to arrive at the attached recommendations. Why has this caucus ignored the consensus contained within these recommendations? Why did they replace this set of recommendations and what does it mean to our future economy? What does it mean to a process that I happen to believe in?

The Premier mentioned previous years. I happen to believe in the Labour Management Review Committee. I happen to believe that if it takes the Labour Management Review Committee six months or eight months to come up with compromises for the future and consensus and co-operative approaches, that is a better way to go than what we have done in this set of amendments here before this Legislature.

I would strongly say that when the member for Springfield (Mr. Findlay) talks about, the world is changing, I suggest to the member for Springfield and the Minister of Highways that those societies that are able to get co-operation and consensus and harmony and less conflict and more co-operation and more agreement, those are the economies that are going to succeed in the future. This conflict mentality of members opposite to pick on one group today, pick on another group tomorrow, get another group mad the next day, that is not the type of society that is going to succeed in the 21st Century, it is a type of society that will co-operate and move forward. [interjection]

Well, the member mentions fairness. In Europe they have a system of fairness of votes. They have a secret ballot to join a union. And you know what? They have votes every couple of years. Every worker in many countries in Europe has a vote every year to decide whether they are going to join a union. You want to have a system. Many of the countries—you look at France and Germany and Sweden and many of these other countries. If that is what you want, a democratic system where people have a secret ballot, there is a system in many countries in Europe where they have that. A worker gets a secret ballot whether to join a union every couple of years in the general elections that take place. They do not have to sign a card first and then have a ballot second.

* (1550)

I think, quite frankly, and I have raised this with some business people, is that where you want to head? Is that where you want to go? Do you want to have that in our society, in every municipal election allow a worker to have a vote to join a union before cards are signed? Because that is what they have done in Europe. That is what they call a democratic system. You would be surprised at the results. I mean, the Tories would not like this, but they are about 90 percent organized in those

countries. So if that is the kind of democracy, why do you not put it in place?

Point of Order

Hon. Brian Pallister (Minister of Government Services): On a point of order, I am sorry to have to interrupt the Leader of the Opposition's comments, but I believe he referred to the Premier of the province of Manitoba (Mr. Filmon) as a dictator, in his earlier comments, and I think that you will find that that is unparliamentary conduct, and I would ask him to now apologize.

Mr. Deputy Speaker: I would have to take that matter under advisement. Maybe I did not get an opportunity to hear that at that time, so I will take it under advisement and get back to the House.

Mr. Doer: If the member for Portage is concerned about the word, at this point in time I will withdraw it from my speech. Autocratic—I would replace it with, the autocratic Premier.

Mr. Deputy Speaker: Then that will conclude the matter. I thank the honourable member.

* * *

Mr. Doer: I could use terms like unilateral, but I will proceed. So when we look at this whole issue of democracy, it is a very important issue. I also believe very strongly that workers need dignity at the workplace. Expedited arbitration is a good thing when people are fired. Why should a member of your family have to wait two years for justice to be determined? Look at your sons and daughters. Think about it in family terms if they were unjustly fired and they had to wait two or three years because of a three-person arbitration board as opposed to expedited arbitration.

You know, there is a saying in the legal system, justice delayed is justice denied. One of the great concerns about citizens is the backlog in the justice system, and one of the great concerns at the workplace is, if you are going to be fired, be fired, and if it stands up to a third party and an arbitration case, so be it, but do not delay it and delay it and delay it and just try to starve individuals out and raise the cost to the unions.

Mr. Deputy Speaker, we believe that this balance in this legislation has not been maintained. I could go over chapter and verse. I have just tried to raise a few of the elements in this bill. I believe that working people need to move into the 21st Century, and when they move into the 21st Century they have tremendous challenges in front of them.

We have a society now that is moving, as I say, from an industrial society to an information society. We have massive increases in profit. We have massive increases in people with high incomes getting higher and higher incomes. We also have a society where more and more of our children are living in poverty and more and more people are being marginalized in the middle class and being left to be at very, very basic levels of earning and subsistence in terms of their survival.

We need a society that is able to allow employees and workers to have some balance as they move into the 21st Century, and I believe that balance will be achieved with strong corporations and strong worker representations in a strong economy. I believe strongly in a co-operative way of moving into the 21st Century, and I would close by again quoting the plea from the Catholic bishops last week. This is not the New Democratic Party and this is not the Federation of Labour and this is not Choices or anybody else that gets the hairs on the backs of individuals across standing up. This is the Catholic Bishops that pleaded with governments across Canada to revitalize and make it easier for people to join unions, make it easier to revitalize working people and their union representations because the Catholic Bishops say that it is only unions that will deal with allowing people to get a working level of income, to allow families to succeed in terms of disposable income and it is unions that will decrease the tremendous separation of pay between women that are working in our society and men.

For all those reasons I am recommending that we hoist this bill, we allow the Tory caucus to visit their Catholic bishops and other religious leaders, return to some spiritual values which will allow us to work in a co-operative way, and I only have the bishops to say, let us revitalize working people and their union representations. Let us not go backwards, let us go forward, and therefore let us hoist this bill today with a vote that should take place in this Chamber. Thank you very, very much, Mr. Deputy Speaker.

Mr. David Newman (Riel): I am not being hoisted, I am rising of my own accord, because I have been stimulated by the remarks of the Leader of the official opposition (Mr. Doer). The baiting took place by referring to lawyers, of which I am one, although I consider myself now a professional parliamentarian. I am very proud of it, and I am very proud of the potential of this forum for constructive debate in the public interest.

The comments about the Labour Management Review Committee also struck me in a very direct way because I had a very intimate involvement in that body from 1983 to 1987. I might say, I was appointed by the minister of the day, Mary Beth Dolin, in 1983, and I left because of the approach taken by the government of the day to that body, and I left, in effect, in protest, because I did not want my volunteer time misused in ways that I did not believe were in the public interest. I value the time of volunteers far too greatly.

The point about expedited arbitration also caused me some concern because expedited arbitration is something which can still be done, and it is not necessary for the state to intervene unnecessarily except where compelling reasons suggest it should intervene.

So I am going to address all three of those points and if I have time at the end will make some reference to the comment about spiritual values and the message that is coming forward apparently from the community out there challenging the governments of the day across the country and across the world to be more sensitive to the impact that necessary decisions for economic viability are having on real people in real situations, a very profound concern that every human being who forms a government around the world will be listening to with great interest, and great heartfelt interest, I might say.

But with respect to the comment about lawyers, and I want to bring it into the context of the legislation, the bill that is sought to be hoisted, what we are talking about in terms of involvement of lawyers is a provision that does away with the concept of employers being deprived of the opportunity when they are victims from discharging an employee or disciplining an employee for what would in the law be just cause. In circumstances where there is strike-related misconduct, and let us put this down into real life examples, because as a labour relations lawyer,

I was there many times in these situations, and I saw many situations where the criminal charges laid were inadequate to be a deterrent to activity on and related to picket lines to a degree that the most effective method for deterring picket line misconduct in my experience was the power to discipline, the power of the employer to discipline.

That would attract the attention of the unions and the employees because if by committing assaults or attempted murder or break and enter in relation to their employer's premises they might be subjected to being fired, they might never embark on that kind of activity.

With great regret, those kinds of activities have taken place, and they continue to take place over recent years and, in fact, probably one of the most extreme situations did involve, and the Minister of Education (Mrs. McIntosh) repeats this situation many times, that Teamsters strike, where there were attempts on the lives of people, a break and enter in the Trailmobile situation, where there was a plant occupation. I have seen the videotape. There was an occupation of the plant by the employees. They took it over. They broke in and took it over.

Those kinds of situations have been the kinds of picket line misconduct or strike-related misconduct which the Labour Board interpreted in a case over the past year or so. They interpreted in that case that that did deprive the employer the opportunity to discipline. Now, that is the Labour Board did not have to recognize that and could reinstate people in spite of the fact that they had been fired. That was the nature of the decision of the Labour Board. That, I do not believe, was ever the intent of the Legislature, but I was not here then, so I do not know. Maybe the government, the previous government, the NDP government, did intend that the Labour Board could override a decision to discharge someone for assault or attempted murder or break and enter, and the board would be obliged to put them back into the place of work on the return to work provision after a strike is over.

If that was the interpretation, I certainly would submit that that is the Labour Board's prerogative. They can make that decision, but having made that decision we as the Legislature can determine whether that was really a sensible intent. Was that a sensible interpretation? Is that sensible policy?

Well, this government has come forward with an amendment that says, we want to make clear what was intent, and what was intended is that employers should not be deprived for the right to discipline and, indeed, discharge people that are guilty of those kinds of serious offences. Now, is there a due process that results if there is a discharge? The normal process in practice—and honourable members opposite know this, and particularly the Leader of the official opposition (Mr. Doer), because he has been in a senior position, in fact the head of a union, but in back-to-work agreements normally those kinds of issues are resolved, and they are resolved by agreement. The normal way to go about it is to create a form of arbitration to bring about a resolution. Sometimes there is not even a need for it, and bygones are bygones, and there is forgiveness and people are restored to work.

In other cases, the union will accept the fact that that was the type of conduct that we will not condone and the person deserved to be fired, but there is that process of a negotiated solution available at the end of every strike or lockout to the extent that there is no agreement. There is also a potential for recourse to a court of law in those rare instances where that is the methodology used to get justice. In those cases the union will provide the lawyer. The union will use the court processes just as they would use an arbitration process, just as they would pay, in most cases as they do from my understanding, for defending those same people from the criminal charges that are brought against them.

* (1600)

The comments about lawyers, just let me conclude that. I have with some pride just completed the civil justice review with lawyers, judges and laypeople, with the biggest participant of all being the public, and lawyers in this profession in Manitoba and throughout free and democratic society, like unions, are bulwarks against totalitarian activity against antidemocracy movements. They are, in effect, important and essential pillars of a democracy. Lawyers are a self-regulated, self-governing body that are accountable in the public interest for their activities and for their performance. In Manitoba we are graced with 1,670 lawyers who for the most part, as a group and individually, serve the public well. I do not think it becomes us as parliamentarians to take shots at professions that way and people who are in those professions as individuals, just as we probably take as

much offence if we have shots at parliamentarians from those same people. I think that we can always strive to engender better performance and better conduct by any group, and maybe we need considerable work on ourselves as parliamentarians before the pot calls the kettle black.

Now with respect to the Labour Management Review Committee, I have a great and abiding confidence that someday all of us are going to wake up, and I am speaking now as parliamentarians, I am speaking as unions, and I am speaking as management and maybe the whole of the general public as to the potential of this body. When it was created by a unanimous resolution of the Legislature back in 1964, I think it was a proud moment. It was created in anticipation that we would need a body like that to deal with the impact of technological change in this province. Technological change, that fearsome monster, did not turn out to be as fearsome or as much of a monster as was anticipated at that time, but part of the reason for that is that the unions and management, the employees and the owners, all did a pretty good job of adjusting to those changes.

I would like to say parliamentarians made a contribution because the provisions dealing with technological change in legislation went some distance to allowing the parties to resolve those sorts of things by agreement which in the commercial world, from my life's experience and certainly career experience in the legal profession dealing with many issues, dealing with agreements are best resolved through the exercise of the freedoms inherent in freedom of contract. Agreements are always the best way to resolve differences; they are win-win situations. There is not a winner and loser like as the result of adjudicated or imposed solutions.

The Labour Management Review Committee has never, I would submit, by any government been properly utilized. I have some ideas about how it could be utilized, and I am going to share some of those because this body can be of enormous value as a resource if used as a resource. It cannot be used as a body to sort of delegate decision making, it has to always be the responsibility of government. The best analogy, and I used it over the years, for a successful, functioning Labour Management Review Committee is the analogy of the Law Reform Commission.

The Law Reform Commission has the clout over government. If something is given to them to deliberate over and they come up with their recommendations, they give them to government and then there is a period—I believe it used to be and still is 90 days—during which government has a chance to formulate what response they are going to give to the recommendations. So they become accountable after 90 days for either addressing, or not addressing, the recommendations of the Law Reform Commission.

A similar sort of mechanism is inherent and could be part of the Labour Management Review Committee. The problem with the Labour Management Review Committee's function is they do not do what the Law Reform Commission does. They do not do an analysis of the matters that are given to them and evaluate the pros and cons and then come up with a recommendation. Now perhaps one of the reasons for that is that the Labour Management Review Committee, as constituted, has a philosophy on one side, a philosophy on the other side, and it is difficult to achieve a consensus. So what? Sometimes you will achieve consensus. Where you do not achieve consensus, you can at least put forward the rationales for both sides. You can have then the material, the information, the knowledge, the perspectives, the ideas, you can have those available for then the ultimate public policy decision maker, the government, to make a decision about, but they can get the best information from the members of that Labour Management Review Committee.

I know some of the achievements of that committee on smaller points where there have been unanimity. There was a great deal of success in the early days of that committee when probably there was not the same degree of understanding between union and management as exists today, but in the early days Dean—it was Buzz Woods, as he was known, and he used to be flown in from Montreal, perhaps because he was detached and nationally known, even internationally known, as someone that was knowledgeable and objective, but he managed to get the best out of the people in that committee, get them to focus on the issues, get them to express their views forthrightly and then, benefiting from that, government would come up with changes to legislation or policy.

I believe the Labour Management Review Committee can perform that sort of function. It will not, however,

result in their views being accepted by government necessarily, but if government does not then accept those views, they are accountable for them. That is as it should be, and that is like the Law Reform Commission, which I have used as the analogy.

I can say I am using my powers of persuasion to urge my colleagues in government to upgrade the Labour Management Review Committee in that fashion, and will continue to do so, and I invite support from all members of the Legislature to make the Labour Management Review Committee be the body of importance which it has the potential to be. Too many hours have been invested by respected union leaders and respected management leaders in trying to keep it going and to get good debate at the tables and to bring about improvements to our whole system.

(Madam Speaker in the Chair)

I think it would be wonderful if we could achieve, through constructive debate in the Labour Management Review Committee, the best of the ideas of both sides coming to grips with the real challenges that we are facing in our education system and the health sector, which are impeded, in many respects, by antiquated or out-of-date approaches to labour relations, and the resistance to change that comes about through the involvement of interest groups. It will be far better if that sort of resource, that sort of expenditure on advertising, that sort of time spent on mobilizing groups without sharing with them the complexity of the problems, without sharing with them other solutions—it would be far better if those sorts of resources could be devoted to ideas at that table, and the governments of the day can then benefit from them.

* (1610)

I, for one, because I realized that my ideas and my time were not being used for those sorts of constructive purposes, resigned. I felt at the time I resigned that many of the ideas that I and my colleagues—I representing management at large—were not just being ignored; they were being used for the very opposite purpose from which they were put forward. They were being used to—they would be leaked or used to discredit the positions that were put forward to chill free debate at that sort of table, and I am sure that members representing the labour

community from time to time would feel that same way. Under this government, they would feel that same way. I would not suggest, however, that that was a well-placed concern, but I will give you an example of how that sort of concern can be misinterpreted.

The changes proposed for The Construction Industry Wages Act, rather than going through the Labour Management Review Committee and having again all of the chosen representatives address the issues about proposed changes to that legislation there was a subcommittee, a subcommittee of the construction industry. The subcommittee did a report. That subcommittee report, for whatever reason, was never put through the critical scrutiny of the total committee of the Labour Management Review Committee. As a result, what comes forward is a construction industry viewpoint, not a viewpoint in the total public interest looking at the impact on all industry and all the owners that are the consumers, and that is the only kind of scrutiny which is going to be useful to government in forming its conclusions as to what way to go. You cannot leave the general public out of decisions concerning the construction industry. As comfortable as it may be for trade unions in construction and employers in construction to come up with answers, the question is are those answers in the public interest? The Labour Management Review Committee could have done a real job in that area. Still can do a real job in that area, and I hope that they will have that opportunity if it starts functioning the way I am recommending.

Madam Speaker, with respect to expedited arbitration, expedited arbitration is available by agreement. Many collective agreements have very innovative ways of bringing about summary resolutions of disputes. When the former government introduced expedited arbitration into The Labour Relations Act, it over time proved to do a couple of things with respect to agreements arrived at between parties. Sometimes it resulted in people being appointed as adjudicators who did not have the confidence of the parties at all. Sometimes it resulted in people being chosen through the Labour Board process who were not people on a panel agreed to in collective agreements, so in effect overriding what was in collective agreements. That was most unfortunate because I know many employers in those situations would say, well, the union has agreed to so and so, and so and so, and so and so, now the union is going through the back door and to

the Labour Board to get someone else involved who does not have our agreed confidence. That was not met with a great deal of approval, and I am sure members opposite involved in unions and collective agreements would understand that.

We tried to make an arrangement in those days with the Labour Board of the day to respect what was in collective agreements, and that was a joint sort of presentation by representatives in the legal community from unions and from management. For the most part that was understood, but it was not always honoured, sometimes because of the delay inherent in using some of those people who had been appointed in that sort of fashion under a collective agreement. So if someone was not immediately available, then you could go in the back door and appoint somebody else, and that was not the wish of the parties in a collective agreement.

Another problem with that process was that several unions in the province tended to use it for virtually every single arbitration, and that turned out to be not only a demonstrable abuse of the intent, I would submit, but it also put a big load on the Labour Board that was not intended, a big load of administration. It was a dumping of an administrative burden by the users of the system onto the taxpayers of Manitoba. That does not sit well. The government today is trying to lighten the burden on taxpayers, and that was inconsistent with that sort of approach. So the concept of expedited arbitration, maybe now the parties, in other than those most serious situations, will apply their minds to creating, by agreement, solutions, innovative solutions to dispute resolution, and I urge that to happen.

In closing, I just wanted to make a comment about the spiritual values. You know, we have a situation which is not peculiar to Manitoba, and I think that it is recognized now, regardless of political stripe, how important it is in this country and in each of its jurisdictions to respect the economic realities. It does not matter what political background you have. There is a recognition that we must respect economic realities and on a long-term sort of basis. I am very proud of what this government has done in its long-term economic agenda.

The challenge is now how we deal with the social situation. How do we deal with the social challenges? We have a major challenge. Where do you draw the line?

Where do taxpayers pay? Where is the coercive power of taxation—where does that stop and where does volunteerism begin?

I would offer a challenge to all charitable groups and all churches, all religious organizations. I think that we have an issue here, and where do they stop and where does government begin? Right now we are going through a process where those new boundaries, I think, are being explored. They are explored in Manitoba; they are being explored in every jurisdiction in this country and every jurisdiction in the world. One of the big issues, I would submit, Madam Speaker, is: To what extent does government involvement, well-meaning as it is, detract from the kinds of motivation and heartfelt commitment and volunteer involvement in taking on these kinds of challenges? To what degree do the people want to donate by individual choice, and to what extent do they want the state to make those choices for them? These are issues which are being re-examined today, everywhere.

I would hope and urge all members of the Legislature to address this challenge in the most constructive and helpful way possible, not by inciting rhetoric, not by inciting positions to be brought forward that are not based on complete and reliable information. This is a debate which is a very serious debate, and we can do credit to that debate by discussing it in the Legislature, rather than by name-calling, rather than by asserting partisan positions unnecessarily. We can do it by putting forward our best ideas and subjecting them to the analysis of each other, to the constructive criticism of each other, and also, by doing so, the public can be a more effective evaluator of what we are doing on their behalf here.

So thanks for the opportunity to speak on this issue. I would urge this not to be hoisted. Let us proceed, but let us address these other issues, Labour Management Review Committee, more fulsomely and constructively and bring about an improvement. Thank you very much.

* (1620)

Madam Speaker: Is the House ready for the question? The question before the House is the proposed motion of the honourable member for Transcona (Mr. Reid).

Voice Vote

Madam Speaker: All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Nays have it.

Formal Vote

Mr. Steve Ashton (Opposition House Leader): Yeas and Nays, Madam Speaker.

Madam Speaker: A recorded vote has been requested. Call in the members.

Order, please. The motion before the House, moved by the honourable member for Transcona (Mr. Reid) that Bill 26, The Labour Relations Amendment Act (Loi modifiant la Loi sur les relations du travail), be not now read but be read a second time this day six months hence.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Gaudry, Hickes, Jennissen, Kowalski, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.

Nays

Cummings, Derkach, Downey, Driedger, Dyck, Enns, Ernst, Filmon, Findlay, Gillehammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Newman, Pallister, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Tweed, Vodrey.

Madam Deputy Clerk (Bev Bosiak): Yeas 25, Nays 30.

Madam Speaker: I declare the motion defeated.

* * *

Madam Speaker: To resume second reading debate on Bill 26, on the proposed motion of the honourable Minister of Labour (Mr. Toews), The Labour Relations Amendment Act (Loi modifiant la Loi sur les relations du travail), standing in the name of the honourable member for Wellington (Ms. Barrett). Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Speaker: No? Leave has been denied.

Is the House ready for the question? The question before the House is second reading of Bill 26, The Labour Relations Amendment Act.

Voice Vote

Madam Speaker: All those in favour, please say yea.

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Yeas have it.

* (1630)

Formal Vote

Mr. Ashton: Yeas and Nays, Madam Speaker.

Madam Speaker: A recorded vote has been requested. Call in the members.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Cummings, Derkach, Downey, Driedger, Dyck, Enns, Ernst, Filmon, Findlay, Gilleshammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Newman, Pallister, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Tweed, Vodrey.

Nays

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Gaudry, Hickes, Jennissen, Kowalski, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.

Madam Deputy Clerk (Bev Bosiak): Yeas 30, Nays 25.

Madam Speaker: The motion is accordingly carried.

Bill 72—The Public Schools Amendment Act (2)

Madam Speaker: To resume second reading debate on Bill 72, (The Public Schools Amendment Act (2); Loi no. 2 modifiant la Loi sur les écoles publiques), on the proposed motion of the honourable member for Wolseley (Ms. Friesen), standing in the name of the honourable member for Thompson (Mr. Ashton), who has 14 minutes remaining.

Is there leave to permit the motion to remain standing in the name of the honourable member for Thompson? [agreed]

Ms. Diane McGifford (Osborne): Late last week, Madam Speaker, the member for Wolseley moved, and it was seconded by the member for Transcona (Mr. Reid), that Bill 72, The Public Schools Amendment Act (2), be not read a second time but that it be read a second time this day six months hence.

I rise today to speak in support of the member's motion. I know, when the member for Wolseley spoke last week, she spelled out what she saw as the real purposes and the real agenda of Bill 72, and these are reasons for delaying and reconsidering this bill.

In her address, she talked about government's hostility to the public services. She talked about the government policy of wage reduction, and she gave examples of this policy, the famous Filmon Fridays, the introduction of user fees at so many levels of government. She spoke about the kind of offloading that has characterized this government, particularly, I might add, in education.

She talked about the government's allegiance to New Right ideology and the government's commitment to wage reduction, which of course is aligned with its desire to break labour, as is enshrined in Bill 26, The Labour Relations Amendment Act. She also spoke about the government's desire, simply put, to pay teachers less money, to reduce wages in the public sector and to continue the attack on teachers and on public education in the province of Manitoba. Clearly, as this member indicated and as the member for Thompson (Mr. Ashton) indicated when he was speaking, it is pay-back time. These are all reasons for delaying this bill.

The member for Wolseley (Ms. Friesen) also, after a careful deconstruction of the bill, pointed out specifically how antiteacher and antilabour this bill really is. These alone I think, Madam Speaker, are reasons which would justify the delay of this bill. She demonstrated how this bill will sow seeds of discontent in many Manitoba communities, for example, by disclosing and personalizing teachers' salaries. She pointed out that the antiteacher nature of the bill is particularly evident in one of the bill's most controversial elements, and that is the inclusion of the ability of a school division to pay to be taken into account by an arbitrator. Furthermore, and I think this is truly shocking and perhaps unprecedented, that the arbitrator consider the ability to pay to be the most important factor in determining financial decisions. This is from a government that over the past years has cut millions of dollars from education and certainly appears to be determined to starve the public education system. Again, it would seem to me that these are all reasons for delay, to give the minister an opportunity to be more moderate, to give the minister the opportunity for that famous sober second thought.

* (1640)

The member for Wolseley, in outlining the history of the bill, has cited its predecessor, that noxious discussion paper entitled "Enhancing Accountability: Ensuring

Quality" which I think, Madam Speaker, enraged to a person each and every teacher in this province and certainly most parents. I know that I received many calls in my constituency office and many letters in my constituency office and these letters, almost without exception, deplored this particular discussion paper. Enhancing Accountability: Ensuring Quality, so overwhelmingly negative was public response that even the reactionary Filmon government began retreating. They slowed down and again, as the member for Wolseley explained, lopped some of the most unpleasant aspects of Enhancing Accountability: Ensuring Quality in the Minister of Education's (Mrs. McIntosh) cupboard, to be trotted out no doubt at a later date when the government smells blood, believes teachers are more vulnerable and that the public is more malleable. Again, this is good reason for delay and would give the minister the opportunity to reconsider this piece of legislation.

One reason for the slowdown and retreat on the part of the government, or temporary retreat, I should say, away from Enhancing Accountability: Ensuring Quality was public reception to the travelling road show known as the Teacher Collective Bargaining and Compensation Committee.

Now, Madam Speaker, I attended several of these public meetings and only, perhaps, once out of 30 or 35 presentations did I hear any support whatsoever for this government document, and this was from a university student who was so obviously a Tory plant that everyone in the room was absolutely convinced of that fact. The presentations that I heard from teachers, from parents, from grandparents, from community leaders were unanimous in their support of Manitoba's school teachers, unanimous in their belief that teachers were doing an excellent job and behaving with grace under pressure from this government.

At these hearings teachers spoke movingly about their commitment to their profession, to their students and to education. Teachers did themselves proud and, as a former teacher, I was pleased to stand among the teachers and count myself as one of this company. Again, delay would give this minister time to perhaps reread some of these public presentations. I am sure they are documented. Perhaps she could reconsider, and again I advocate sober second thought.

I have referred to the Teacher Collective Bargaining and Compensation Committee because I want to underline the fact that teachers represented themselves so eloquently and so passionately at these public meetings. But I also wanted to make the point that, contrary to what this minister implied when she introduced Bill 72 at second reading, contrary to what her rhetoric implied, this bill does not reflect a compromise. It is no kind of kindly halfway between trustees, teachers and with superintendents thrown in for good measure. Again, delay would give the minister time to review the legislation and perhaps come up with a more moderate piece of legislation.

Now the minister has claimed that Bill 72 is a major victory for teachers. She said this when she introduced the bill in the House. She said it was a major victory as she says teachers have long sought in collective agreements, and I am quoting from the minister here, statements and clauses about fairness and reasonableness.

But these comments are in relation to items which are being prohibited from arbitration, namely transfers, assignments, the appointments and selection of teachers and principals, evaluation, class size, the scheduling of recess and lunch hour.

I think that the minister's claims of a great victory for teachers were either meant ironically or sarcastically or her words are one more example of the Tory licence with the English language and in the same kind of category as using expressions like income and employment assistance when what is really meant is riding roughshod over the poor in this province, or using expressions like community-based health care when what is really meant is kicking people out of hospital and leaving them to the tender mercies of friends and family, or using expressions like cutting through red tape when what is really meant is abandoning the sound principles of environmental management and showing no concern for the environment of our province.

Contrary to this Education minister (Mrs. McIntosh), teachers in Manitoba do not feel, and I am sure this is not really news to the minister, that they have scored a major victory. They do not even feel that they have scored a minor victory. I think reconsideration is absolutely in order. In fact, I do not know a single teacher who feels anything but loathing and contempt for Bill 72, as I am

certain will emerge in the committee hearings which will occur when these take place. Delay, once again, could change all of this. We could produce a bill that teachers would find acceptable.

Addressing the issue of victory for teachers, here for example is what Ken Pearce, President of the Manitoba Teachers' Society says about Bill 72. I quote from Mr. Pearce from an article titled: PC government targets unions—teachers high on legislative hit list. The article appears in the September issue of *The Manitoba Teacher*.

For the record, here is what Mr. Pearce writes. He says: Bill 72 is mean spirited and biased in the extreme. There is not another piece of legislation in Canada that singles out one group of workers for such discrimination. It makes a mockery of our collective bargaining. School boards will have us over a barrel because their ability to pay is largely controlled by shrinking funds from the province and their own unwillingness to tax.

This does not ring in my ear as a voice flush with victory but as the voice of an angry, disgusted citizen who is pretty fed up with this Minister of Education (Mrs. McIntosh), a minister who seems bent on destroying public education, the public education system carefully built up over generations and a minister whose aim seems to be to humiliate and break the spirit of our teachers. Again, delay would allow the minister time to consult with people like Ken Pearce, invite him into her office, have a discussion and perhaps arrive at a compromise.

Now, perhaps the problem here is not so much the minister as it may be the will of the Premier and his Treasury Board, but for teachers, whether it is the minister, the Premier, whether it is the Treasury Board directing the onslaught on Manitoba teachers really matters little. The reality is Bill 72, and Bill 72 is of course something that Manitoba teachers loathe.

Teachers in Manitoba are wondering why they are being picked on. Many teachers in Osborne, for example—I get stopped nearly every morning when I am out walking my dog and indeed had quite a lengthy conversation which I will refer to later, a lengthy conversation this morning. Many teachers in my immediate neighbourhood are wondering why they are being picked on. One was telling me that he and his

wife, who is also a teacher, are willing to do their bit for this province. They understand that times in Manitoba are tough, and they understand that in tough times all of us, including teachers, need to sacrifice a little. At the same time they wonder why the cabinet and the Education minister, far from doing their bit and sacrificing, pocketed a substantial increase this year. They wonder why the attack on teachers is so relentless. They simply do not understand why they are being picked on.

* (1650)

Many teachers feel they are being singled out, but I always assure them that this is not true, that they are in very good company along with academics and nurses and home care workers and maybe very soon social workers. We will wait and see what comes of opening up the child and family act.

The truth is that—[interjection] The member for River Heights (Mr. Radcliffe) is telling us that there will be positive reform in that review and I certainly hope so and would look forward to it if that is the case. The truth is, I am not sure why this government so dislikes service providers and educators, whether they be academics or public school teachers, though I begin to suspect that the Tory caucus harbours a deep-seated distrust of the intellectual life of ideas, of knowledge, even perhaps of thinking and thought itself. How else can we explain this government's determination to position itself squarely and insistently in the university? How else can we explain the minister's attack on public schools and on teachers and her determination to hug all power to her breast? Why not wait and redraft this bill in tranquillity?

I think it was Wordsworth who said, poetry is emotion recollected in tranquillity. Well, a little tranquillity and a little recollection would be in order with this bill.

Remember the puzzle, Madam Speaker, that we all received on the first day, all MLAs received September 16. There was a question posed and the answer to the puzzle was that public education is the key to a prosperous Manitoba, but this minister still does not get it. She still does not understand that you cannot build a stronger public education system by humiliating and disregarding public school teachers.

Now, there may be a question as to whether the government values public education at all, but let us set that aside for a minute. This minister still does not seem to understand that quality education and teachers go together, that they are the perfect match. I think the minister needs some time with teachers. My personal advice to her is to make friends with teachers. I know that teachers have changed my life and changed the lives of my children. I think I have mentioned before in this Legislature, Dr. Sybil Shack, who is an internationally known educator, a human rights activist, a feminist and a poet. She was a model for me when she was my teacher. She was a woman who inspired my passions for social justice, for women's rights and for poetry.

I would also like to mention my daughter's drama teacher, Tony Kennet at Gordon Bell School who, for the past three years that I know of and, I am certain, for many before and, I am certain, for many years to come, has been at school four times a week an hour early for drama club. Why? Presumably because he loves the theatre and wants to imbue his students with a love of dramatic arts.

In my neighbourhood, teachers are sports coaches, community club leaders, canvassers, church workers, good neighbours. I think we all know that some teachers even get involved in politics. You name it, wherever you go, we find teachers in our community. Furthermore, teachers are more and more becoming activists, and here I want to quote from Susan Bush, as stated in October's WTA News. Susan Bush is the president of the WTA and she says, and I think this is evidence of her activism: Me, a union member, of course, gladly will I stand up and be counted. I belong to a group that fights determinedly for the rights of its members. Teachers, however, do not enjoy any benefit from labour laws as they are governed by the separate and distinct Public Schools Act. We do not have access to compensation for work-related, on-the-job injury. We cannot depend on a health comfort break after a predetermined period of work. We are not guaranteed any vacation or severance pay. These are but a few examples of the rights that teachers are denied.

She goes on to say: As an individual, how do I acquire these rights? Would my employer hear my requests and willingly agree to them in a benevolent manner? Oh, for such a perfect world. I need my union to speak on my behalf. You need this union too.

And then she concludes by saying: Your efforts should be valued. Stand up to those who would diminish the importance of our work. Do we have the strength in numbers? You bet. I hope your union can count on you.

Of course, the union can more and more count on teachers who are sick and tired of the attack on public education and on their professionalism.

Madam Speaker, as I conclude, I want to point out once again that the member for Wolseley (Ms. Friesen) very carefully dissected Bill 72 and explained why we could not consider this legislation. The member for Thompson (Mr. Ashton), when he spoke, placed this bill very squarely in the context of a raft of repressive, centralizing government legislation which would give birth to a whole string of mini czars and czarinas. The huge numbers of presenters at the committee level, the committees that took place earlier this week and again tonight—the huge number of presenters and the nature of their presentations are unequivocal evidence that the public thinks this minister's education legislation is untenable and unconscionable.

As for me, I am with John Ralston Saul who believes that the duty of a legislator is to be reflective and meditative. As he put it, much to the annoyance of the member for Turtle Mountain (Mr. Tweed) when I quoted John Ralston Saul at the committee on Bill 36, but as John Ralston Saul nevertheless put it: Efficiency is a management technique, not a moral principle.

So my question is, why the hurry? Simply put, Bill 72 should be put off, but preferably it should be put off indefinitely. It is bad legislation, bad educational policy, and has no place in this House.

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

House Business

Hon. Jim Ernst (Government House Leader): Madam Speaker, I would like to advise the House that the Committee on Industrial Relations will sit tomorrow evening, October 24, at 7 p.m. to consider Bill 26, The Labour Relations Act.

Madam Speaker: The Standing Committee of Industrial Relations tomorrow evening 7 p.m. will consider Bill 26.

* (1700)

Bill 59—The Powers of Attorney and Mental Health Amendment Act

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister of Justice (Mrs. Vodrey), Bill 59, The Powers of Attorney and Mental Health Amendment Act, standing in the name of the honourable member for Elmwood (Mr. Maloway).

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

Mr. Gord Mackintosh (St. Johns): Madam Speaker, this bill results from the recommendations by the Manitoba Law Reform Commission on Enduring and Springing Powers of Attorney, a report that was published back in March of 1994. The purpose of the Law Reform Commission report, and hopefully the bill, is to ensure that there is a balance between protection of a person who assigns a power of attorney and allowing that donor's intentions to be most fully realized.

With ordinary powers of attorney, a donor may terminate the power of attorney at any time he or she wishes or may vary it should that be desired. However, with enduring powers of attorney which continue even where the donor becomes mentally incompetent, the donor is more vulnerable. As the vast majority of donors in this position are elderly, and elder abuse including financial exploitation is a growing concern, particularly as the elderly become a larger proportion of our population, the recommendations of the Law Reform Commission are timely and are well received by this side.

Except in one very significant matter, this bill before the House and the recommendations of the Law Reform Commission are almost identical. When seeking to protect a vulnerable population, there can be a danger that freedom of choice might be removed for the person's own good, as the term is often phrased, and such a paternalistic measure, while well-intentioned, can itself be characterized as abusive. The Law Reform Commission's recommendations made what I believe was a

very successful attempt to balance the two competing considerations. Many of the recommendations were directed at placing common law practices within legislation. However, there are a number of new measures recommended which I will comment on.

In the section on execution of enduring powers of attorney, the requirement that certain specific classes of people be used as witnesses to the execution is intended to ensure the witnesses are from groups of people we are accustomed to thinking of as trustworthy. This is to prevent undue influence and fraud, Madam Speaker. Now the attorney or the attorney's spouse are specifically forbidden to be witnesses. That is a good measure for the protection of the donor and as the class of witnesses is fairly broad should not significantly interfere with the freedom of choice of the donor.

The Law Reform Commission recommends and the bill provides that anyone serving as an attorney must be mentally competent, 18 or over, and not an undischarged bankrupt. The requirement that the attorney be mentally competent is obvious. Also, it is good reason for apprehension about an undischarged bankrupt. Such an individual might find the powers they exercise under the attorneyship too tempting when they are under financial stress. However, the requirement that an attorney be 18 years of age at the time that the power of attorney is executed could be problematic, Madam Speaker.

There may be situations where a parent, perhaps a single parent, has been diagnosed with some form of mental incapacity, perhaps Alzheimer's. The children may be under 18 but fully aware of what is occurring, able to understand their parent's wishes in relation to financial matters. The children may also be the parent's first choice as attorneys. Certainly while the children are under 18 there are problems with them exercising financial discretion as for some matters they will not be able to enter into contracts or be legally liable for contracts entered into.

What may be needed is a provision which would allow the child or children to become attorneys at the point they become 18 years of age. This could be done as a springing power of attorney within an enduring power of attorney. The child or children could be named as successive attorneys to become effective when they reach their age of majority. This of course would require an

amendment to the enduring powers of the attorney-part of the bill. I think this would help to ensure that the donor's freedom of choice and intentions could be more fully realized.

The sections requiring the attorney to account to a named recipient or to the donors nearest relative under this legislation is an important measure for the protection of donors, and it is supported.

Now we come to what we see is the contentious part of this bill. The part of Bill 59 that is most disturbing is with regard to the proposed amendments to The Mental Health Act. The government has allowed, by these sections, the Public Trustee to decide whether the donor would be best served by the power of attorney which that donor has executed or by the Public Trustee stepping in and assuming responsibility and committee. This is not what the Law Reform Commission recommended. Indeed, it flies in the face, I think, of the spirit of the Law Reform Commission report which throughout the document recognize the need to truly respect and acknowledge the wishes of a donor.

I want to turn to the Law Reform Commission report. I look at page 27, and I will just cite some of the passages there which clearly indicate what the Law Reform Commission in its wisdom thought was in the best interests of the donor. I quote: Our recommendation implies that orders of supervision and certificates of incompetence should still be made; however, they should only be effective in appointing the Public Trustee as committee if and when an enduring power of attorney does not exist.

Another quote: In order to ensure that the affairs of mentally incompetent individuals who have not executed an enduring power of attorney are being managed. We propose that the Public Trustee should operate as the committee of the person named in the certificate or order until and unless she is notified of the existence of a valid, subsisting enduring power of attorney. However, in order to give effect to the wishes of individuals—and I stress that phrase—who have executed enduring powers of attorney, we believe that a procedure ought to be developed so that the Public Trustee does not act when a valid enduring power of attorney exists—end of quote.

Further, the Law Reform Commission at page 27 recommends, and I quote: The existence of a valid, subsisting power of attorney will relieve the Public Trustee of responsibility with respect to the person named in the order of supervision or certificate of incompetence.

Then, on the following page, the Law Reform Commission goes on to set out this thinking and its recommendations. I refer to recommendations 31 to 35, particularly 31, which states, and I quote: Upon receiving a certificate of incompetence or an order of supervision, the Public Trustee should be empowered to act as the committee of the person named in the certificate or order until and unless the Public Trustee has knowledge that the person has executed a valid and subsisting enduring power of attorney.

* (1710)

The recommendations of the Law Reform Commission that are set out in their draft legislation, their appendix, in the part dealing with The Mental Health Act, have been gutted almost in its entirety by the government's bill. The essence of the Law Reform Commission draft legislation stated, and I quote: The Public Trustee shall not be the committee of the estate of any person who has given an enduring power of attorney that exists at the time a certificate or order is issued concerning that person.

We on this side, and I think anyone who has had to deal with the Public Trustee's office, knows of the power of the Public Trustee. A situation was recently brought to the minister of a family that was willing and able to act in the interests of the mother, and yet the Public Trustee stepped in and said, no way. The Public Trustee took over the affairs of this mother. In that case, two of the children had even been given the power of attorney, but the Public Trustee overruled that. Now the family would be forced to go the courts and assert what was surely the intentions and wishes of the donor, the mother. Under the government's bill, the Public Trustee has the power to decide whether a committee may act, contrary to the Law Reform Commission recommendations.

Now, Madam Speaker, if there are cases where some valid concern exists in relation to the power of attorney, the Public Trustee does have the power under this bill in

another part to apply to the court and the court has a broad range of powers to rectify a situation, including terminating the power of attorney, which would then leave the Public Trustee as committee or else a new attorney could be appointed. That being the case and given those powers, there can be no reason for a provision as intrusive as the government proposes.

The bill requires the Public Trustee to give notice of the results of her investigation. If no such investigation was contemplated by the Law Reform Commission—and again we are talking about an intrusive interference with the donor's wishes, which will, for the most part, be unnecessary—the person named as attorney, should they wish to challenge the Public Trustee's actions in this regard, must make application to the court to do so. Finally, the Public Trustee is released from all legal liability which may otherwise flow from her actions in this regard. This is an aspect unacceptable—indeed, it is an unacceptable intrusion into the intentions of an individual, and the related sections of the bill should be removed so that the order to the Public Trustee is cancelled regarding committeehip as soon as notice is received and a valid enduring power of attorney exists and has been found.

Madam Speaker, with regard to springing powers of attorney, most of this part appears to regularize the situation at common law. The statement that springing powers of attorney may endure after the mental incompetence of the donor will clarify some legal situations that have been found uncertain. Also, the provision with respect to the individuals or bodies entitled to make a declaration of mental incompetence will provide a greater legal certainty for donors, attorneys and third parties.

Some other concerns relate to the issue as to whether a central registry should be established for the deposit of appointments. That issue was canvassed on page 27 of the Law Reform Commission report, and the Law Reform Commission found that such a registration would be inordinately cumbersome and place an unnecessary burden on donors, attorneys and the Public Trustee.

The Law Reform Commission proposed that the Public Trustee be obliged to make a minimal effort which would achieve substantially the same result. While we do not

have any major problem with that conclusion, we would like to explore whether the issue of cost of the registry has been considered as well as its workability.

We also have some concern as to whether there should be a requirement for the passing of accounts if required by a party. That concern had been raised with me, as well a concern has been raised about the protection of unwilling attorneyship especially where the attorney had insufficient knowledge of what was required of that individual, especially where a donor becomes mentally incompetent. Indeed if one does not wish to act, leave of the court is necessary to renounce. We wonder if that is not too onerous, and we will be interested to hear the views of the government on that.

With those comments, Madam Speaker, I understand there will be further debate on this bill, and we will then look forward to consideration at the committee stage clause by clause. Thank you.

Madam Speaker: As previously agreed, this bill remain standing in the name of the honourable member for Elmwood (Mr. Maloway).

**Bill 67—The Manitoba Telephone System
Reorganization and Consequential
Amendments Act**

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister responsible for The Manitoba Telephone System (Mr. Findlay), Bill 67, The Manitoba Telephone System Reorganization and Consequential Amendments (Loi concernant la réorganisation de la Société de téléphone du Manitoba et apportant des modifications corrélatives), standing in the name of the honourable member for Flin Flon (Mr. Jennissen), who has 14 minutes remaining.

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

And standing in the name of the honourable member for Elmwood (Mr. Maloway).

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

Mr. Clif Evans (Interlake): I am pleased to rise this afternoon to make some comments about Bill 67 and the atrocity that this government has brought in to dissolve—not dissolve but to dissipate from control as a Crown corporation to private enterprise, our Manitoba Telephone System.

A system and a service that has been providing equitable service to this province and to the people of this province for many, many years, Madam Speaker, is now being thrown to the wolves, to the corporate wolves and the corporate agenda of this government and to take away the valued service and efforts that the Manitoba Telephone System has provided and put in for these many years, and the people who have been associated with MTS.

Madam Speaker, MTS has become, and is, a tremendously important issue in rural Manitoba and in Manitoba, but rurally for the past six months in my travels across the constituency and in other areas, I have not heard one person in this province say to me, yes, we think MTS should be privatized and sold—not to me. Perhaps members opposite have heard that from their corporate friends or their private corporation associates that they have that think, hey, let us get in on this, but the people have not. The question that I hear and have had brought to me is, why are you selling an asset so important to the people of Manitoba? Why do you want to put it on the corporate agenda, the corporate list, so that you can sell shares back to the people who own MTS? It does not have any reason whatsoever. Well, perhaps it does. It has reasons that we have found out—and we have been hearing and questioning the government of the day as to why the secrecy. Why did this government not come to the people of Manitoba with this agenda in mind and say prior to the election, when they first thought of it, that we are considering selling off MTS? I am sure at that time, as is right now that we are getting the same questions as the government of the day is being asked, why would you want to do that?

* (1720)

Madam Speaker, of course, this government did not go to the people, did not tell them that they were going to consider it at that time, but I think that there was more than a consideration prior to the announcement of it. I think there was more than a consideration. I feel at some

point prior to the 1995 election that this government and this Premier (Mr. Filmon) and the minister and cabinet had decided that it was a go after the '95 election if they became government, and, lo and behold, they used the fact of other issues in this province to get re-elected. They stated that they were not going to sell. There was not in Question Period prior to the election, after the election—we heard this government say, no, we are not going to sell. There is no need for it.

Well, Madam Speaker, we find out that in fact this government initiated three firms from Ontario to do a study on the MTS situation here in Manitoba, and we wonder why they would do that. Why would they have somebody from outside the province who is not in telecommunications, who is not an expert on telecommunications who would be able to provide a study, who would be able to provide us with the works of MTS and what we can do for MTS to improve it, what we can do with MTS to provide better service for the people? No, they go to brokerage firms, and then we find that the brokerage firms now will be front and centre in having the first authority to be able to sell the shares back to the people of Manitoba. So they have been paid to do the study. Now they will get paid on a percentage basis to sell the shares. Selling it back to the people, No. 1., does not make any sense. Now, the Minister of Finance (Mr. Stefanson) looks at me with a gleam in his eye.

Well, one of the issues and one of the things that I was questioned about, as a member, was the fact that why is this government, why did they not do a proper study of MTS internally, have a proposal? Why did they not do that? Why did they not consider—Manitoba HydroBonds are available, and I was very surprised to hear my constituents and other people in the province say: I will tell you, if they had MTS bonds like they had the HydroBonds—which are successful—I would certainly consider purchasing MTS bonds. Buying bonds would enhance MTS's position, but I am certainly not going to start buying shares in a company that belongs to me as it is.

Madam Speaker, MTS has been successful over its years, I feel. I feel MTS has done what it can and has done what is available and is very willing and capable of even doing more in the communications field, technology for the province of Manitoba, as an entity of the people of Manitoba, not as an entity of a private corporation. We

all know, members opposite are well aware once you buy a share you buy into something, you want a return on that money, and to get a return on that money means increased costs so that the shares are more valuable than when the people bought the shares.

Again, going against the will of the people, promises from the other side with regard to the Jets, with regard to other issues in health care and education that we are going to provide the best service, we are going to do this and we are going to do that. Then all of a sudden they are taking away a service to people who now and in the past five years have had to pay out more out of their pocket, maybe not on the personal tax line of your income tax return, but out of your pocket, for user fees, for increased costs, taking away benefits. People in this province are now paying more. This government is flip-flopping. They have got their head in the sand, not us. They are saying no more taxes. The same government, the same Premier who said no more taxes, also said no to privatization of MTS.

Madam Speaker, I wonder how members opposite with everything that is going on and all the promises that have been broken could even stand up in this House and support as a party member, as a policy, as a member of a government who does not keep promises. I wonder whether the Minister of Finance (Mr. Stefanson), how he really feels about the policies and the promises. Besides the political agenda, there is also the moral agenda, and I do not believe for one minute that members opposite do have any morals with respect to MTS. We see, we have heard and we read in the paper. We hear from community people, we hear from rural Manitobans. Certainly what we do not hear on this side of the House is the member for Gimli (Mr. Helwer) standing up from my constituency and saying, I cannot wait for it to be privatized so I can buy some shares. That may be well and fine for the member for Gimli. He can probably afford it, and he is probably waiting for that to happen, but for all the people in the Gimli constituency that he serves, how many of them can afford to buy shares? Not very many.

So I think that this government's agenda to destroy the services, the much-needed services, and the services that MTS has worked very hard and diligently to be able to provide—their technology is increasing. They talk about we have to get rid of it because it is costing us money. [interjection] The member says \$800 million, but perhaps

that number would not have been \$800 million to use as a number had not this government sold off parts of MTS, given away other parts of MTS, not make MTS accountable by giving other assets of MTS away. It would not have been \$800 million. The assets that we have even now with the debt service that this government says MTS has, we have an asset of probably \$1.5 billion. [interjection]

Well, with everything said and done, the member across says 1.2, but with everything said and done, Madam Speaker—and I have talked to MTS employees—the fact that the corporation, a Crown corporation, MTS, is doing a magnificent job in retaining, getting back a lot of the business that it lost due to this government's action in getting rid of some of the assets that MTS already had—cable, telemarketing. They are getting it back. They are competitive. They are more than competitive.

I have talked to people who are in that service, in that portion of the MTS, and they say it is amazing that people are coming back to our own MTS for the service that they decided previously not to continue with. So the competition was there, but now we are getting it back. People are realizing that this service, this Crown corporation, belongs to the people. They do not want it to belong to abc company from Texas. They do not want

it to be a part of Faneuil or they do not want it to be a part of Mike Bessey's little group. They do not want it to be a part of Bob Kozminski's group. They want it to stay as their own.

Now we have members opposite getting up and speaking on MTS, spinning what they are told to spin, the same people who I cannot believe are sitting there and nodding their heads agreeing with the Minister responsible for MTS (Mr. Findlay) and the Premier (Mr. Filmon), agreeing with them and with the elite of cabinet in saying, do not pay any attention to what the people are saying. It is not true. We have to sell it. We are going to sell it. If we do not sell it, our corporate buddies are not going to make any profits and we are going to take the service away from the people of Manitoba. The lower costs, the improved technology.

Madam Speaker: Order, please. When this matter is again before the House, the honourable member for Interlake (Mr. Clif Evans) will have 16 minutes remaining.

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, October 23, 1996

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