



Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

Member	Constituency	Political Affiliation
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	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim	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	Ind.
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, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	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.
Vacant	Portage la Prairie	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 24, 1997

The House met at 1:30 p.m.

*PRAYERS*

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mobile Screening Unit for Mammograms**

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, I beg to present the petition of Patsy Clarkson, Brad Wyatt and Ken Munro asking that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

**Obstetrics Closure—Grace General Hospital**

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, I beg to present the petition of Marion Graham, Arnold Graham, Marie Friesen and others praying that the Legislative Assembly of Manitoba request the Minister of Health consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

**CRTC—Presentations**

**Mr. Stan Struthers (Dauphin):** Madam Speaker, I beg to present the petition of Peter Atamanchuk, Helen Atamanchuk, Anne Harrison and others praying that the Legislative Assembly of Manitoba request that the Premier (Mr. Filmon) and the minister of telecommunications make presentations before the CRTC opposing such hikes in local rates.

**READING AND RECEIVING PETITIONS**

**Mobile Screening Unit for Mammograms**

**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.

*WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and*

*WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and*

*WHEREAS while improved surgical procedures and better post-operative care do improve a woman's chances if she is diagnosed, early detection plays a vital role; and*

*WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and*

*WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and*

*WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and*

*WHEREAS the provincial government has promised to take action on this serious issue.*

*WHEREFORE YOUR PETITIONERS HUMBLYPRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.*

**Obstetrics Closure—Grace General Hospital**

**Madam Speaker:** I have reviewed the petition of the honourable member for St. James (Ms. Mihychuk). 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.

*The petition of the undersigned citizens of the province of Manitoba humbly sheweth:*

*THAT the obstetrics program has always been an important part of the Grace Hospital's mandate; and*

*THAT both people in the community and a number of government studies have recommended against the further closure of community hospitals' obstetrics programs; and*

*THAT as a result of federal and provincial cuts in the health budget, hospitals are being forced to eliminate programs in order to balance their own budgets; and*

*THAT the closure of the Grace Hospital obstetrics ward will mean laying off 54 health care professionals, many of whom have years of experience and dedicated service in obstetrics; and*

*THAT moving to a model where more and more births are centred in the tertiary care hospitals will be more costly and decreases the choices for women about where they can give birth.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.*

**Madam Speaker:** I have reviewed the petition of the honourable member for Broadway (Mr. Santos). 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.

*The petition of the undersigned citizens of the province of Manitoba humbly sheweth:*

*THAT the obstetrics program has always been an important part of the Grace Hospital's mandate; and*

*THAT both people in the community and a number of government studies have recommended against the further closure of community hospitals' obstetrics programs; and*

*THAT as a result of federal and provincial cuts in the health budget, hospitals are being forced to eliminate programs in order to balance their own budgets; and*

*THAT the closure of the Grace Hospital obstetrics ward will mean laying off 54 health care professionals, many of whom have years of experience and dedicated service in obstetrics; and*

*THAT moving to a model where more and more births are centred in the tertiary care hospitals will be more costly and decreases the choices for women about where they can give birth.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.*

#### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

##### Standing Committee on Economic Development Third Report

**Mr. Mervin Tweed (Chairperson of the Standing Committee on Economic Development):** Madam Speaker, I wish to present the Third 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 Third Report.*

*Your committee met on Friday, June 20, 1997, at 10 a.m., in Room 255 of the Legislative Assembly to consider bills referred.*

*At that meeting, your committee elected Mr. Tweed as its Chairperson and Mrs. Render as its Vice-Chairperson.*

*Your committee heard representation on bills as follows:*

*Bill 15—The Government Essential Services Amendment Act; Loi modifiant la Loi sur les services gouvernementaux essentiels*

*Bill Sumerlus - CUPE Manitoba  
John Doyle - Manitoba Federation of Labour*

*Bill 16—The Council on Post-Secondary Education Amendment Act; Loi modifiant la Loi sur le Conseil de l'enseignement postsecondaire*

*Dr. Wm. R. Eichhorst - Representative for Independent Colleges of Manitoba  
Elizabeth Carlyle - Canadian Federation of Students - Manitoba*

*Bill 27—The Public Schools Amendment Act; Loi modifiant le Loi sur les écoles publiques*

*Diane Beresford - Manitoba Teachers' Society*

*Bill 32—The Workplace Safety and Health Amendment Act (2); Loi no 2 modifiant la Loi sur la sécurité et l'hygiène du travail*

*Harry Mesman - Manitoba Federation of Labour  
Bud Shiaro - CUPE  
Jackie Kuryk - Private Citizen*

*Bill 39—The Labour-Sponsored Venture Capital Corporations Act; Loi sur les corporations à capital de risque de travailleurs*

*Rob Hilliard - President, Manitoba Federation of Labour*

*Your committee has considered:*

*Bill 11—The Northern Affairs Amendment Act; Loi modifiant la Loi sur les Affaires du Nord*

*Bill 16—The Council on Post-Secondary Education Amendment Act; Loi modifiant la Loi sur le Conseil de l'enseignement postsecondaire*

*Bill 27—The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques*

*Bill 32—The Workplace Safety and Health Amendment Act (2); Loi no 2 modifiant la Loi sur la sécurité et l'hygiène du travail*

*and has agreed to report the same without amendment.*

*Your committee also considered:*

*Bill 15—The Government Essential Services Amendment Act; Loi modifiant la Loi sur les services gouvernementaux essentiels*

*and has agreed on a counted vote of 6 Yeas, 4 Nays, to report the same without amendment.*

*Your committee also considered:*

*Bill 39—The Labour-Sponsored Venture Capital Corporations Act; Loi sur les corporations à capital de risque de travailleurs*

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

**MOTION:**

*THAT the definition "employee organization" in subsection 1(1) be amended by striking out everything after "such organizations".*

**Mr. Tweed:** I move, seconded by the honourable member for Gimli (Mr. Helwer), that the report of the committee be received.

**Motion agreed to.**

\* (1335)

**Standing Committee on Privileges and Elections  
Second Report**

**Mr. Peter Dyck (Chairperson of the Standing Committee on Privileges and Elections):** Madam Speaker, I beg to present the Second Report of the Committee on Privileges and Elections.

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*Your committee met on Monday, June 23, 1997, at 3:30 p.m. in Room 255 of the Legislative Building to consider the Report of the Sub-Committee established to review the Children's Advocate sections of The Child and Family Services Act.*

*Your committee has considered the Report of the Sub-Committee established to review the Children's Advocate sections of The Child and Family Services Act and has adopted the same as presented, and has agreed to recommend the report to the House.*

#### APPENDIX

#### REPORT OF THE SUB-COMMITTEE OF THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS ON THE CHILDREN'S ADVOCATE SECTIONS OF THE CHILD AND FAMILY SERVICES ACT

#### PREAMBLE:

*By resolution of the Legislature the Sub-Committee of the Standing Committee on Privileges and Elections was authorized to hold public meetings to inquire into matters relating to the Office of the Children's Advocate for the Province of Manitoba. Pursuant to this mandate the sub-committee held public meetings as follows:*

*Winnipeg - Tuesday, April 22, 1997 - 10 a.m.  
Room 255 Legislative Building  
450 Broadway*

*Winnipeg - Monday, May 12, 1997 - 7:30 p.m.  
Room 254 Legislative Building  
450 Broadway*

*Winnipeg - Tuesday, May 13, 1997 - 12 noon  
Manitoba Telecom Services  
Video Conference Room  
Trizec Building*

*Thompson - Wednesday, May 14, 1997 - 9 a.m.  
City Council Chambers*

*Winnipeg - Thursday, May 15, 1997 - 10 a.m.*

*Room 254 Legislative Building  
450 Broadway*

*Winnipeg - Thursday, May 15, 1997 - 1 p.m.  
Manitoba Telecom Services  
Video Conference Room  
Trizec Building*

*Winnipeg - Tuesday, May 20, 1997 - 3 p.m.  
Room 254 Legislative Building  
450 Broadway*

*Winnipeg - Wednesday, May 21, 1997 - 3 p.m.  
Room 254 Legislative Building  
450 Broadway*

*Representations from organizations and private citizens were made as follows:*

*Winnipeg - Tuesday, April 22, 1997 - 10 a.m.  
Mr. Wayne Govereau, Office of the Children's Advocate  
Ms. Roma Minenko, Office of the Children's Advocate*

*Winnipeg - Monday, May 12, 1997 - 7:30 p.m.  
Mr. Wayne Reid, Private Citizen  
Ms. Judy Reid, Private Citizen  
Ms. Lore Mirwaldt, Private Citizen  
Mr. Harvy Frankel, Faculty of Social Work, University of Manitoba  
Ms. Ingrid Zacharias, Private Citizen  
Ms. Susan Swaigen, Private Citizen*

#### WRITTEN SUBMISSIONS

*Mr. J. Doug Crookshanks, Westman Child and Adolescent Mental Health Program  
Ms. Betty L. Goossen, Private Citizen  
Mr. Ronald Wesley, Private Citizen  
Ms. Evelyn Thorgeirson, Private Citizen  
Ms. Merlyn Rotter, Manitoba Youth Centre  
Ms. Neta Friesen, Ms. Claudette Dorge, Ms. Donna Pierce, Ms. Claire Milgram, Child Protection Centre, Health Sciences Centre  
Ms. Glynnis Fiddler, Wood's Homes, Parkdale Centre  
Manitoba Association for Rights and Liberties  
Anishinaabe Child and Family Services Inc.  
Ms. Kathleen Tessier, Health and Family Services, Thompson Region*

Mr. Ken Knight, Child and Family Services of Western Manitoba  
Social Planning Council of Winnipeg

Winnipeg - Tuesday, May 13, 1997 - 12 noon  
Ms. Irene Garneau, Taras Vision Incorporated (Dauphin)  
Ms. Ellen Wood, Parkland Crisis Centre (Dauphin)

Thompson - Wednesday, May 14, 1997 - 9 a.m.  
Ms. Kaye Dunlop, Awasis Agency of Northern Manitoba  
Ms. Thelma Bland, Awasis Agency of Northern Manitoba  
Ms. Ruth Bushby, Futures Program of the Ma-Mow-We-Tak Friendship Centre  
Ms. Norma Boulé, Thompson Boys and Girls Club  
Ms. Ann Marie MacIntyre, Thompson Action Committee on the Status of Women  
Ms. Hari Dimitrakopoulos, Thompson Action Committee on the Status of Women

Winnipeg - Thursday, May 15, 1997 - 10 a.m.  
Ms. Linda Pinch, Adults Molested as Children (AMAC)

Winnipeg - Thursday, May 15, 1997 - 1 p.m.  
Ms. Beth Sanders, Women for Equality; Manitoba Action Committee on the Status of Women (Brandon)  
Ms. Jennifer Howard, Women for Equality; Manitoba Action Committee on the Status of Women (Brandon)

Winnipeg - Tuesday, May 20, 1997 - 3 p.m.  
Mr. Reid Hartry, Past Chairperson, Manitoba Coalition on Children's Rights  
Ms. Louise Malenfant, Family Advocate of Parents Helping Parents  
Mr. Luis Coelho, President, CUPE Local 2153  
Mr. Corbin Shangreaux, Southern Manitoba First Nations Child and Family Services Agencies  
Ms. Glory Lister, Southern Manitoba First Nations Child and Family Services Agencies

Winnipeg - Tuesday, May 20, 1997 - 7:30 p.m.  
Ms. Amelia Wesley, Private Citizen  
Ms. Victoria Lehman, Private Citizen  
Mr. Darren Berg, Private Citizen  
Ms. Alice Wright, Private Citizen  
Ms. Irma McKay, Private Citizen  
Ms. Leslie Galloway, Private Citizen

Winnipeg - Wednesday, May 21, 1997 - 3 p.m.  
Ms. Ann Ross, AGR Health Services Inc.  
Ms. Sandy Funk, Ma Mawi Wi Chi Itata Centre Inc.  
Dr. Peter Markesteyn and Ms. Jan Christiansen-Wood, Office of the Chief Medical Examiner  
Dr. Sid Frankel and Ms. Anne McGillivray, The Manitoba Research Centre on Family Violence and Violence Against Women  
Ms. Nancy Vadas, Knowles Centre, Sexual Abuse Treatment Program

#### MANDATE TO REVIEW THE CHILDREN'S ADVOCATE LEGISLATION

##### A. INTRODUCTION

The required legislation establishing the Children's Advocate and requiring that a review of the legislation be completed by a committee of the Legislative Assembly is included in Section 8:13 of The Child and Family Services Act.

##### REVIEW PROCESS

Advertisements in local media;

Provided information on the format and registration dates for public involvement;

The deadline for registration was April 18, 1997;

The Clerk's office of the Legislative Assembly did devote staff time to manage the process of registering submitters, arranging consultation meetings and accepted written submissions which were forwarded for distribution to committee;

The public consultation schedule was established and the hearings commenced on April 22, 1997;

The time limit for formal presentations was set at a total of thirty (30) minutes with twenty (20) minutes set aside for the verbal presentation, and ten (10) minutes set aside for questions for committee members.

##### B. THE ROLE OF THE CHILDREN'S ADVOCATE

The Office of the Children's Advocate was established to provide an independent advocate for children who

have been in contact with the Child and Family Services system. The legislation establishing the Children's Advocate, The Child and Family Services Amendment Act, was passed by the Manitoba Legislature in June 1992 and proclaimed in April 1993. In December 1992, Mr Wayne Govereau was appointed as Manitoba's first Children's Advocate. The primary function of the Children's Advocate is to represent the rights, interests, and view points of the children when decisions affecting them are made under The Child and Family Services Act.

### C. LEGISLATION

Part 1.1 of The Child and Family Services Act of Manitoba sets out the duties and powers of the Children's Advocate.

8.2(1) The Children's Advocate shall

- (a) advise the Minister on matters
  - (i) relating to the welfare and interests of children who receive or may be entitled to receive services under this Act, or
  - (ii) relating to services provided or available to children under this Act;
- (b) review and investigate complaints that he or she receives
  - (i) relating to children who receive or may be entitled to receive services under this Act, or
  - (ii) relating to services provided or available to children under this Act;
- (c) in response to a request, represent, other than as legal counsel, the rights, interests and viewpoints of children who receive or may be entitled to receive services under this Act;
- (d) prepare and submit an annual report to the minister respecting the performance of the duties and the exercise of the powers of the children's advocate; and
- (e) perform additional duties and functions as may be prescribed by the regulations, or as may be required by the minister.

In order to assist the Children's Advocate in exercising the above-noted duties, the Children's Advocate has several powers which include but are not limited to the following:

8.3 The Children's Advocate may exercise the following powers:

- (a) to conduct inquiries, investigate, report on, and make recommendations regarding any matter
  - (i) relating to children who receive or may be entitled to receive services under this Act, or
  - (ii) relating to services provided or available to children under this Act;
- (b) to inspect any treatment centre, group home or other home or place in which a child is placed in accordance with the provision of this Act;
- (c) to examine and obtain a copy of any record, paper or thing which, in the opinion of the Children's Advocate, relates to any matter being investigated by him or her, and which is in the possession of the director, an agency or the person in charge of any of the places mentioned in clause (b);
- (d) to communicate with and visit a child who is receiving or has received services under this Act, or a guardian or other person who represents the child;
- (e) other than as legal counsel, to represent the rights, interests and viewpoints of a child who is receiving services under this Act when decisions relating to the child are being made under this Act;
- (f) to solicit, accept and review reports from individuals or organizations concerned or involved with the welfare of children or families, or both.

Similar positions exist in Ontario, Quebec, Alberta, Saskatchewan, and British Columbia. The Ontario Children's Advocate reports to an assistant deputy minister within the Department of Community and Social Services. The Alberta Children's Advocate was established in 1989, and reports to the Minister of Family and Social Services. British Columbia established a Children's Advocate in 1994, who is

appointed by and reports to the Legislative Assembly. Saskatchewan's Children's Advocate was also established in 1994. This position is co-located with the Ombudsman's office, but reports directly to the Legislative Assembly. In Quebec, the position reports to the National Assembly.

Manitoba's precedents for officials appointed by and reporting directly to the Legislature are limited to those with government-wide responsibilities, such as the Ombudsman and the Provincial Auditor. The Manitoba Ombudsman functions under the authority of a separate Ombudsman Act.

Your committee met on Monday, June 9, 1997, Tuesday, June 17, 1997, Wednesday, June 18, 1997, and Thursday, June 19, 1997, for further deliberations and has agreed to report as follows:

The committee heard and received submissions which covered a wide range of issues related to the Office of the Children's Advocate. Although it is not possible in this report to list each and every point presented in the written and oral submissions, the committee has endeavoured to summarize the key issues and concerns which emerged from the public consultation process.

The major themes which surfaced from the presentations focused on five critical areas, among them being:

#### *Reporting Relationship*

Many of the presentations confirmed the need for the Children's Advocate to report directly to the Legislature rather than to the Minister of Family Services. This issue was raised on several occasions due to concerns about the independence of the office in terms of carrying out its investigative and advocacy responsibilities. Numerous comments were made during the review process that direct reporting to the Legislative Assembly would ensure greater openness and accountability. It was further noted that a greater level of independence would allow for critical feedback of the child welfare system and the agencies operating within the system.

Your committee recommends that:

1.1 The Office of the Children's Advocate report directly to a committee of the Legislature.

#### *Term of Office*

Some of the presenters stressed the need to have the Children's Advocate appointed for a specific term of office in a manner similar to that of the provincial Ombudsman. At present, the Children's Advocate falls under the provisions of The Civil Service Act. Under current legislation the Children's Advocate occupies the position at the discretion of the Minister of Family Services within civil service guidelines.

Your committee recommends that:

1.2 The Children's Advocate be appointed for a specific term of office; the term of office will consist of two three-year terms with a review of the position being completed after the initial three-year period.

#### *Scope of Responsibilities*

At present, the Children's Advocate is responsible only for children in the Child and Family Services system. Some presentations to the committee made reference to the fact that the existing scope of responsibilities was too restrictive; the point was made that the mandate of the Children's Advocate should be expanded to respond to the concerns of all children who are encountering problems in their lives, whether that be in child welfare, mental health, the judicial system or in the education system. The suggestion was also put forward that the Children's Advocate should be able to access legal representation for children. Some presentations further noted that the Children's Advocate should take the lead role in instituting change within the Child and Family Services system. Other public presentations offered the view that the existing legislation which sets out the duties and powers of the Children's Advocate is adequate and provides for a broad range of responsibilities. Rather it was stated that the present Children's Advocate has chosen to adopt the role of system police, focusing on the failures of the system yet retaining a hands-off approach to the task of truly addressing systemic issues within the system.

Your committee recommends that:

1.3 The Office of the Children's Advocate maintain its present responsibility for all children within the Child and Family Services system. There is a related need to ensure that the Children's Advocate continues

to have the authority to receive complaints from across all government departments and forward these referrals to the appropriate agency/person for resolution (i.e., a referral may be made to the Office of the Ombudsman and screened by the Investigator, Child and Adolescent Services).

#### *Compliance With Recommendations of the Children's Advocate*

Several presenters acknowledged the fact that the Children's Advocate can exercise broad investigative powers though the penalties for failure to comply with the recommendations from his office are nonexistent. To address this issue it was stated on several occasions that there is a need to develop a mechanism for follow-up to ensure that Child and Family Services agencies actively respond to recommendations put forth by the Children's Advocate. In cases where the Children's Advocate and the agency continue to disagree, a referral to an arbitration body may be required. Some presenters made reference to the fact that the Advocate must have access to a tribunal which can compel an agency to implement the required recommendations. This process might involve granting the Office of the Children's Advocate the power presently vested with the Human Rights Commission.

Representations from First Nations agencies spoke to the fact that in the whole process of reviewing a case, the Office of the Children's Advocate does not take into consideration the recommendations or viewpoints of local people. The point was made that from a First Nations perspective, elders and people from the community are well versed in ensuring that the needs and supports for children and families are met in a systematic manner.

Your committee notes that The Child and Family Services Act provides that the director of Child and Family Services shall "administer and enforce the provisions of this Act" [subsection 4(1)(a)]. Your committee further notes that Bill 48, The Child and Family Services Amendment and Consequential Amendments Act, presently before the Legislature, provides for the duties and powers of the director of Child and Family Services to conduct investigations similar to those of the Children's Advocate, and for the director to establish procedures to hear complaints under the act.

Your committee recommends that:

1.4 In cases where the Children's Advocate and an agency continue to disagree, a referral of the case be made to the director of Child and Family Services for resolution under The Child and Family Services Act. The outcome of such referrals should be directed to the Office of the Children's Advocate for inclusion in the yearly report.

#### *Operational Issues*

Several presenters made reference to the fact that the duties and functions of the Office of the Children's Advocate is not well known in rural and northern Manitoba. One rationale offered for this lack of communication and profile is that some agencies are reluctant to communicate the available services of the office to the public. Reference was also made to the fact that the present Children's Advocate's office is staffed with three individuals who have little or no previous experience in working with First Nations communities when approximately two-thirds of the children in care in the province of Manitoba are First Nations people.

Additional comments which emerged from the presentations was the perception that the existing Children's Advocate office is engaging in an adversarial approach with most Child and Family Services agencies.

On balance, several individuals and organizations confirmed the view that the Office of the Children's Advocate is seen as an objective voice for children and has brought about greater accountability within the system.

Your committee recommends that:

1.5 The Children's Advocate must delegate his authority to ensure greater access to services of the office to children and families in rural/northern Manitoba. Section 8.4 of the present legislation reads that "... the children's advocate may in writing authorize any person to perform any of the duties or exercise any of the powers of the children's advocate."

Presenters also spoke to the need to evaluate the goals and outcomes of the key components of the Child and

*Family Services system; it was noted that there is a need to define measures which are objective rather than judgmental, and it was further suggested that the annual reports of the Children's Advocate should focus on a critique of the system. The point was made on occasion that the Office of the Children's Advocate should take a proactive role in assessing the strengths and weaknesses of the service system.*

*Your committee recommends:*

*1.6 That the Office of the Children's Advocate, the Department of Family Services and other key stakeholders commence a process to develop measures which would evaluate the goals, objectives and outcomes of the Child and Family Services system. The status of this process will be included in the next annual report of the Children's Advocate.*

## ADDENDUM

### MINORITY REPORT OF THE NEW DEMOCRATIC PARTY

*We recommend that:*

*1.3 The responsibilities of the Children's Advocate office be expanded to all areas of government included in and including the Children and Youth Secretariat and all agencies serving children funded by the provincial government. The Children's Advocate must investigate complaints with an emphasis on problem solving, preventative measures and ensure follow-up on recommendations in areas of services, programs, staffing and policy. These investigations should deal with the government or agency's response to systemic problems, including, but not limited to, poverty, crime, health issues, and achievement in education. In the course of investigation and preventative work, the Children's Advocate should review the responses of government and agencies to recommendations in reports such as the Aboriginal Justice Inquiry, the Health of Manitoba Children (Postl Report), and the Children and Youth Secretariat reports.*

*1.4 The Children's Advocate resolve any matter regarding compliance recommendations through the use of mediation, conciliation or other culturally appropriate dispute resolution services. Failure to*

*resolve the issue at this level will necessitate a referral to a third-party arbitrator for a binding resolution.*

*1.5 The Children's Advocate office must have authority to ensure greater access to services for children and families across the province by establishing offices in rural and northern Manitoba with attention to the diversity of cultures in Manitoba. Further, the needs of aboriginal children and families must be addressed. As noted in the Postl Report, "The catalogue of ill health and social burden (of aboriginal children) have some common antecedents that lie in poverty, racism, oppression, and have their own extensive history." (page 86)*

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

**Motion agreed to.**

### 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 twenty Grades 5 and 6 students from Holland Elementary School under the direction of Mrs. Shelley Wallis. This school is located in the constituency of the honourable member for Gladstone (Mr. Rocan).

Also, thirty Grades 1 to 9 students from the Woodland Colony School at Portage la Prairie under the direction of Mrs. Carol Lasota.

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

### ORAL QUESTION PERIOD

#### Manitoba Telecom Services Rate of Return

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, the Premier on May 2, 1996, stated in this House in Hansard that rates could go up with the new private company or they could go down, and as we have seen with the \$2 increase on January 1 and

another \$3 proposed in 1998, the rates go up and up. Can the Premier inform this House and the people of Manitoba what is the rate of return that is being requested on the new private company and what is its impact on the consumers in the province of Manitoba?

**Hon. Gary Filmon (Premier):** The member knows full well that the \$2 increase had been approved under the public ownership of MTS, so he should not attempt to mislead the public on that. I will take that question as notice and bring that information back to the member.

**Mr. Doer:** Madam Speaker, of course the Premier knows—it is on public record, not on his record but the public record—that he hired brokers in July of 1995 to break his election promise that was made a couple of months earlier in terms of the rating increases that flowed. In a CRTC submission by the telephone system, it states that the new private telephone system will need a 12.75 percent rate of return for the new private shareholders for the new private MTS company. They say that their financial advisers had issued this analysis prior to the submission.

Can the Premier advise this Chamber how much beyond the \$3 basic increase will the 12.75 requirement for the private shareholders for the new private company—what will that impact be on our consumers here in Manitoba?

**Mr. Filmon:** Madam Speaker, the member should know as a former minister responsible for the telephone system that the rate of return is set by CRTC, and there is absolutely no certainty that any rate of return that is asked for would be complied with by CRTC.

**Mr. Doer:** The Premier also knows that this rate of return has been established by five other Stentor private companies. The Premier would have known that when he broke his election promise; he would have known that when he hired his brokers; he would have known this when he stood up in the House and said the rates were going to go down. He would have known this, but of course he denied telling the people of Manitoba the basic truth about the telephone system, and of course some of this stuff is now coming out in the CRTC submission.

Can the Premier confirm that the 12.75 percent rate of return will mean at minimum a \$3 rate increase in 1998, and we will still have a shortfall, according to the CRTC presentation, of \$20 million that will have to be made up by the ratepayers in Manitoba to pay for the private shareholders' rate of return, contrary to the promise made by this Premier?

**Mr. Filmon:** Madam Speaker, I will take that question as notice.

\* (1340)

### Rate Increase

**Madam Speaker:** The honourable Leader of the official opposition, with a new question.

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, when we asked about the new private company and its rate of return and its impact on consumers, and when Ross Nugent said that this would be a massive rate shock to the consumers of Manitoba, and he further went on to say it would be a further rate shock to rural members and northern members of Manitoba, the Premier said that Ross Nugent was wrong. Well, it looks like Ross Nugent was right, and the Premier owes him a big apology, along with the people of Manitoba.

Madam Speaker, can the Premier confirm that the \$20-million shortfall is proposed to have further rate increases in the next four years beyond 1998, which will have a dramatic increase in rates, based on the new private company, totally contrary to what the Premier said to the people of this province, probably to his caucus—I would hope to his caucus; if they voted for this, he would have had to mislead them to get this through—totally contrary to his promise here in Hansard all last November?

**Hon. Gary Filmon (Premier):** Madam Speaker, I repeat that rates of return that are asked for are not necessarily complied with by CRTC. CRTC executes the same analysis for rate increases, whether it be a public or a private company.

**Mr. Doer:** A public company does not need 12.75 percent for private shareholders to keep the stock prices

up and going up on the backs of ratepayers here in Manitoba, Madam Speaker. That is the difference, and he knows it.

### **Rate Increase—Rural Manitoba**

**Mr. Gary Doer (Leader of the Opposition):** I would like to ask the Premier: The telephone system, beyond the massive rate increases that are being proposed on the basis of the new privatized company—and it is right here, saying there is a \$36-million shortfall for a new private company. The phone system also is asking to rate rebalance the deal with cost recovery in rural and northern communities. Did the Premier inform his caucus about this reality? Will the Premier now admit that the Manitoba union of municipalities was right when they said that the cost of privatization would be borne more heavily by people living in remote and rural communities, as predicted by the UMM, Madam Speaker?

**Hon. Gary Filmon (Premier):** Madam Speaker, as we have talked about on numerous occasions in this House, rate rebalancing was instituted by CRTC for more than a couple of years now. That was a matter that was in progress and will continue to be in progress, because CRTC of course wants to protect the telephone companies from the shock that would occur if competitors were able to pick off substantial parts of their market, and so they say that in order to protect them from that, there has to be a reasonable balance between cost and revenues in all sectors of their operations.

Those are matters that CRTC has put on the record, has been dealing with for several years, Madam Speaker.

### **Pension Dividends**

**Mr. Gary Doer (Leader of the Opposition):** On October 31, 1996, the Premier again put another “whopper” on the record when he said that the pension tax ruling would be used to forestall any “rate shock” increases of rate increases, Madam Speaker.

In the CRTC submission, the new Manitoba Telephone System, the new private phone system, asked that a portion of the tax ruling—in other words,

the pension money from Manitobans, workers' money—would go to reward the private shareholders of the new private company. Why did the Premier tell us one thing on October 31, and why is the Manitoba Telephone System asking that these pension dividends paid for by the workers would go to the new private shareholders in the new private company, Madam Speaker?

\* (1345)

**Hon. Gary Filmon (Premier):** The member opposite, of course, does not have a great deal of credibility as it is, which is why, of course, he is where he is for three straight election campaigns, because people know that they cannot rely on him to tell the truth. So as a result—

**Madam Speaker:** Order, please.

### **Point of Order**

**Mr. Steve Ashton (Opposition House Leader):** Point of order, Madam Speaker. For this Premier, of all people, to talk about anybody not telling the truth in the context of MTS is absolutely incredible. I would like to ask you to have him withdraw that remark and admit to the people of Manitoba that he is the only person that did not tell the truth on MTS in the election. He did not say he was going to sell it off, so let us have some honesty from this Premier.

**Madam Speaker:** Order, please. On the point of order raised by the honourable member for Thompson (Mr. Ashton), I would remind not only the Premier (Mr. Filmon), but the honourable Leader of the official opposition (Mr. Doer) that “to tell the truth” or “not telling the truth” has been ruled out of order by the former Speaker Rocan on several occasions, and I would appreciate if all honourable members would pick and choose their words carefully.

\* \* \*

**Mr. Filmon:** When the Leader of the Opposition asserts that somehow it is pension money of individual employees that is being used, it is an absolute bald-faced misrepresentation. It is a tax ruling. It is a tax ruling that allows the corporation to avoid paying taxes as a result of their corporate contributions to the tax—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please.

**Mr. Filmon:** Madam Speaker, it is impossible to speak against the chirping of the member for Crescentwood (Mr. Sale) and all of the members opposite. If they really have any interest in this matter, they ought to be keeping quiet and listening to the answer.

### **Manitoba Telecom Services Rate Increase**

**Mr. Steve Ashton (Thompson):** We have just recently obtained a copy of the submission to the CRTC, and it might as well just be subtitled, Honey, I blew up the phone bill, because Manitobans under this government's legacy are already faced—if this is approved, some people in Manitoba will have had their phone bill doubled since 1995; many will have had 70 percent and 80 percent increases, and indeed this is not the end of it. Even with the \$3 increase, this document points to the fact there will be further increases, including to pay for the cost of privatization.

I would like to ask the Premier: Will he now admit that what he said on May 2, 1996, when he announced the sale of MTS was not true, that indeed this document confirms that Manitobans are going to be paying much, much more for basic phone service in the province because of his legacy of broken promises on our phone system?

**Hon. Gary Filmon (Premier):** No, Madam Speaker.

**Mr. Ashton:** I will ask a further question to finally try and bring the Premier into telling the truth to the people of Manitoba.

Will he explain to the people of Manitoba what his government appointees on this board—because the government has four people appointed to the board—whether they supported this dramatic rate increase and whether indeed this government supports the rate increase?

**Mr. Filmon:** I firstly make note of the member who had just gotten up on a point of order with reference to the use of the term “telling the truth” who then uses it

in his own preamble, Madam Speaker, to show his lack of credibility and to show his own lack of integrity with respect to the use of the rules of this House.

### **Point of Order**

**Mr. Ashton:** On a point of order, Beuchesne Citation 417 is very clear that answers to questions should relate to the matter raised. Madam Speaker, if the Premier wants to get into a debate about credibility, I will have a debate with that Premier any time, because he has no credibility with the people of Manitoba.

He should not avoid our rules; he should answer the question that was asked.

**Madam Speaker:** Order, please. The honourable member for Thompson does not have a point of order.

\* \* \*

\* (1350)

**Mr. Filmon:** Madam Speaker, what I will confirm for the member for Thompson is that we as a government trust the integrity of the system that allows for independent third-party analysis of the proposals for rate increases, as opposed to the situation that used to occur under members opposite when they were in government that allowed for the increases—and I might say that in a period of time of 50 years, prior to their taking office under Mr. Pawley, there had only been three rate increases to telephone rates in this province in a space of almost 50 years. They came into office and instituted a program of rate increases that were almost annual, rate increases that they put through at the cabinet table. In addition to that, they made decisions such as investing in telecommunications in Saudi Arabia—

**Some Honourable Members:** Oh, oh.

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

**Mr. Filmon:** Then, Madam Speaker, at that same cabinet table, they made decisions to invest Manitobans' money in Saudi Arabia that cost Manitobans \$30 million that had to be paid for by the

taxpayers of Manitoba, as a result of their desire to play business with the money of the people of Manitoba. That is the kind of shame and that is the kind of disrepute that they continue to live with, because it is their choices that resulted in Manitobans having to spend \$30 million of money that they threw away on the sands of Saudi Arabia. That is the kind of thing that we do not need in this province.

**Mr. Ashton:** I would like to table a document which outlines the rate shock, which is the legacy of this government's policies on MTS. I would like to ask the Premier, since he refused to answer the question I just put to him, will he now confirm that this government not only set up this situation by privatizing MTS, but they will not even use their four positions on the board to oppose it. Will he do the honest and responsible thing and oppose this rate shock that is going to be imposed on the people of Manitoba if approved by the CRTC?

**Mr. Filmon:** Madam Speaker, I repeat that when that group was in office, they not only put through—

**An Honourable Member:** Point of order, Madam Speaker.

**Mr. Filmon:** —increases year after year after year—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please.

#### Point of Order

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, Beauchesne's Citation 417 states—

**Madam Speaker:** On a point of order?

**Mr. Chomiak:** On a point of order, as I indicated earlier, Madam Speaker. Beauchesne's Citation 417 indicates: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

Madam Speaker, I patiently waited for the Premier's response during the second question from the member for Thompson (Mr. Ashton), wherein he asked the

Premier if the cabinet approved the increases, the board appointees to cabinet approved the increases. The Premier spent several minutes talking about the 1980s and the 1990s attempting to deflect attention away from his government, did not deal with the question.

Then, subsequently, when the member for Thompson stood up and again asked the Premier the same question, the Premier began his resuscitation of history again in an attempt to deflect attention away from the fact that this government was dishonest with the people of Manitoba and did not listen to the people of Manitoba.

\* (1355)

I urge you, based on section 417, to call the Premier to order. If the Premier does not want to answer the question, he does not have to, but he ought to deal with the matter raised—

**Madam Speaker:** Order, please. The honourable First Minister, on the same point of order.

**Mr. Filmon:** On the same point of order, Madam Speaker, I know that it is very, very sensitive to the members opposite to be reminded of their incompetence and their misdeeds when they were in office, but I took very careful care to point out to the members opposite the difference between the approach that we are taking with respect to having independent third-party analysis and review of the proposals of the telephone company for rate increases, versus their direct actions at the cabinet table as they chose to control increase after increase year after year and a \$30-million squandering of public money.

There is a difference, and it is important to note that difference.

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please. The honourable member for Kildonan did not have a point of order.

\* \* \*

**Mr. Ashton:** Madam Speaker, I challenge your ruling.

**Voice Vote**

**Madam Speaker:** The ruling of the Chair has been challenged. All those in favour of the ruling of the Chair, 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.

**Formal Vote**

**Mr. Ashton:** Yeas and Nays, Madam Speaker.

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

The motion before the House is shall the ruling of the Chair be sustained.

**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, 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, Hickes, Jennissen, Kowalski, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Robinson, Sale, Santos, Struthers, Wowchuk.*

**Mr. Clerk (William Remnant):** Yeas 29, Nays 24.

**Madam Speaker:** The ruling of the Chair is accordingly sustained.

**Manitoba Telecom Services  
Rate Increase**

**Mr. Tim Sale (Crescentwood):** Madam Speaker, will the Premier confirm that throughout this submission from MTS, which presumably his cabinet approved of—or at least knew of, his board members approved of—privatization appears in Sections 63 to 69, shareholder entitlement appears from Section 70 to Section 88? Will he not finally admit that privatization is driving rates and that Ross Nugent was right; rate shock is what Manitobans are experiencing, and they are experiencing it at over 100 percent by the time they are finished from their basic phone costs before this government decided to privatize?

**Hon. Gary Filmon (Premier):** No, Madam Speaker.

**Mr. Sale:** Madam Speaker, will the Premier explain to the seniors of the inner city that I visited lately during a certain event that we all took part in, I presume—maybe he did not, but a lot of us did—that are saying to me now, I cannot afford a phone today, when they are paying \$14.75 in January of '97? They are going to be paying \$17.75 in January of '98 and over \$20 in January of '99 and thereon. Will he meet those seniors and explain to them why their phone rates have gone up like that?

\* (1410)

**Mr. Filmon:** Madam Speaker, I do meet with seniors on a regular basis as part of my responsibilities as a member of the Legislature. I have many within my consistency who I speak to at church, who I speak to in the community centres, who I speak to when I am grocery shopping. Those seniors are aware of the issues. They are aware of the fact that they are making substantial savings on long-distance calls, for instance, and that their rates in a significant part of their phone bill are going down. They understand the costs and consequences of the shifts and changes that are taking place within the telecommunications field.

**Rate Increase—Rural Manitoba**

**Mr. Tim Sale (Crescentwood):** Will the Premier confirm that MTS and his government-appointed boards of directors' members want to create an "E"

group of rates for rural and northern subscribers, that this will force rates, if MTS has its way under privatization, to double and triple, not just go up by a hundred percent but to double and triple? That is new Rate Group E. Did he support that, Madam Speaker?

**Hon. Gary Filmon (Premier):** Madam Speaker, I will take that question as notice.

### **Ombudsman Resources**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, my question is also for the First Minister. It is with respect to the provincial Ombudsman's office.

With the passage of Bill 51, there is going to be a heavy reliance, an additional reliance on the Ombudsman's office, when the government should have come through and materialized on a privacy commissioner. In 1990 there were 3,362 cases before the provincial Ombudsman with 14 staff years. In 1995 it was increased to 4,141. Will the government acknowledge that there is a need to give additional resources to the provincial Ombudsman's office, because if they fail to do that, the whole act of Bill 51 will turn into a farce?

**Hon. Gary Filmon (Premier):** Yes, Madam Speaker, I believe that we have acknowledged publicly that there is a need for additional resources. Regrettably, because of their attempts to disrupt the workings of this Legislature, the members of the official opposition refused to have the Legislative Assembly Management Commission meet so that it can discuss that issue and so that an evaluation of resources could be made that could address this issue. We have said very openly that we want to address this issue. The Ombudsman's office, of course, is dealt with by the Legislative Assembly Management Commission, and the members of the New Democratic Party want to prevent that kind of situation from being addressed. We think it is most regrettable.

**Mr. Lamoureux:** Given the Premier's response, will he then give the guarantee that there will be an increase in staff years in order to accommodate the passage of Bill 51 for the provincial Ombudsman's office? Will he give that guarantee today?

**Mr. Filmon:** I cannot give that guarantee, because that is a matter that is the responsibility of the Legislative Assembly Management Commission. What I can tell him is that my colleagues on the government side of this Legislature will support that issue to assure the public that the Ombudsman will have sufficient resources, but as long as we are being stymied and blocked by members of the New Democratic Party, it would be impossible for me to give that guarantee.

**Mr. Lamoureux:** Madam Speaker, will the Premier acknowledge that there is an agreement, I believe, between the Liberals and the New Democrats that there is a need for additional staff years at the Ombudsman's office? What we are asking for: Will the Premier also join with the Liberals and the New Democrats and acknowledge that there is that need? Without those additional resources, they are not going to be able to enforce Bill 51.

**Mr. Filmon:** Madam Speaker, we do not have to join with the Liberals and New Democrats. We have been ahead of them on this issue. We have indicated that we recognize and acknowledge the need for additional resources, and we have been attempting since January of this year to have the LAMC meet to provide those resources. But, regrettably, just as the New Democrats would not allow for provision of resources to the Liberal Party in this Chamber, they will not allow for the provision of additional resources to the Ombudsman's office. We know that they are into their narrow self-interested mode of attempting to utilize those kinds of things at their disposal to prevent this from happening. One of these days they will grow up, and those kinds of things will be able to be provided for.

### **Point of Order**

**Mr. Steve Ashton (Opposition House Leader):** On a point of order, Madam Speaker, I believe the question was very specific from the Liberal member about whether the Premier would support resources, and apart from the fact that the Premier is not responding directly to the question, he is inaccurate. The last scheduled meeting of LAMC was cancelled by a joint agreement of all parties, and indeed, perhaps if he would just care to talk to his House leader, he might get a clearer

picture of what has been happening in terms of the Ombudsman.

But, Madam Speaker, he should not leave a false impression on the record, and I would suggest that he should not only not leave a false impression on the record but perhaps talk to his House leader, because I think that might assist in making sure the Ombudsman's office gets the resources that we all agree at least.

**Madam Speaker:** The honourable First Minister, on the same point of order.

**Mr. Filmon:** Thank you, Madam Speaker, on the same point of order.

If the House leader of the opposition is now suggesting that his colleagues have abandoned their spoiled-little-child approach to things and are going to act like adults and attend the LAMC, then we would be happy to make the commitment to deal with this issue forthwith.

**Madam Speaker:** Order, please. The honourable member for Thompson did not have a point of order. A point of order is not to be used to get comment on the record or debate.

### Bill 50 Passage Delay Request

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, my question is for the Premier. It is ironic that at a time we are talking about broken promises and government secrecy and not providing information about MTS, at the same time this government is putting through a Freedom of Information bill and a privacy bill that in five hours of presentation, almost unanimous condemnation of those bills—to the extent that presenters were saying with Freedom of Information the government has, by virtue of this bill, narrowed the application of the rules and prevented people from getting information, and that is a great irony in the light of the MTS debate.

My question to the Premier is: Would the Premier not do the right thing and consider what all groups indicated at the presentation, and that is put a delay on the proclamation of those aspects of the act dealing

with Freedom of Information to allow individuals to make proper representation to this government and improve the ability of this Chamber to get information from the government?

**Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship):** Madam Speaker, we on the government side were very pleased with the public interest in this bill. We paid a great deal of attention to the presentations. I met yesterday morning with a majority of the people who presented last evening and at committee last evening prepared and introduced amendments that dealt with many of the issues.

This bill is of importance to the people of Manitoba. Members opposite continue to ignore the important parts of this bill which are, No. 1, that it extends the Freedom of Information access and protection of privacy to all public bodies. That is in no way a restriction; that is an extension, and this bill now protects the privacy of Manitobans. Manitobans expect to have the personal information held in trust for them by public bodies protected, and that is what this legislation will do.

**Mr. Chomiak:** Madam Speaker, will the minister or the Premier (Mr. Filmon) or the government, if this bill is so favourable with respect to privacy, proclaim those sections of the act that deal with privacy to protect citizens and those that extend their rights, and with respect to those parts of the act that restrict access to information that the government is doing and with respect to the recommendations unanimously by all groups to have a privacy commissioner—to take a look at that?

**Mrs. Vodrey:** As I have said before, on the access side, the bill is not more restrictive. It does, however, clarify issues which have been unclear in the past, and it does introduce the privacy section. It is in the interests of Manitobans to introduce and to pass this legislation so that there is consistency for access through all public bodies and that their private information is protected.

Madam Speaker, we on this side of the House have several times answered our position of extending the current jurisdiction of the Ombudsman to allow the Ombudsman to go to court, because the Ombudsman in Manitoba has an extremely good record. The

Ombudsman uses an approach which is of negotiation and conciliation to deal with the questions asked, so it has been a decision of this government, which we believe is the best decision for Manitoba, to move ahead with the Ombudsman.

\* (1420)

### **Health Records Privacy Information and Privacy Commissioner**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, my final supplementary is to the Minister of Health. Can the Minister of Health explain why the College of Physicians and Surgeons, the Manitoba Medical Association, the Manitoba Association of Rights and Liberties, the Manitoba Library Association, the Manitoba consumers' association, all who have participated in the government's quasi-consultation process, have all stated that the bill should not be passed without the inclusion of a privacy commissioner to protect the rights of Manitobans and why these groups, including the MMA, say they will not cooperate with the SmartHealth initiative unless this provision is put in place?

**Hon. Darren Praznik (Minister of Health):** The member for Kildonan has listed a host of organizations who addressed the committee last night. What is interesting to note is that those organizations, generally speaking, were very supportive of our bill, contrary to the information that the member for Osborne (Ms. McGifford) brought to this House. They were very happy with the process to develop it.

There was a disagreement on the role of the privacy commissioner versus Ombudsman, and we have recognized that this is an opportunity to see how it works, Madam Speaker. We have advanced the argument that it is better to start with a known office and build up, and if there is a workload that justifies a privacy commissioner or if the current method of resolving disputes proves inadequate, that is why we have provided for a review. I have said publicly that if that review suggests that is the way to go when we review the legislation, which is part of the statute, I would be one of the first to support that.

The last point I make is that the organizations that represented trustees, like both the Manitoba Nurses' Union and the MMA, have not really canvassed their

members on the issue of whether they wanted binding orders.

### **Child and Family Services Agencies Hotel Usage**

**Mr. Doug Martindale (Burrows):** Madam Speaker, an environmental scan for Winnipeg Child and Family Services identified the use of apartment hotels, apartment suite hotels for the temporary care of children as a commonly used but expensive solution, and no wonder. At \$168 a day for the room only—\$2.3 million a year. I would like to ask the Minister of Family Services why the government is willing to spend—and the true cost is more like \$400 a day or \$12,000 a month—to keep a child in an apartment suite hotel but will only pay an extended family a rate of \$300 a month or a regular-rate family \$486 a month. Would it not make sense to compensate families adequately for the care of children than to spend money warehousing children in hotels?

**Hon. Bonnie Mitchelson (Minister of Family Services):** Madam Speaker, I thank my honourable friend for that question. Indeed, the issue of children in the care of Child and Family Services agencies that are having to be housed in hotels is one that we are extremely concerned about. There are too many children in hotels. I know we have asked and have worked with the agency to try to encourage them to seek out foster parents.

It was just interesting. I have had the opportunity to be on an open-line talk show this morning, and I had three different foster parents call with issues. One foster parent—and we will look into these issues. I do not know what the answer is, because I do not have both sides of the story, but they indicated clearly that they had been approved and licensed as foster homes but had not received any children yet. I would certainly like to assure members of this Legislature that if in fact the agency is out there aggressively pursuing foster homes, they would be the placement of choice, not hotels.

### **Foster Care Funding**

**Mr. Doug Martindale (Burrows):** If the minister is concerned, will she work with Winnipeg Child and

Family Services and provide support to foster families and reverse the previous decisions of her government that cut 11 percent from foster rates in 1993, cut extended family rates by 50 percent in 1994 and 6 percent cut to special needs children in 1994 as well? Will she provide adequate supports so that foster parents will come forward?

**Hon. Bonnie Mitchelson (Minister of Family Services):** Indeed, we are trying to work in a very proactive way with all of the agencies, specifically the Winnipeg Child and Family Services agency. That certainly is the agency that has the most difficulty, mainly because of the high numbers of children in care. We want to assure that wherever possible—and alarmingly enough, we have some statistics from the agency that indicate that some very young children are in hotels for very extended periods of time. It is something that disturbs us as a government. It is something that we are trying to work with the agency on trying to resolve.

**Mr. Martindale:** Will the Minister of Family Services take action to get children out of hotels and motels, 40 to 80 children a day according to her own figures, and address the adequacy of foster parent rates and support to foster parents, since the environmental scan also said the supply of foster parents is falling because of reduction in daily allowances?

**Mrs. Mitchelson:** Certainly the foster parents that I have had the opportunity to meet with, and I have met with some just over the last few weeks, have indicated quite clearly that there are some issues around fostering. I have not had the issue of—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please. The honourable Minister of Family Services, to complete her response.

**Mrs. Mitchelson:** Thank you, Madam Speaker. If in fact the issue of finances for foster parents was the only issue, I think that we might be able to very readily find a solution by working co-operatively with the agency. That is not the only issue, and the opposition can take a very narrow view of the whole issue, but in truth—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please.

**Mrs. Mitchelson:** Madam Speaker, I have listened to the member for Wellington (Mr. Barrett) chirp from her seat on a regular basis. I find it very distasteful to have to listen to that kind of activity when I am trying to inform the public—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please.

#### Point of Order

**Ms. Becky Barrett (Wellington):** On a point of order, Madam Speaker, I would suggest to the Minister of Family Services that the only distasteful thing in this issue is her lack of taking responsibility for the years and years of cuts to foster families that have led to this disgusting situation.

**Madam Speaker:** The honourable member for Wellington definitely does not have a point of order.

\* \* \*

**Madam Speaker:** The honourable Minister of Family Services, to quickly complete her response.

**Mrs. Mitchelson:** I certainly note the sensitivity of the member for Wellington, which I also find very distasteful, but I want to—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please. The honourable Minister of Family Services, to quickly complete her response.

**Mrs. Mitchelson:** I think my honourable friend should recognize when he asks questions that, yes, there is a basic foster rate, but many, many families within the fostering system receive additional funding for special rates for special needs children, and if my honourable friend really looked into the circumstances around the children that are in hotels, those are children that would be receiving additional support through the foster care system. They are not children that would be in foster homes at the basic rate, so I think he is all wrong in the

way he is coming at this issue. In fact, we need to work very proactively to try to fix the problems for children.

\* (1430)

### **Natural Gas Service Expansion—Swan River**

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, when natural gas was expanded in the southern part of the province, the government set a precedent for other gas projects when they implemented a three-way infrastructure proposal with the federal government, provincial government and municipalities joining with Centra Gas to cover the cost of capital. However, the same rules do not apply in the Swan River project.

Can the Minister of Rural Development indicate why, in this project, Louisiana-Pacific is required to be a partner in the capital project and then further required to guarantee consumption?

**Hon. Leonard Derkach (Minister of Rural Development):** Madam Speaker, it almost seems a contradiction from the member for Swan River. First she condemns the company, now she tries to be on their side. Let me say that—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please.

**Mr. Derkach:** Our government has been on record in supporting the extension of natural gas to Swan River right from the very beginning. We made it known to the community that our money was on the table. We called on the federal government to come forward with their money. In the agreement that was reached with the Swan River community, it was well known that this was going to be a partnership approach to extending natural gas to that community. Yes, the province and the federal government are coming in with a substantial subsidy in extending that service to that community, but because of the users in that community, not only do the residents who live in Swan River have to contribute to natural gas but so do the users like Louisiana-Pacific have to contribute something to the service that is going

to be provided to that community and to that particular facility.

**Madam Speaker:** Time for Oral Questions has expired.

### **Speaker's Ruling**

**Madam Speaker:** Having taken a point of order under advisement on November 21, 1996, I am returning to the House with a ruling. The government House leader raised a point of order about words spoken by the opposition House leader during his speaking to a matter of privilege. The words in question were: "He was not happy enough lining the pockets of the Bay Street brokers and his political friends." The words were used with respect to the Premier (Mr. Filmon).

Having reviewed the words in Hansard along with the context in which they were used, I am ruling that the government House leader did have a point of order. In fact, the opposition House leader did impute unworthy motives in contravention of Beauchesne Citations 484(3) and 481(c). I am therefore calling on the opposition House leader to withdraw the words.

**Mr. Steve Ashton (Opposition House Leader):** Madam Speaker, I challenge your ruling.

**Madam Speaker:** The ruling of the Chair has been challenged.

### **Voice Vote**

**Madam Speaker:** All those in favour of sustaining the ruling of the Chair, 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.

### **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, Gaudry, Gilleshammer, Helwer, Kowalski, Lamoureux, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Newman, 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, Hickes, Jennissen, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Robinson, Sale, Santos, Struthers, Wowchuk.*

**Mr. Clerk (William Remnant):** Yeas 32, Nays 23.

**Madam Speaker:** The ruling of the Chair is accordingly sustained. I would ask the honourable Leader of the official opposition to withdraw the comments in question.

**An Honourable Member:** The House leader.

**Madam Speaker:** I would ask the honourable opposition House leader to withdraw the comments.

**Mr. Ashton:** Madam Speaker, our rules indicate that we cannot, on a case of a ruling, deal with a substantive issue unless it is by a substantive motion.

I want to indicate that I will be withdrawing the words, Madam Speaker, and I will be dealing with the wording that was used immediately following in a substantive motion. So I withdraw it at this point in time out of respect for the Speaker's Chair in the House.

**Madam Speaker:** I thank the honourable member for Thompson.

## MATTER OF PRIVILEGE

### Speaker's Ruling and Substantive Motion

**Mr. Steve Ashton (Thompson):** Madam Speaker, I have a matter of privilege. It will be followed by a substantive motion.

I regret, Madam Speaker, that the motion will deal not only with your ruling that you made just previously which out of respect to the Speaker's Chair I complied with under protest but will deal also with, I believe, the substantive question that has to be dealt with both in terms of those comments and the pattern we are seeing again in this House, that it seems we have rights as members of the opposition, but when it comes to something of controversy, such as MTS, then we are subjected to what I believe are the whims of the Chair in this House. That is absolutely unacceptable to members on the opposition.

Madam Speaker, I want to deal with why I used the words—when I referenced the Premier (Mr. Filmon) as being not happy enough lining the pockets of the Bay Street brokers and his political friends, I want to remind people of when that ruling is based on, November of 1996, November 21, 1996. I want to comment initially we find it absolutely unacceptable that the ruling on this matter was brought forward on June 24 of 1997, seven months later. That is clear indication, another reason why we have no confidence in the presiding officer of this House, the occupant of that Chair.

I want to say, Madam Speaker, and I will have a substantive matter of dealing with this afterwards, but when I said that the pockets were lined of the Bay Street friends of this government, it was not a comment I made lightly. I knew in November of 1996 what was facing this province, but since that time I have seen a thousand times over that everything we said on the debate on MTS was correct, including that. You know, after the sale of MTS, the brokers who profited from the sale, who, by the way, recommended the sale in the first place, held a dinner. You know what they gave to participants in that dinner? A tombstone marking MTS, the sale of a company that we built in this province for close to 90 years, a tombstone.

I want members opposite to know how much Bay Street benefited from this. Let us start with the brokers.

They were paid to recommend the sale of MTS. They were paid \$400,000, right into the pockets of Bay Street. By the way, let us not forget that the MTS financial advisory group, this group of brokers—that is the name they called it—was based on Bay Street. I want to deal with it. That was the tip of the iceberg. I will cite from the Financial Post an article that I hope to be able to table in a few minutes to members of this House, that the brokers made in the first day, before the first day that MTS was on the chopping blocks for sale, they made \$35 million—\$35 million.

I want to go one step further. Within the first week, MTS, a majority of the shares were flipped, they were sold to out-of-province institutional investors. You know, it is funny the Premier denied that. The brokers themselves have confirmed that MTS is no longer a Manitoba-owned company. I say shame on the government for that. But it did not stop at that because in the process of flipping the shares, who benefited again in the first week? It was the Bay Street brokers, the brokerage houses, and indeed when I said they lined their pockets, they benefited to the tune of \$100 million, \$100 million-plus. That is something that the people of Manitoba will never forgive this government for.

What am I supposed to say, in the context, to the Premier (Mr. Filmon)? Was this Premier concerned about the people of Manitoba? In the 1995 election he said they had no plans to sell off MTS. They started the process of hiring the brokers two months after the election. When we raised this in September of 1995, the minister said the only person talking about the sale of MTS was the member for Thompson. The only party was the New Democratic Party. Do you know when they hired the brokers? They hired them in September, but, of course, we cannot get up and say they lied or misled, deliberately misled the House, Madam Speaker, because that would be unparliamentary.

\* (1540)

Madam Speaker, the facts speak for themselves. When did they give any indication to the people of Manitoba that the brokers had been hired? In December. Why? Because we raised the issue in Question Period. They did not even have the courtesy

to tell the people of Manitoba. What I find interesting, if you want the full story, you have to go to the Financial Post. You know, they never once gave us the full story on what they did with our telephone system. You have to read the Financial Post. I want to read the section about the tombstone, because I think it indicates the complete lack of ethics and morality of this government and its political friends.

I want to read this, Madam Speaker, and I want it forever recorded on the records, the Hansard of this Legislative Assembly. The Financial Post, January 25, 1997: "The menu at Thursday's closing dinner in Winnipeg for the Manitoba Telecom Services Inc. privatization was decidedly regional: smoked Winnipeg goldeye, Manitoba wild rice and Manitoba beef tenderloin.

"The memento given to the 80 guests, however, perpetuated a more global tradition: a four-by-five inch lucite block displaying the tombstone announcing the \$910-million deal. 'That is what the attendees want,' says Darrel Burt, director, government finance, CIBC Wood Gundy Securities Inc. 'It means they've joined the club.'"

Madam Speaker, if you want any proof of what happened to our phone system, I will table this article. Not only did they go into detail about the tombstone and this private, select club, they go into detail about how much money was made by the brokers as part of this sale. I would like to table that in this House, while I ask the question to members opposite. If they do not believe the Financial Post, will they believe the Winnipeg Sun of Thursday, January 23, 1997?—Stockbrokers reap fruits of MTS sale.

I want to read the first few paragraphs, because I think it indicates that the words I used were absolutely accurate: Stockbrokers who made a killing on the sale of MTS shares are starting to spend their windfall on some very nice toys. We have some spin-off from the MTS sales, said Mike Ford, general manager of Jaguar on Sargent. Three stockbrokers have traded in their Jags for more expensive models with the upgrades averaging \$40,000. Brokers made more than \$36 million just during the sale. Dick Adams of Matthon Motors said it is a luxury field, and they can afford it.

Oh, and I forgot, the manager of another car company said about these purchases, I quote, they need to treat themselves, he said. This is a manager of a Porsche sales. By the way, Porsches cost between \$56,000 and \$120,000.

Well, it is interesting. It is interesting because on the one hand they gave more than \$100 million to their political friends in the brokerage community, but what is going to happen? What is already happening to average Manitobans? We saw today evidence in the CRTC document indicating one thing, that this government did not tell the truth to the people of Manitoba during the debate on the sale of MTS.

Rates are skyrocketing. Rates will have doubled if this application is accepted by the CRTC for many areas of Manitoba since 1995. Jaguars and Porsches for the brokers and a doubling in phone bills for ordinary Manitobans, those are the priorities of this government.

But, you know, Madam Speaker, people will say, well, this is all academic, right? They used their majority in this Legislature to ram it through, and I want to state today in context of this matter of privilege, we have never accepted the legitimacy of that sale. We did not accept the legitimacy of your role in pushing through that sale, and one part of the matter of privilege today will be to indicate once again that we will never again have confidence in you as the presiding officer of this Chamber, and we will be moving a matter of no confidence in you as Speaker. [interjection]

I want to continue with my remarks, but there are some procedural matters happening in the other committees which also require some attention. When I made the comments in November—

**An Honourable Member:** The Speaker of the day.

**Mr. Ashton:** The Speaker of the day, indeed. When I made those comments in November, I knew what this government was doing. I knew its real agenda. If this government was concerned about the people of Manitoba, they would have run in the election campaign on MTS. If they were concerned about the people of Manitoba, they would have put the sale of MTS to a vote. But the obvious conclusion that

Manitobans can reach today barely more than six months later is that the only people they were concerned about were their friends on Bay Street, the stockbrokers, the very people I talked about in November, the very people who benefited by more than a hundred million dollars from the sale of MTS. Those words I said in November are true and accurate, and I will never apologize for ever having said that.

Indeed, I am fortunate enough to have some colleagues who have done some research. I would point to the Dictionary of Slang and Unconventional English, 1975 edition, fourth edition, which indicates that—and I will not use one of the contexts it is used in, because that was not my intent—but that is, “line” is used “to fill as in one’s jacket, pockets, stomach.” One’s pockets, what have we done? I mean, this government’s policies, its direct decision, has filled the pockets of the brokers.

Read the article, Madam Speaker. Read the article. On the fact on their first go-around—by the way, it outlines when they met with the government, something we were never given the privilege in this House of having. July 6, they met with Mr. Fraser and Mr. Stefanson, followed by another meeting on July 18 with Glen Findlay, the Minister responsible for MTS looking at deregulation, technology, competition, and capital needs. It outlines how they chose the brokers, RBC Dominion Securities, Richardson Greenshields of Canada in September, the same month the minister was saying he knew nothing, ha, ha, ha. He knew nothing, indeed.

You know, unity was paramount. There are cases where companies almost like the idea that firms do get out a little bit. The technology in here is just unbelievable. Here they are carving up our phone company. The firms were asked to share fees of \$500,000, but our government was really smart. They beat it down—this is the word that is used here—to \$300,000.

They agreed. The brokers agreed reluctantly to get paid \$300,000. To do what? To be able to recommend the sale of the phone company, they could benefit from \$35 million. I mean, this is the ethics of an alley cat that we are seeing in operation.

\* (1550)

Well, what did the Financial Post say about why they did this? They agreed, not because there was much profit, because this was client coverage, past relationships and future expectations. [interjection] Exactly. You get \$300,000 now and you get \$35 million down the line. Some expectations, Madam Speaker. Then it goes further: "By February, 1996, the advisors concluded that 100% privatization was preferable." Surprise, surprise. I mean, did anybody on that side, and I do not say there are a lot of rocket scientists over there, so I will say, you do not have to be a rocket scientist to figure out that they were going to agree to this sale, and what kind of incompetent fools do we have running the government in this province? They paid \$300,000 to find out what? Surprise, surprise. They are going to recommend the sale.

Well, it goes on further: "In mid-April Falconer, Douglas, and Winograd met cabinet," recommended the sale, came in the evaluation. Surprise, surprise. "On May 2, the government announced that MTS would be privatized." I love the inside story of this. You know this is something I find amazing; I have to read a Financial Post article into the record here to show how this decision was absolutely despicable and why those words were used.

"Almost a year had passed since that first call. 'I've done takeovers where it has taken us seven weeks from the first meeting to the closing dinner.' " I guess they have these dinners on all these type of matters. "We were occasionally frustrated by the timetable, but if you work in government finance you know that that's part of what you have to work with." Well, I rise, poor brokers. You know, we owned MTS since 1908, and they had to wait a year before they could hand out the tombstones of MTS.

"Over the next six months, the Gundy team flew to and from Winnipeg weekly, sometimes more often. Sandwiches dominated their diet. Butter tarts became the dessert of choice. Says Burt: 'When you are a little run down, a little cranky, there is nothing like a quick sugar fix to rev you up.'" You know these brokers are a great bunch. They even give you advice on diet.

Here, Madam Speaker: "Egos required feeding, too, both by fees and prestige." Oh, is that not nice? Some

of these brokers had egos; they had to be fed with fees. I suggest to a lot of people who are poor in this province, they should say to the government: I have got an ego. Let us deal with poverty issues. Is that the only way that this government recognizes needs in this province?

"Although there were three co-leads, one firm accepts responsibility." I love the terminology. It is "called 'running the books' or 'top left'—based on placement of the firm's name on the tombstone." Running the books? I would have associated that more with the Mafia than with the transaction.

"There was some jostling. Who gets appointed lead manager is very important. That means showing commitment both in numbers and people and their levels. If another firm sends a vice-chairman to a meeting, you make sure you've got one, too." I love the protocol here, you know. I have seen some rather bizarre things, but this is the most bizarre. It is sort of like watching the vultures over the dead body of our phone company here wondering who is going to get the first pickings.

"Gundy won." These are the people I talked about in November. "It is not always easy to distinguish between the firms," says Leith. 'A lot of it has to do with chemistry, who they feel most comfortable with.'"

Well, it goes on to outline the IPO. "Too many cooks can spoil the broth." Again, they have this great interest in diet here. "With three co-leads, each would have received about 17 percent of the \$24 million shared by the syndicate." There is that word again, "syndicate", and it goes into the fact—I feel sorry here; the smallest firm got only \$240,000, slim pickings. "Lobbying to join the syndicate in more than a year was fierce."

Well, here is how close the government came to fighting for Manitobans. What do they do? Do they give us a vote in the future of MTS? No. They made sure that Wellington West Capital Canada and Bieber Securities, Manitoba-based companies, were part of this Bay Street, Bay syndicate.

So I suppose I was probably wrong about one thing in November. I should have said that some of the people

lining their pockets were political friends of the government here in Manitoba.

Well, Madam Speaker, it goes on and on and on. You know, the rest, as they say, is history. I want people to know what they were doing with our phone company. These underwriters, this syndicate, met with a hundred institutional investors, and here is the vision of the future for our phone company. Where are those institutional investors based? I am wrong again; I said Bay Street. They met with institutional investors in Vancouver, Toronto, Montreal, Boston, and New York.

The article indicated how "markets were eager." There were "about 18 million instalment receipts traded that day. The share price hit \$13.95." Oh, this article did, by the way, point out that the closing dinner at that time "did not mark the end. Regulators are now investigating complaints that there were Manitoba residents who bought more than their allotment."

I love the final line in this article. What a statement. "Some clubs are just never big enough." What is the club they are talking about? We are talking about a fraction of a percentage of the population of this province. We are talking about institutional investors. But indeed some clubs are not big enough, because the only club that should still be owning MTS is the club that is called the people of Manitoba, all one million strong.

So I go back to my original comments when I said that the Premier (Mr. Filmon) was not happy enough lining the pockets of the Bay Street brokers and his political friends. How can you come to any other conclusion than that is what happened? At what point in time do we continue to have denials from the government that that has happened? Everyone knows in this province that the only winners were the brokers, the biggest winners. We all know the tie-in with this government. So what was wrong with that statement? In what way was it unparliamentary, Madam Speaker, to suggest the facts that turned out to be predicted accurately 100 percent?

So in terms of the words, "lining the pockets of the Bay Street brokers and his political friends," that is why part of my motion will deal with making sure that is not a precedent of this House.

Our rules on unparliamentary language are intended to protect the functioning of this House, but to not allow a statement of fact involving the Premier (Mr. Filmon) and this government making a decision that was opposed by 78 percent of rural Manitobans and two-thirds of the people of Manitoba has to be in the public interest. It has to be stated in the House, and we should not have this kind of ruling eight months after the fact where you are denying us once again our ability to speak out on behalf of the people of Manitoba and say the truth in this House. Well, Madam Speaker, that is the issue at hand in terms of MTS.

\* (1600)

I want to deal with the issue of the Speakership. I said earlier on in this session that we cannot and will not be a part-time democracy in this House. You know what is interesting, since the pipeline debate was quoted in the House in the last debate, I have had the opportunity, an interesting opportunity following Stanley Knowles' death to review what happened in the pipeline debate even further. What is interesting, Madam Speaker, and I hope those who were gracious enough to attend Stanley Knowles' funeral will look not only at the man but at his message, because in 1956 he was a key player in fighting against a government that was corrupt and a Speaker that was corrupt.

You may not be aware of this, Madam Speaker, but in the 1956 debate the Speaker reconsidered a ruling on a matter of privilege the following day when it turned out that having that matter of privilege on the floor of the House would allow the opposition to debate that matter of privilege which would take precedence over the passage of the pipeline debate.

Madam Speaker, on that day, mild-mannered people like M.J. Caldwell, the Leader of the CCF, many of the Conservatives, as well as CCF members, he went, as is the tradition in the parliamentary system, shook his fists at the Chair, the Speaker. Indeed, at that time, cars of key government cabinet ministers were seen outside the house of the Speaker.

Madam Speaker, what happened in the pipeline debate is despite the best efforts of Stanley Knowles and the CCF, indeed the Conservative members, the government was able to change the rules, to ignore the

rules and push through the pipeline. It is interesting because those who do not learn from history are condemned to repeat it, a saying I know we often hear.

What happened in 1996 in this province was that we had a Speaker do the same thing, and that was refuse to allow members of the opposition to debate a matter of privilege which would indeed have made sure that the fight to save MTS would have gone on for another day and another day and another day, Madam Speaker.

But what I find frustrating is we see today just how little the government has learned. We hear the Premier (Mr. Filmon) talking about LAMC. I wish he would check with his House leader in terms of some of the facts. I wish he was able to directly listen to my comments because that Premier still does not get it. That Premier seems to think that he can conveniently, whenever it is in his best interest politically, snap his fingers and have this House function the way he wants it to.

Madam Speaker, shades of the pipeline debate, but, you know, there is no justification on this particular ruling you gave down before for bringing it in seven months after the fact, as the session is presumably winding down. There is absolutely no reason for that. The Speaker of this House should never use rulings in a strategic or tactical way. Rulings must be made at the first opportunity, when the members which the rulings deal with are present in the House, not seven months later and at the tail end of another session of the Legislature.

If you want to revisit history, Madam Speaker, I suggest you revisit your actions of November 27 and November 28, because that is the only thing that still and forever now into the future should be revisited. What amazes me is how low we have sunk in this House, how low we have sunk when Speakers' rulings take on tactical configuration.

You know, I thought it was low enough—Madam Speaker, I do not know how you can sit in that Chair. You have no confidence on this side of the House. You never will, and your actions in bringing in this ruling just reinforce the fact that we were correct on November 27 and 28, and we were correct at the beginning of this session, and we were correct, when

you said that the member for The Pas (Mr. Lathlin) could not use the word “racist,” to say that you are not fit to sit in this Chair.

Madam Speaker, you know, the balance of the parliamentary system has been broken fundamentally in this House by your actions, because the Speaker is an officer of this House of all 57 members.

You know, I do not even know—a few years ago, I remember when there was even talk that the previous Speaker might resign because one member on the government side moved his seat and a ruling of the Speaker was not sustained. That was a Speaker, I believe, who had a conscience, would even consider it an affront to his ability to operate as Speaker of this House because one member switched seats and he lost a vote sustaining a ruling.

Madam Speaker, how many more matters of privilege do we have to bring into this House before you get the message? The parliamentary system is fundamentally based on a number of principles, and one of the most basic principles in parliamentary history was the ability of the Chair to represent the interests of the House, not of the sovereign of the day, not of the government of the day, but all members of the House elected duly by the people.

You know, in the House of Commons, to this day the monarch is denied access both here and in Britain. Why, Madam Speaker? Because close to 500 years ago a Speaker of the House had the occasion in which the monarch was seeking to arrest members of the House, arrest members of the House because of their actions. The Speaker of the day said to the monarch in one of the most courageous statements ever made in history that he had neither eyes to see, ears to hear, that he was merely a humble servant of the House.

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

Mr. Deputy Speaker, I appreciate that you are now in the Chair, because I have never liked a number of things in this House. Until the last few years since 1995, I have never made any comments, I believe if you check on my career in this House, criticizing a Speaker. I have criticized rulings in the appropriate way but

never once been in the position of criticizing the Speaker. Why? No Speaker is perfect, but I believe fundamentally that Parliament is also about the rule of law, and I have respected every Speaker who I have seen in this House, even when I disagree with them on occasion, and I respect the Chair of this House.

What I did earlier today was not easy for me. I believe fundamentally the words I stated. The Premier (Mr. Filmon) was not happy enough lining the pockets of the Bay Street brokers and his political friends. I believe fundamentally that is accurate and parliamentary. I was faced with a very difficult decision, I must admit. There were those who provided me with the advice that I should refuse to withdraw the words. That would have meant I would have been ejected from the House, and that is a matter that I respect when it is made on a matter of principle. I respect the member for The Pas (Mr. Lathlin) for making that decision a year ago, the words of "racism."

But I realize that the issue we are dealing with here is the fundamental issue of democracy in this House. Our fight is not with the Speaker's Chair, the authority of the Speaker. Our fight is with the Speaker of the day, the same fight that took place in 1956. Do you know what is interesting about what happened after 1956? Speaker Beaudoin, the Speaker at the time, was vilified. Speaker Beaudoin never recovered from those events and ended his career and his life in very difficult circumstances.

Mr. Deputy Speaker, I do not wish that on anyone, including the current member who sits in the Chair. If this same person who sits in the Chair was to sit on the government benches and be involved in partisan debate, I would say, as the member for Seine River (Mrs. Dacquay), I would respect that member tomorrow for those comments that she would be saying based on the election 1995 and the people that she represents in the same way that I would respect other members. The fight is not with the member for Seine River per se as a member of this Legislature. The fight is over the principle of democracy and the fact that member has shown, by what happened in November of last year and has again shown today, that she is incapable of providing objective chairing of this House, that that member is not competent to be Speaker of this House.

\* (1610)

I say, Mr. Deputy Speaker, where do we proceed from here? The first is, we cannot let the ruling that was just placed on the record, coming seven months after the fact, be considered a precedent of this House any more than other rulings that this Speaker has made which I believe are incompetent.

The second thing, we not only must allow those words to be on the record, we must get clear recognition, especially for the Manitobans who are faced with increased phone bills. The people have had their phone bills double under this government since 1995. The seniors are already telling people like the member for Brandon East (Mr. Leonard Evans) they are going to have to lose their phone service because they will not be able to afford it anymore. We have to say to those Manitobans that they were right, that we were right, that this government had no right to sell off MTS. The trade-off is between the brokers and the people of Manitoba.

Finally, we have to say that we want in this House an impartial Speaker. I look, Mr. Deputy Speaker, at you in this Chair, and I say that I have no hesitation in saying that you as Deputy Speaker of this House have full confidence of all members of this House including members of the opposition. Our fight is not over your political affiliation when you were elected, or your political affiliation when you were in your chair representing your constituency, as it would be if the current Speaker was to sit in her chair as a member of the House, not the presiding officer. Our fight is with a Speaker that, at the behest of the government, clearly at the behest of the Premier (Mr. Filmon) of this province, has repeatedly shown contempt for members of the opposition and for this House. That is unacceptable.

The road ahead is clear. There is only one long-term, short-term, mid-term solution to this. The first thing is we need an elected Speaker in the House.

I find it amazing that now in Ottawa, in 1997, they are talking about moving from an elected Speaker. They have already had that. What are they moving towards now? An elected Deputy Speaker. They are saying they want to see the opportunity to rotate between

opposition and government members being in those Chairs. They are having a government member today, perhaps, in the Chair, a Speaker, and one is the Deputy Speaker. I mean, how many more provinces do we have to look at? What is the problem with having an elected Speaker?

I look at the empty seat in the front row. I think I know where the problem lies. It lies with the Premier (Mr. Filmon) who has shown an incredible ability when he is faced with circumstances he does not like, to do anything, Mr. Deputy Speaker, anything to prevent proper functioning of this House, ranging from comments to a member about kicking his lights out through to those disgraceful actions of the final two days which, by the way, were brought in by the request of the government on a ruling the Speaker made at the request of the then government House leader.

By the way, I do not blame the government House leader either. I think after what happened shortly after that, I think the government House leader—you know, I certainly hope that was not why he was replaced as government House leader because he was and is an honourable man. I believe, Mr. Deputy Speaker, he did what he did because he was under directions from his Premier, from the same small group that runs that government, Jules Benson, Don Leitch, that inner circle, that nonelected group.

If you look at MTS, Jules Benson, Tom Stefanson, the Minister of Finance (Mr. Stefanson) and the Premier, four people who made the key decision to sell off our phone company. I say to members opposite, in many ways our fight is your fight. I mean, it was funny, in Question Period earlier we had almost forgotten; we were suggesting from our seats that the caucus on the other side, you know, why did you not ask these questions when the decision was made? Did you not know this? I forgot, Mr. Deputy Speaker, myself. They did not even have a chance to make the decision. The decision to sell MTS was made by the cabinet, not the caucus. That is how much this government believes in democracy. They do not even trust their own members. They do not trust the people of Manitoba in an election. They do not trust the people of Manitoba with a shareholder's vote. They do not trust anyone except their stockbroker friends on Bay Street.

Our fight is about democracy in this House, and I say to members opposite, that fight is more than just about the functioning of this House and the Speaker. I want to make a promise. It is interesting because we have—and if members opposite would like a copy of this, we have prepared some information on what has been happening with phone rates, how they have skyrocketed. I am going to make the simple challenge to the people of the province, save your phone bill, if you keep them. A lot of people keep their phone bills.

Save your phone bill from the month before the election, 1995. You know, this was the time when they were not going to sell off our phone company. Keep saving your phone bills. Draw a graph. You know, like the people of Tadoule Lake who started off paying \$7.10 a month, do you know how much they are going to pay if the \$3 increase is approved? More than \$15. In fact, I am provided with the exact figures by one of my colleagues, the member for Radisson (Ms. Cerilli). People of Brandon, save your phone bill. Save your phone bill.

In fact, I maybe ought to read this into the record, because this is what democracy is all about, Mr. Deputy Speaker.

**An Honourable Member:** Read the phone book.

**Mr. Ashton:** Well, indeed, that was my next—

**An Honourable Member:** AAA Transmission.

**Mr. Ashton:** AAA Transmission. Their phone bills are going to go up, too. This is all relevant. Brandon, the people of Brandon in 1995, and I say this for the member for Brandon East (Mr. Leonard Evans) and the member for Brandon West (Mr. McCrae), paid \$12.20.

**An Honourable Member:** Here is the butter tart that was in the speech.

**Mr. Ashton:** I have also been provided with a butter tart. I just hope it is not left over from the brokers' banquet in January.

The people of Brandon before they voted for the member for Brandon West paid \$12.20 on their phone bill. Now, we do not know what it is going to cost in

the next election. We do know it will be, in 1998, if the CRTC application is approved, \$20.30. That is an \$8.10 difference. I think we should go into Brandon West and say, your MLA made a difference; look at your phone bill, \$8.10 a month.

Well, where is the member for Pembina (Mr. Dyck)? I have got Morden, too. By the way, Morden, we had one of our best rallies on save MTS. Do you know what they paid before they voted for the member for Pembina? Morden, they paid \$10.15. You know they did even better than Brandon. You used to pay less in rural communities by quite a bit because you have fewer places to call within the calling area. Well, do you know what that rate is going to be, at least, before the next election? Nineteen dollars. That is the Dyck difference.

\* (1620)

You know we can go through each one of them. St. Vital. I say to the member for St. Vital (Mrs. Render), you know, there are people in Winnipeg who said, well, this is going to affect rural and northern Manitoba; we do not like the sale of MTS, but maybe, just maybe, we will not get hit too bad. St. Vital, her seniors before they voted—well, not all of them voted Conservative, a pretty close result, that is a warning—paid \$13.30. In 1998, by the way it may go up even more than this, but the minimum going into the next election will be \$20.30, seven dollars a month more. That is the Render difference.

I also have the Tadoule Lake results. By the way, this is not the Jennissen difference—he is the MLA, and he spoke out against the sale of MTS—\$7.75 before the Tories got elected, and \$15.65 going into the next election. I even have Thompson here, and say to my own constituents—and I know people commented that I was quite busy last year with the fight against MTS, and I really appreciated the support of my own constituency for the fight. I am proud to say that, when I look at this, \$10.30 before the rest of parts of the province voted Tory; \$19 going into the next election. I am going to point to that, and I am going to say, if the rest of the province had voted as 23 constituencies did, maybe there would be a difference, the NDP difference, and you would not be paying so much on your phone bill. You can see a correlation here. You can see in the

CRTC document, and the funny part about this document is, it is fairly complex; when you boil it down, it is pretty simple.

**An Honourable Member:** We want more.

**Mr. Ashton:** We want more. I remember standing in this House explaining the elementary fact to the member for Tuxedo, the Premier (Mr. Filmon), that a private company is going to want an increased rate of return. I even pointed to the numbers. I even quoted the CRTC numbers. Do you know what, Mr. Deputy Speaker? I was right on, except for one thing, I should have forgotten the lower end of it. They want to go to the higher end of the scale, 12.75 percent. [interjection] They are entitled to it. But I say this to members opposite, this is kind of the story they did not tell you. Do you remember when we got into this debate in the House about the tax deferral? [interjection]

Well, the Minister of Consumer Affairs (Mr. Radcliffe) says he did not know this, and I do not blame him. You know, I would not want to claim knowing this before voting to sell off MTS because if he did know before the sale of MTS, he sure as heck was not representing his constituents in this House.

Well, I want to deal with that. You know they said the tax deferral. What did they say? The Premier (Mr. Filmon) said, and I want to explain this in very simple, straightforward terms, basically what you had was the people of Manitoba built up \$330 million worth of pension funds for the employees. How much did the private company pay for that? Not one cent. We paid it. So what they did is that they basically, when they sold the company, transferred over the equivalent amount. You are dealing here with shifting into a new private pension plan, and they spent a lot of time. It is outlined in the CRTC document. They spent a considerable amount of time lining it up so that, guess what, the new company could claim the pension contributions made by the people of Manitoba before the sale as a tax deduction. Whoa, they must have worked overtime, I will tell you, in some of the tax departments to pull off that one.

But what did the Premier say? October 31, 1996, he stated a future rate increase would be forestalled by a

favourable tax ruling allowing MTS to deduct its pension contributions from future earnings.

What does the CRTC document outline? Does it say we want those pension contributions to go toward reducing rates, keeping rates down? It says we want the tax break to go to the shareholders, the institutional investors who bought MTS—lining the pockets, Mr. Deputy Speaker, of the owners of the company at the expense of the people of Manitoba.

I mean, what more does it take? How many more of these things do we have to bring up in this House? You know, I mentioned earlier about the sale of the company. Oh, we even have the member for Radisson (Ms. Cerilli)—you know, I still remember that sign, “Don’t sell MTS, my telephone system.” It is appropriate because my telephone system right now, the only place they could put that sign up is on Bay Street, because it is theirs now. It does not belong to the people of Manitoba. The institutional investors own it. [interjection] “Do not sell democracy.” Well, I am impressed by the filing system of the member for Radisson. I wonder if maybe she has anticipated that we are going to have—“Filmon and Dacquay rule one party.” Pardon me, that might be considered unparliamentary, that one. “Speaker must resign.” Well, I think I can put that one on the record, Mr. Deputy Speaker. I think it is good advice from the member for Radisson, that a one-party state—I think it is good advice that members of this House are going to have to keep those kinds of things in their filing system, in their desks in this House, because we never know when our rights are going to be taken away from us.

I want to know, by the way, not just a timing issue, but is it not coincidental that this House was kind of operating on a fairly even keel? I would not say smooth. It was fluid. Did you notice one thing, Mr. Deputy Speaker, as soon as MTS came up, whoa, did things ever come apart in this House. All of a sudden, we had rulings from the Speaker in Question Period. One of the rulings we had to challenge today. We have a ruling from November of last year. I wonder if there is going to be a ruling on the next one. Remember, kicking the lights out comment that the member—oh, I am waiting for that one quite anxiously.

I find it amazing because I see the strategy here. This is the government's strategy. Last year, they were under

a lot of pressure from these brokers. Remember what I said? Like, some deals only take seven weeks. They were getting worried. They must have got phone calls like crazy from Bay Street saying, what is the matter? Can you not push this thing through? You know, it sort of reminded me of Brian Mulroney's roll of the dice on Meech Lake. Funny, every time I think of Brian Mulroney, you know, Jean Charest paid the price for his Brian Mulroney connections.

Does anybody remember Gary Filmon and Brian Mulroney's night out at the opera? [interjection] Well, there is advice from the member for Transcona (Mr. Reid) about some of the trade-offs the Premier is willing to get into.

I will tell you what is interesting about this, is they rolled the dice on our phone company, and they kept getting the pressure because they kept getting the wrong kind of the roll of the dice here. I believe they were told by their financial people, by the people on Bay Street, that they had to move quick and the heck with democracy, the heck with the rules of the House. If they were going to have any credibility left in the corporate community on Bay Street, they had to sell off the phone company and quickly.

I find it amazing that as soon as MTS comes into the picture again, as soon as we start talking about rates, about ownership, what happens? Out comes plan B. You know, sort of like the constitutional debate. You have got plan A for the session which is to kind of keep things low key, not say very much. We even mention MTS, the Speaker makes rulings against us. She pulls out rulings from seven months ago. We see the same kind of tactics we saw last year.

I want to put this on the record now because MTS was the tip of the iceberg. I look at what is going to happen with other Crown assets. Let us start with Manitoba Hydro.

Mr. Deputy Speaker, I found it amazing today that the Premier (Mr. Filmon) got up and said—talk about credibility—anytime he is asked a question about MTS he attacks the credibility of myself, the Leader of the Opposition, other members. I notice the Minister of Justice (Mr. Toews) is learning from the Filmon school of rules here. Rule No. 1, attack the questioner; rule

No. 2, attack your staff; rule No. 3, attack the questioner; rule No. 4, there is no rule No. 4. I do not want to return to—the bottom line is, they have got the script down pat. What they want to do is, they want to avoid being asked the same kind of questions on Hydro or Autopac that they were asked about on MTS.

\* (1630)

I remember, it was rather eery, because we asked questions. I remember one time the Liberal member for Inkster (Mr. Lamoureux) asked a question about Hydro. I think it was Hydro. Guess what the Premier said? He said word for word what he said about MTS: We have no plans to sell off Manitoba Hydro. Mr. Deputy Speaker, what I could say to that would definitely be unparliamentary, and I probably should be kicked out if I said it on the record in public. I am advised to go for it. I want to make the point to the people of Manitoba that our fight today is not just over a Speaker. Our fight today is not just over phone rates. It is about the future of Manitoba Hydro, about Autopac, about our health care system. If they can sell off MTS, how much do you think Hydro will be worth to those brokers? How many Jaguars? How many Porsches? How many board positions?

I just say on the record, I sure hope the member for Tuxedo (Mr. Filmon) does not surface somewhere like the most corrupt Prime Minister in Canadian history, Brian Mulroney, on a thousand and one corporate boards.

**An Honourable Member:** No doubt he will.

**Mr. Ashton:** Mr. Deputy Speaker, some suggest, no doubt he will. I want to say, by the way, at some point in time on MTS, we, I believe, are going to need a commission of inquiry. I believe that dealings on the sale of MTS were some of the most corrupt dealings we have seen in Manitoba going back to the building of this Legislature. I believe, and in fact on the scale—this building, by the way, was built under, it was a Tory Premier. Funny part was, he is also the same Premier that nationalized MTS, so I do say some good things about Rodmond Roblin. But it was the biggest scandal in Manitoba history up to that point. Many of the building materials were paid for by the people that ended up in some of the more stately houses a few

blocks away, River Heights and parts of Wolseley, actually. It is interesting.

Up until this now, we have seen incompetence. The biggest case of incompetence probably prior to this was the CFI fiasco initiated by the Tories in the '60s. Has anything matched the scale? Are brokers recommending the sale, brokers that were hired in secret, brokers that were paid to recommend the sale and then pocketed \$35 million immediately that the share issue was on the market, is that not corrupt ethically and morally? I say, when we see seniors now worried about whether they are going to lose their phones, and we see a portion of our society getting brand new Jaguars and Porsches, is that not corrupt ethically and morally? When we see that we have to read the Financial Post, all these references in the Financial Post to lucite blocks, tombstones, syndicates, runners. Is that not ethically and morally corrupt?

I say, Mr. Deputy Speaker, if ever there was a focus that I ever had on this issue, it was sitting contemplating the life of Stanley Knowles, because what Stanley Knowles fought for when he fought and led the fight against the pipeline debate was for democracy, was for the people. You know, it is funny because people opposite sometimes would like to turn Stanley Knowles into some kind of lifeless icon.

Mr. Deputy Speaker, Stanley was a fighter. He fought for principle whether it was fighting for pensions or whether it was fighting to observe democracy, to observe the rules of the House. I want to say in the spirit of Stanley Knowles that in 1956 the government succeeded in pushing ahead with the pipeline debate, but in the long run the government was defeated politically. Many of the individuals involved with that, I believe, suffered from the stigma following that, that they did break every rule in the book democratically.

I believe that one of Stanley Knowles' finest hours was not just in areas, such as pensions, where he fought and won for people of the country in the immediate sense, but often was fighting the good fight like he did on the pipeline debate.

Mr. Deputy Speaker, New Democrats are fighting the good fight today in 1996 and 1997. The spirit of Stanley Knowles lives on in this party. If this

government believes that it can silence me or any member of this caucus, if this government believes that it can sweep under the rugs doubling and tripling of phone bills, for seniors losing their phones, can sweep under the rug the \$100-million bonanza to the stockbrokers, I have news for them.

The good fight continues. The good fight continues on MTS. We want the government to start by getting its board members on MTS to say no to the \$3 increase, to say no to the phone increase. The fight continues, and the fight to save Manitoba Hydro and MPIC and home care and health care and education for the same thing of being carved up by the privatizers, those ethically and morally bankrupt people who seem to believe that the only thing that matters is how many toys—

**An Honourable Member:** Gags.

**Mr. Ashton:** Gags—

**An Honourable Member:** Horses.

**Mr. Ashton:** —horses you can acquire. They deserve to treat themselves.

Mr. Deputy Speaker, I thought, perhaps naively at one time, we were progressing. You know, it is funny, you look back to what the CCF fought for in the late 1930s. It was Stanley Knowles, by the way, the key founder of the New Democratic Party talked about in 1960. This, by the way, was read by Bill Blaikie, I thought one of the most eloquent statements on Stanley. When he talked he quoted from 1960 when Stanley Knowles talked about how decisions about the economy were being taken out of the control of government and put in the hands of private interests.

You know, it is funny, the 1930s, the CCF had that vision. In 1960, the new party, later the New Democratic Party, had that vision. Mr. Deputy Speaker, in 1996 the New Democratic Party had the same vision unlike the Liberals, and I do not mean the Liberals in the House or the two of them or the three of them, I am not sure. I am not going to get into that. I look to the member for The Maples (Mr. Kowalski) because I believe in his heart of hearts one of the reasons he has probably taken the decision he did is

because his leader, the Liberal leader said, well, we are not really against privatization of MTS—just the way they are handling this one. I mean, to my mind, most Manitobans were for or against the sale. You had the Liberal leader saying on the one hand and on the other hand. I do not blame the member for The Maples.

In 1996, in this House, we spoke for a different vision of this province. We said that our assets should not be carved up. We said it was wrong to sell off our future. It was interesting, they went and dumped \$150 million from the sale to fund the deficits of our health care institutions. Did we not predict that?

We said there is a different vision for the future, and that is a vision of citizen democracy where, instead of making a decision of four people, aided and abetted by the brokers, to sell off our phone company, our vision was that you should have put it to a vote of the people of Manitoba, a shareholders vote, that would have given all one million Manitobans a say over the future of their phone company.

\* (1640)

Our vision about Manitoba Hydro is, hands off our hydro system. It is not yours to sell any more than MTS is, and you have no right to do anything other with Manitoba Hydro than to keep it publicly owned. If you ever even think about selling it off, say that in an election, because you will get defeated. Mr. Deputy Speaker, I think you will end up like Brian Mulroney did with his party after the '93 election. Well, they ended up with two members and that was two too many, but now he is giving fatherly advice to the Conservative Party. Certainly if he does not phone the Premier (Mr. Filmon) on a regular basis, his spirit is certainly with the Premier on a regular basis.

You know, I say there is another vision of this province, and that is that you trust people, you trust in democracy. You say what you believe, and you believe what you say when you run it. It is funny, I heard the Premier say earlier, in reference to the Leader of the Opposition (Mr. Doer), well, the reason you are here is because you whatever.

I can say one thing right now. The truth will prevail in the long run, and I say to the Premier (Mr. Filmon),

it is a pretty hollow victory you had in 1995 when you said you would save the Jets, you would not sell off MTS, you would not privatize home care. I will tell you, you can fool the people once like that, but wait until the next election, you will never, ever, ever get away with it because, I tell you, in the long run, truth will prevail, and you will be thrown out of government.

We are proud to say what we mean and mean what we say, and I say, that is why even though in respect to the rules of this House, I withdrew the comments, I cannot and will not let any precedent remain on the books of this Legislature that prevent us from saying the truth. I will repeat the phrase again, that the Premier was not happy enough lining the pockets of the Bay Street brokers and his political friends. I say, we will not see any hope for returning fair balance to this House until we have an elected Speaker with the confidence of all members of the House. That is why, Mr. Deputy Speaker.

You know, it is funny, because whenever we in this House talk, rise on points of order, once in a while I have people say, well, Stanley would not do this. I tell you, when I make this matter of privilege, I am sure if Stanley Knowles was still here today, he would be the first one to approve of our fight today and this motion, which states, I move, seconded by the Leader of the Opposition (Mr. Doer), that the ruling of June 24, that the words "he was not happy enough lining the pockets of the Bay Street brokers and his political friends," reference to the Premier, were in contravention to Beauchesne, not be a precedent of this House and that this House has no confidence in the Speaker of the House.

**Hon. James McCrae (Government House Leader):** Mr. Deputy Speaker, I regret the requirement for me to rise this afternoon to respond to the points raised today by the opposition House leader, who has brought forward a motion, having challenged a Speaker's ruling, and the Legislature having sustained that ruling, to go further and basically challenge the decision of this Legislature.

Now, in some circles, in some Legislatures, and in some councils, that in itself would be a breach of the precedents and a breach of the customs and the practices to be reflecting on a vote in the Legislature.

Then the honourable member winds up by suggesting in his motion that there be no confidence in the presiding officer of this House.

I listened carefully to the honourable member for Thompson this afternoon, and I listened carefully when he said that—and I think I am getting this correct, and I quote, our fight is not about a Speaker, our fight is about the future of Manitoba Hydro, and I think he mentioned one or two other agencies. When you strip away everything else that was said, that is what remains.

Mr. Deputy Speaker, this is not a new point that is being raised. It is a recurring one. It is a defining one, I suggest, between the parties in this House that this matter keeps coming up. In the guise, in my respectful submission, of a question of privilege, the honourable member again brings forward his party's position with respect to an important issue in our society.

I have no quarrel with the honourable member raising issues of importance to him, to his party and to those that he feels he represents in this place. I would be the last to want to suggest that that is an inappropriate thing to do. I do suggest that doing it in the guise of a question of privilege, as has been done here, is unlike the late Honourable Stanley Knowles whom the honourable member reveres, as I do, and I respectfully suggest that having worked in the same place as the late Mr. Knowles for a number of years, I can tell you that in Mr. Knowles' approach to parliamentary matters, the end did not always justify means which were not appropriate.

I have had discussions with the honourable member for Thompson (Mr. Ashton) about the principles that guided the work of Stanley Knowles. I agree with the honourable member for Thompson that that person's record is one that all of us would be aiming high for, if we attempted to emulate that record. I can agree with that without any hesitation whatsoever. I say this with due respect to colleagues in this House who I know feel very strongly about the matters they bring to this place.

I say to them the end does not justify the means by which we conduct ourselves and the means we use to make our points. There are ways to bring forward one's point of view in this place and in other places, and

simply stopping the business of a Legislature, that is the tool that is used from time to time in Legislatures, and when it is done in an appropriate manner, I can, sometimes grudgingly, support that. Using the rules in an honourable way to achieve ends is what the rules are there for and what parliamentarians are here for. Our constituents expect no less from us.

I maintain, when we do not like a Speaker's ruling, we have adopted a practice, rightly or not so rightly in this place, of challenging those rulings. When those rulings are challenged, then it is no longer the property of the person who made the ruling. The ruling is then in the hands of the Legislature itself.

When that happens, a decision is made by a vote, as happened earlier this afternoon, as has happened in other cases in this place. That is why I say to honourable members from time to time, when they want to find some focus for their feelings, that being the presiding officer, if you are upset and you want to blame somebody or something, blame the government.

\* (1650)

That would be in line, and that would be an appropriate approach to take. In other words, the means being used, i.e., placing the blame for everything that has happened with which honourable members disagree on the shoulders of the presiding officer, in the clear light of votes of this democratically elected Legislature, in my view, is an inappropriate means to use to reach the end that honourable members opposite want to reach, that being to bring to the attention of the people of Manitoba that in the view of the New Democrats the sale of the Manitoba Telephone System was the wrong thing to do.

I know that honourable members may not want to listen to what I am saying about this, and that is their right too, but let us make no mistake about it, what we are discussing this afternoon has far less to do with the presiding officer of this place than it does with the philosophical, ideological difference that exists between the New Democrats and other Manitobans with respect to the sale of the Manitoba Telecom Services. The debate about that is something the

honourable member for Thompson (Mr. Ashton) engaged in this afternoon while under the guise of a question of privilege.

I do not propose to go chapter and verse through the merits or otherwise of the different aspects of the sale of the Manitoba Telephone System; that is better left to people who are better able to discuss those matters, but my point is that at what point do people accept the democratic reality of a Legislature? They do not have to like it; I am not saying that, and they can argue it forever, and that is all right. So when do they actually respect the votes of the majority of the members in this House?

I am a member of this House. Surely my constituents and I have a right to hope that when I come in here and engage in debate and engage in a vote, the democratically elected votes of the democratically elected people in this place, at some point we ought to stop blaming an individual person for the actions of the whole Legislature.

**An Honourable Member:** Oh, you are missing the point, I think, here.

**Mr. McCrae:** Now, the honourable member for Radisson (Ms. Cerilli) suggests I am missing the point. I do not think I am missing the point whatsoever. It is very clear to me that the honourable member and her colleagues are finding a scapegoat for something with which they disagree, but in the process, they are doing something Stanley Knowles would never have done, that is to ignore altogether the votes of the democratically elected members of this place on the various issues related to the Manitoba Telephone System.

It is an easy thing to do. In my humble opinion, it is one of the less honourable things that we as human beings sometimes do, and that is to find individuals to use as scapegoats for something bigger. That happens, that is a human thing. I just do not happen to think it is one of the—[interjection] I just happen to think that it is an unfortunate approach to take, and whenever the honourable member for Thompson or anybody else wants to invoke the name of Stanley Knowles to attach to the righteousness of whatever their cause, there has to be a qualification attached. That is that Mr. Knowles

attached honour to the means that he used to achieve his ends. That was my experience watching him over the space of eight years of his much longer career in the House of Commons.

Now the honourable member for The Pas (Mr. Lathlin) suggests that I may not be the one to be making comments such as the kind I make today. Well, he may want to rise in his place and give his views on that, on why he feels that way, but, Mr. Deputy Speaker, I am a member of this Legislature, and surely I am entitled to give my views just like the honourable member for The Pas is entitled to give his views.

Each time he rises to speak, I think, generally speaking, I sit quietly and listen to what the honourable member has to say. Just the other day, he was asking some questions in Question Period, and I listened carefully and I made my best effort at giving him an answer to his questions. I propose to do that as long as I have the privilege of serving in this place.

My point, Mr. Deputy Speaker, is the same point that I have made on other occasions when this subject matter has been before the House. I make the point that the issues have been debated; they have been debated at length throughout Manitoba for more than a year now, and the honourable member for Point Douglas (Mr. Hickes) has—

**Mr. Deputy Speaker:** Order, please. The honourable member for Point Douglas, on a point of order.

#### Point of Order

**Mr. George Hickes (Point Douglas):** On a point of order, I would just like to ask you, Mr. Deputy Speaker, the government House leader was making a speech, and I rose on a point of order, and you immediately stopped the process of the House to recognize me, but in November, when my Leader stood up on a point of order, how come the Speaker did not recognize my Leader at that time?

So that is the point we are making here today. How come you recognized me, but the Speaker of that day would not recognize our Leader on a point of order that I am making today? Same thing.

**Mr. McCrae:** Mr. Deputy Speaker, on the same point of order, the honourable member for Point Douglas has identified exactly in his point of order, to which I am contributing right now, he has pointed out exactly the problem that honourable members are still bothered by and that they still refuse to accept the vote of this democratically elected Legislature about. It goes back to the time of the provisional rules and all of those issues that were raised by the provisional rules.

On the point of order raised by the honourable member for Point Douglas, the issue at that time was one where we were dealing with what honourable members called provisional rules. They were not permanent rules, and this is where people use this debate to—

**Mr. Deputy Speaker:** I thank the honourable minister. The honourable member for Point Douglas did not have a point of order. It was clearly a dispute over the facts.

\* \* \*

**Mr. Deputy Speaker:** The honourable minister, to continue on the matter of privilege.

**Mr. McCrae:** Mr. Deputy Speaker, with respect to the matter before us, honourable members opposite are still bringing forward issues related to the actions of this Legislature and not any individual person in it, nor even the presiding officer. This Legislature was working under provisional rules, rules that honourable members opposite and I today are still discussing to see if there are not some ways that we can improve our practices around this place, but those provisional rules were not clear on how you wind up a Legislature. The provisional rules did make a reference to the fact that a Legislature can be wound up, but there was a gap.

The government House leader of the day asked for the guidance of the Speaker. The Speaker gave her view of how the matter might be looked after, and, at that point, honourable members opposite, as they have done on numerous occasions, disagreed with the opinion of the presiding officer and the matter was put to a vote in this House.

Honourable members are always asking for votes. We had a vote, and that ruling so called was not any

longer the property of the Speaker of the House of this Legislature. That ruling was the property of this Legislature, because the members of this Legislature stood to their feet and voted either for it or against it, but the majority of the members of this House supported the ruling that had been made, and that is where it is.

Honourable members at that point decided, instead of having a disagreement with the government, boy, we can make our disagreement with the presiding officer, and it will give a better focus to the whole matter. [interjection] Now, the honourable member for Dauphin (Mr. Struthers) asks, is the question of privilege not part of the system? Of course it is, and we are discussing that today—[interjection] I cannot hear everything the honourable member for Dauphin is saying from his seat, but I think he is saying the question of privilege is part of our procedures as a Legislature, and that is absolutely true. He is absolutely right, and we are engaged in one of those right now. I do not know how it will end up, but it might end up in a vote, and if it does, at the end of that vote, will we not know the will of the democratically elected members of this House? Yes, we will, just like we did last fall.

\* (1700)

Now, honourable members opposite cannot get that out of their heads that that was the will of the Legislature, as enunciated by the members when they stood to their feet to give their expression in a democratically elected Assembly. Somehow in all of our rhetoric, on all sides, we tend to get into some very convenient sloganeering, if you like, that suggests all kinds of other things that describe a state of affairs that does not really exist. I always find that a marvellous feature of rhetoric. We tend to run away with our rhetoric sometimes, and I do not know that it is always a good idea but it certainly does happen, and we use it for our particular political ends. But every time I think about that, I think back to Stanley Knowles, too, who used rhetoric, he used rules, he used all the devices that are available to parliamentarians, but he did it with some honour, and that is what I am trying to bring forward today—[interjection]

Well, the honourable Leader of the Opposition (Mr. Doer) wants to speak, and I understand that, but, you

know, his House leader raised the issue and spoke at length. I did not time him, but it was a reasonably lengthy comment. I have not been on my feet for very long, and I do not propose to be on my feet for very long, but I did have those few comments I wanted to make. I have made them before, but I only made them before because the other side of the story keeps coming up, and I do not see how we can sit silently and hear one member of this Legislature condemn for the actions of the whole Legislature. I do not think that is fair to the individual person involved, and I think that needs to be stated whenever this matter comes up.

Mr. Deputy Speaker, I propose to conclude my comments, but if I could have the forbearance of the Leader of the Opposition, I have one announcement to make respecting a committee that is presently sitting. If I might have the indulgence to do that, I would do that.

**Mr. Deputy Speaker:** Does the honourable House leader have leave to make a statement on House business? [agreed]

### House Business

**Mr. McCrae:** Mr. Deputy Speaker, I wish to announce that in addition to the bills already scheduled for consideration by the Economic Development committee on Tuesday, June 24, at three o'clock, that is the committee that is sitting right now with the leave of this House, which are Bills 41, 50 and 51, the committee will also consider the following bill, Bill 61.

\* \* \*

**Mr. Deputy Speaker:** The honourable Leader of the official opposition, on the reasons why the matter of privilege.

**Mr. Gary Doer (Leader of the Opposition):** Yes, speaking on the matter of privilege, first of all, Mr. Deputy Speaker, I do want to speak on the absolute substance of what we are dealing with, and that is the ruling of the Chair and a point of privilege that is pursuant to it.

Now, I cannot, for the life of me, understand how a person can take something as notice last November and

wait day after day after day after day after day in this Legislature and come in at the end of June with a ruling that coincidentally is timed for the same day that the very same member is moving an emergency debate and, by our rules, must submit it to the Speaker an hour before the debate will be dealt with.

I am sick and tired of the manipulation of this House by the Chair, sick and tired of it. Every time the government thinks that the Chair can manipulate us, we are going to fight back with everything we have, absolutely everything, and I would suggest that members opposite—and I am dealing with the point that the House leader raised, because there is absolutely no excuse for this Speaker to hold that ruling for today when that member was moving an emergency debate on the Manitoba Telephone System. There is absolutely no excuse for it.

Mr. Deputy Speaker, we know that the Speaker had advance notice under our rules for an emergency debate. [interjection] We are talking about the Speaker. The motion is not on you, Madam Minister; the motion is on the Speaker, and that is what I am speaking to. I do not know whether you knew or not. I expect you would not; it would be against our rules to know. You would not possibly know that the rulings are coming out today. That would be contrary to the rules, but I do think it is important—[interjection] No, listen, you are missing my point.

The motion on the floor is that we have lost confidence in the Speaker. That is the motion on the floor. The reason why the motion is on the floor, among many, was, again, we had a ruling issued by the Speaker coincidentally on the same day, months after this matter had been taken on notice, at the end of June. The Speaker makes a ruling on the same day that the same member is proposing the first emergency debate in the Chamber.

So, Mr. Deputy Speaker, the Speaker has a job to do as the presiding officer of protecting all the rights of all of us. We have objected in the past to rulings of the Speaker. We have objected with everything we had when the Speaker tried to manipulate the policies and history of this Chamber by ruling that racist policies could be deemed to be parliamentary if it was talking

about the federal government, but it would be unparliamentary talking about a past, present and future government.

That is an absolute manipulation of this Legislature, and I do not care if there are 52 members voting for the ruling of the Chair, it is a wrong ruling in terms of the traditions of democracy, the traditions of this Legislature and traditions of Parliament.

So the argument of the government House leader is that the Legislature has made a decision because the majority of people have made the decision. If the majority of people vote in this Chamber to allow memberships to be taken out and paid for by taxpayers in the Manitoba Club when they prohibited the membership of Jews and women, the 52 or 32 or 31 members who vote that way are not right; they are wrong. That is the issue that the member for The Pas (Mr. Lathlin) raises when he is ruled as being unparliamentary on talking about past, present and future racist policies. [interjection]

It does not matter, members opposite. It does not matter. If it is Frank McKenna's Legislature, and it is 58 members at one time or 57 or 52 or 32 or 29, that is not an argument for breaking parliamentary rules. It was not in the case of racist policy. It is not in the case of the ruling before us today and the timing under which this Speaker brings down this ruling, brings down a ruling to ask the member to withdraw something on the same day that the member had put in an emergency resolution by our rules to her office an hour before pursuant to the rules and on the same topic, no less.

\* (1710)

Now, this is manipulation of this House, one would think, after last November, when rules were manipulated and manipulated, in our opinion and in the opinion of most independent people. I suggest 20 years from now, when members have a chance to reflect on it, they will have lots of blame for the way we dealt with the issues and lots of blame for the tactics we used, but they will reflect basically in history that their Speaker was wrong, and they will say that they were wrong to back up the manipulated ways in which the Speaker made those decisions.

I guarantee you they will do that. One should look yesterday at what Gerard Pelletier said on tape from past experiences, when he admitted that they were wrong, the Trudeau government was wrong to overreact and use the War Measures Act in the early '70s to deal with albeit a crisis and a tragedy. He admitted that they overreacted by going too far and that in hindsight he wished he had not voted for that measure.

I suggest to members opposite that when they are sitting in their rocking chairs, and some will argue that that will not be soon enough, but that would be a cheap shot, and I will not take that, when they are in their rocking chair—I was in my rocking chair recently. There is nothing wrong with that. I have made mistakes. Yes, I have admitted I am wrong. I have admitted I am wrong and I will admit it when I am wrong.

We will obviously disagree with that, but the motion before the Chamber is in the confidence in the Speaker and the issue of confidence in the Speaker is dealing with her ruling—

**Mr. Deputy Speaker:** Order, please. Can I just remind the honourable member that the motion that he is speaking about is not before the Chamber at this time. We are speaking to the matter of privilege on whether the motion should be coming forward, just for the member's information.

**Mr. Doer:** Of course, Mr. Deputy Speaker, and, of course, I was very consistent with the rules of this Chamber.

Mr. Deputy Speaker, the other factor dealing with this issue is the substance of the decision of the Speaker and, again, the manipulated timing under which it was released. Where is the ruling on the Premier on a very simple matter of making a statement about punching out the lights of the member for Crescentwood (Mr. Sale)—kicking out the lights—a point that he has never apologized for in this House. He has done it in the Free Press. He has never done it in this Chamber.

Now, what kind of Speaker cannot make a decision on that issue? What kind of Speaker cannot make a decision on the Premier and calling him to order months ago, or are we having a manipulation of those

rulings too? Are they just being held for political convenience? Are members of the government being told when the date of those rulings will come down because they might be challenged? Are rulings being held so the government will have the numbers of members here for votes that may take place, which again would be reason for the Speaker to resign?

I suggest that members opposite certainly would not be participating in a co-operative ruling announcement by the Speaker so the votes can be arranged in a timely way for the government to have a one-sided advantage of dealing with the rules and privileges of members of this Chamber. That would never, ever happen, I am sure, because that again would be against all the parliamentary traditions of the Speaker of this House being the presiding officer and being responsible for the rights of all individual members.

We will not be manipulated. We simply will not stand for it. We will not have the traditions of democracy and parliamentary traditions of this Chamber manipulated by any presiding officer, and we feel as strongly about the manipulation today with the timing of the emergency debate and waiting week after week after week for the issuance of the ruling. I can understand the Speaker holding it a couple of days after the start of the session when we were dealing with the Speaker, but to leave it to late June and the same day that the member for Thompson (Mr. Ashton) is putting in an emergency resolution. I mean, at minimum, it does not show very much judgment in terms of the cadence and traditions of this House and judgment in terms of how the members opposite will deal with this issue—at minimum.

I suggest, on the face value of it, it is total manipulation of the rights of the member for Thompson to move his emergency debate. Members opposite should reflect on this quite seriously, because we have a Speaker now that is bringing disrespect to all of us. When this Chamber erupts because we feel the Speaker is only looking one way, when this Chamber erupts when the members opposite feel we are going way too far in our language in our questions, when this Chamber is erupting because the Speaker has no, how shall I call it, gravitas to run this Chamber in a way that is effective and respected, it is reflecting on all of us.

All of us, when we erupt, reflect badly, I think, on our constituencies and on our traditions in this House.

This is not very good. I mean, I know the government is stubborn, and the Premier is the chief amongst all stubborn people in this House. We are all stubborn—[interjection] By the very definition of being in here, you have to be stubborn enough to run. But some people are stubborn and some are more stubborn than others. I know the Premier does not want to admit that he makes a mistake. None of us want to admit we make mistakes.

But, if you were to think today, again, what happened in this Chamber with the presiding officer and you were to get beyond party politics and beyond the stubbornness that is being led by the member for Tuxedo (Mr. Filmon), the Premier of this province, you would really actually deep in your heart of your hearts be voting with us. I know that. I know you would, but you cannot admit it; you cannot do it because all of us, unfortunately, at times there is—at times I believe in party discipline and I believe in good fights in our caucuses. I know we have good ones, and I know that the members opposite would have good ones as well.

**An Honourable Member:** We never do.

**Mr. Doer:** Well, only a dictatorship does not have disagreements, and if you have a total dictatorship in your caucus and do not have disagreements, I would suggest that is your right to have a dictatorship. Our caucus would never put up with a dictatorship, nor should it. I recall that even in government and I recall that in opposition, and I have been with different members in opposition, third party, second party, second party again, soon to be changed to first party, and that is the way it should be.

But there is no accepting this ruling of the Speaker and the timing under which it is issued. How do we justify, how do members opposite justify in their minds why the ruling of the Speaker has not taken place yet? It is not a very complicated issue. Somebody called the First Minister threatens to punch out the lights or kick out the lights of another member of this Chamber, the First Minister admits it in the newspaper, he apologizes in the newspaper, and the Speaker is too incompetent or too lacking in a backbone to give us a ruling within a

couple of days of the session starting. But the Speaker has the unmitigated gall to go right back into the old MTS battle by bringing out a ruling on brokers on the same day as the member for Thompson moves an emergency debate on the same issue, well into June, Day 66 or Day 67. What kind of judgment, let alone parliamentary traditions, do we have in the Chair?

I suggest to members opposite that if they were really making a decision with their heads and their hearts for this tradition—the traditions of democracy in this Chamber—they would vote against the member for Tuxedo (Mr. Filmon). I do not want to use dictatorial ways, because the member for Thompson (Mr. Ashton) did withdraw those comments yesterday saying that the Premier—he had to withdraw the comments that the Premier was not a dictator. He did withdraw those comments yesterday, appropriately so, and I do not think he was ever so happy to withdraw the comments that he had made in terms of withdrawing those comments, another brilliant ruling from the Chair.

I believe that we should have respect for the Chair, and I remember a person who I like a lot and who disagreed with the Chair and was cited and left the Chamber, Larry Desjardins. He was cited by the former member for Wolseley, one Myrna Phillips. He was not very happy. I think he had been in the House 22 years and the member for St. Boniface was cited. [interjection] There goes all Jean Friesen's research. There is 100 years of education questions that just hit the floor.

\* (1720)

Mr. Deputy Speaker, this is a serious matter and the decorum in this Chamber and the decisions of this Chamber and the timing of the decisions in the Chamber and the release of those decisions of this Chamber should not be manipulated, but there should be proper judgment and judicious interpretation used. That was not used with the member for Thompson (Mr. Ashton). She was wrong to rule on brokers lining their pockets and friends of the Premier lining their pockets. Brokers have lined their pockets. It is on public record. The champagne was being—the corks were popping in brokers' offices as they celebrated the flip of these stocks and the money that they made. That is on public record. What he said was true, \$35 million being made.

Now, I am not going over the history of MTS again today. I will have lots of chances to do that in concurrence and other motions before this Chamber as we go along in the next couple of months, but I will say that this motion, this ruling of the Speaker and the timing of its release was wrong. I will have no difficulty in supporting the member for Thompson in his point of privilege, and I have no problem in supporting the motion again that this Chamber has lost confidence in the ability, regrettably, of our presiding officer and Speaker.

Thank you very, very much, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** The subject matter of this motion is of such importance that I believe the House would want to deal with this at the earliest possible opportunity.

**Mr. Kevin Lamoureux (Inkster):** Mr. Deputy Speaker, I, too, would like to put a few words on the record with respect—

**Mr. Deputy Speaker:** I have already been back and forth.

**Mr. Lamoureux:** Leave is not required. It is a matter of privilege.

**Mr. Deputy Speaker:** Order, please. Up until this point, I have been hearing advice on whether or not this matter should be coming before the House. I have heard from the members of the Chamber. I am satisfied that the members want it before the House.

### Point of Order

**Mr. Deputy Speaker:** The honourable member for Inkster, on a point of order.

**Mr. Lamoureux:** On a point of order, Mr. Deputy Speaker, are you saying that I have no right to speak to a matter of privilege in which the matter of privilege, in essence, raised the motion as required through Beauchesne?

Is that what the Deputy Speaker is saying, because if that is the case, I challenge the ruling of the Chair.

**Mr. Deputy Speaker:** Does the honourable member for Inkster wish to speak on whether it is a matter of privilege?

**Mr. Lamoureux:** Yes, the present matter of privilege.

**Mr. Deputy Speaker:** Okay, the honourable member for Inkster then.

\* \* \*

**Mr. Lamoureux:** Mr. Deputy Speaker, I do want to put a few words on the record with respect to this particular matter of privilege as it has been raised. You know, earlier today in Question Period, there was a point of order that was raised, and the point of order came from a member from the opposition in which it addressed the Premier. It indicated to the Premier that the Premier was not answering the question. The reason why he had stood up on a point of order is because through his interpretation of Beauchesne's he believed that the member for Kildonan (Mr. Chomiak) was, in fact, incorrect—or the Premier was in violation of the rules. I believe it was Citation 417, and 417 says: "Answers to questions should be a brief as possible, deal with the matter raised and should not provoke debate."

What happened was a sequence of events occurred in which the Speaker's ruling was challenged. So then the bells rang and I had talked to the member for The Maples (Mr. Kowalski) and the member for St. Boniface (Mr. Gaudry) in terms of what it is we should be doing with respect to this particular vote. Well, it was pointed out that at times within government side answers get very long-winded, answers do not answer the question that has been posed, questions will quite often have preambles, and that preamble would be classified as being against Beauchesne's. Well, that occurs on a day-in, day-out basis, but what happened here is that someone in the opposition benches indicated, using, citing Beauchesne's that there was in fact a violation of the rules. Well, we voted to support—or I voted to support what the New Democratic Party was doing, the reason being is because they are right. In the rule book that is what it does say, and for that reason, even though I might have not 100 percent agreed, but for that reason in essence, yes, I should vote with the New Democrats.

Why I bring that up is because I am going to go to Beauchesne's, Citation 33, where it says: "The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and enforce them. A few rules are laid down in The Constitution Act, but the vast majority are resolutions of the House which may be added to, amended, or repealed at the discretion of the House."

Mr. Deputy Speaker, I have spoken on that particular citation in the past. The most important thing that we have inside this Chamber is indeed the rules that are being set. We have to follow those rules, and quite often there is a little bit of sidetracking, intentional or unintentional, a little bit of a variation, and quite often the rules are in fact broken. But, unless someone brings it to the attention of the Speaker or the Deputy Speaker, nothing in essence occurs, and that is what happens with most questions during Question Period and so forth. They go unchecked. But, once someone stands up, there is the obligation for the Chair to address that particular issue.

Well, I would like to go to a particular rule that was established and has been a part of this Legislature for many years. In this particular rule—

**Mr. Deputy Speaker:** Order, please. I hate to interrupt the honourable member during his debate, but could I remind the honourable member that he had asked to speak, not to the motion, but to the reason why he felt it should be coming to the motion, why it was relevant to this debate? So, rather than being in the debate, you could speak to the relevancy of.

**Mr. Lamoureux:** Mr. Deputy Speaker, I guess I would seek clarification. In the past, what I have witnessed inside the Chamber is that someone stands up for a matter of privilege, then there is the ruling on the matter of privilege, and then others contribute to the debate such as the government House leader, such as the Leader of the official opposition. I would like to be able to continue that debate.

If you are saying that there was a mistake that was done earlier, that, in fact, in order for me to be relevant to my debate, I need to allow you to put forward the motion, then I will sit down, and I will continue on, if that is what you are saying.

**Mr. Deputy Speaker:** Order, please. Just to remind the honourable member, I did call the opposition Leader to order on exactly the same matter when he was entering into the debate at that time, but the honourable member can continue. He can enter the debate again at a further date.

**Mr. Lamoureux:** Mr. Deputy Speaker, if it would be better in terms of relevance, I would be more than happy to sit down so you can put the motion, and then I will continue my debate.

**Mr. Deputy Speaker:** I thank the honourable member. The subject matter of this motion—[interjection] Order, please.

\* (1730)

#### Point of Order

**Mr. Deputy Speaker:** The honourable member for Burrows, on a point of order.

**Mr. Doug Martindale (Burrows):** On a point of order, Mr. Deputy Speaker, I was also planning to speak on advice on the matter of privilege. I was prepared to quote Beauchesne's 115, 117, 118 and No. 25 in my speech, which I believe would have been entirely relevant to giving the Speaker advice only on the matter of privilege and whether it had been raised at the first opportunity and whether there was a prima facie case.

I believe that you are unfairly cutting off advice to the Deputy Speaker, advice to yourself at this point, when some of us still wanted to speak in a very relevant way to whether or not this was a matter of privilege.

**Mr. Deputy Speaker:** I thank the honourable member for that information, but to this point I have been hearing debate on the motion. I am of full acceptance that the subject matter of this motion is of such importance that I believe the House would want to deal with this matter at the earliest possible time, and we would not want to have it held in abeyance.

#### Point of Order

**Mr. Ashton:** On a point of order, Mr. Deputy Speaker, I appreciate that it is a judgment call on a matter of

privilege. There is one section which does deal with our matter of no confidence in the Speaker. There is another section which deals with questions related to the ruling, and I believe that it may be advantageous for you to canvass some further opinion. I think there may be some limited contributions, further contributions.

We are not suggesting that your ruling is not helpful in terms of not entering into debate, but I think that it may be wise to canvass if there are—I believe there may be a couple more advices. I appreciate the fact that you are saying at that point in time the one portion does require to go pretty well to a debate of the House, but if I might provide that by way of assistance, I appreciate your attempts here to move this along, but I do think that it is fairly significantly held by some people. I do not want to end up with a ruling we have to challenge, but I do think if we dealt with a little bit more advice, we can then go forward with what would be a very appropriate ruling on your behalf.

**Mr. Deputy Speaker:** The honourable member for Inkster, on the same point of order.

**Mr. Lamoureux:** On the same point of order, Mr. Deputy Speaker, I think what is important here is that we recognize first and foremost the rules. I have not read that aspect of the rules, but I am basing the argument more so on what I have seen over the last nine years inside the Chamber in terms of tradition. That has been once someone rises for a matter or privilege, and then they move that substantive motion, then there has been debate from whomever wants to be able to participate on that debate.

If we vary from that, if we allow, for example, the government House leader to be able to speak prior to moving that motion and we allow the Leader of the New Democratic Party and we allow anyone else to comment on it, we are setting a dangerous precedent. What could happen is every matter of privilege that is then moved, I could stand up, and any member could stand up in the future and speak twice in essence to the same matter of privilege, and then the whole question of relevancy will become that much greater of a problem.

So I would suggest that if there is uncertainty in terms of the actual ruling on this particular issue that maybe there will be a recess, because I think the accuracy of it is absolutely critical for future operations.

**Mr. Deputy Speaker:** I would have to agree with the honourable members. I am having difficulty with this one, so if you would give me some time, I would like to research it a little more.

At this time, if it is the will of the House, the honourable member for Inkster had the floor. If I could recognize the honourable member for Inkster, so he could carry on and give me a little bit of time to research this a little further.

Is there leave for the honourable member for Inkster to continue? [agreed]

**Mr. Lamoureux:** The point in the first part of my discussion that I was trying to emphasize was the importance of our rules and, in fact, following our rules. I do not want to revisit all of the words for those who were not here prior to the interruption but suffice, in essence, I have always believed in trying to maintain the integrity of the rule books.

Having said that, I want to go to Manitoba's rule book and in Manitoba's rule book, we have seen changes that have occurred to it over time. One of the most interesting rules that I think is most applicable to this particular case is the one that is on page 28, Rule 40.(1) in which it states that "No member shall speak disrespectfully of the reigning monarch or any other member of the Royal Family, or of the Governor General, or of the Lieutenant Governor, or the person administering the Government of Manitoba, or use offensive words against the House, or against any member thereof."

So, having said that, and I would add to that, Mr. Deputy Speaker, that rule was something that was accepted even when we had different parties in government. So, if there was a party that took great exception to that particular rule, they were in government, they had the opportunity to change it. In essence, that rule is saying that we all are, in fact, honourable and should be treated with respect from within.

Well, when I look at the Speaker's ruling earlier today, what, in fact, is the Speaker ruling on? Well, I went and I pulled from Hansard a copy of exactly what was said. You will recall when I started I said quite often

rules are broken inside the Chamber but are never really addressed in any sort of formal way, primarily because someone has to raise the issue. Well, if someone raises the issue, there is an onus of responsibility for the Chair, the Deputy Speaker, or the Speaker to address it.

Well, with this particular issue on that particular day, the then House leader, Mr. Ernst, stood and said, and I quote, I have been very patiently quietly listening to what the member for Thompson (Mr. Ashton) has had to say and he has had to say a lot. Most of it, I do not agree with, but the fact of the matter is he just accused the Premier of lining the pockets of certain people in Toronto and lining the pockets of his friends. That is an imputation of motives unfounded and I ask that the member withdraw. Well, the Speaker took that under advisement.

I would then go to, again, Beauchesne's and what is the job of the Speaker once someone has acknowledged that there has been a violation of the rules, is to do some research and get back to the Chamber. I am going to talk about the timing a bit later but dealing strictly with the ruling, if you open it up and you go to page 149 of our 6th Edition of Beauchesne's under Citation 491, and this is where it is important, Mr. Deputy Speaker. Again, this is a quotation which I have cited in the past. It says, "The Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken. No language is, by virtue of any list, acceptable or unacceptable. A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary.

Well, Mr. Deputy Speaker, you have to take that into consideration when, in fact, you are looking at whatever is being said inside the Chamber. There are many issues, many words, many sayings, sentences, whatever it is you want to call them, that are said that are in fact unparliamentary but no one really brings it to the attention of the Speaker or to the Chair if, in fact, we are in committee. But in this case there was some attention. So was it parliamentary or was it not parliamentary?

Well, you know, if you read some of the words: "The following expressions are partial listings of

expressions"—this is Citation 492—"caused intervention on the part of the Chair, as listed in the Index of the Debates between 1976 and 1987: Cheating; Clearly misleading; Corrupt; Coverup; Dishonesty; Distorting; Falsehood; Liar; Lies; Manslaughter" and many other words in which I have heard on numerous occasions. What you will find is there are a lot of these words that are on both the parliamentary list and the unparliamentary list. How can they be on both? The answer to that is it depends on the context in which they were said. That is why I would ultimately argue in this particular case, one has to look at what was said and how does it apply to our rules.

\* (1740)

What was said was, and I will quote right from Hansard again: "But he was not happy enough just destroying a telephone system that has served us well since 1908. He was not happy enough lining the pockets of the Bay Street brokers and his political friends." What is, in fact, being implied and how was that actually being said at the time? That is what has got to be taken into consideration. How then would you look at that and contrast or look at and compare it to the rule in which all of us had agreed, previous party administrations had agreed, that all members—and it is on page 28, Rule 40.(1): "No member shall speak disrespectfully of the reigning monarch or any other member of the Royal Family, or of the Governor-General, or the Lieutenant-Governor or the person administering the Government of Manitoba, or use offensive words against the House, or against any member thereof."

Well, Mr. Deputy Speaker, in this particular case, there was offence that was taken. I remember the emotions. Virtually all Manitobans remember it from last year. Many of us have the visions of people walking across the floor, the yelling and screaming of members from one side to the other, virtually jumping out of their seats. [interjection] There were, and some of us even donned a hat, a helmet, which I think symbolized some of the war of words that were taking place.

So, I believe, when I look at the ruling of the Speaker that the Speaker did make the proper ruling. Now, that is one component of the argument that has been

brought forward from the member for Thompson (Mr. Ashton). The other one is the issue of timing, and that one causes a great deal of concern and justifiably so. What I did was I opened up yesterday's Hansard, and in yesterday's Hansard, what I saw was that there were two rulings that were made from the Speaker—yesterday being June 23, of course. She rose and indicated, I have some rulings for the House, and now I will quote directly from Hansard. This is from the Speaker: "On October 29, 1996, during Question Period, I took under advisement a point of order raised by the opposition House leader."

(Mr. Gerry McAlpine, Acting Speaker, in the Chair)

It is important there to note when, in fact, the Speaker took it under advisement, that being October 29, 1996.

**An Honourable Member:** A long time ago.

**Mr. Lamoureux:** A long time ago, from the member for Radisson (Ms. Cerilli), and I would concur, it is a long time ago. Then, Mr. Acting Speaker, yet another ruling, again the same day, yesterday, quoting from the Speaker: I took under advisement during Question Period on November 7 a point of order raised by the opposition House leader.

Well, again, what I would ask people to look at is the date, November 7. I had opportunity right after Question Period to go over the actual ruling, and I understand that the ruling that was taken as notice was dated November 21. Mr. Acting Speaker, I am not too sure when the kicking of the lights ordeal occurred, if it was before or it was after November 21—[interjection] It was after. Well, that does not necessarily feed into the argument then. What would happen is that if it did occur after, as the members for Dauphin (Mr. Struthers) and Interlake (Mr. Clif Evans) have indicated, if that occurred, well, then, what she is doing, what would be apparent is that she is following at least a chronological sequence of events.

The first one, October 29, which is the first one she brought up yesterday; the next one was November 7, which she brought up yesterday; her first one was November 21. Who knows, is there another one that was going to be introduced? Was she going to be bringing up, was that question actually posed to the

Speaker? You know, that only deals with one aspect. That deals with, well, the timing, the chronological listing of the events and how they have been reported in terms of as she has taken them as notice.

The other issue is the importance of timing. Why did it take the Speaker so long to report back? You know, I gave some thought to that, obviously, and one of the things that came to my mind, and I could not remember right offhand if in fact it was ever reported back, Mr. Acting Speaker, and it was on another matter of privilege. It was on a matter of privilege that the member for Osborne, and the member for St. Boniface (Mr. Gaudry) I am sure remembers it well, where we had the Minister of Finance (Mr. Stefanson) walk out of a committee room. We raised it as a matter of privilege. [interjection] Well, I could be corrected on this, but to the very best of my knowledge, to this day we have never—[interjection] That is Reg Alcock, the former, former member for Osborne, twice removed. We will not compare current versus former, former or former.

Mr. Acting Speaker, I cannot recall offhand, now it is possible that maybe I was not around when it was in fact reported, but that was one of the things that came up with me, and I think that is important, because what I would have expected from the mover of the motion, as I am sure the member for Broadway (Mr. Santos) would like to have seen, is some idea on what other Speakers in the Chamber have done in terms of bringing issues to the floor that they have taken under advisement.

I wonder, and the member for The Maples (Mr. Kowalski) brought this one up with me in a discussion. He said, what would have happened had the moment, the day, the first day when we came back at the beginning of this session the Speaker would have brought up that particular resolution? Would she have been accused of trying to fan the fire or to rub it in the noses of the New Democrats? That is something which I believe would have been called into question, the timing. Whenever you bring it out, the timing is going to be called into question. It will be, especially a motion of this nature, especially when she takes it under advisement.

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

So what could have or should have happened, Mr. Deputy Speaker? Well, the questioning of the Speaker's office in terms of does she have any intentions on bringing forward these matters that were taken under advisement is one of the things that could have happened. What I do not necessarily care to do is to come across as being overly defensive with the current Speaker. I will acknowledge right up to the word go that I do not believe that the official opposition ever had faith in the current Speaker. They never supported her right from day one after the provincial—I should not say day one after the provincial election—right after the appointment of this particular Speaker, because they saw, as every good opposition party would see no doubt to a certain degree, but the tactic will be different, the issue of divide-and-conquer.

Mr. Deputy Speaker, I do not believe, and they have never really demonstrated to me, that they have ever supported the current Speaker. If there is anyone that I believe has the grounds to condemn the actions of this Speaker, I would argue that maybe it is members of the Liberal caucus, individuals like me that have been battling to try to get some rights inside this Chamber. I know I will have to continue.

\* (1750)

Look at Question Period. We argue and have to articulate for the fifth question. We finally got it, and now the Question Period is getting so long-winded nowadays because both government and official opposition—Question Period is more than halfway over before we finally get a question. I am trying to negotiate, to no avail thus far, of trying to get us bumped up a lot earlier. When we represent 25 or close to 25 percent of the population in terms of actual votes, almost one out of every four, 23 percent—[interjection] Pretty close, pretty close. If you are a Liberal, you say one out of four virtually.

Mr. Deputy Speaker, that is something which I have argued for. We have argued that, as the New Democrats get, for example—they can ask a question, a supp, and then they can go on to another question—well, I am trying to argue for the same right with our caucus and to no avail. To date, sure we have been given the odd token one, and that is all it has been: the odd token one. I am going to continue to argue that we are

entitled to that. So I am not looking for favour from the Speaker.

What I am looking for is consistency, and that what we have to look for is a better way to run the House inside this Chamber. That is what the revisional rules were all about. That is why every one of us had more faith in those rules. That is why I invested the amount of time that I did, and other members like the member for Point Douglas (Mr. Hickes) and others, the member for Steinbach (Mr. Driedger) and many others participated. I must say, time is a very scarce commodity for me and, I am sure, for all members, but because I recognize the importance of parliamentary rules, like other members, we made sure that we took the time or put the time aside in order to try to make this a better place in which we can ensure that there is better representation.

The final point was raised by the Leader of the New Democratic Party (Mr. Doer), and that was the MUPI and how it was actually manipulated. What I found, Mr. Deputy Speaker, is that the member for Thompson (Mr. Ashton), and I did not time it, but the member for Thompson spoke for, well, maybe an hour or maybe a little bit more than an hour, and I cannot recall him, because I was here for the whole thing, I cannot recall him talking about the MUPI. I cannot recall that.

When I heard the Leader of the New Democratic Party bring up the MUPI issue, well, then again, even though the member for Thompson did not bring it up, I felt maybe we need to look at that component also in fairness. I do not know what the MUPI was going to be about because I had no idea that the MUPI was—nor should I have. But I do believe in terms of, you know, was it a coincidence, was it not a coincidence—well, had the member for Thompson brought it up, I can tell you one of the things that I would have at least made more of an effort of doing is trying to come up with some sort of an explanation as to why that might have occurred.

If I could not, then it would have given me the opportunity to condemn the Speaker on that particular point, because there could be some merit to it, but I cannot say for sure either way because in one sense I have the Speaker, in the other sense I have the Leader of the New Democratic Party, and one of the things that causes me to be a little bit sitting on the fence on this

particular issue is that the mover of the motion—and the mover of the motion did not even mention it, so that is one of the reasons why I am a bit reluctant in terms of trying to be able to take any sort of a solid position on that particular issue.

But, you know something, in listening to the member for Thompson address the issue, address the matter of privilege, Mr. Deputy Speaker, what I heard was a lot of things which I could support. I remember talking and saying that, look, I do not believe that the move that the government was heading towards, the rates would increase, it would no longer be Manitoba owned, the Tories would create a slush fund by the sale of it. I believed all of that. That is what I talked about when I talked about that particular bill. What was interesting was that so much of that time, 90-95 percent of the time, was a rehashing or a regurgitating of a debate that occurred back then equally valid. You know what I am going to do, I am going to try to take and make sure that Manitobans are fully aware of it during the next provincial election in terms of the actions of this government with respect to MTS, but it was a regurgitation.

I think of the matters of privilege that have been raised over the last few days, Mr. Deputy Speaker, and there have been three of them. I thought, the member for Kildonan (Mr. Chomiak), there was some merit to his. The member for St. Johns (Mr. Mackintosh), I did not think there were any merits to that one. I definitely question this particular one. What I can say is that I could not support the motion that has been put forward by the member for Thompson. When I look at everything that has been provided to me, and when I think it through, and when I talk to people with respect to it, I cannot bring myself to vote in favour of this motion. I think that is because they have not done their homework on it. You know, what has changed since the actual appointment of the current Speaker? What has actually changed from that perspective? They did not like her then, they do not like her now.

What I do not like, Mr. Deputy Speaker, what I would argue maybe could be a matter of privilege especially based on what the Premier (Mr. Filmon) said today, is that I am not allowed to see the provincial

Ombudsman's office get additional resources. The government of the day is blaming the New Democrats, and the New Democrats are blaming the Tories. Shame on them both, shame on them both. Manitobans are the ones that are losing out on that. On the matter of privilege part, maybe what I should be doing is standing up and I should be talking about, well, what about some sort of resources for our meagre caucus and our researcher like Andy Drummond whose workload is so phenomenal, but he is able to prevent or assist us, and we are trying to get additional resources? That is how I can be a better MLA into the future. I think those are the type of things that really, really upset me when I see some of the things that are going on.

Again, you know, the member for Thompson's (Mr. Ashton) comments with respect to MTS, for the most part I agree with fully. He is very, very passionate on this particular issue, Mr. Deputy Speaker, and he has done his constituents well by addressing this particular issue.

With those very few words, Mr. Deputy Speaker, I am content to have a vote.

### House Business

**Mr. McCrae:** On a matter of House business, Mr. Deputy Speaker, I am announcing with the leave of the House that both the Law Amendments and the Economic Development committees will sit tomorrow afternoon at 3 p.m. to consider all the bills that have been referred to them.

**Mr. Deputy Speaker:** The Economic Development committee and the Law Amendments committee will sit tomorrow at 3 p.m. to hear all bills that are before them.

Is there leave for the House to sit concurrently tomorrow? [agreed] When the House convenes tomorrow, the Chair will continue to hear advice on this matter.

The hour being six o'clock, this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow ( Wednesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 24, 1997

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