



Fourth Session - Thirty-Fifth Legislature

of the

## Legislative Assembly of Manitoba

# DEBATES and PROCEEDINGS (HANSARD)

41 Elizabeth II

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

**Thursday, December 10, 1992**

**The House met at 1.30 p.m.**

### **PRAYERS**

### **ROUTINE PROCEEDINGS**

#### **READING AND RECEIVING PETITIONS**

**Mr. Speaker:** I have reviewed the petition of the honourable member for Crescentwood (Ms. Gray). It complies with the privileges and the practices of the House, and it complies with the rules (by leave). Is it the will of the House to have the petition read?

To the Legislature of the province of Manitoba

WHEREAS each year smoke from stubble burning descends upon the province of Manitoba; and

WHEREAS the Parents Support Group of Children with Asthma has long criticized the harmful effects of stubble burning; and

WHEREAS the smoke caused from stubble burning is not healthy for the general public and tends to aggravate the problems of asthma sufferers and people with chronic lung problems; and

WHEREAS alternative practices to stubble burning are necessitated by the fact that the smoke can place some people in life-threatening situations; and

WHEREAS the 1987 Clean Environment Commission Report on Public Hearings, "Investigation of Smoke Problems from Agriculture Crop Residue and Peatland Burning," contained the recommendation that a review of the crop residue burning situation be conducted in five years' time, including a re-examination of the necessity for legislated regulatory control.

THEREFORE your petitioners humbly pray that the Legislative Assembly will urge the government of Manitoba to pass the necessary legislation/regulations which will restrict stubble burning in the province of Manitoba.

### **TABLING OF REPORTS**

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, I am pleased to table the Annual Report 1992 for the University of Manitoba.

**Hon. James Downey (Minister responsible for and charged with the administration of The Communities Economic Development Fund Act):** Mr. Speaker, I am pleased to table the Communities Economic Development Fund Report for the year ended March 31, 1992.

**Hon. Clayton Manness (Minister responsible for the administration of The Crown Corporations Public Review and Accountability Act):** Mr. Speaker, a number of quarterly reports, many of which have been made public previously, so I am formally tabling: the First Quarterly Report of the Manitoba Liquor Control Commission ending June 30, the Third Quarterly Report of the Manitoba Public Insurance Corporation ending July 31, and the First and Second Quarterly Reports of the Manitoba Hydro-Electric Board.

\* (1335)

### **Introduction of Guests**

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of honourable members to the gallery, where we have with us this afternoon, 16 student council members from the Silver Heights Collegiate. These students are under the direction of Dr. Hogue. This school is located in the constituency of the honourable member for Sturgeon Creek (Mr. McAlpine).

Also this afternoon, we have twenty-five students, Grades 9 and 11, from the Faith Academy School. These students are under the direction of Mrs. Cindy Doroshuk. This school is located in the constituency of the honourable member for Kildonan (Mr. Chomiak).

On behalf of all honourable members, I would like to welcome you here this afternoon.

### **ORAL QUESTION PERIOD**

#### **Health Care Facilities Pediatric Bed Closures**

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, last year I asked the Premier (Mr. Filmon) a number of questions on the specific reductions in beds that were contained within the government's

planning, and the Premier refused to answer the question. Subsequent to that, we proposed a motion on the floor of the Estimates of the Department of Health. Unfortunately, the government defeated a motion to have the specific decisions of cuts that would be juxtaposition to the so-called reform in the reform package so that we could have an intelligent debate about the so-called plan of action. Unfortunately, the government defeated the motion supported by the Liberals last May.

Subsequent to that—[interjection] Do not be touchy, do not be touchy. Subsequent to that, Mr. Speaker, the Minister of Health announced some 34 bed closings for children's services and that number has grown. Our information is that there will be 17 consolidated new beds at the Children's Hospital and that will be combined with cutbacks of 48 beds at St. Boniface Hospital, between six to 10 beds at the Misericordia Hospital for children, between 10 and 11 beds at Grace Hospital, for a net loss for children of about 50 beds.

I would like to ask the Premier (Mr. Filmon): What is the government's impact study on the number of beds that will be lost to children in the city of Winnipeg? How many beds are there going to be lost, the number that the minister gave out two or three weeks ago or the number that hospitals are communicating to the public today?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I appreciate my honourable friend's sudden interest in this issue.

Let me indicate to my honourable friend that some of the information he is putting on the record is accurate information, but let me give my honourable friend some background as to how we have been working to arrive at these kinds of decisions which are system-wide in their nature, not driven by individual hospital's desires, et cetera, but rather driven across policies that apply across the system which delivers health care to a little over one million people in Manitoba, including children.

First of all, my honourable friend would be interested in knowing that at St. Boniface Hospital, a number of beds were to be retired and an Urban Hospital Council decision based on recommendations from October of 1991 have further, Mr. Speaker, led to the consolidation of children's pediatric beds and services at Children's Hospital. The reason for that—and St. Boniface I will

deal with directly since my honourable friend raised it—is because at St. Boniface Hospital the occupancy rate of those 48 pediatric beds was approximately 35 percent. So I think it is easy to see that there were probably in excess of 30 empty beds for pediatric service at St. Boniface.

At the same time, Sir, we had Children's Hospital, which has been in operation for some 10 years as a centre for excellence for pediatric care, to care for the children of Manitoba. There have been 11 beds since it opened in 1982 that have never been brought into service because there were other pediatric programs across the province. With consolidation those 11 beds we expect will come into service and adequately replace all of the pediatric services that are currently occurring in several other hospitals and bring it to a centre of excellence, Children's Hospital in Winnipeg.

\* (1340)

**Mr. Doer:** Mr. Speaker, this is the problem in this debate. We had announcements last May; we had asked for specific information last June; we asked for specific information from the Premier (Mr. Filmon) last year, who would not give us that information.

I do not know whether this is a government-wide initiative led by cabinet or just the Minister of Health, because we cannot get any answers from the Premier, just the same way as it happened in Brandon two weeks ago in dealing with the Mental Health Centre on the open-line shows.

We want to know what the overall picture is and what the impact is going to be, because we have a lot of people at the line level, a lot of volunteers at the line level who are worried about the impact on children of the consolidation of 17 beds at the Health Sciences Centre being opened and some 67 beds being closed for a net reduction of 50 beds in the system. If those numbers are wrong, we would have asked the minister to provide those before to us so we could operate out of the same set of figures that he must have somewhere in his files.

Mr. Speaker, how can the government make an announcement two or three weeks ago and have the numbers change so radically three weeks later? Is it a result of the budget decisions that are trickling down into the health facilities, and what impact will this have on the children of Winnipeg in terms of 50 less beds for the children of Winnipeg who are

absolutely requiring these beds and services from our health care system?

**Mr. Orchard:** Mr. Speaker, my honourable friend touched on the issue of how these changes will be able to meet the medical needs of children in the province. That is exactly what we have been dealing with the Urban Hospital Council and professionals across the health care system to assure that decisions made will provide good quality health care for those children in Manitoba, in this case, who need that health care.

My honourable friend should understand that while St. Boniface's pediatric unit was occupied at approximately 35 percent, the Children's Hospital was being utilized, bearing in mind 11 beds that have never been brought into service, six beds that were not used currently at Health Sciences Centre Children's Hospital, the occupancy rate was under 70 percent, 69.5 percent, to be exact.

Mr. Speaker, with the commissioning of the additional beds, we are able to provide the services to children from St. Boniface, from Misericordia, from Grace and from the other hospitals and only have, Sir, an occupancy rate based on past experience of 79 percent at Children's Hospital. We can assure those kinds of needs for services to children will be met in the new configuration and what better place than—

**Mr. Speaker:** Order, please.

**Mr. Doer:** There are people and volunteers at the line level who believe that this reduction of 50 beds for children will have a profound impact, a negative impact, on the health services available for our children in the province, so we ask the minister to table his studies on this, because his numbers keep changing from his own press conference three weeks ago to our questions that our Health critic asked two weeks ago. They keep changing and changing.

A further question to the Minister of Health, and we are trying to be as accurate as we get from the community, Mr. Speaker, because the minister will not table his material: We have been informed that the children's rehab centre, which had 20 beds, have had those beds closed, the beds that are for residential beds for children needing rehabilitation, and that they are going to change those 20 beds into day programs. We have been further informed that there has been no financial decisions made by the

government about funding those day beds in terms of those children.

Has the minister got the impact study of what those additional 20 beds lost to the system will mean, and what impact will it be on children in terms of the day program? Is there funding in place for all those people in terms of those children who could be adversely affected again by the changing numbers that we keep getting from the Minister of Health (Mr. Orchard), we think, more on the basis of cutbacks than on the basis of reform?

**Mr. Orchard:** Mr. Speaker, again my honourable friend does not seem willing or able to acknowledge that with the consolidation of pediatric programs from all of the hospitals currently providing that service, with significantly underutilized pediatric wards in all of the hospitals—35 percent utilization at St. Boniface—even with that consolidation to Children's Hospital, the occupancy rate will be 79 percent. That is sufficient capacity in one institution, which is our centre for excellence for children's health care.

Mr. Speaker, my honourable friend uses the concerns of volunteers. Maybe my honourable friend should carefully consider the statement of the acting director of Children's Hospital who said: Children's health care will be met at Children's Hospital, and all the needs will be met there because they have the expertise, the ability and the capacity.

Now, let me deal with children's rehab centre. Yes, Mr. Speaker, the occupancy rate there was approximately 15 percent; in other words, of 20 beds, there may have been two, three or four occupied at any given time. Sir, those services again for inpatient can be provided with the existing capacity at Children's Hospital.

Surely my honourable friend would not argue against the enhancement of outpatient services, community-based services out of the rehab hospital. That is health care reform.

\* (1345)

### **Mental Health Care System Community-Based Services**

**Ms. Judy Wasylycia-Lewis (St. Johns):** Another example of this government's health care cutbacks and total absence of any kind of reform is in the area of mental health. After four years of talk, all we have got from the minister is today the opening or, should I say, the warmup act for the official opening of a

new institution, the psych health services building, and we have got reports from the minister about bed closures, but nothing, absolutely nothing, on specifics about community-based alternatives.

I would like to ask the minister if he will be totally forthcoming with the people in this Legislature and outside the Legislature about the exact number of beds being cut from Winnipeg hospitals, and will he provide us with the details of some alternatives when it comes to community-based mental health reform.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, if my honourable friend had been present at the official opening today of the psych health building, she would have heard from myself, as well as from officials there, that the new building is very much a part of community mental health services because, Sir, part of the regime of care at the new psych health building is office and central location for 13 workers delivering community mental health services in the core area based out of that facility and working in the community, Sir.

In addition to that, Sir, that facility provides inpatient care for adults, for adolescents, forensic care and teaching roles which were not able to be adequately delivered in the old facilities.

In addition to that, Sir, there is provision for space for a mobile crisis team, community-oriented mental health service to deliver care in the community.

In addition to that, Sir, I will provide more information after the next question.

**Ms. Wasylcic-Lels:** What the minister has just said is shocking and appalling. He is saying community-based services are going to be housed in an institution.

Mr. Speaker, I want to ask the Minister of Health (Mr. Orchard), since all the research in the field shows that it is absolutely imperative for community-based services to be in the community, accessible to people and not in threatening institutions, will he give this House assurances today that any community-based alternatives he is developing, and goodness knows we are desperately anxious to see some details, will he assure us that those services will not be housed in the new psych health services building?

**Mr. Orchard:** Mr. Speaker, I am absolutely astounded at my honourable friend's lack of knowledge. My honourable friend is saying that

community mental health workers working with citizens in the core area do not need a base to operate from. Are they expected to operate from a corner of the street? No, they need office space, and, Sir, that office space is part of—[interjection] Well, my honourable friend says they do not. Well, maybe that is her idea of how you provide services, that you do not have a home base to operate out of.

Mr. Speaker, I am sure that the community support groups, the support group of manic depression, of schizophrenia would be very, very offended by my honourable friend's comment that they should not be part of the psych health building, because again, as consumer support groups, both of those groups are going to have offices in psych health to help the people who are there become part of the community again in most faster order.

My honourable friend's comments would offend those organizations who are—

**Mr. Speaker:** Order, please.

\* (1350)

**Ms. Wasylcic-Lels:** Mr. Speaker, the minister has recommendations on his—

**Mr. Speaker:** Order, please. The honourable member for St. Johns, kindly put your question please.

**Ms. Wasylcic-Lels:** Let me ask the minister once more if he will tell us and the people of Manitoba. What exactly are the numbers of psychiatric beds being cut from Winnipeg hospitals, at which hospitals, and what specific new community-based alternatives he has arrived at by virtue of the fact that his own department has said the final alternatives for community-based alternatives must be put in place by December 1992?

**Mr. Orchard:** Mr. Speaker, let me deal with two of the issues my honourable friend has raised. I hope to be able to provide her with some comfort in these answers.

Mr. Speaker, I think it was in June of this year that we accepted the Urban Hospital Council recommendation to replace the inpatient services at Misericordia Hospital with a range of outpatient services. That involved 22 beds at Misericordia Hospital be taken out of service.

Subsequent to that, in terms of the first phase of the reform document—and here I will have to stand corrected on the number, but I believe St. Boniface Hospital has indicated that they would take from

service 24 of their psychiatric beds. Mr. Speaker, we have agreed with that.

Mr. Speaker, none of those beds have been taken out of service as we speak. When they are taken out of services, the range of community supported alternatives will be in place, like mobile crisis team, housed in the new psych health building, like community mental health workers, 13 of whom will be home based out of the psych health, like additional funding to our self-help groups that we announced some six weeks ago, much to the light of those self-help groups.

**Mr. Speaker:** Order, please.

#### MATTER OF PRIVILEGE

**Ms. Judy Wasylycia-Leis (St. Johns):** I would like to rise on a matter of privilege, and I will make a motion following my comments.

Mr. Speaker, today and in the past we have consistently been confronted with a minister who will not provide the same information to elected members here in this House as he is willing to provide to some groups and individuals outside of this House. We have heard examples today with respect to pediatrics. Today, I have asked very specific questions about information pertaining to bed closures and details of alternative plans.

Mr. Speaker, I will table as evidence, in making this motion of the minister's disregard for the rights and privileges of members in this House and his callous treatment of our democratic principles, I will table material that his department has been circulating among select groups in our communities about the psychiatric bed closures, clearly spelling out the exact numbers of beds being closed at St. Boniface, at Misericordia and at Grace, and that number totals 60. It is our concern—

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

**Mr. Speaker:** Order, please.

**Ms. Wasylycia-Leis:** This is not a question of unsatisfactory answers. This is a question of privileges of members in this House being denied and our democratic principles eroded.

I would, therefore, like to move that the matter of discrepancies and the matter of withholding of information that is available to the public and provided to the public by the Minister of Health is dealt with, that the breach of our privileges is considered in this regard and that the matter in fact

be dealt with by the Committee on Privileges and Elections.

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I refer you to Beauchesne's 415 which says, "A question of privilege or point of order raised during the Question Period ought to be taken up after the Question Period, unless the Speaker considers it to be an extremely grave matter."

I also refer to Beauchesne's Rule 416 (1) which says, "A Minister may decline to answer a question without stating the reason for refusing, and insistence on an answer is out of order, with no debate being allowed." This is the key point. "A refusal to answer cannot be raised as a question of privilege."

Mr. Speaker, this is totally out of order. You cannot even listen to a request for privilege in a case like this. It is out of order at this time.

\* (1355)

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, the government House leader should perhaps also be aware that Beauchesne's is very clear that a question of privilege must be brought to the attention of the House at the first possible opportunity. That is Beauchesne's Citation 115.

We have had matters of privilege raised in this House, Mr. Speaker, prior to Question Period, during Question Period and after Question Period, so that in and of itself is hardly sufficient to negate a matter of privilege.

Also, I would point out to the member that it is not a question—and also to the Premier (Mr. Filmon), who seems to wish also to act as Speaker at times in this House—that the matter she raised was not in regard to inadequate answers. We know on this side, we would be up on a daily basis if we were able to raise matters of privilege in terms of inadequate answers, particularly from the Minister of Health (Mr. Orchard).

What she raised as a matter of privilege, Mr. Speaker, I think is very indicative of the increasingly arrogant attitude of this government in providing information outside of this House and refusing to provide that information to members of this House including when that information is asked for in Question Period. The member for St. Johns (Ms. Wasylycia-Leis) just asked once again for some very straightforward information. The kind of

information she was asking for was provided outside of this House to other individuals.

I say, Mr. Speaker, your ruling as to whether this is a *prima facie* case of privilege, I think you should address the question of what role this Legislature plays when one has a government that is so arrogant they will not provide information on fundamental important public issues such as health to members of the opposition. That should be a matter of privilege.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** Mr. Speaker, Beauchesne's and through the rules we will see that interference of any kind with the official duties are breaches of privilege of any member. I think it is primarily your responsibility to ensure that in fact there was no deliberate withholding of information that MLAs of this Chamber should have had. One would like to believe all ministers and members are honourable, that their intentions are good and that information that is necessary for all of us to be able to have in a very open process, that we should do away with the games playing.

It is more important that this information, because it is in fact a privilege that we do have inside this Chamber, is provided for us, so my opinion, Mr. Speaker, given the seriousness of this particular matter of privilege, is that you take it under advisement and come back with whether or not you believe that this is in fact a deliberate withholding of information that in fact MLAs would be entitled to.

**Mr. Speaker:** I would like to thank all honourable members for their advice on this matter. Indeed, as I have done in the past, I will take this matter under advisement, consult with the authorities and come back to the House with a ruling.

### **Health Care System Information Release**

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, my question is for the Minister of Health.

Mr. Speaker, the health action plan has the right goals, but a flawed process can undermine even the best intentions. The normal newsletter of the MMA reports of a meeting between the MMA and the Deputy Minister of Health. It reports that the Deputy Minister told the MMA that the government has various studies which will outline the number of bed closures, but these studies will not all be released to the public and the physicians.

Mr. Speaker, we want the health action plan to succeed. People are concerned, but we want the minister to tell us why, when the beds are being closed, the information is not being made public.

\* (1400)

**Hon. Donald Orchard (Minister of Health):** Well, Mr. Speaker, the information is being made public. That is why we had, first of all, the action plan which identified a number of beds which were going to be closed to two teaching hospitals. Subsequent to that, last month, we identified the nature of 264 of those beds in a very open process. In addition to that, in approximately May of this year, we indicated to the House that we were accepting the Urban Hospital Council recommendation, for instance, on the closure of the psychiatric beds at Misericordia and replacement with community-based services.

That is the question my honourable friends have been asking me, and every step of the way, we have been providing them with as much advanced notice on decisions around bed closures and refocusing of the services as we can. That was the process a month ago. The process yesterday was on the complete consolidation of pediatrics.

Mr. Speaker, there are no hidden agendas when we have the information that we can share with integrity, when we are assured that we are going to be able to deliver those services adequately in the system in a reconfigured bed structure, community service alignment structure. We make the announcements and announce the intentions to retire from service certain beds. That has been the most open process in Canada.

### **Pediatric Bed Closures**

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, we would like to believe that, but that is not the case. It is a very serious matter when the minister is saying the process is open when one of the deputy ministers would go to a meeting and would tell them it is not open. It is a very serious matter. We want him to succeed, but people must know how the services are going to be delivered.

Can the minister tell us how the services in the Children's Hospital are going to be delivered as an outpatient as well as the relocation of other resources when we are dislodging so many patients, which everyone thinks is a good plan, but we must have the right answer to implement that plan?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, on the specifics of the pediatric beds, I simply want to give my honourable friend as much assurance around this issue as I can because, Sir, you have to appreciate that this was a topic that the Urban Hospital Council gave consideration to. Mid-year last year, it was agreed that there was an opportunity for consolidation of pediatric services to Children's Hospital.

Subsequent to that, the CEOs and the caregivers have analyzed the opportunity to consolidate to Children's Hospital. They believe that they can offer the quality services in at least as fine a fashion as was currently provided at other hospitals, entirely at one centre of excellence, namely, Children's Hospital. That, in essence, is what the acting director indicated in the media yesterday, because as the director of that Children's Hospital facility, she has every confidence that they can meet the children's in-patient needs in children who have currently been carried out in several other facilities. That is why I accepted the recommendation.

### **Bed Closure Protocol**

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, many experts in the field are not questioning the goals of the minister. They simply want more information.

Mr. Speaker, one of the recommendations in the health action plan was to put protocols in place six months prior to closing of beds. Can the minister tell us today, where are those protocols? At least, patients should know what kind of services they are going to receive, where they are going to go, and more importantly, people who are going to deliver services have to know how they are going to be functioning.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, let me deal with that in two parts.

First of all, emergency services at hospitals will still be able to provide emergency care to children if presenting at various community hospitals, including the teaching hospital, St. Boniface. The only service that is being consolidated to one centre of excellence is the in-patient services, the actual services that require the admission to an acute care bed.

Mr. Speaker, I have every confidence that the protocols that have been used for admission across the system for children will serve the admission

needs of children in one centre of excellence, Children's Hospital. We in fact, with that facility can meet the longstanding goal of providing excellent service in one centre of excellence, the Children's Hospital. That is why it is the Children's Hospital—

**Mr. Speaker:** Order, please.

### **Pharmacare Claim Deadline**

**Mr. Conrad Santos (Broadway):** Through you, Mr. Speaker, to the honourable Minister of Health, this Progressive Conservative government is like a hard master, heartless and cruel, who likes to reap where its sown not, and who likes to gather where he has sown not.

There are now a growing number of Manitobans, Mr. Speaker, who found out too late that because of arbitrarily changing of the rules on the filing of medicare, they have lost their refund claim of at least \$300,000.

I have with me a set of 12 letters from different organizations which I would like to table, protesting this move.

My question is: Will the honourable Minister of Health, in the face of this mounting opposition, reconsider the rules about deadline of filing medicare claims?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, in, I think it was, late December last year, I made the announcement that the deadline for filing of April 30 would be a finite deadline.

Mr. Speaker, it is unfortunate that some Manitobans, for whatever series of reasons, did not file before April 30. That is regrettable, but to revisit the issue and to reopen that issue would be something I cannot consider now. I do not think the decision was an unreasonable decision, because bear in mind that the Pharmacare receipts that are needed to make the claim are in the individual's possession on December 31 of any given year. We have allowed four full months, Sir, to make that application for refund, and we have urged Manitobans to apply as soon as possible after December 31—

**Mr. Speaker:** Order, please.

**Mr. Santos:** Mr. Speaker, we are all human.

Will the minister admit that he has made a wrong decision and reverse this in the next fiscal year's budget, or at least will the minister accept extreme

illness or death in the family as reasons for justifiable delay?

**Mr. Orchard:** Mr. Speaker, I am compelled to indicate to my honourable friend that again every receipt necessary to achieve a refund is in the individual's possession as of the end of December of the filing year. You know, we have made the provision of four months thereafter to make the refund at their leisure, and we would fully reimburse the individuals.

Mr. Speaker, I cannot answer for circumstances of why individuals were unable to meet that filing deadline four months into the next year, after they have had the receipts. Sir, it is with regret, but government has to have programs available to all Manitobans with some consistency of approach, and with regret, I have to say the decision is one that we will adhere to.

**Mr. Santos:** My final supplementary, Mr. Speaker, will the honourable Minister of Health cease and desist from being a willing agent of this cruel and heartless government in imposing this confiscation of entire funds instead of just claiming some kind of a late penalty?

**Mr. Orchard:** Mr. Speaker, my honourable friend has really got me in a terrible box with that question, because to even acknowledge the question, would admit to the premise. There is no one other than narrow-minded New Democrats who would ever call this government cruel and heartless.

\* (1410)

### Education System Funding Formula

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, the member for Pembina (Mr. Orchard) should have been at Waskada last night. Some 300 people were congregated in the Waskada School in the member for Arthur's (Mr. Downey) constituency to ask the Deputy Premier why this government continues to offload education costs onto municipalities and property tax payers. Those people want to know whether the \$79 million that has already been offloaded is going to continue.

My question is to the Premier. Will the Premier now acknowledge that the funding formula that this government has put in place is offloading education costs on a continuing basis to school divisions, to property owners in Antler River and many other school divisions? Will he acknowledge that is the

goal, to offload the cost from the province to local property owners?

**Hon. Gary Filmon (Premier):** Mr. Speaker, of course, the preamble by the member for Flin Flon (Mr. Storie) is absolute nonsense. The goal of this government is to have a fair and a reasonable funding formula. Fairness and reason were never characteristics of the government that he was a part of, so I know that he would have difficulty understanding that.

The funding formula has been hailed by people throughout the province as providing—

**An Honourable Member:** Name them.

**Mr. Filmon:** Winnipeg No. 1 among others is—

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

**Mr. Speaker:** Order, please.

**Mr. Filmon:** —have been hailed for bringing forward, not only a fair and a reasonable, but a sensible way of funding for the public schools in Manitoba.

Mr. Speaker, if we continue to provide funding for the public schools in excess of inflation, and they continue to spend well beyond those levels, the reality is that they then have to face their taxpayers and justify why they want to spend that money well over and above, not only inflation, but well over and above the funding levels that are given by this provincial government.

This provincial government has provided fairness and equity that was never seen from the New Democrats when they were in government.

**Mr. Storie:** Mr. Speaker, the only school divisions in the province of Manitoba that have got less than inflation are public schools. Private schools have got a 150 percent increase since this government took office.

Mr. Speaker, in the notice that was sent out to the parents who attended the Waskada School, it said funding for private schools is now at 63.5 percent of the average per pupil funding for public schools. With an intended increase—

**Mr. Speaker:** Order, please. The honourable member for Flin Flon (Mr. Storie), time is extremely scarce. Put your question, please.

**Mr. Storie:** Mr. Speaker, will the First Minister now acknowledge that this funding formula is making property tax owners in every constituency in every

school division pay more, while this government continues to offload millions of dollars—

**Mr. Speaker:** Order, please.

**Mr. Filmon:** Mr. Speaker, as usual, the member for Flin Flon is either ignorant or is misrepresenting the facts, and in most cases, it is both. The reality is that this government has continued to fund public schools in this province to more than the rate of inflation increases. The reality is that if school divisions want to insist on spending more than that, if they want to go not only beyond inflation but beyond the increases beyond inflation that they are given, that is a choice that they make. They then have to face their own ratepayers in order to justify that choice.

Mr. Speaker, we have been fair, we have been reasonable, we have been equitable, something that was never done by the former New Democratic government.

**Mr. Storle:** Mr. Speaker, the fact of the matter is and the Premier knows it, that increased support to private schools—

**Mr. Speaker:** Order, please. The honourable member for Flin Flon, kindly put your question, please.

**Mr. Storle:** My final question to the First Minister: Will the First Minister now, perhaps with the support of the Minister of Education (Mrs. Vodrey), call together a committee consisting of the Manitoba Association of School Trustees, The Manitoba Teachers' Society, the Manitoba Association of School Superintendents, to correct the flaws that are apparent in the school funding formula that is going to increase property taxes in communities like Waskada by 40 percent over the next two years?

**Mr. Filmon:** Mr. Speaker, this government has consistently provided additional funding to public schools over and above the rate of inflation. This government has provided increases in health care, in education, in family services, not only that exceed inflation, but indeed by substantial amounts in many cases. As a result, in this budget year, we are spending a greater portion of our budget on health, education and family services than ever was spent by the New Democrats when they were in office. They cannot argue with those facts because they are true.

## Workers Compensation Board Physiotherapy

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I have a question for the Minister responsible for Workers Compensation (Mr. Praznik).

I received a letter that causes a great deal of concern for all of those injured workers in the province. As the minister is aware, there are negotiations currently that are ongoing between Workers Compensation and the private practice of physiotherapists. There is a threat out there that they will stop treating Workers Compensation patients if the dispute is in fact not resolved. The primary reason, from what I understand, for this is because Workers Compensation is imposing that they pay a set fee for a particular condition such as capitation.

Mr. Speaker, physiotherapists directing Workers Compensation patients to the hospital is an alternative that they are looking at. My question to the minister is: Will the minister report on the status of the negotiations and tell us why the WCB is dictating to the physiotherapists without enough opportunity for consultation?

**Hon. Darren Praznik (Minister responsible for and charged with the administration of The Workers Compensation Act):** Mr. Speaker, I would point out to the member for Inkster (Mr. Lamoureux) that certainly the concern that he has about provision of services is always one that I think the Workers Compensation Board, their chair, the administration and certainly this government shares with him.

But I would point out to him, when there are negotiations going on between any agency, business or organization and the people from whom they are purchasing services, there is always information that flows out, that often opposition critics are used as a vehicle to intervene in those negotiations.

I have great confidence in the board. I have great confidence in the new chair of that board, Professor Wally Fox-Decent, that the best interests of the Workers Compensation Board and their claimants will be looked after. I think it is probably best not to become involved in a public debate, which what is in essence a collective bargaining situation, that is best settled at the bargaining table rather than in the public realm.

**Mr. Lamoureux:** Mr. Speaker, if an agreement is not reached, you are going to have injured workers who are going to be put in a situation where they have to go to the hospitals, if this dispute is not resolved by the end of the month.

My question is to the Minister of Health (Mr. Orchard): What arrangements has the Department of Health made to accommodate this potential increased demand for the services of physiotherapists working in the hospitals, given that by the end of the month, there might not be any agreement within Workers Compensation and there is already a current backlog in the hospitals?

**Mr. Praznik:** Mr. Speaker, again I would point out to the member for Inkster (Mr. Lamoureux) that in any bargaining situation, there is always the great temptation for one side to use the good offices of members of the Legislature to pursue their particular viewpoint to create the public pressure. It is part of the process.

I would just suggest to him, in the interests of the claimants of Workers Compensation, of the Workers Compensation system and in the interests of collective bargaining, that those issues are being dealt with by the board.

As I have indicated, I think members of this House should have confidence in the chair of that board, Professor Wally Fox-Decent, to ensure that the claimants of the board are properly looked after, and yet the interests of the board in their negotiations are not compromised by making or taking issues and trying to create the public hype that fuels one side in those negotiations.

**Mr. Lamoureux:** Mr. Speaker, there is a six-month waiting list in order for an injured worker—if they are put in a situation of having to go into the hospital. That is in fact in the best interests of the worker, that something is being done.

Mr. Speaker, my question then is, in the cases of extended treatment, that the physiotherapists attempt to recover their fees directly from the patients involved, that is one of the things that is at least being talked about.

Can the minister give us some assurance that in fact the worker will not have to pay for any potential fees from a physiotherapist because of a change in system from this current board?

\* (1420)

**Mr. Praznik:** Mr. Speaker, I can assure the honourable member that whatever entitlements under The Workers Compensation Act that claimants are entitled to, they will be provided.

Surely the member for Inkster would not want to enter into what is collective bargaining in this province between the board and a physiotherapist, Mr. Speaker, in such a way that he is requesting this minister to write a blank cheque or the Workers Compensation Board to write a blank cheque to any providers of service.

Those negotiations are going on. The board will ensure that the claimants receive proper medical attention. If he is suggesting to this House that the board should be instructed to write a blank cheque, that would not be in the interests of anyone.

#### **Manitoba Public Insurance Corporation No-Fault Insurance**

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I have a question for the minister responsible for MPIC.

When this minister was in opposition, Mr. Speaker, he left the impression with the public of Manitoba that a Conservative government would somehow magically reduce Autopac rates by containing costs, yet as we all know, rates have skyrocketed under this government. At the same time, the minister refuses to implement the major recommendation of the Kopstein report, which could have saved \$63 million and cut premiums by 21 percent. At the last committee meeting, this minister said, and I am quoting from page 42 of that Hansard: You will not be seeing initiatives on my part to move to no-fault insurance.

Mr. Speaker, my question to the minister is, on behalf of the people of Manitoba who are very upset about what is happening to Autopac rates under his jurisdiction, will this minister now have an open mind, reverse his position and introduce a no-fault system?

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Speaker, I am not sure which page of which year the member is quoting from, but it has always been my position—and I hope that I have conveyed it consistently—that I am prepared to look at all aspects to make sure that we make insurance as reasonably

priced and as practical for the people of this province as much as possible.

The member for Brandon East knows full well that when we have seen increases in the last three to four years that were as low as 2.5 and varied in the 5 percent range, they were reasonable and practical results for the people of the province. We are seeing some very disturbing trends, however, this year.

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

### **Speaker's Ruling**

**Mr. Speaker:** I have a ruling for the House.

During Question Period on December 2, 1992, the honourable member for Thompson (Mr. Ashton), in posing questions, alleged that the Premier buckled: ". . . in to a lobby led by insurance agents, spearheaded by his own Minister of Government Services (Mr. Ducharme) . . ." and that the minister in question was taking credit for doing so.

Subsequently, the Minister of Government Services rose on a matter of privilege and moved that the member for Thompson produce any evidence supporting these allegations or apologize. After receiving advice from the House, I took the matter under advisement.

The honourable minister fulfilled the first condition of privilege by raising the matter at the first available opportunity. As to the second condition, that of establishing a *prima facie* case, I am ruling that this is not a matter of privilege.

Privilege, as defined by the authority, Joseph Maingot in his book, *Parliamentary Privilege in Canada*, is the necessary immunity that the law provides for members of the Legislatures in order for these legislators to do their legislative work.

In Beauchesne, Citation 25, Speaker Fraser of the House of Commons says that privilege is what sets honourable members apart from other citizens giving them rights which the public does not possess; parliamentary privilege does not go much beyond the right of free speech in the House of Commons and the right of a member to discharge his or her duties in the House as a member of the House.

Beauchesne, Citation 69 states, and I quote: "It is very important . . . to indicate that something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege

unless the comment actually impinges upon the ability of Members . . . to do their job properly." Privilege, Maingot asserts, is concerned with the special rights of members in their capacity as members in their parliamentary work, not in their capacity as ministers or party leaders, whips or parliamentary secretaries. Therefore, allegations reflecting on the conduct of a minister in the performance of his or her ministerial duties do not come within the purview of parliamentary privilege.

Bourinot from the Fourth Edition at page 51 states and I quote, "libels or reflections upon Members individually have also been considered as breaches of privilege which may be censured or punished by the House; but it is distinctly laid down by all the authorities that to constitute a breach of privilege such libels must concern the character or conduct of Members in (the) capacity" as MLAs in their parliamentary work as distinct from a minister. To constitute privilege there must be some improper obstruction of the member in performing his or her parliamentary work in either a direct or constructive way.

However, Beauchesne Citation 481(f) stipulates that one Member must not make a personal charge against another. As I indicated in my ruling on August 3, 1988, it is unparliamentary to make a personal charge against another member. I am, therefore, ruling that the words used by the member for Thompson (Mr. Ashton) were unparliamentary and am calling on him now to withdraw those words unequivocally.

**Mr. Steve Ashton (Thompson):** Mr. Speaker, I note that it is not a matter of privilege according to your ruling. That is unfortunate, in a way, because I would have had the opportunity to provide further information to members in regard to matters that were raised. If you are saying that, indeed, any comments that I have made were unparliamentary, I have always had one rule in this House since I was elected in 1981 of 11 years, and if I have inadvertently ever used any language in the past I have always withdrawn that language. If any of the words I used were unparliamentary, I certainly would withdraw them and would certainly abide by your ruling. Thank you.

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

### Nonpolitical Statements

**Mr. Jack Reimer (Niakwa):** Mr. Speaker, may I have permission to make a nonpolitical statement?

**Mr. Speaker:** Does the honourable member for Niakwa have leave to make a nonpolitical statement? [agreed]

**Mr. Reimer:** Mr. Speaker, today in the city of New York, there was an official opening taking place. It is the official opening of 1993, the International Year of Indigenous People. The theme of this year will be the Indigenous People, a New Partnership.

December 10 is a significant day to launch the declaration of the International Year of the World's Indigenous People because today is also International Human Rights Day. I think it is essential to us as members of the Manitoba Legislature to recognize this day in the upcoming year as one of great importance.

In Manitoba, we have a special interest in International Year of the World's Indigenous People. Manitoba is unique in that our culture mosaic consists of many different cultural backgrounds. Aboriginal people make up a large portion of our cultural diversity and within that group there are many different First Nations that make up our aboriginal heritage.

Manitoba history hinges upon our aboriginal forefathers and their decision to settle in this area. The establishment of Manitoba as a province can be attributed to a Metis man named Louis Riel. Louis Riel led a rebellion which led to the provincial government established in 1870. I believe it is essential that we examine our past and look to the future to help solve the problems currently facing the aboriginal people of Canada and the indigenous people of all around the world.

I also feel it is important that we examine the theme of the International Year of the World's Indigenous People: Indigenous People, a New Partnership. This is the key to resolving and addressing problems that face indigenous people all over the world and especially in Canada. We need to work together to find a solution to these problems. Through this partnership, we can address problems that are faced by aboriginal people and the rest of society. Together we can accomplish the much-needed solutions to these problems.

I want to encourage all Manitobans to join the members of the Legislative Assembly to recognize

1993 as the International Year of Indigenous People, and I want to call all Manitobans to join together to form a partnership with the aboriginal people of our province and around the world to address the problems that are being faced each day so that we can come up with more workable solutions.

\* (1430)

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**Ms. Becky Barrett (Wellington):** Mr. Speaker, I wonder if I might have leave to make a nonpolitical statement?

**Mr. Speaker:** Does the honourable member for Wellington have leave to make a nonpolitical statement? [agreed]

**Ms. Barrett:** Mr. Speaker, today is International Human Rights Day. It is important for us to recognize all of our rights, especially the rights of youth and children on our planet who will inherit the responsibility for and the dealing with the world that we as adults leave to them. I think it is important that we recognize that all children and youth throughout the world have equal rights to freedom, to exist and live once they are born, to clean water, air and food, to love and safety, to education, food, shelter and clothing.

Mr. Speaker, I would suggest that our challenge as adults in this world on International Human Rights Day, dealing with the children of our planet, is to ensure not only that the children of our planet have a healthy, ecologically sound world to inherit, but that the rights of all of the youth in the world, in Manitoba and Canada and throughout the world, are respected.

### ORDERS OF THE DAY

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, I would ask if you could call for second reading Bills 2, 6, 7, 8 and 10, and then if you could please call for continuation of debate on second reading Bill 4.

### SECOND READINGS

#### Bill 2-The Endangered Species Amendment Act

**Hon. Harry Enns (Minister of Natural Resources):** Mr. Speaker, I am pleased to move, seconded by the honourable Minister of Agriculture

(Mr. Findlay), that Bill 2, The Endangered Species Amendment Act (Loi modifiant la Loi sur les espèces en voie de disparition), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Enns:** Mr. Speaker, honourable members will recall that this is a relatively new piece of legislation on the statutes of Manitoba. I might also say with some pride that it certainly places the province in the forefront of our concern for our endangered species, both flora and fauna. I think we are among three provinces in Canada that have enacted similar legislation.

The amendments before you are minor, Mr. Speaker. Understandably, the language used in an act of this kind has to conform with the language used in other legislation, particularly the federal legislation dealing with the CITES convention. It would appear that in the initial drafting of our legislation, we did not always adhere to those terms and terminology that were established by the Committee on the Status of Endangered Wildlife in Canada, and it has been suggested or recommended by us, by those persons who watch over these matters, that these relatively minor changes be made to the language contained in our act so that they conform with the definitions that are used nationally and internationally in dealing with the subject matter of endangered species.

That is the purport of this legislation, Mr. Speaker. The other relatively minor amendment to the act may cause some honourable members some concern, because it does grant the minister some additional authority in dealing with animals that are so designated, that is, endangered or threatened, to allow some organizations or persons to collect or to hold live members of endangered or threatened species for scientific purposes.

Mr. Speaker, I want to assure honourable members that I again have been advised by professional staff that on occasion an endangered species—it has happened just in the last little while. Members will be aware that we have introduced such endangered species like the peregrine falcons back to the Manitoba habitat, the Manitoba scene. Last summer one of the birds was injured and needed care and was indeed provided that care, but technically that was contravening the act as it was initially introduced because the act is very specific

about prohibiting the handling, the care of species that are on the endangered list.

So for those very technical reasons and the appropriate reasons, when these situations arise, as they may arise from time to time, the minister is empowered to authorize under permit the handling or the control or, in fact, the holding in captivity for a period of time an endangered or threatened species.

Mr. Speaker, I want to assure honourable members that this minister certainly does not want to hold or entrap endangered species and that the reasons I have given for this amendment are precisely those that I have mentioned.

Mr. Speaker, those are the two relatively minor amendments to the act. I can indicate to the honourable members that there may be some interest—this is not major legislation, but it is very important legislation. I think we are very pleased to have this legislation on our books in that it enables us to make some serious effort at hopefully reversing the trend to extinction of endangered species, and that is why we have this legislation on our books.

I can report to honourable members that we have a committee comprised of half a dozen individuals who meet on a regular basis to take up the question of whether or not specific species ought to come under the protection of this act. Honourable members may recall that it was just a few weeks ago that a press release from my office indicated that some additional five species were put on this endangered list. I would like to be the eternal optimist, Mr. Speaker, and suggest that if this group was really successful that they would do themselves out of a job and out of business. But that is not going to happen. Regrettably, the continued conflict over habitat in most instances and the various wildlife and other species that are of concern under this legislation—that conflict will continue. What we will try to do, and what this act empowers us to do, is to do our very best with a host of different programs whether it is in our parklands legislation, whether it is our commitment to endangered spaces, whether it is our commitment to the ecological reserves program.

All of these programs make it possible for us to deal with some confidence legislations like this, with some confidence place the protection of The Endangered Species Protection Act on individual

species, both fauna and flora, and wildlife. Hopefully, our children and their children will have an opportunity to have them in our midst, because it is an accepted fact by most Manitobans that our lives are enriched by preserving, by making every effort to ensure that represented species of the flora and fauna and wildlife that abound in this province continue to exist for future generations in truly a sustainable manner.

Mr. Speaker, with these few comments, I commend honourable members this legislation for their consideration. I might say that I will make it a point of having some of my professional staff available, specifically, chairman of the Endangered Species Board, Dr. Merlin Shoesmith, who is more capable, quite frankly, of providing some of the professional information that some members may wish to have with respect to endangered species here in Manitoba and across the land. I make that undertaking to honourable members opposite and my critics both in the New Democratic Party and that of the Liberal Party that these staff personnel will be available to honourable members when this bill goes to committee.

(Mr. Ben Sveinson, Acting Speaker, in the Chair)

With those words, I know that honourable members will accept this bill as one of those forward, visionary, progressive pieces of legislation that they are accustomed to getting from the member for Lakeside and this Minister of Natural Resources and will wish to want to support it in every way possible. Thank you, Mr. Acting Speaker.

\* (1440)

**Mr. Cliff Evans (Interlake):** Mr. Acting Speaker, I move, seconded by the member for Selkirk (Mr. Dewar), that we adjourn debate.

**Motion agreed to.**

### BILL 6—The Real Property Amendment Act

**Hon. Darren Praznik (Minister of Labour):** Mr. Acting Speaker, I move, seconded by the honourable Deputy Premier (Mr. Downey), that Bill 6, The Real Property Amendment Act; Loi modifiant la Loi sur les biens réels, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Acting Speaker, I thank my—

### Point of Order

**Mr. Leonard Evans (Brandon East):** Mr. Acting Speaker, on a point of order. I simply rise—I can understand the circumstances, but the motion was introduced by the Minister of Labour (Mr. Praznik), and I do not know whether it is now appropriate for the Minister of Justice to get up and begin.

We can have a debate on it, but the explanation should be by the minister who introduces the legislation. Now, if I am wrong—but I believe those are—[interjection] I am not trying to be an obstructionist. I am just saying those are the rules of the House, Mr. Acting Speaker.

**Mr. Praznik:** Mr. Acting Speaker, on this point of order, I introduced the motion. You are calling for debate. The member for Brandon West, the Attorney General, has risen to speak, and he will be completing the remarks. He will be making remarks on the bill. I have moved it, yes, but the member wishes to speak on it, unless the opposition have a problem—

**The Acting Speaker (Mr. Sveinson):** The honourable member for Brandon East does not have a point of order.

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**Mr. McCrae:** Mr. Acting Speaker, I thank some of my colleagues in this House for their assistance, and the honourable member for Osborne (Mr. Alcock) as well, in seeing to it that during a moment of indisposition on my part matters of extreme importance respecting the introduction of this bill were adequately taken care of.

I cannot quite understand the point raised by the honourable member for Brandon East (Mr. Leonard Evans). I am sure that, if he were to take the time to talk to the Justice critic for the New Democratic Party, he would know that Bill 6 would have the effect of better serving the people of Manitoba in the provision of services respecting land title services.

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

I really do not quite understand the reason for the honourable member's intervention, unless after some 22 years of service to the people of Manitoba he is concerned that the rules of this House be

properly observed, and, of course, I agree with the honourable member for Brandon East with respect to that.

Needless to say, however, I am here and I am prepared to speak ever so briefly to introduce, at second reading, The Real Property Amendment Act, Bill 6.

These amendments to The Real Property Act are intended to confirm existing land titles practices and remedy some procedural deficiencies.

One of the amendments will confirm long-standing land titles practices concerning the effective date for registration of title. In our land titles system the effective date has been the date that the document is presented for registration and given a serial number. This will now be stated more clearly in law. At the same time, the change will remove some confusion that may have crept in with the introduction of land titles computerization. In the paper system, only the registration date is shown. The computerized system shows both this and the date the registration is completed. The amendments make it clear that the earlier date is the effective one.

We are also proposing changes that will increase the accountability of judgment creditors who register judgments that may affect land. In some cases at present, judgments are registered and affect land that once was owned but no longer is owned by the debtor. Since the judgments are a lien on the land, they can cause inconvenience and even damage to the actual landowner.

Under these amendments a creditor will have to check more carefully before registering a judgment. This is to ensure that a debtor does have an interest in the land against which the judgment is to be registered. In some cases, a district registrar will be able to reject the filing of the judgment.

The amendments also provide that a creditor may have to compensate anyone who suffers loss where the registration of the judgment or its continuance is found not to be reasonable. This provision already exists for wrongfully filing or continuing a caveat on land.

The Real Property Amendment Act is generally a housekeeping measure. The only other amendment of note will remove the requirement that a notary witnessing a land title signature be a Canadian notary. This will facilitate the signing of land titles documents outside Canada.

I regret any inconvenience or disposition that my immediate attendance upon this House to move for myself the motion for second reading of Bill 6. I thank the honourable Minister of Labour (Mr. Praznik) for standing up in my place and regret any inconvenience to him or any other of my colleagues on this side of the House, or indeed the Chair.

Thank you, Mr. Acting Speaker.

**Mr. George Hickes (Point Douglas):** Mr. Acting Speaker, I move, seconded by the member for Burrows (Mr. Martindale), that the debate be adjourned.

**Motion agreed to.**

### BILL 7—The Builders' Liens Amendment Act

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Acting Speaker, I move, seconded by the honourable Deputy Premier (Mr. Downey), that Bill 7, The Builders' Liens Amendment Act (Loi modifiant la Loi sur le privilège du constructeur), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. McCrae:** Mr. Acting Speaker, the purpose of this very brief legislation is to enable The Builders' Liens Act to be applied in a manner consistent with its intent.

The purpose of The Builders' Liens Act is to protect people who work on or supply materials for such things as building projects. This is done by requiring the creation of a 7.5 percent holdback, the retention of those funds for 40 days after a project is completed, and giving the right to register a lien in the event of nonpayment and enforce the lien.

The intent of the act is that a builders' lien must be registered in order to be enforced. However, the Manitoba Court of Appeal ruled in 1991 that registration was not required for enforcement. Consequently, to ensure the intent of the act is maintained, we are clearly providing that builders' liens must be registered in order to be enforced.

We consulted with the private bar, Mr. Acting Speaker, and I would like to inform the House that they favour the changes.

With these brief remarks, I recommend this bill for second reading. Thank you.

**Mr. Doug Martindale (Burrows):** Mr. Acting Speaker, I move, seconded by the member for Kildonan (Mr. Chomiak), that debate be adjourned.

**Motion agreed to.**

\* (1450)

### BILL 8—The Insurance Amendment Act

**Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs):** Mr. Acting Speaker, I would like to thank the Minister of Natural Resources (Mr. Enns) for his applause, and also for Osborne (Mr. Alcock) for his.

I would like to move that Bill 8, The Insurance Amendment Act; Loi modifiant la Loi sur les assurances, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mrs. McIntosh:** Mr. Acting Speaker, I am pleased to speak on Bill 8 and to provide the members with the principles behind the suggested amendments. They are basically amendments to bring the act more in line with the technological age in which we now exist.

There are three principal areas that are covered in these amendments. We are going to be reducing potential time delays in the binding of crop hail policies. Changes will also be addressed which will confirm some technical industry practices without any adverse effect to policyholders. There is also a minor change requiring harmonization with federal legislation.

Under the current legislation, Mr. Acting Speaker, crop hail coverage takes effect at noon following the date that it is mailed to the insurer. A delay in coverage of up to four days can possibly occur under this system from the time a farmer applies for coverage through an agent to when it is stamped by the post office. I know that all members can appreciate the risk that can be involved in this kind of delay which is really not the fault of any particular individual, but rather of procedure.

This suggested amendment will bind coverage at noon the day following the date the application is taken, and agents will be required to notify the insurer by facsimile transmission or by telephone the day the application is taken. Of course, these new technologies make it possible for this speedier and more effective service to the consumer to take place. It also provides some certain measure of

comfort to agents who now can take advantage of technologies that are at their disposal.

There are also certain features of The Insurance Act, Mr. Acting Speaker, that are out of date with current practice and offer no substantive benefit to the general public. For example, existing legislation requires agents to countersign contracts, whereas new technology in business practices allow insurers to send policies directly to consumers. We would make that change to avoid unnecessary time and unnecessary cost in the sending of policies and returning of policies to consumers after they have been accepted.

It is suggested, Mr. Acting Speaker, that The Insurance Act be amended, as well, to conform with changes made at the federal level respecting federally incorporated insurance companies. The federally incorporated insurers are no longer required to file deposits directly with the federal government. This will not, in any way, negatively affect consumers, because it only changes the manner in which deposits are held. As members will recall, the provinces have worked co-operatively with the industry to have industry-funded compensation plans established, and I know members opposite are familiar with that type of compensation fund.

We have a few other changes in there as well, Mr. Acting Speaker, correcting grammatical errors, redundancies, repetitive clauses. Also, we have made a conversion into plain language from certain sections; Clause 290(1) for example, which was cumbersomely worded, is now worded in a plainer fashion but has not been changed in its intent.

We have other changes that are updated to reflect changes in equipment that are outdated in the act and no longer apply. For example, we always had the requirement that certain things be done in red ink because it was written at a time when electric typewriters were the general piece of equipment used. Now people use computers, so we are changing that so that it can be in 12-point bold, that type of thing. [interjection] That is true. The Attorney General says we already have too much red ink around here and I quite agree with him.

So we are going to go boldly and make it into a certain bold print that will stand out, the key being that we want certain things to be identified and stand out, apart from other sections so that we have full disclosure, the intent being to require that

disclosure, the method reflecting the technologies available to make things stand out in print. So we have a number of changes like that, that we believe will update the act, make it current with existing technologies, improve service to consumers and facilitate ease of work for agents and companies.

I will leave my comments at that, Mr. Acting Speaker, and look forward to debate from my critics in the opposition on this issue. Thank you for your time and attention.

**Mr. Jim Maloway (Elmwood):** Mr. Acting Speaker, I move, seconded by the member for Brandon East (Mr. Leonard Evans), that debate be adjourned.

**Motion agreed to.**

### **BILL 10—The Farm Lands Ownership Amendment and Consequential Amendments Act**

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Acting Speaker, I move, seconded by the Minister of Natural Resources (Mr. Enns), that Bill 10, The Farm Lands Ownership Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la propriété agricole et apportant des modifications corrélatives à d'autres lois), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Findlay:** Mr. Acting Speaker, I would like to spend a few minutes just talking about the amendments to this particular act. They are relatively minor, designed to improve the efficiency of the operation of government and decrease the costs that citizens of this province are put through in terms of dealing with this particular act and The Revenue Act.

There really are four purposes to the amendments we are proposing. The first purpose is to address the discrepancy in the definition of "family farm corporation" as contained in The Revenue Act and The Farm Lands Ownership Act.

The second purpose is to reduce the expenditures, in other words the cost, of the annual report that the Farm Lands Ownership Board has been putting out and certainly the need to increase the exemptions involving family members.

Thirdly is to provide for recovery of board costs when considering applications for exemption, and

fourthly, to change the definition of "the majority of shareholders" in a family farm corporation.

Mr. Acting Speaker, the definition of the "family farm corporation" will be broadened in this process of amendment in accordance with the exemption orders granted by the Farm Lands Ownership Board and the remission orders presently given through the land transfer tax granted by the Department of Finance.

Subsection 35(1) of The Revenue Act under the Minister of Finance provides that the land transfer tax is not payable on the transfer of farm land where the land will continue to be used for farming and the purchaser is a farmer, spouse or family farm corporation. To maintain consistency between the acts, The Revenue Act and The Family Farm Ownership Act, we will provide that the terms "farmer" and "family farm corporation" have the same meaning.

Mr. Acting Speaker, there are instances where de facto family farm corporations which do not fall within the legislative definition of family farm corporation have been allowed to purchase farm land under the act by the board. These corporations subsequently applied for remission of the land transfer tax which had been paid upon registration of title at the Land Titles Office, and since these instances fall within the intended spirit of the legislation, the remissions have been granted.

\* (1500)

The proposed amendments to the definition of family farm corporation include the extension of eligible family shareholders to include related persons extending broadly from grandchildren to grandparents. As well, the requirement that a two-thirds majority of shareholders be actively involved in the farming operation is to be changed to a simple majority, in other words, 50 percent plus 1 in recognition of the extended nonactive family members eligible to hold shares in a family farm corporation.

The board is also responsible for preparing and presenting a separate annual report of its activities. These proposed amendments will delete this requirement. The report of the board's activities will continue to be included in the department's annual report.

The final amendment to be considered will provide the opportunity to establish fees primarily relating to the applications for exemption.

Mr. Acting Speaker, in conclusion, the objectives of the proposed amendments are simply to eliminate the need for purchasers to initially pay the land transfer tax and subsequently apply for remission orders in order to receive a refund for the amount of the tax paid; secondly, to reduce the number of applications which the board would be required to consider because of the changes to the definition of a family farm corporation; and thirdly, to provide a more cost-efficient method of administering the two acts.

I have already given my two critics the flow sheets for the proposed amendments to The Farm Lands Ownership Amendment and Consequential Amendments Act. I would like to look forward to their comments, and I would hope that they see the opportunity to increase efficiency for both government and for the family farm corporation members. Thank you very much.

**Mr. George Hickes (Point Douglas):** Mr. Acting Speaker, I move, seconded by the member for Elmwood (Mr. Maloway), that debate be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### BILL 4—The Retail Businesses Sunday Shopping (Temporary Amendments) Act

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Industry, Trade and Tourism (Mr. Stefanson), second reading of Bill 4 (The Retail Businesses Sunday Shopping (Temporary Amendments) Act; Loi sur l'ouverture des commerces de détail les jours fériés—modifications temporaires), standing in the name of the honourable member for Brandon East with 28 minutes remaining.

**Mr. Leonard Evans (Brandon East):** Mr. Acting Speaker, as I was saying yesterday at the conclusion of my remarks, this is a matter that has divided Manitobans. Particularly people in rural Manitoba, I know, are very, very concerned about it. I know there are store owners who are concerned about this legislation. I know there are employees who are very concerned about the legislation.

As I was indicating, when we make criticisms on this side of the House, we are voicing the concerns of many, many Manitobans of all political stripes. So I would hope that the members opposite would appreciate that.

As I was saying yesterday, Mr. Acting Speaker, those rural MLAs in the House by now should have received a letter from Mr. Clare Tarr. I do not know the gentleman, but he lives in the village of MacGregor. He is expressing a great deal of concern about the government's move to open Sunday shopping. As a matter of fact, he puts a P.S., and he says we have the support of the village of MacGregor in this matter.

I would say, Mr. Acting Speaker, although the government can do polls and show that thus a large majority may be favouring Sunday shopping, there are many parts of this province and, I would dare say, many rural constituencies where there is total opposition to this move by the government.

By way of example of rural opposition, I note in the Winnipeg Free Press of Sunday, November 29, a report about what happened in Steinbach. I am sure the member for Emerson (Mr. Penner) is quite aware of what has happened, but there was a phone-in program about Sunday shopping. According to this article, the phones went crazy as the local radio station CHSM logged 549 calls in a four-hour phone-in period. Of those 549 calls there were only seven callers supporting Sunday shopping, Mr. Acting Speaker, and the rest were vehemently opposed to what this government is doing. I would say that is a message that the member for Emerson should carefully consider in his actions in this House.

There are quotes from people who live in that community, such as a grocer by the name of Mr. Wally Penner, who says that regardless he will not open on Sundays. He has put in a full-page add, and he said he has calls all morning supporting the stand that he has taken.

At any rate, Mr. Acting Speaker, I am wanting to point out to this government that there are some people in our community, some very concerned people, who are upset with this government and oppose the move of the government. I will not say oppose the move to the Legislature because this has not been voted upon or approved by the Manitoba Legislature.

Other examples: This is from published reports, and I am quite happy to table these if anybody wants them. Mr. Art Kerr, who is the General Manager of Garden City Shopping Centre, as saying there is no way they want to do this, namely, to keep open on Sundays. He goes on and says that he and other

mall managers admit that it might be commercially successful; nevertheless, it will be hard on the retailers. He says: Sure I can say it is great because I can sit at home Sundays, watch TV and have a beer—this is the quote from a Mr. Kerr—but it is the little guy who would like to spend Sundays with his family. It is the employees who will not be happy.

Then the article goes on to quote various other shoppers who express concern for the workers. There is reference, and I mentioned this briefly yesterday, about church officials being very saddened with this news. There is a reference here to Pastor Roland Marach, of the Portage Avenue Mennonite Brethren Church, who stated in this article: We think God encouraged us to have a seventh day for rest. I feel sorry for the many people who are forced to work. I think many will be afraid to refuse because the times are hard, without a lot of social and financial pressures.

There is a public statement made by Mr. Stan Halbesma, who runs Harry's Foods on 905 Portage Avenue. He says he will not open Sundays, and I am quoting him in this article: The issue was forced upon the government by the executives of the large anchors in the malls, Sears, Eaton's, who will not have to work on Sundays, and we are taking a stand, said Stan Halbesma of Harry's Foods, manager of the store.

I do not know this gentleman. I am quoting what he has told the press. He says: My mother and father own the store and they look at it from the religious aspect. They do not feel people should have to work on Sundays. I look at it from the family value aspect. I need my time and employees need their time with the family Sundays. [interjection] Well, he is not going to open. He has put an ad in the paper, and he said, he is not going to open.

What I am pointing out, Mr. Acting Speaker, I am trying to make the point that there are very many people out there who are upset with this move by the government. They are concerned, and they oppose it, and they do not necessarily vote for the New Democratic Party or the Liberal Party. I do not know who they vote for. Many of them may vote for the Conservatives. I do not know. But that is beside the point. The point is that there are people out there who have expressed opposition, and I am pointing out.

Here is the manager of D'Allaird's store in Polo Park. I believe that is a clothing store. She said she will play it by ear if the store stays open past the holidays. I really have mixed feelings about it. I do not think it is going to boost the economy, said this person, Ms. Elizabeth Bergmann.

Her ladies clothing store sold only four items by midafternoon yesterday. That was referring to November 29, the first day that stores were allowed to be open with more than four employees; at any rate, she made that particular statement.

\* (1510)

Then there is reference in this article to various employees who—a Sherry Ladanyi, a student and part-time employee, said she refuses to work on Sundays. Sunday is my day. I go to church on Sunday. She is a 19-year-old. She says: It is the only day I have to myself.

In this case the manager can get a replacement, but, as I was saying yesterday, I talked to a young woman who happened to visit us in our house in Brandon a couple of weekends ago who said that there is no way that her manager could get a replacement for her because she knew the particular part of the business and you just could not simply take somebody and replace her in what she was doing. So she was going to be forced to work Sunday, even though the legislation says the manager cannot force the employee to work Sunday. Nevertheless, she felt a responsibility. She had to, but she did not want to. She was very, very upset, and I am not going to repeat some of the words that she used to describe the government's action in this respect.

Here is somebody else, Donna Fiel, who is the assistant manager of the Agnew shoe store: I do not want to work Sunday. I have a lot of other things to do on Sunday. I know I would not come out here to shop. People just do not need another day to shop when stores sit empty, she added.

These are not my words. These are people who are out in the community who are in the retail business.

Another example is Phyllis Pionkowski, who is the manager of the Agnew shoe store. She agreed smaller stores will be losing more money than they make because a lot of employees will not want to work Sundays, so new staff will have to be hired and trained. This is in Portage la Prairie, I should add, Mr. Acting Speaker. She went on to say that she

does not expect to increase her sales by opening on Sunday, but she is going to open on Sunday, November 29, because her store is part of a chain and the chain management wants the store to be open. She says, there is not enough out here to keep people from going to Winnipeg.

Then go over to Selkirk, Manitoba. There is Jim Gaynor, who is a retailer in that good town who has long opposed Sunday shopping. He says, and I am quoting: I feel rotten about this. He says that he does not believe that there are—he was asked if there are any chances of the new rules curtailing cross-border shopping or creating more part-time employment. Mr. Gaynor replied without a pause: None, there is no possibility of either. It has been proven that Sunday shopping has no effect on cross-border shopping. In B.C., cross-border shopping increased after the Sunday shopping was implemented. Cross-border shopping has to do with excessive levels of taxation, not being able to shop on Sunday.

He went on to say that the nasty, insidious part of the move by the government is that the present legislation, the one that allows four employees to be employed by any establishment on a Sunday, was passed unanimously by all members of the Legislature, while the present new rules are being pushed through unilaterally by the government with the legislation having to be retroactive to the starting date. I made that point yesterday, Mr. Acting Speaker, that this is an arrogant move by the government.

The last time this was introduced, this measure was brought into the House, it was done with full debate and finally agreement by all sides. Mr. Gaynor reminds us that it was passed unanimously in the House to allow stores to stay open with instead of three, which was the first legislation in this matter brought in under the Schreyer government, it was increased to four when the Lyon government was in office. There was debate and discussion and the Legislature finally passed it.

In this case, you have given orders. The government has told the retail establishment it is open Sunday and to hell with what the Legislature thinks. That is what it amounts to. Who cares about the Legislature? Who cares whether it is debated here? Who cares whether the members of the public have been able to come to the committee, when it goes to committee hearings after second reading, to make their views known and so on,

whether all these people in the retail business or the people from the churches or the social agencies or whoever they are or wherever they are from, without giving them an opportunity?

It has become de facto law. Yet it has not been blessed by this Legislature. It has not been passed by this Legislature and, ultimately, the police are not doing their job if they are now not laying charges against retailers who have remained open on Sundays with more than four employees. They are breaking the law.

The law is made by this Legislature, not by the cabinet. The police of this province are not fulfilling the law. They are not upholding the law if they are not levying charges against those large stores that have more than four employees working on Sunday. That is the conundrum facing this government, and I say it is a sad day for democracy when we have to work in this fashion.

Mr. Acting Speaker, when I say that it is not just the members of the New Democratic Party who are voicing concerns that we have dreamt up, we are voicing the concerns of organizations out there. We are voicing concerns of Manitobans who are working, Manitobans who own stores, Manitobans who happen to be involved with religious organizations, Manitobans who live in rural Manitoba.

The Union of Manitoba Municipalities, the largest municipal organization we have in this province, is now officially opposed to Sunday shopping. There was a great deal of debate, as members should know, at the convention a few weeks ago, but they did oppose Sunday shopping. Again, you have another major provincial organization, the Manitoba Chamber of Commerce has also passed a resolution condemning the idea, saying it will hurt businesses in the communities near the city of Winnipeg, such as Portage la Prairie, Morris, Steinbach and Winkler.

Now this is not my argument. I think there is an element of truth. This is a statement made by the Manitoba Chamber of Commerce which I am repeating for the edification of members of this Legislature. So, Mr. Acting Speaker, as I said, this particular move by the government, this arbitrary move by the government has caused a lot of concern; a lot of opposition to the government's move has been caused by the decision of the government to open Sunday shopping.

It is interesting how the various rural papers have written many editorials, you read many editorials on the subject, and I think you will find that a lot of them come down on the side of being opposed to Sunday shopping. In fact, here is one that was written in September before the government made its position known. This is an editorial from the Stonewall Argus/Teulon Times on Wednesday, September 16, 1992.

I quote one paragraph: The majority of the provincial Conservative caucus was elected by rural Manitobans who will not take kindly to seeing Winnipeg or Brandon businesses benefit at the expense of their own communities.

I might add, Mr. Acting Speaker, as I pointed out yesterday, the Brandon Chamber of Commerce is also opposed to this move by the government. The Brandon Chamber of Commerce debated it and came to that conclusion. I confirmed it two weekends ago when I had an opportunity to talk to the president of the Brandon Chamber of Commerce. He said, yes, this is our position. We are opposed to open Sunday shopping.

At any rate, Mr. Acting Speaker, just a final paragraph in this article, this editorial, entitled, Rural versus urban, quote: It would be most unfortunate if the provincial Conservatives shoot themselves in the foot over open Sunday shopping, since the benefit to urban interests would be small compared to the damage done to rural interests.

Now that is interesting. This is not my observation, although I repeat it and I think there may be an element of truth in it. It is the editorial of the Stonewall Argus/Teulon Times which said that the benefit to urban interests would be small compared to the damage done to rural interests.

It is interesting that the member for Lakeside, the Natural Resources minister (Mr. Enns), spoke quite openly of the problem that this issue could give members of the government side, because in the Free Press of Sunday, September 13, the Natural Resources minister confirmed that many rural MLAs strongly opposed liberalizing the laws, adding that while the issue has not been on the cabinet or caucus agenda for several months, it is talked about. He said—this is a quote in the article—rural members by and large do not see it as helpful to rural communities, unquote, said the member for Lakeside.

So I do not know what happened. There was debate, there was consideration on that side of the House in their caucus, I presume, then all of a sudden, bingo, the government issues a statement that there is going to be wide open shopping.

\* (1520)

I go on, in this article they referred to the Minister of Natural Resources saying that the rural Tories think any liberalization would benefit Winnipeg businesses to the detriment of rural ones, and there is a direct quote from the minister. Ten or 20 years ago there might have been religious concerns, but now it is all economic. It is no secret rural Manitoba communities, particularly the smaller ones, are struggling right now. It goes on to say that he personally supports it, noting that since his riding borders Winnipeg, many of his constituents work in Winnipeg and so do their shopping there during the week.

Mr. Acting Speaker, it is obvious that this issue is, as I said, dividing Manitobans. Certainly, if Mr. Enns's observations are recorded correctly here, if his views are reported correctly, it would seem that there is a lot of division right within the Conservative caucus.

Mr. Acting Speaker, I could go on referring to people in the retail business who have a lot of concerns and are opposed to what the government is doing. Again, in Stonewall, of the Stonewall retailers, there is a Mary Geisbrecht of Mary's Draperies who said that those people who want to shop in Winnipeg on Sundays will go anyway. You cannot be at work seven days a week. So I guess she does not think she can stay open. She cannot manage the energy, I suppose. Home Hardware's Irene Pearson is a retailer in the town of Stonewall, and this is a direct quote: Basically, it will spread six days of business over seven days. There will not be any extra business, unquote.

Now that is not the observation of the New Democratic Party, without any consultation. This is a retailer, a manager-owner telling us that there will not be any more business. There will not be any extra business, in her view, and I think we should respect her views.

We could go on at length talking about many, many other retailers. There is a woman in Selkirk, she is a co-owner of Packer's Ladies Wear, a Ms. Helen Sutherland, who reflects the wide and sometimes contradictory range of responses that

are expressed by many store owners. She says, I have always said that if I have to work on Sunday, I will put a "For Sale" sign on the door. That is the thing she says. If I open Sunday, I am here working and I do not want to be. I am in the store five days; on the sixth day, I am out doing our buying. I am not going to work on Sunday, and I know that the staff I have now is not going to work on Sunday.

**An Honourable Member:** She is a strong Conservative.

**Mr. Leonard Evans:** She is a strong Conservative, my colleague from the constituency of Selkirk tells me.

Anyway, Mr. Acting Speaker, the main argument that has been put forward is that the loss of retail trade to other jurisdictions is occurring on Sundays, and the only way to counteract it is to have open shopping as the government has intended.

The fact is—and Mr. Gaynor, a retailer in Selkirk, put it very well—that this is a false argument. This is not an argument for Sunday shopping. People go to other jurisdictions, including in this case, I suppose, North Dakota. They go for variety. They go to get some change in merchandise, I suppose, a change in scenery. They go for holidays. A good example is British Columbia where even after Sunday shopping was introduced, people went from B.C. down to the state of Washington in droves shopping; in fact, the Sunday shopping increased.

Of course, Sunday shopping in the United States or cross-border shopping is done for a variety of reasons. As I said, people go down for a holiday; they go down for a change; but they also go down for bargains. I suspect, however, now that the Canadian dollar has diminished in value vis-a-vis the American dollar, that financial incentive has been removed and people are not as likely to go shopping south of the border. To bring forward the argument that we have to open up Sunday shopping to protect our retailers because we are losing business to other jurisdiction just does not hold water, Mr. Acting Speaker.

Why do we have poor retail sales? There are some very fundamental reasons why we have poor retail sales. One of the major reasons is that we have a very poor economic situation at the present time. We are still in a major recession, Mr. Acting Speaker. We have extraordinarily high unemployment that is reaching to 10 percent, to the double digit. Looking at it in terms of where the jobs

are, because people will shop if they have jobs especially if they are fairly good paying jobs and there is some security in them, we will have more retail shopping.

The fact is that we are not getting new jobs in this province. In fact, for this year January to November, the 11 months that we have of the year 1992 compared with 1991, we find that we have a negative situation. We have lost jobs. There was a 2.1 percent decline in the number of people working in this province. That is directly opposite of what the Minister of Finance (Mr. Mansness) forecast earlier this year when he brought down his budget. He, in his budget, forecast employment to grow by 1.1 percent in this year 1992 but instead of that growth we have had a decline, minus 2.1.

We are in one of the worst positions of all of the 10 provinces, not the very worst, Newfoundland is the very worst. But you can understand what has happened there and in Nova Scotia because both of them have been affected by the fishing industry problems in the Atlantic. Here we are right beside them with a minus 2.1 percent in the level of employment. As a matter of fact, I observed, Mr. Acting Speaker, that when you look at the number of people working today, compared to the number of people who were working in 1988 when this government took office, we find that there are 10,000 fewer people at work. We do not have more people working, we have fewer people working in this province. What has happened? Four years of trickle-down economics, five budgets, and what have we got? Ten thousand jobs have been lost. We have a very, very weak economic situation.

Certainly another reason for poor retail sales obviously is the GST, the goods and services tax. If you want to stimulate retail sales and you want to stimulate the economy, get rid of the GST.

Free trade certainly has not helped us in this province. It is well documented the number of jobs that we have lost in manufacturing. We have lost—[interjection] Mr. Acting Speaker, the key reason for increasing sales to the United States is the devaluation of the Canadian dollar, not the implementation of free trade. It is the fact that the Canadian dollar has depreciated vis-a-vis the American dollar. It has nothing to do with free trade.

We know because of free trade we lost Toro industries out of Steinbach. They packed up and they went back to Minneapolis. We know we lost

Marrs Leisure Products with 44 jobs, count them, a front-page story in the Brandon Sun. They went to North Carolina.

At any rate, Mr. Acting Speaker, deregulation, which this government supports as well, has also caused a loss of jobs in this province. Our trucking industry has been hurt. Our railway industry has been hurt. Our airline industry has been hurt because of deregulation. So there are some very basic reasons for that.

What I suggest is that we need policies to counteract that, and we need to stimulate the economy. I will admit that the government has a hard row to hoe because of the federal government and its fiscal policy. Unfortunately, this government agrees with the economic ideology of the Mulroney government, but the fact is we still have unduly high interest rates in this country vis-a-vis the American interest rates. In terms of real interest rates, if you look at it and compare it with the rate of inflation, you will find that our interest rate level is inordinately high, and that has a negative impact.

Certainly, unless you have some stimulus at the federal level coupled with some stimulus provincially, you will continue to have this recession. The irony of it is, Mr. Acting Speaker, Mr. Mulroney and Mr. Mazankowski indeed, perhaps Mr. Mansness in this House, are waiting for Bill Clinton in the United States to stimulate their economy to get some action that will hopefully spill over. So they refuse to implement policies that Bill Clinton is going to implement in the United States, but they want to get the benefits of it. They refuse to do it because they think it will not work. I see I have one minute left.

\* (1530)

So, Mr. Acting Speaker, I want to say that unfortunately this trial period usually will become permanent and a lot of people in Manitoba are concerned about this. I believe that I have made enough points, and I would ask and plead with this government to reconsider this matter and to allow public consultation, and, by all means, to allow a free vote in this Legislature so that every member can get up and vote according to his own best judgment and his or her own best conscience on the matter. Thank you.

**Mr. Jack Reimer (Nlakwa):** Mr. Acting Speaker, it is my pleasure to stand today to speak on the proposed motion of the honourable Minister of

Industry, Trade and Tourism (Mr. Stefanson), Bill 4, The Retail Businesses Sunday Shopping (Temporary Amendments) Act. The line itself is long enough.

It is my pleasure really to stand today and put some comments on record regarding the proposed Sunday shopping, and it seems appropriate at this time of the year because of the fact that we are so close to Christmas, that shopping becomes a very prominent and a very prevalent matter on everybody's mind.

In fact, on a personal note, I guess I have to get busy and do my own Christmas shopping because there are presents that I still have to go out and find. It seems, like everything else, you sort of procrastinate, and then when the time comes around, you realize that there are people on your list that you forgot or you still have not got around to get the presents for.

This time of year is quite an eventful time, not only here in the Legislature, but for everybody, because it gives us the time to reflect back on the year and also to look forward to what we optimistically look at as a better time in 1993.

The legislation that has been brought forth by the minister in one way is a response to the people who have been asking for a better venue or a better avenue of shopping and a better way to get into the fact of wanting to shop and expand their shopping and their presence in the market. The market dictates, really, what the person wants, and the market is saying that here in Manitoba they are wanting to shop on Sunday.

(Mr. Ben Sveinson, Acting Speaker, in the Chair)

The old adage in business, one of the most successful adages that you hear from business, is the fact that the customer is always right. When you are servicing the customer, the customer is the one who dictates how and what you sell, when you sell, and now they are asking for the time that they want to sell.

The fact that we are now opening up shopping to the public on Sunday on a trial basis, we are bringing forth restricted hours, restricted times on Sundays when the shops may decide to stay open, and again I must point out that if they choose to stay open, it is totally up to the individual shop owners or the person who is in the retail trade whether they decide they want to stay open on this particular day, on Sunday. They can stay open if they want.

The times they are permitted to stay open are between 12 noon and 6 p.m. In riding around the city on the last couple of Sundays, I have had the opportunity to look at some of the malls and some of the stores just for the sake of my own edification as to how it is being taken, and not all of them are open from 12 till 6. Some are open from 12 till 5, which is their choice. Some are closed, some are open.

In the malls that I went into, some of the stores are open and some of them are closed, so it is strictly up to the retailer and it is up to actually the customer demand and the customer presence as to whether there is a demand for them to stay open.

So really, Mr. Acting Speaker, it comes down to the old adage that the people and the market are dictating a choice. The word is hard to say at times here on this side of the House in a sense, because we are familiar with the lobby group of the NDP which they called Choices, which seems to always come out on the negative of everything that is brought forth, but at the same time with the legislation that we are bringing forth now, we are actually letting the public make that decision whether they want to shop or not.

The previous law, if you want to call it, regarding Sunday shopping was restricted to four people, and if you had perchance the time to go into some of the large department stores or chain stores or Safeway or some of the big stores when you wanted to buy something, with only four people on staff it created a lot of anxious moments, I would think, for some of the store owners for the fact that there is not that element of security and safety in the stores regarding the handling of merchandise and the servicing of customers, because to be in business today one of the things that you have to have is customer service.

Customer service is one of the keynotes. It is the backbone of any type of business. If you can service your customers and you can find the right attitude to be nice to your customers and to have the attitude that your customers are first, they are foremost, in fact it is the customers who are really paying the bills.

The customers, when they are satisfied with the service that is being offered, in all likelihood they are going to come back to that store, and service always is the keynote in any type of retail business. We often say, well, if there are sales on or convenience

or things like that, these things come into play, which is true. There is no doubt about it. There is an element of convenience with any type of shopping, but it is service that the customer wants. It is the service, the individuality, it is the contact, it is the interplay, if you want to call it that, between the clerk and the customer that makes the person feel that they are wanted and they enjoy being in that store, and the time and effort that is put forth is going to come to fruition.

The workers, as someone has commented across the way—if you go to a successful store, the management will always say that the success of any store is the people who are working in that store. It is the people in the store themselves, that if they have the sense of accomplishment, if they have the sense of worth and they have the sense that they are contributing, they will enjoy working in their retail store or any other place.

People have to have that self-worth of work in any type of endeavour, and the success of any business is always fueled by the people who work there. If you talk to any successful businessman, he does not necessarily attribute the success of his business because of his managerial forte or anything like that. Ninety-five percent of the time, or almost all the time, he will say that it is the people who are working for him that have made his business successful.

So the people who are being served and the people who are in the service industry are the people that make business grow, make business prosper and profit.

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

Profit is naturally what that businessman is there for. So the profit is something that all business enjoys and should enjoy, and as government, we should encourage profit, because if there is more profit, that means they are spending money, and that means that we are collecting taxes.

As government, our responsibility is the allocation and the distribution of taxes in the fields that we feel are very, very important, which we have always emphasized, which is education, health and family services. The support that we receive from the retail trade is tremendous, and the taxation that is collected. So as much as we talk about taxes and we complain about taxes, this government relies very, very heavily on the taxes and the tax revenues that are generated by the retail business and by all

business, whether it is retail or the service end of it or manufacturing, all sectors in our economy.

Manitoba has the distinct advantage that we have quite a proliferation of businesses in all venues. We have businesses that are very strong in the service end of our sector. We have a very strong manufacturing sector, and we have a very strong agricultural base. The agricultural base right now is going through a bit of a tough time which we are all aware of, and it takes even more for a person to be in the agricultural base or to actually be on the land to survive and to look forward, with a bit of optimism, that things are going to change.

\* (1540)

I guess when we think of the agricultural market, it is sort of like looking at—well, things will be better next year. I guess that is the optimism that they sort of look at. At the same time, the agricultural economy here in Manitoba is a very, very strong part, and I believe that one in seven jobs are related to our agricultural economy here in Manitoba.

That is part of the backbone of the Manitoba economy, and that backbone is not only here in the urban area, it is in the rural area. There has been comment made that said that the rural area is going to suffer because of Sunday shopping, but there is a lot of negativism in that because there is a certain amount of loyalty that people have to their small town merchants and their small town stores and business people. They realize that if they want to stay in the small towns or they enjoy a small town, that they have to support the small town merchants, and a lot of them do that. They realize that there is a strong faction in there and the fact that the small merchants can count on. A lot of people are being serviced in that industry by the small town merchant.

In the studies that have been conducted, because we are not the only province as you know that has introduced Sunday shopping—there are other provinces that have come forth, and in fact here in Canada there has been expanded shopping. Sunday shopping is also in British Columbia, it is in Alberta, it is in Saskatchewan, it is in Ontario, New Brunswick, Prince Edward Island, and naturally we have always heard about it in the United States. Just recently Quebec has expanded their venue of allowing Sunday shopping so that Sunday shopping actually is surrounding Manitoba, and for us to sort of throw up the barriers and say that we are immune

or we cannot compete, or we feel that we have a better solution, we cannot look at it that way.

We have to look at it in an open area, and we have to look at what the public is asking for. We have seen that in the fact that the amount of people—and it has often been said about the amount of people who are going down to the United States for shopping, and the amount of money that has been lost, if you want to call it, revenue that we lose here in Manitoba. Our best example is North Dakota, their shopping, and in fact if you look periodically in the paper, we get whole sections in our daily paper advertising for people to come down to Grand Forks or to Fargo to spend the weekend. We have them offering all kinds of incentives and all types of packages to come down for cross-border shopping. Some of the figures that we have been made aware of are absolutely astounding when you look at the amount of money. The amount of money that has been estimated to be spent in North Dakota is almost \$92 million because of Sunday shopping, \$92 million. Ninety-two million dollars, a Manitoba revenue that could have stayed here in Manitoba could have injected into our economy which would have been jobs for more people. It would have given us a source of revenue, it would have given us a source of taxation, and it would have given us a source of revenue for the fundamentals which I have alluded to which were the health care and education and social services.

This is all money that we are losing, in a sense. In fact, some of the figures, if we combine Minnesota with North Dakota, we are looking at almost \$110 million that has been estimated that we have lost because of Sunday shopping and cross-border shopping.

It is true, as was alluded by the member for Brandon East (Mr. Leonard Evans), that some of the shopping may be down because of the dollar and the exchange rate, but at the same time we have to recognize that a lot of it is because of the convenience of people going down there and just taking some time to do the shopping. With the Sunday shopping open here now, it opens up a lot of optimism. The Manitoba Hotel Association is quite optimistic that there is a chance that when people come into town now on bus tours and the fact that they can spend an extra day or two here in Winnipeg and do some shopping and take advantage of some of the stores that are open, this

is all money that is going to be generated in our economy.

Another factor that is looked at in the rural area too is some of the sporting events that are put on here in Winnipeg. When we look at our Winnipeg Jets or the football team, the Winnipeg Blue Bombers, a lot of the events are on Saturday. So you get people organizing bus tours, say, out of Thompson or Dauphin or Flin Flon or something like that, and they come into town to see the game. They may just stay extra, you know, to spend some money on Saturday for shopping just before they leave. So it creates traffic, it creates a certain amount of optimism, and a certain amount of money is being generated.

In the rural area you get a lot of time that there is a survey done. Prairie Research Associates finished doing a study recently, and they are saying that support for Sunday shopping, when there was application of conditions which we imply, which I alluded to earlier—we got in the restricted hours and the fact that there is legislation also protecting the workers, that if the workers do not choose to work on Sunday they can give 14 days notice. The fact is that the labour code will protect these workers if they are wrongfully dismissed, through the Labour Board, and the fact also that stores in large malls where they have certain leases, because of the magnitude of the mall—there are large anchor stores there—may give the impression that they have some sort of control over the small shops that they have to stay open. There is protection for these small merchants that they do not have to stay open.

So when we look at these types of restrictions and applications, the percentage of support, as mentioned regarding the recent survey by Prairie Research Associates, more than 75 percent of the respondents favoured this type of shopping under these types of conditions.

We feel very optimistic that this is, being on a trial basis, where this is going to be only in venue until April 5, 1993, a good trial period. It will give good exposure to the various swings, if you want to call it, in shopping, because of the tremendous shopping surge during Christmastime, when a lot of business actually—some businesses, it will account for upward of 30 and 40 percent of their sales during this period. It also gives the availability of comparison for the slow months, which are what they call the dog months, in February and March when things sort of slow down.

We will have a good cross-section of times for analysis for how Sunday shopping is brought forth. During the whole time we must look at what is happening, as I was saying, that in the rural area this is going to affect the rural market.

The research that was done at the time said that 97 percent of the rural Manitobans surveyed said that Sunday shopping would neither change their shopping habits and they would continue to do the same volume of shopping in their own town—97 percent of the respondents. I mean, you have to look at every survey and say that there is good, strong support there for Sunday shopping in its present format that we have brought forth, so that the doom and gloom that we hear from the other side that there is going to be a total collapse of the economy in the rural area or the fact that the large urban areas are going to all of a sudden become sponges and suck up all the rural shoppers and spenders of money just is ludicrous.

The loyalty of small towns here in Manitoba is one of the prized assets of our people. The people love the small town that they are staying in, and they will support the merchants, and they will spend some time spending their money.

It has been mentioned that the way that the bill has been brought in in some way is some sort of highhanded manner but, at the same time, the legislation that we are proposing is the same legislation and the same way that it was brought in Ontario.

In Ontario, the NDP government—yes, I believe it is the NDP government in Ontario—they are the ones that brought in this same type of retroactive legislation. So when you look at the NDP government in Ontario bringing in legislation like this and we are modelling it, it is odd that here we have the Conservative government here in Manitoba making a copy or following the way the Ontario NDP government has instituted it.

It seems that we are in agreement, and it is hard for me to say that there is a certain agreement between this government here in Manitoba in the introduction of this bill and the way that Ontario did it.

\* (1550)

In Ontario they did the same type of introduction, and they are seeming to have strong success with their introduction. In fact, in Ontario Goldfarb Consultants conducted a survey just to see how the

Sunday shopping was perceived by the Ontario residents, and some of the key findings of the Goldfarb study concluded that over three-quarters of the respondents, or 75 percent, favoured Sunday shopping, and over three-quarters of those who worked on Sundays favoured Sunday shopping.

That is a very interesting comment, that the people who are working on Sunday favoured Sunday shopping. The highest degree of support was among the single parents. These are working women and those who worked irregular hours.

It is passing strange, if you want to call it, that on the other side of the House you have my honourable friends the honourable members of the NDP party coming out so vehemently opposed to the Sunday shopping, whereas in Ontario there is a strong indication that what the NDP government did there has a strong degree of acceptance.

As I say, it is passing strange that the NDP in this province are at complete loggerheads with their counterparts in Ontario who have introduced it, and we are doing it the same way, as I repeat, and that there is such a negativism on that part but, then, that is not surprising in a sense, because I would think that the NDP in Manitoba are maybe just a little bit behind other provinces and maybe a little bit behind in a lot of their philosophies in how they perceive what is aggressive and what is progressive in their thinking.

I cannot help but go back to the comment that was made and the instructions—and I apologize to a degree, Mr. Acting Speaker, for repeating something that I have mentioned before, but it just seems that it is so apropos now, the fact that the instructions to the NDP youth in going back to reading the Regina Manifesto of 1930 as being a guidance for them to go forth in the '90s, it seems that they always seem to look back in some sort of myopic way to a better beginning, and that beginning has passed a long time. Now when they cannot get caught up to the new-think, if you want to call it, of the '90s, they seem to always look back and think that things can be better the way they were.

Unfortunately, times change, conditions change, and this is one of the factors that they have to become aware of, that the public and the people in Manitoba are saying that they want Sunday shopping, and they are prepared to support it.

In going back to, as was mentioned, Ontario, the study that was conducted by Goldfarb in regard to family and how Sunday shopping would affect family and family values, it should be pointed out regarding the study that was taken recently in Ontario, after Sunday shopping, that 90 percent of the respondents said that they do not spend any less time with their families because of Sunday shopping. In fact, when we look at the family unit today, the family unit not only in Manitoba but I guess in all factors of Canada and indeed, I guess, the world, the family unit as we like to perceive it and the way we interpret it has come under increasingly more tension, more demands and more diversification.

What we would call quality time with family becomes quite diminished to an extent because of the situations that a lot of families find themselves in. We have more and more two-income working families where you have the man and the woman both working, and I guess to an extent also you have the children if they are older they try to get into some sort of part-time work. So everyone has a different type of venue that they go to from time to time, and the time demands for the family become very compressed, so that any type of time together really is quality time. Now you could say, well, quality time together is an interpretation of either sitting around home or something that can be imposed, but at the same time quality time can even be interpreted as going shopping together. This becomes a time to be together with your family, because anytime that you are together with family or children, whether it is going to a theatre or going to a movie or going to a play or going to church, that is all time together. At the same time, time together can be interpreted as even going shopping.

So shopping to an extent—granted it is sort of like drawing a long bow in trying to say that is one of the contributors, but it can help to enhance quality time with family. I would think that especially at this time of year when family becomes such a very important focal point because of the Christmas season that shopping can become quite entertaining and quite enjoyable in a sense of going out. People who have to work on Sunday, as mentioned, have got the choice. They can work if they have the choice. They have the choice to work Sunday. They have the choice not to work on Sunday. The comment has been made that this is imposing on the people who are working on Sunday, but if there is a choice

made available to them and they make that choice I would think that the imposition is diminished that way.

The findings, because of Sunday shopping, are naturally quite contentious not only here in Manitoba but have been contentious in other provinces. In Ontario's case where they conducted a survey after the fact, after Sunday shopping was introduced, and they came out with the study that the respondents are favouring Sunday shopping, the fact that the support is highest for Sunday shopping among single parents, working women and those who work irregular hours. The fact that the shopping, particularly Sunday shopping, the restriction if we did not have it would particularly affect single parents, the working women and those whose jobs require them to work irregular hours. Sunday shopping gives them the chance to get out, to do some work, to get their time and get the necessities or the staples that they are looking for. So there is a certain amount and a definite amount of benefit that the customer and the public are looking for when they say that Sunday shopping is something that they look at.

As mentioned, the employee is protected under The Employment Standards Act because of the fact that they can give 14 days notice if they want to opt out of working on Sundays, and it also prohibits employers from discharging staff based solely on their refusal to work on Sunday. The monitoring of this will be very closely watched by not only the Minister of Industry, Trade and Tourism (Mr. Stefanson), but also the Minister of Labour (Mr. Praznik) who is very aware of the circumstances and the ramifications of any type of workers' rights and the fact that they have to be complied with. The Minister of Labour and the Minister of I, T and T will work very closely in watching this trial period.

Going back to some of the rural concerns, and naturally that concern has been brought forth a few times, as the member for Brandon East (Mr. Leonard Evans) was talking about some of the quotes and what was happening in some of the rural areas, I would like to just quote also from the Dauphin Herald regarding Sunday shopping.

\* (1600)

They too did some talking to some of the consumers and some of the managers there. I would just like to also say—in quoting one of the managers of one of the stores in Dauphin, and they

are saying, we are having a very successful day. They feel that it was a very successful move in staying open on Sunday. They say that they were having a very successful day on it. The manager was questioned a little further, and she did not hear any negative comments about being open on Sunday. She went on to say, a lot of people think it is good for business because not everyone has Saturday off anymore—which is an interesting comment, because a lot of people, because of the swing shifts and the fact of working, do have to work on Saturday, and they do not have the luxury of getting their time to do the running around or buy the staples; so with Sunday opening, it gives them that opportunity.

The manager goes on to say, what it boils down to is a lot of families need some place to do their shopping on weekends. This is from what we call a smaller urban area, Dauphin, and the people there, some of the stores there, are looking at it in an optimistic way that this can help them.

So the members across, as mentioned before, seem to look on this as some sort of a sinister plot against the workers of Manitoba and workers of some of the large stores, but really the pressure that is being felt by the New Democratic Party is that the large union bosses are coming down and saying that they cannot see the value in it. So the union bosses are again dictating how the NDP is going to react and how they are going to come forth with all their doom-and-gloom scenarios, and just like always, the tail is wagging the dog, and the NDP is running after the union bosses and saying, oh, yes, we will support you. They will run after, and the big union bosses will say, well, this is no good for you.

I would actually caution them on that side because there could be a scenario being played out because the increase in workers who would be working possibly, say, at some of the large food stores, even though they are working part time, do have to buy a union membership. Once they buy a union membership, they then become part of the union and then they become exposed to the union philosophies. So I would think that the union should be a little careful. They must be shaking in their boots really in the sense that because when they get the new workers working who could be hired because of Sunday shopping, there is going to be an increase in union membership and these new workers are going to see the folly of some of these

union bosses' philosophy, so there could be a groundswell of revolt.

The fact is possibly some of these union bosses, their jobs may be in jeopardy, because of the fact that they will have to have all these new part-time employees working and paying union dues, getting to know the union philosophy of the union bosses, and then all of a sudden they will realize that they can vote them out. Then there could be quite a change in this whole union movement here in Manitoba.

So there is a different way of interpreting some of these things. In retrospect, it is really the union bosses who are over there just wagging the tail, over there, of the dog, and now they are jumping up and down and saying that it is not good for the people, it is not good for Manitoba and it is not good for the family and it is not good for the people of any type of religious persuasion.

We have to also take into account that for some people Sunday is not a religious holiday. You know, there are religions here in Manitoba that do not feel that Sunday is a religious day, and not that that is a factor in opening on Sunday, but there is the realization that a religious day is not necessarily Sunday. A religious day in some religions is a different day so that opening on Sunday is not totally what has been referred to by some members on the other side as contravening religious freedom or the right to go to worship.

There are other areas that can be pursued on a religious basis, but that is up to the individual and I feel that if there is a willingness for a person to have his religious commitments met that they will find the wherewithal and the time to have that type of involvement with their religion. But, as pointed out there are other religions here in Manitoba that do not celebrate Sunday as being a religious day, so we cannot blanketly say that we are doing that.

Mr. Acting Speaker, being open on Sunday, it really is a matter of choice as mentioned before. It is the people who want choice, the people who want to be able to go out. They want to be able to buy, they want to be able to spend. They want to be able to pursue things that they need whether they are going out to buy a snow shovel—being wintertime here—or they are being able to go out and buy their Christmas presents, or they are going out to buy groceries or shopping for everything. We are giving them the opportunity to make a choice. We are

giving the storekeepers an opportunity to make a choice. We are giving them the fact that it is a trial period. We will be monitoring it on a basis through the Department of Industry, Trade and Tourism and also the Department of Labour to make sure that there is a compliance.

So we feel that the whole issue of Sunday shopping really is one that has been brought forth in a very conscientious and a very thorough manner in trying to address the concerns of all factions, whether it is labour or the stores or it is the public but in public demand and the fact that we are surrounded by provinces and the United States that are open on Sunday.

In fact, in the United States, they are even going now to stores that are open 24 hours a day, some of the large—not that I am advocating that—but I do know that in the United States there are stores now, large grocery stores. Because they have to restock at night, they keep their doors open and they have people on staff restocking at night, so they might as well have people there if people want to buy staples and commodities during the night. So 24-hour shopping in some parts of the United States is there. I am certainly not advocating that, but I am just saying that there is a certain fact of life of people shopping and demand and how it is met.

As has been pointed out, when we looked at the other provinces around us, we cannot be an island and put up fences. We cannot put up barriers that say that just because we feel there is a faction saying that it is not right that there is total compliance on that because of the fact that the public are asking for it. We see the public, as mentioned before, going down to the United States, to Fargo and Grand Forks and into Minnesota. As mentioned before, when we talk of numbers, that upwards of \$110 million worth of revenue has gone down to cross-border shopping, then we have to realize that certainly Sunday is a way of looking at trying to stem that. Cross-border shopping is something that we have to try to quell. We have to try to get the economy back into a positive mode. This government looks very aggressively at any type of involvement with trying to bring monies back to Manitoba, the revenues of Manitoba.

Mr. Acting Speaker, I see that my time is running out. I would just like to conclude.

I feel that Sunday shopping is a very positive aspect for Manitoba. I feel that the time is here, the

choice is here and people are asking for it. The legislation that is proposed is a fair legislation. I will agree with the member for Brandon East (Mr. Leonard Evans) that it should be unanimous, and I am sure that all members in this House will look at this as a unanimous decision. I look forward to a positive vote from the other side of the House.

\* (1610)

**Mr. Gregory Dewar (Selkirk):** Mr. Acting Speaker, it is a pleasure tonight to rise and speak on this issue affecting Manitoba.

A very unpleasant issue though it is is this government's forcing on the Manitoban public Sunday shopping. It really is a knee-jerk reaction on behalf of this government. It is a desperate act from a desperate government. What do they say? Something like, our retail sector is down? What do we do? We shop on Sundays. Well, this is it. This is what is going to revive the Manitoba economy and, unfortunately, they are wrong.

As I was stating, again, it is just a reaction on behalf of their old failed policies in this province and throughout this country. Our right-wing government in this province, led by their federal cousins in Ottawa, their failed economic policies, and this is their reaction to it, of course: Well, we will shop on Sundays. That will revive the economy. That will make everything better.

Mr. Acting Speaker, we know this really is a desperate act, and it was a last-minute announcement. I think I have the press clipping someplace here, November 20, it was announced just a few days prior to the opening of the session. They are forcing it on the residents of Manitoba.

Someone mentioned Stalin over there. I am not certain who they are referring to, but it is pretty obvious that this is a dictatorial approach this government takes to economic issues here in Manitoba. Somebody was mentioning Ontario over there, I believe.

Anyway, Mr. Acting Speaker, this will definitely hurt the rural economy. As someone who represents a constituency in rural Manitoba, especially a community such as Selkirk, which is very close to Winnipeg, in driving distance to Winnipeg, we will see a negative impact upon the businesses there, in Selkirk, Stonewall, Gimli, Beausejour, Morris. All these communities will see their businesses suffer, and it has already happened especially in Selkirk, where there a number of small,

small retail businesses that have already closed, and that is, of course, due to some of the policies of this government.

I see the Minister of Health (Mr. Orchard) is here. Well, the Minister of Health closed the School of Nursing, put a dozen people out of work. The 60 students who were there are no longer there. They are no longer participating in the Selkirk economy, and we are seeing this now. Of course, not to be outdone, we have the Minister of Family Services (Mr. Gilleshamer) say, well, we will close a training plant, take another dozen employees out, take away training opportunities for young Manitobans out of our community.

Their own actions have devastated the Selkirk community, so what are they going to do? Well, we will open Sunday shopping. We will let people shop on Sundays. This will be the end-all to all of our problems. So many businesses have closed in Selkirk since this government has taken office—

**An Honourable Member:** How many?

**Mr. Dewar:** Well, there are at least 10, maybe even a dozen. We had Finesse, which was a women's clothing store—it was in our Selkirk mall, it is closed; More Than Kitchens, which is a kitchen cupboard store—closed; we have the Husky gas station; the Esso gas station; Riverside Furniture; Francines, which was another store that was in our Selkirk mall, is closed; Nite Owl, which was a small convenience store—closed, Stepping Out footwear; Sportscard goods; we have MacLeod's that was closed in our community.

You can drive up and down the streets of Selkirk, and you can see the sort of glaring example of this government's economic failures. You can drive up and down our Manitoba Avenue, "for sale" signs, "for lease" signs, tumbleweeds up and down the streets, exactly. Again, it is an indictment of this government's failed economic policies, but what are they going to do? We will open stores on Sunday. This will cure everything.

(Mr. Bob Rose, Acting Speaker, in the Chair)

We noticed the other day, somebody was mentioning maps. Of course, this government has a real love with maps, as we have noticed. [interjection] Constituency maps, exactly. We have decentralization, where they moved apparently 19 jobs to Selkirk, and then they closed the training plant, they closed the School of Nursing, so we have

19 jobs—apparently there are 19 new jobs in Selkirk—and they took out 20, 22.

Then we have the Minister of Labour (Mr. Praznik). Once again, he is speaking, I suppose, in cabinet—he is lobbying cabinet to move Highway jobs from Selkirk to Beausejour. He cannot create any jobs in his own community, so he is going to take jobs from outside of his community. He is raiding jobs. He cannot create any jobs in our community, so he is raiding jobs from outside.

He likes to come to Selkirk and portray himself as a local boy, but I tell you, they are getting wise to his tricks. I was raising this just at a public meeting the other day, and they are very disappointed with him because of some of the actions that he and some of his government have taken in our local community.

**An Honourable Member:** How could anybody be disappointed with Darren?

**Mr. Dewar:** I am sorry, but there are a few, believe me.

The other thing I am certain that the member for Springfield (Mr. Findlay) would be interested in is the situation in Lockport with the pending closure of the Lockport bridge. Now the government, last week when I raised this issue with the Minister of Industry, Trade and Tourism (Mr. Stefanson), what plan does he have in place—

### Point of Order

**Hon. Darren Praznik (Minister of Labour):** Just a point of order, Mr. Acting Speaker, I may be wrong here, but I thought we were debating Bill 4, the Sunday shopping legislation, and I am not sure what the relevance of the Lockport bridge is to Sunday shopping legislation. Perhaps I am wrong, but I fail to see the connection.

**Mr. Dewar:** It is very relevant naturally because we are talking about the rural economy, and I am talking about tourism. We are talking, oh, Sunday shopping is going to be this great tourism draw. Well, the community of Lockport will be devastated, the tourism industry in Lockport will be devastated with the closure of the bridge. When I raised this with the minister, they said, well—

**Mr. Praznik:** Mr. Acting Speaker, I still raise the issue of relevancy, given the fact that in Lockport all of the stores are open on Sunday. Perhaps is that the member's connection to Sunday shopping?

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**Mr. Dewar:** So because this government has no plan in place to deal with the closure of the bridge—in fact, they were not even admitting that it was going to close last week—hopefully, they have had a chance—oh, here is the Minister of Highways (Mr. Driedger) here now. We are just talking about the pending closure of the Lockport bridge. They were speculating on maybe it was not going to close. I mean, there was an ad in the paper the bridge was going to close.

They have no plan in place to deal with all the small businesses that will be negatively affected by the closure on both sides of the Red River.

**An Honourable Member:** Who, we or the feds?

\* (1620)

**Mr. Dewar:** No. What I am saying is you have no plan to deal with the tourism industry in the Lockport area. The Minister of Industry, Trade and Tourism (Mr. Stefanson) has no plan in place to deal with the pending problems faced by the tourism industry in terms of the closing of the Lockport bridge.

Again we are asking the minister to put a plan in place to help those businesses that do not care about Sunday shopping. They are fighting for their very survival, bearing in mind we know that they survive because of their proximity to the structure, but now that the structure will be closed, they unfortunately are going to have to deal with the consequences. But we are asking the government to put a plan in place to help the businesses adjust to the problems they will find when the bridge is closed.

Mr. Acting Speaker, some of the arguments that one can use against Sunday shopping is that it is satisfying the demands that this government has from the Winnipeg Chamber of Commerce. You know, someone was making mention about our union connections with organized labour. Well, their connection with the chamber of commerce is very strong indeed. You know that the Manitoba Chamber of Commerce is opposed to this, and the Union of Manitoba Municipalities passed a resolution recently at their annual convention condemning the closure. I would like to read that in.

**Resolution 13—WHEREAS** the Province of Manitoba is considering implementing Sunday shopping; and

WHEREAS opening stores for an extra day per week will not generate extra income as a family has a limited disposable income which is generally spent before the sixth day comes around; and

WHEREAS owners of small businesses are already working six full days a week and opening Sunday will only increase their workload and operating costs without guaranteeing an increase in income; and

WHEREAS Sunday has been considered a day of rest and the family day, staff would have to work on Sunday, would have to face additional pressures and already delicate family units.

THEREFORE BE IT RESOLVED that the Union of Manitoba Municipalities oppose the implementation of Sunday shopping.

This was from the R.M. of Shoal Lake, but it was unanimously passed by the convention and that represents municipalities throughout this province. Several of the members opposite, their reeves or their councillors from their constituencies were there, and they voted on this, and they passed it.

Not all retailers in this province like Sunday shopping. I can read several incidents into the record, but I think I will be doing that later. One of the problems, of course, is that the recession is the cause in the drop of retail sales. When you have 51,000 Manitobans out of work—

An Honourable Member: 56.

**Mr. Dewar:** Is it 56? I stand corrected, unfortunately, but 56,000 Manitobans are out of work. They have no money to spend. It is just a fact of life, Mr. Acting Speaker, and opening one more day will not entice them to spend any more money.

Again, the tourism industry is declining in this province. Well, it has been recognized by all involved that the GST and the lack of a plan for promotion is the cause. As I was suggesting, the merchants in Lockport are going to be countering this government's lack of foresight, lack of planning. The low dollar, however, is really slowing down Manitobans from shopping south. The 70-odd-cent dollar will be one of the main deterrents from individuals leaving the province to shop in other jurisdictions.

Consumers do not have any more money to spend. Once you spend your budget for the week, you are not going to go out and spend more just because the stores are open one day longer. Does

this government believe that Manitobans are going to rush to the bank to take out more money to spend on Sundays?

Plus, this will force retailers to increase prices to deal with the increase in overhead costs. Now because of the seventh day, they still have the standard costs of operation, so they are going to have to, unfortunately, again raise their prices to deal with the increase in overhead costs.

Now stores are already open over 100 hours a week. The supermarkets in Selkirk are open from about eight in the morning to eleven o'clock at night, six days a week right now, and that really does provide ample opportunity to shop. It is 108 hours a week they are currently open, and Sunday has been recognized as a day of rest. In fact, this will affect my family personally. My sister will have to work on Sundays. She called us up to voice her concern. Unfortunately, this will cut down on the time that she has to spend with her young family.

As I was saying, it is going to be hurting small businesses. Small retailers in rural areas will be forced out of business by the large chains. You are going to see this in an area like Selkirk where the consumers now will be coming into Winnipeg as they do now but, unfortunately, this will even heighten that fact. They will be coming into areas such as Garden City or Kildonan Place, and it will be hurting the small merchants in Selkirk now.

I was reading a list into the record earlier about some of the small businesses which closed, and there was a small convenience store that closed in Selkirk because of the large chains. Now we are going to see even more of this as the big retailers in Selkirk and in Winnipeg will force the small operations out of business.

Sunday shopping will hurt nonunionized labour, who will be fired if they decide not to comply with the wishes of their employer but, more importantly, I think they will not be hired. If you come into a situation where you are applying for a position and if the employer asks you if you are interested in working on Sunday, if you do not respond in a positive way, that employer may not hire you. He or she may hire someone else who will work on Sundays, and this will seriously hamper nonunionized labour, who will now have to really be under the pressure, whether or not they decide to work.

Like I said, there has been no public debate, no public hearings on this issue. There is a retailer in my community who told me that he was promised by the Minister of Industry, Trade and Tourism (Mr. Stefanson) that this would go to public hearings, that the public of Manitoba would have a chance to voice their concerns on this fundamental change, but we see none.

We see the legislation before us now. Actually, you can go shopping on Sundays, the Sunday coming up, although the legislation has not been passed by this Chamber. You will see in a couple of years of wide-open Sunday shopping, people will be driving in from Stonewall, Gimli, Beausejour, especially from Selkirk, where they will be driving into Winnipeg to shop on Sundays, and most of those areas are represented by members opposite.

As I say, the small convenience stores will do their best, but unfortunately they are going to have a very, very tough time on their hands. They are going to be struggling to deal with the large chains. They cannot compete price-wise. At least when they were open on Sundays, the big chains were closed, I think they were living off the income they made strictly on that one day, because it was the only option we had available, especially in Selkirk, anyway, for consumers.

The other thing is that the government said it is going to be reassessing this in a number of months. Well, I do not think anybody actually, really, truly believes that they will be doing this. We have the situation now where they said, well, this is a trial basis, but it will be interesting to see five months from now whether or not they will follow through on this.

I am certain in five months they will make it permanent, and they have only said that to appease those who opposed this particular measure. I do not think they will be rolling it back. It really is an attack on the fabric of our society. It is a knee-jerk approach to a knee-jerk problem. It is a short-term solution to the economic problems that we are facing here in this province, problems again fostered by the Conservative philosophy and the Conservative government approach to this particular issue.

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

Like I said, the government falsely assumes that the consumers will have more money to spend. We

are in a recession right now, and it is a recession across this country. We have people earning minimum wage or no wage. In my community, like most communities, there is a scourge of unemployment and individuals now are forced upon social assistance. We have a food bank in our community and, unfortunately, it is doing a booming business.

\* (1630)

As we approach the so-called festive season in our community, the call has gone up again for individuals wishing to contribute to the hampers and the distribution of foodstuff at this time of year. Well, those individuals do not care if they can shop on Sundays or not. The reality is that they do not simply have the income now; they do not have the income to shop now when they—like I say in Selkirk, with the stores open 100 hours a week. So they are going to be opening one more day, but it does not matter to them because they cannot shop now. Six more hours on a Sunday will not matter to them. Like I said, the businesses though are going to have to increase their prices. The cost of business is going to go up, because their overhead will go up. There will be more labour, there will be more expenses that you will have to pay on Sunday. So we will see an increase in prices, as well, which I do not think was the purpose of this government bringing in this particular legislation.

I think their purpose was to try to stop the cross-border shopping. We are seeing that is basically taking care of itself. We have gone throughout the province; we have talked to individuals and more people are taking pride and shopping in this country. They realize that when they do cross-border shop they are taking money out of the community, they are spending it in other jurisdictions. There is a realization, I think, that is out there that this is harmful to our local economy.

So that basically is taking care of itself in a way, plus the fact that the dollar is very high. Anybody who is interested in purchasing American currency now would know that it is quite an expensive proposition. It is a deterrent to individuals cross-border shopping and really it is a false saving because you end up paying money to go down, say, to the United States. You pay for rooms; you buy your meals and so on. You purchase an item that may be a little bit less expensive than it is here, but in the long run you do two things. You end up spending money going down there, the cost of the

trip, and then you take away valuable government revenue and you take away income for store owners here in the province.

The people are realizing that opening the stores for one more day will definitely not turn this economic situation around. I was mentioning before, the Manitoba Chamber of Commerce is opposed to it; the municipalities in rural Manitoba passed a resolution opposing this; there are church groups opposed to it; the labour groups are opposed to it.

Mr. Acting Speaker, the opposition is very, very strong. I understand that there are members within the government ranks itself who are having a hard time dealing with this particular issue. Rightly so. Several of them represent communities that are adjacent to the city of Winnipeg, myself, Stonewall, for example, or Morris and Beausejour. Businesses there were satisfied before with the current law which allows for four employees to be working, and the stores were open on Sundays.

Again I say this government decides to listen to large business, to large retailers here in the province. They fail to listen to the small merchants, and it really is a terrible thing. You are going to be seeing small merchants, especially, like I was saying, in my community—and I know that Selkirk was one of the communities which led the opposition to it and pushed for the resolution from the Manitoba Chamber of Commerce opposing that full-scale shopping that this government is going to bring in. I believe the chamber has passed a resolution condemning the idea, saying that it would hurt communities near the city, again, Steinbach, Selkirk, Portage, Morris, Winkler, Stonewall, all those communities that will be negatively affected by this law.

In Selkirk, again, like I was stating, Mr. Gaynor who owns one of the supermarkets in Selkirk, an independent, he is very much opposed to the government's action. He was led to believe that the government would be holding public hearings on this issue which would give him and his staff and other merchants across the province the chance to voice their concerns about this important issue. As he stated, he feels that this is really a nasty move on the part of the government. He was satisfied with the present legislation which was unanimously passed by all members, and he feels that this government will be pushing through these new

rules, and it will have to be retroactive back to the starting date.

He feels that it is underhanded. He was assured by the Minister of Industry, Trade and Tourism (Mr. Stefanson) that there would be consultation on this important issue. He feels that the province here is buckling under intensive pressure by multinational corporations, the large retail chains and the hotel association. He feels that the trial period is a smoke screen in an effort to get rural MLAs onside.

As I said, the Selkirk Chamber of Commerce led the opposition against Sunday shopping at the recent chamber of commerce round table, where they introduced the resolution which was supported by every community outside the Chamber of Commerce of Winnipeg. The president of the Selkirk Chamber of Commerce was quite upset with this government's moves, and they could see and they will know that this will have a negative impact upon small businesses in the community.

Some of the retailers are open; they tried it out recently. One of the women's clothing stores in Selkirk, Packer's, has been there for many, many years, and now they are really concerned about what impact this is going to have on their business. In fact, the owner, Helen Sutherland, was quoted as saying: I have always said that if I have to go to work on Sunday, I will put up a "For Sale" sign on the door.

She is saying that she works now, five, six days a week as the owner of the store, and she is going to be forced to now work seven days a week.

She feels, as I said, that the time that she normally would spend looking after the affairs of her business or spending time with her family, she will now be forced to open on Sundays, to, as of yet, a very unresponsive customer demand. Of course, it is still in its early stages but, so far, the community has not responded, I suppose, as the government would hope.

They may, however, be leaving the community which is a concern I am raising and the concerns raised by members in the rural Chamber of Commerce, and so on, which would be unfortunate because consumers in Selkirk, because of the proximity to Winnipeg, there has always been a temptation naturally to shop in Winnipeg, but it does not help our retail outlets in our community.

There is another interesting quote here from a member of the business community in Selkirk, a fellow by the name of Ernie Smith, where he says:

I think it is a terrible policy. He decided not to open his store on Sunday—I have more important things to do. He condemns the policy in general.

\* (1640)

There are other businesses which are trying it for a trial period. Obviously, now, this is the Christmas rush where most businesses will see their largest demand, so I would assume then, hopefully, they will see an increase in sales throughout the week, but right now, they do not see the need to open an extra day.

Most businesses in Selkirk have found that to be the case. In fact, I think even some of the Conservative members themselves have mentioned that they are not particularly satisfied with the issue of Sunday shopping.

I believe the Minister of Natural Resources (Mr. Enns) confirmed in a recent article in the Free Press that many rural members strongly oppose liberalizing the laws. As he said, rural members, by and large, do not see it as helpful to rural communities. This is a quote from the Minister of Natural Resources. He thinks any liberalization would benefit Winnipeg businessmen to the detriment of rural ones. As a member representing a community like Selkirk, we have to be very concerned about this, as I was saying. Winnipeg is a huge draw, and we will be drawing our customers, our consumer base into here. Definitely it will be hurting the small business.

As I have mentioned, at least a dozen businesses in Selkirk have closed since this government has taken power. Now, small business, just by the very nature of their occupation, there is a relatively good turnover rate because businesses fail for a number of reasons. But this is an inordinate amount, a very, very high amount since this government came to power.

You can drive up and down the streets of Manitoba or go into the mall, and it is a glaring illustration of this government's failures. But what are they going to do? Well, we will open one more day. This is the answer they are going to provide to rural Manitobans.

As Harry Enns goes on to say, it is no secret, rural Manitoba communities are struggling right now. He said that he personally supports it, but he also admits that it will have a negative impact upon communities bordering the city of Winnipeg such as Selkirk, Steinbach, Beausejour and so on.

Here is a quote from the Stonewall Argus where Mary Geisbrecht—she owns Mary's Draperies—was saying that those people who want to shop in Winnipeg on Sundays will go anyway. You cannot be at work seven days a week, and the Home Hardware basically will spread six days of business over seven. There will not be any extra business.

Consumers just have—I know myself and I am certain there are many others the same way, you budget a certain amount for the week, and you spend that amount in the allotted hours. You see, now you have 100 hours where you can go shopping. Stores are open in Selkirk from 8 until 11, and there are some that are open all night. So you have plenty of time right now to do your shopping. Any liberalization of the law will not be a huge benefit, I do not think, to the problems faced by Manitobans. In fact, I know that several members of my colleagues here will be voicing concerns about the same issues, how it is going to be impacting on their communities.

For those of us, again, who live close to this huge elephant called the city of Winnipeg, everything that happens here has a major effect upon my community, for example.

Some of the government's punitive actions against our community is taking a pretty negative toll as far as the economic livelihood of some of the businesses in town. We had a MacLeod's store that closed. Clothing stores have closed, shoe stores and so on. It would be really unfortunate, but this government seems to be really interested in shooting itself in its foot. The benefits would really be small compared to the damage that it would do to rural areas. It will be helping the larger chains in Winnipeg here, very definitely. It will be helping the SuperValu's and the Safeways. They will be benefiting from this.

But, again, communities such as mine, unfortunately there will be a negative impact in areas like that. There are even stores in Winnipeg—I believe Harry's Foods have decided not to open on Sunday. They felt that the issue was forced upon Manitoba business by the government, who in this case was representing the large executives of the big chains, the big malls. Again, the Chamber of Commerce says, jump, and they reply by saying, well, how high? They say, open on Sunday—we will do it.

We are forcing this legislation down the throats of Manitobans without any consultation, without any public hearings. Manitobans will not forget this action by this government, especially those who represent constituencies in rural Manitoba which will obviously and unfortunately suffer from the consequences.

We had the Minister responsible for the lotteries announce that VLTs would only be in rural areas, and now she has rescinded that. She went back. She betrayed rural Manitoba, and now they are going to be put into the city of Winnipeg here. So, again, that is going to be hurting communities such as mine close to Winnipeg, Rivercrest and Lockport again. The hotel there will see the revenues that they receive from video lotteries go down, compounded, of course, by the fact that the government has no plan in place to deal with the pending closure of the bridge.

I mean, as he stated to me, it remains to be seen whether or not the bridge is even going to be closed. There was an ad in the Free Press warning motorists to prepare for the closure, but they do not even recognize the fact that it is going to happen. It is a shame; it really is a shameful thing.

I just wanted to put those few words on the record. I wanted to again condemn the government for this action, knowing well that it is going to be hurting a community such as mine. Obviously, I will be opposing this legislation. Thank you.

**Mr. Harold Neufeld (Rossmere):** I am pleased to stand and add a few remarks to the bill in front of us. I should say from the outset that I have no ideological reasons for opposing this bill or for that matter voting for the bill. I think it should be remembered that this is permissive legislation and not compulsory legislation.

I might also say, inasmuch as the member for Wellington (Ms. Barrett) is in the House right now, that I am impressed with her insight into the alternatives available to those employees who are not prepared to work on Sunday.

Mr. Acting Speaker, I will frequently repeat frequently during my few words that this is permissive legislation inasmuch as there may be those on the other side of the House who may be thinking that I am going to vote against the legislation.

There are only so many shopping dollars available to all of us, and let us divide the shopping

dollars into two areas. Let us take groceries first. [interjection] I said, I do not know how I am going to vote. The member for Osborne (Mr. Alcock) wonders whether I am going to vote against the legislation. I have said, I have not made up my mind how I will vote. I will not vote against it. I have not made up my mind whether I will vote for it, but that is something that I shall do.

Mr. Acting Speaker, I have said already that this is permissive legislation, and I will be repeating that frequently. Let us take first of all the monies available, the dollars available to most of us for grocery shopping. Opening on Sundays is not going to stretch the number of dollars we have available. I can recall when we used the same arguments we are using today for night shopping. At one time, the shopping day was Monday through Saturday till six o'clock. All the shopping was done. We then opened evenings on a number of days during the week. That did not stretch the number of dollars available to us.

\* (1650)

Stretching the hours that a store is open will do one of two things. It will increase the cost of delivering the goods that are being sold or it will decrease the service, one or the other. It cannot do both, because there are no more dollars available. As far as groceries are concerned, I defy anybody here to tell me that the total number of dollars spent on groceries in Manitoba is going to change one iota by opening on Sunday.

We have two stores in my neighbourhood. It is the Foodfare and Penner's, who have not opened on Sundays. True, I have talked to one of them, and they are going to be monitoring the situation, but they are planning not to open in the near future. They think their customers will come to them in the six days that are available to them.

I cannot argue with that decision, Mr. Acting Speaker. I do believe that they will indeed sell as many groceries in the six days and three or four nights as they have in the past. If I go into the other areas of shopping, clothing stores, appliance stores, et cetera, the thought has been that perhaps there will be less cross-border shopping.

I cannot buy that argument, Mr. Acting Speaker. I do not think that opening on Sunday is going to stop anybody from crossing the border to do their shopping. The shopping that is done on Sundays is not the kind of shopping normally that people go

across the border for, but I have to repeat again, this is permissive legislation. Nobody is making the Sunday opening compulsory, and nobody is telling anyone they must shop on Sundays, and I think we have to remember that.

We have a lot of Sunday shopping now. Those people who are opposed to Sunday shopping would be awfully annoyed if they ran out of gas and there was not a gas station open. Those people who are opposed to Sunday shopping would become awfully upset if they needed Pharmacare services, pharmacy services, and there was not a drugstore open.

I do believe that the argument used so frequently by the opposition that employees should be given a day off does not hold a great deal of water. No employee must work on Sunday. They will not have to work on Sundays. The legislation is clear and, as the member for Wellington (Ms. Barrett) has already said, there are alternatives.

Again, Mr. Acting Speaker, I do believe that we have over the years spoiled our customers. We have spoiled our shopping customers by opening the hours we do. I was in Europe recently, and in Europe, the open hours are from 9 or 9:30 in the morning until 12:30 p.m. They close from 12:30 until 2:30; they are open again until 6:30. They close on Saturdays at four o'clock, and all are closed on Sundays. All the shopping does get done.

So I am not concerned about not enough time for shopping if we do not open on Sundays. I am not concerned about not enough time for shopping if they close in the evenings, Mr. Acting Speaker, but I have to repeat over and over again that this is permissive legislation. It is not a must. It is the government's thought that people who wish to shop on Sundays may then shop on Sundays. If a store wishes to open on Sundays, they may open on Sundays, but there is no compulsion. They can stay closed; they can monitor the situation.

I do believe, in the long haul, the monies that are spent are not going to increase if they are open seven and a half days a week or seven days a week plus a number of evenings. Well, Mr. Acting Speaker, the number of evenings that stores are now open makes it almost a seven-and-a-half-day week.

I would like to think, Mr. Acting Speaker, that most of the shoppers can shop on Saturday afternoon as well as on Sunday afternoon. I have talked to

people who have said that the shopping centres have been crowded on Sundays. That is probably very true, but the shopping would also get done if Sunday afternoons were closed.

I heard one of the members say that they would not shop if they were not able to shop on Sunday afternoons. I am sure that we can all find time. We spoil ourselves by opening the hours that we do. I would like to repeat again that if we open an extra day and there is no additional money spent, then we are either increasing the costs of the goods we sell or we are reducing the service of those who sell them.

I have one great concern, Mr. Acting Speaker, and that is that the stores in outlying areas to Winnipeg will suffer if they do not open on Sunday. They may suffer in any event because there are more shopping areas available to them in the city of Winnipeg than there are in the town of Morris or in the town of Stonewall or in the town of Selkirk or in the town of Beausejour for that matter. The availability in itself will cause people to come into Winnipeg to shop if they are able to shop on Sundays. We might argue as well that those very same people would come into Winnipeg to shop on a Saturday. So if that is true, then the argument of them coming into Winnipeg on Sunday does not hold water.

As I said earlier, it is permissive, and I want to remind this House again and again that it is permissive legislation. There is no compulsion. Government perhaps should, and the opposition has in other areas indicated very frequently, governments should allow people, the voters, more flexibility. In this instance, they are trying to take away from their voters some flexibility and take away the possibility and the availability of Sunday shopping. I think that is a little bit contradictory to the position they have taken in many other instances. I have mentioned cross-border shopping. I personally do not go across the border to shop, so I am not sure just how many people do or how much they might shop in Winnipeg if it were available.

**An Honourable Member:** You do not go anywhere to shop. You do not like shopping.

**Mr. Neufeld:** I find myself in the position of being heckled by my colleagues. It is quite true, Mr. Acting Speaker, I do not do a great deal of shopping, but I will this Sunday go through a number of

shopping centres to see whether there are an awful lot of people that are taking advantage of the Sunday open hours.

**An Honourable Member:** Do not buy anything.

**Mr. Neufeld:** No, I will not buy anything, but I will take a look and see how many people are buying and how many people are shopping. There is a difference, I think.

I have spoken, I have told you, with a couple of owners of grocery stores in my area. They have chosen to stay closed, but again that is their choice, and they believe that their true customers are going to honour their staying closed and shop on the days that they are open with them. I spoke to one particular store owner and he says he has been scouting the other grocery stores in the area that are open to see if any of his customers are there. I think that is a good marketing strategy.

**An Honourable Member:** Was he working on Sunday?

**Mr. Neufeld:** No, he was shopping.

So I think that is good marketing strategy, and he will in due course determine whether or not he is suffering, or his business is suffering by not opening on Sunday. I think again that those are business decisions, and he will make the right one for him and

his business. I think that is the flexibility, Mr. Acting Speaker, that we should all be allowed. It seems to me that the opposition should permit such flexibility to the store owners and the shoppers of Manitoba.

I have heard time and time again the opposition tell us we should not have as much government direction, and I tend to agree with that. I will probably say, I think it is a good idea that we allow Sunday shopping as long as we do not tell anybody they must shop on Sunday and as long as we do not tell anybody they must open on Sunday. It is a free country and, Mr. Acting Speaker, we are making it freer by giving the people the option to shop either on Saturdays or on Sundays.

Mr. Acting Speaker, I will close my remarks with that.

**The Acting Speaker (Mr. Laurendeau):** Order, please. The hour being 5 p.m., it is time for private members' hour.

**Hon. Jim Ernst (Minister of Urban Affairs):** Mr. Acting Speaker, I think that there may be a will to call it six o'clock.

**The Acting Speaker (Mr. Laurendeau):** Is it the will to call it six o'clock? Agreed.

The hour now being six o'clock, this House will stand adjourned until 10 a.m. tomorrow (Friday).

# Legislative Assembly of Manitoba

Thursday, December 10, 1992

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