



Third Session - Thirty-Fifth Legislature

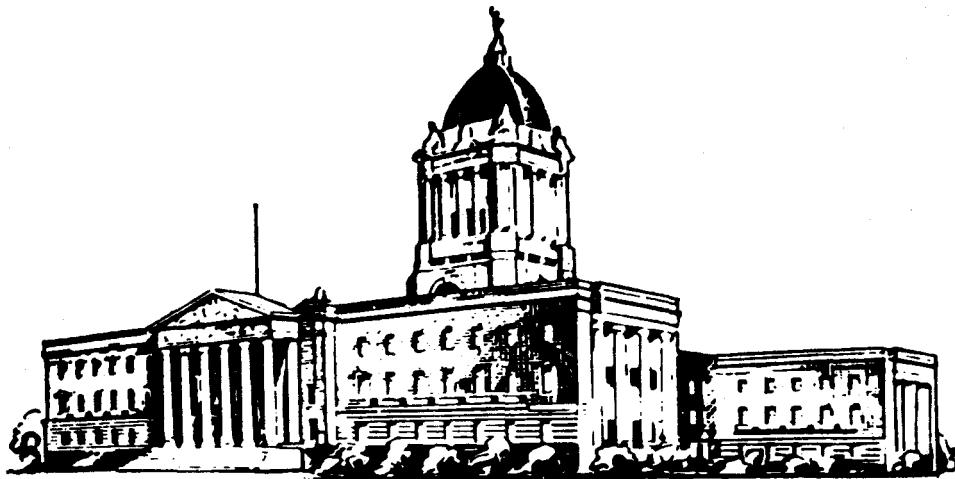
of the

Legislative Assembly of Manitoba

DEBATES and PROCEEDINGS (HANSARD)

42 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

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, Gulzar	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
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>	<i>Rossmere</i>	
<i>Vacant</i>	<i>Rupertsland</i>	

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 26, 1993

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mrs. Louise Dacquay (Chairperson of Committees): Mr. Speaker, the Committee of Supply has adopted a certain resolution, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for Sturgeon Creek (Mr. McAlpine), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Gary Filmon (Premier): Mr. Speaker, with the permission of the House, I would like to table the letter of the Minister of Finance (Mr. Mansness) to the Auditor requesting her review of the matter with respect to Shelter Corporation.

Mr. Speaker: I would like to thank the honourable First Minister.

Hon. Jim Ernst (Minister of Urban Affairs): Mr. Speaker, I would like to table the 1992 Annual Report of the North Portage Development Corporation and The Forks Renewal Corporation.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, may I direct the attention of honourable members to the Speaker's Gallery, where we have with us today Mr. Claude Duboulet, the Consul General of Switzerland.

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

Also with us this afternoon from the Nelson McIntyre Collegiate, we have twenty-nine Grade 9 students under the direction of Mr. Ray Gosselin. This school is located in the constituency of the honourable member for St. Boniface (Mr. Gaudry).

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

ORAL QUESTION PERIOD

Immigrant Investor Program Audits—Public Release

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

Since 1989, we have been asking questions of the government dealing with the Immigrant Investor Fund. We have been raising concerns about Manitoba's reputation in other countries. We have been raising questions about the integrity of these investments in this province. We have been raising questions about the monitoring process that the government had conducted as far back as 1989. Mr. Speaker, we are still awaiting the so-called final report of the provincial government.

Can the Premier indicate today, almost four years later, the status of the inquiry that it only began to conduct in August of 1992? Will he make clear today that all of the audits dealing with the five specific funds will be made public?

* (1335)

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): Mr. Speaker, this is a question the Leader of the Opposition asked approximately a week ago—[interjection] Two weeks ago.

At that time, I outlined that we had received four of the five audits. We have just recently received the final audit. We are in the process of doing the internal review and analysis of that.

As I have indicated to this House before, we will be making the appropriate public announcement after the review and analysis of all five audits. I expect that to be soon.

Mr. Doer: Mr. Speaker, increasingly, when we have been asking this question to the minister, he has been saying that we will be releasing our review and our analysis of these five specific funds, rather than the five specific audits.

We are becoming gravely concerned that the government is going to censor the information that is made available to the public of Manitoba. Unlike the decision to send it to the Provincial Auditor in August when allegations were raised and unlike the

conditions that a Provincial Auditor works on, we have a private accountant chosen by the Conservative Party.

We have people who have donated tens of thousands of dollars to the Conservative Party who are in the audit that is being reviewed, Mr. Speaker, and we have a Conservative government that is now going to control the information we have in this House.

I would like to ask the government again to make it very clear that the five audits themselves will be released in an uncensored form for the people of Manitoba and for the investors who are concerned about this program in the province of Manitoba.

Mr. Stefanson: Mr. Speaker, this has absolutely nothing to do with censorship whatsoever, and I would give the Leader of the Opposition enough credit to respect issues such as third-party confidentiality.

I think they did it when they were in government, and if we have to do it in given situations in terms of information provided, we will do the same.

I have indicated before, we will make as much information available as possible, also respecting third-party confidentiality, and I hope he is not also suggesting that firms like Deloitte Touche here in Manitoba, a very reputable accounting firm, or Taylor McCaffrey, a very reputable legal firm, are not going to do the proper due diligence and professional job that would be expected of them in this instance and any job that they retain on behalf of any provincial government.

I know they will and I have the confidence they will. I would hope that he is not in any way suggesting that they will be influenced by anything beyond doing their professional job, Mr. Speaker.

Mr. Doer: When the Provincial Auditor deals with various funds—in fact, when they dealt with the minister's own Vision Capital Fund, Mr. Speaker, they named companies that were on the board of directors, because they have a sovereign responsibility to report these issues to the Chamber and the people of Manitoba.

I want to ask the minister: In his definition of third-party interest—which is not the definition that lawyers we have talked to have used—does that mean that the funds themselves—[interjection] Well, if the Premier (Mr. Filmon) wants to answer the question about how he is dealing with his friends, why does he not stand up?

Mr. Speaker, the audits are dealing with the five funds themselves. Those audits are the specific reviews of the specific transactions dealing with those five funds.

Why will the minister today not assure Manitobans that the public interest will be the preeminent consideration of the government, and why will he not say today that those will be released fully to the public for their perusal and review?

Mr. Stefanson: I will assure the Leader of the Opposition that the public interest is of preeminence to this government, and it has been throughout the whole process.

We are the government that undertook a review that they could have done back in 1986 when the program came into place if they had put in the proper rules, procedures and guidelines. We undertook the review in August of 1992. We froze funds in Manitoba so that no funds are currently being approved while these reviews are ongoing, Mr. Speaker, and I can assure him that this is the preeminent position of this government, the protection of the best interests of Manitobans and potential Manitobans and Canadians.

I have outlined to him that there might be third-party confidentiality. When we release the information, we will make as much information as can legally be done available, Mr. Speaker, and we intend to provide as much information as possible on this very important issue.

Education System Extracurricular Activities

Mr. John Plohman (Dauphin): Mr. Speaker, later this afternoon, perhaps thousands of students will gather on the steps of the Legislature to protest this government's cuts to the public education system and the potential loss of extracurricular activities at schools in Manitoba.

Under this government, Mr. Speaker, we have seen misplaced priorities which place Zambonis for St. John's-Ravenscourt ahead of band programs and drama programs at Garden City Collegiate. As this chaos in Manitoba education develops, responsibility must be accepted by this Minister of Education and a strategy developed.

I ask the Minister of Education what strategy she and her government have developed to deal with this growing crisis in the public education system.

* (1340)

Hon. Rosemary Vodrey (Minister of Education and Training): Mr. Speaker, I certainly reject the member's preamble. I also reject the details that he has put forward about the purpose of the students coming to the Legislature this afternoon because last week, I did have an opportunity to meet with the students who would be coming.

The students made it clear that they would be attending in a rally, and one of the main and underlying purposes would be to ask those people responsible for education to continue to discuss and to talk and to problem solve, not necessarily to point the finger at this single government.

Mr. Plohman: Mr. Speaker, this minister seems to be indicating she can shunt this off to the local level, to the school boards and trustees.

I want to ask this minister: Can the minister tell this House how she has responded to River East students when they wrote to her and said, and I quote: Do you realize that with the loss of extracurricular activities, dropouts will increase at incredible rates? Where will the money come from to support these students without jobs? Students have nothing to do with their time, so the amount of drug and alcohol use will increase and along with that, vandalism and crime.

I want to ask the minister, how is she responding to those—

Mr. Speaker: Order, please. The honourable member has put his question.

Mrs. Vodrey: Mr. Speaker, again, the member has asked about government funding. I have said before in this House that education has not been singled out and teachers have not been singled out, but that Manitobans must work together to look at our economic and fiscal situation and the fiscal realities of this province.

We have also said that in the past, education, health and family services have been areas where there has been protection, but this year, we have now asked that those particular areas, as well, must share in the recovery of this province, and that is exactly what we have asked teachers to do.

Teachers have not been singled out. Teachers have been asked to share. We believe that teachers are professional and they will be able to come to a resolution around sharing and reconsider any kind of job action.

Education System Extracurricular Activities

Mr. John Plohman (Dauphin): Mr. Speaker, let there be no mistake. The crisis comes as a direct result of this government's actions, and the Premier knows that.

Mr. Speaker, I want to ask the Premier, since the students from River East wrote to him on May 13, and they said and I quote: The threat of losing extracurricular activities will mean a drastic change to our lives. The responsibility and leadership skills that you learn from these activities build character in our generation and generations to follow.

They go on to say: How will anyone achieve athletic scholarships without high school sports?

Mr. Speaker: Question, please.

Mr. Plohman: I want to ask the Premier: How is he responding to these River East students who are concerned about their future?

* (1345)

Hon. Gary Filmon (Premier): Well, Mr. Speaker, rather than just simply play politics on this issue the way the member for Dauphin does, who is also a member of the teachers' union and wants to foment this kind of discontent in an irresponsible manner—

Mr. Speaker: Order, please.

Point of Order

Mr. Steve Ashton (Opposition House Leader): Mr. Speaker, on a point of order, I could find a couple of areas in which the Premier is violating Beauchesne, particularly in terms of responding to a question that was asked in terms of high school students and their concerns.

If he is not going to answer the questions, he should not also break our rules in Beauchesne in terms of attributing motive. The member for Dauphin is speaking out on behalf of the students, many high school students across the province—

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

The honourable First Minister, to finish his response.

* * *

Mr. Filmon: Mr. Speaker, the members opposite speak on behalf of their own narrow self-interest as

always. We know exactly where they stand and so do the people of Manitoba.

The fact of the matter is it is not this government that has put the students in this position. We offered a solution that would not require any loss of contact with the students. We offered a solution whereby those employed in the field of education, like everybody else in society, would have to face up to the realities all of us do.

There are people in society today in all—[interjection] The members opposite just want to tax and spend, tax and spend and drive up the deficit. We know where they stand. They can afford to be irresponsible, but I can tell you that their colleagues who are in government in Saskatchewan, in British Columbia and Ontario, cannot afford to be irresponsible. They are taking the right route, Mr. Speaker, which is to ensure they can live within their means. They do not have an irresponsible lot of people over there like we do here, opposite.

The fact of the matter is everybody has to co-operate in order to ensure that we can make ends meet. We have offered a variety of alternatives, alternatives that are being pursued by responsible people in school boards in this province.

If teachers indeed want to help students, withdrawing their services and threatening not to participate in their activities is no way to help the students of this province. That is not the way to do it. That may be the way that the New Democrats want to. They are the irresponsible people. We do not accept that, Mr. Speaker.

Education System Reform Government Strategy

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, the quality of education has been deteriorating since this government has taken office. We have some very serious concerns with this government's inability to deal with the whole question of reforming our educational institutions, our school divisions and so forth.

Later today, we are going to have students coming to the Manitoba Legislature to protest which, in all likelihood, will be the first time where we have seen elementary and high school students in protest. We have had university students, post-secondary students protesting.

My question to the Minister of Education is: What is this government, in particular this minister, doing

—she makes reference to wanting to solve problems—to solve some of the problems in education?

Hon. Rosemary Vodrey (Minister of Education and Training): Mr. Speaker, this government has put forward more educational reforms in the past three years than has been seen in the history of education.

I point to the introduction of a bill for Francophone governance, reform of The Public Schools Act, review of the universities and moving our community colleges to governance.

School Divisions Boundary Review

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, she talks about reform of The Public Schools Amendment Act, the Francophone governance legislation, the impact that this is going to have. In some cases, school divisions are not going to become efficient. They are not going to be able to survive.

My question to the minister is: When is this minister going to deal with the issue of school divisions and restructuring of the number of school divisions we have in the province of Manitoba?

Hon. Rosemary Vodrey (Minister of Education and Training): As I said when I made the announcement to defer school boundaries a year ago, it was still an issue which this government had said that it was interested in pursuing, and I hope to make an announcement on that shortly.

National Council on Education Government Participation

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, Canada is one of the few countries without a federal department of education. Such a department could address the growing complaints concerning quality of education and may be a mechanism to save money in the provincial education budgets. A national council on education will be established by a business—

Mr. Speaker: Question, please.

Mr. Lamoureux: My question is for the Minister of Education. Will she support the participation of a Council of Ministers of Education in a national council on education to deal with these concerns?

Hon. Rosemary Vodrey (Minister of Education and Training): As the member may know, ministers across this country do operate as a Council of

Ministers of Education, and we do meet and we have the opportunity to discuss issues which we have in common and issues of concern across Canada.

We also have the opportunity to discuss any initiatives which the federal government may also want to put forward, and as ministers, we will take the opportunity to discuss it and come forward with the position.

New Careers Program Affirmative Action

Ms. Jean Friesen (Wolseley): Mr. Speaker, on May 13, I asked the minister in Question Period how many aboriginal employees she had fired from New Careers. She refused to tell the House and said she would answer in Estimates.

In Estimates with her staff present, when asked about affirmative action in her department, she chose to table a document that was two months out of date and which took no account of the employees cut from New Careers.

With some persistent questioning, the minister admitted that out of eight aboriginal staff in New Careers, five had lost their jobs in the minister's reorganization.

Would she tell the House today again about her extensive commitment to aboriginal affirmative action in her department?

* (1350)

Hon. Rosemary Vodrey (Minister of Education and Training): Yes, yesterday, I had to bring out the Hansard to show the member that, in fact, the question was one which should be considered in Estimates and which would be, and one that we did speak about last evening.

When we spoke about the positions in New Careers, I did let the member know, and we discussed affirmative action. I let her know all of the initiatives that we have regarding affirmative action.

But one point that she has had a lot of trouble dealing with is the fact that under the collective agreement, the collective agreement does not allow for affirmative action in the area of reductions. That member seems to want us to break the collective agreement and deal with affirmative action under that heading.

Ms. Friesen: Mr. Speaker, when the government makes the difficult choices of building better private

golf courses and cutting the New Careers Program, that is exactly what happens.

I want to ask the minister what message of hope does the Minister of Education believe has been conveyed to aboriginal people in training in New Careers programs and elsewhere when her department cuts more than \$1 million from a successful program and now simply disposes of more than 60 percent of the aboriginal staff in that program?

Mrs. Vodrey: As I said yesterday, it is clear from the budget line that this government has maintained a commitment to the type of programming which is offered by New Careers.

In addition, I have also explained to the member how through the restructuring of the Advanced Education and Skills Training portion of my department, we look to provide a full range of programming and opportunity for access for Manitobans.

Ms. Friesen: Mr. Speaker, I am sure the minister has considered the program impact of the loss of those five staff in the New Careers Program, so could she tell us today what the program impacts will be for a department, for a program, in particular, whose success depended upon culturally sensitive programming and counselling?

Mrs. Vodrey: Mr. Speaker, last evening, I did bring some up-to-date figures to say that the aboriginal staff in that program were seven, and that there was still a sensitivity to the area of cultural sensitivity.

In addition, we spoke about how that program operates. It operates with people also participating in work within their communities, where they also receive community support and also, in some cases, cultural support where that is a part of their work experience program.

Aboriginal Justice Inquiry Report Government Action Plan

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, yesterday, the First Minister (Mr. Filmon) kindly took notice of questions raised by the honourable member for The Pas (Mr. Lathlin) with respect to the Aboriginal Justice Inquiry and initiatives our government is taking.

Our government is working directly with aboriginal communities, Mr. Speaker, to make the justice

system more sensitive and responsive to the needs and concerns of aboriginal Manitobans.

For the second year in a row, our government has established a special \$1-million Aboriginal Justice Initiatives Fund. This money is used for a variety of projects directly in aboriginal communities; for example, \$100,000 over two years for the St. Theresa Point Youth Court, \$60,000 for the Hollow Water Community Holistic Healing Circle, \$28,000 for the Island Lake Family Violence Program, \$171,500 for the expansion of our Video Bail Program throughout northern Manitoba, another \$10,000 for the Southeast Tribal Council Workshop on Family Violence, not to mention our support for the DOTC Police and Probation Programs.

On the other question regarding aboriginal policing, I met just last week with the Honourable Doug Lewis, federal Solicitor General, to discuss the tripartite policing negotiations.

I am pleased to report that negotiations are progressing with the federal government, and we remain committed to increasing aboriginal participation in our police forces and the expansion of aboriginal police forces on reserves.

* (1355)

Environmental Legislation Enforcement

Ms. Marianne Cerilli (Radisson): Mr. Speaker, the Manitoba Department of Environment collected a mere \$9,600 last year from penalties of environmental infractions. This is pathetic when compared to other provinces which had raised more than a million dollars from environmental infractions.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. Allow the honourable member to put her question.

Ms. Cerilli: Mr. Speaker, my question for the Minister of Environment is: Why is Manitoba and our Department of Environment so far behind in enforcing penalties on environmental infractions?

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, I presume she is also in favour of quotas for RCMP officers on traffic tickets.

Mr. Speaker, I find it absolutely galling when a member of the opposition which numbers among its benches a number of members who condone the amount of cost that the taxpayers of this province are now paying to clean up the Manfor site—and they talk about the lack of ability to collect fines. We

are paying up to \$13 million to clean up the mess they left behind.

Ms. Cerilli: I will give the minister another chance to answer the question.

What are other provinces doing that Manitoba is not doing, so that they are penalizing polluters and collecting the fines that are mandated in the law? What are they doing differently than we are doing in Manitoba?

Mr. Cummings: Mr. Speaker, again, it appears that the member would like us to assign quotas to our environment officers and tell them that they can go out as bounty hunters and collect under The Environment Act.

Mr. Speaker, the member would imply that there are polluters out there who are not being brought to task, and I suggest she had better give examples.

Ms. Cerilli: Mr. Speaker, the State of the Environment Report admits this is a pathetic performance and that the government is now working on an enforcement policy to increase its enforcement and penalties collected.

What is the new policy going to do differently so that our generation of money is going to enforce the law in Manitoba?

Mr. Cummings: Mr. Speaker, I did not anticipate that the enforcement of environmental regulation was going to be a revenue stream, but I think that is what she is suggesting.

Mr. Speaker, the fact is we have been increasing the number of environment officers in this province. Once we go into Estimates, I hope tomorrow, we will be able to show where the number of environment officers on the ground is increasing.

I would point out that of the provinces across western Canada, we are now one of two which is about to have a fully operational hazardous waste corporation in place to be able to take the waste she is so concerned about.

Seniors Programs Funding

Mr. Nell Gaudry (St. Boniface): Mr. Speaker, my question is for the Minister responsible for Seniors.

The minister issued a press release last week proclaiming the month of June to be Seniors Month. The proclamation was issued in recognition of past and present contributions of seniors.

At the same time as the government is recognizing the contributions seniors have made to Manitoba, it has cut back funding to the Seniors Directorate by 14 percent. The Minister of Finance's (Mr. Manness) own budget figures show that this is the second largest cut in percentage terms to any government department. The government has increased the deductible for Pharmacare and has deindexed the 55 Plus program.

How can he justify saying that seniors are important to his government when its own spending priorities show they are not?

Hon. Gerald Ducharme (Minister responsible for Seniors): Mr. Speaker, the Liberal caucus already requested the funds that were spent last year. Under the Freedom of Information, we will be providing them with that information shortly.

However, we did consult with senior groups throughout the province, and the four events that are held, and the ones held before, have been very well received.

We will continue to support seniors and have them come to the Legislature. A lot of them, it is the only few days they have to come to the Leg, and, also, the events throughout the province are very well received.

If he wants to point out, for instance, the day at the Leg last year, I think we spent in the vicinity of \$9,000 for 1,500 seniors, so figure it out per capita, and it is money well spent for our seniors throughout Manitoba.

* (1400)

Mr. Gaudry: Mr. Speaker, my question is to the minister of fitness and sport (Mr. Stefanson).

At the same time as it has increased the budget allocation to fitness and sport by 2.1 percent, this government has decided to eliminate its grant in support of the Manitoba seniors 55-plus games.

How much of the increased funding for his department will be directed towards seniors' sporting activities?

Mr. Ducharme: Yes, Mr. Speaker, first of all, it was all consolidated under the Minister responsible for Seniors as of last year.

We consulted with MSOS who sponsored the games, and through their revenue and their surplus of \$250,000 they have in the bank, they have decided this year they will carry on with the MSOS games without funding from the government.

Manitoba Public Insurance Corp. Seniors Discount

Mr. Nell Gaudry (St. Boniface): Mr. Speaker, under the no-fault legislation, seniors will no longer be eligible for income replacement after age 68, yet I suspect they will be paying full rates nonetheless.

Considering cuts to the Seniors Directorate and the elimination of the Pensioner's School Tax Assistance from the property tax bill, is the Minister responsible for MPIC going to give seniors a cut in Autopac rates so that they are not paying for coverage they are not even eligible for?

Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): Mr. Speaker, I would have to suggest that the member is incorrect in his assertion that seniors are not eligible for benefits under the legislation that is presently before the House.

The fact is if there is an income loss, it will be replaced. Additionally, all other services that would be available to anyone are available to seniors without restriction. All health care, all rehabilitation, all out-of-pocket expenses will be replaced. Where there is a loss of income, that will be replaced.

Private Money Lenders Regulations

Mr. Jim Maloway (Elmwood): Mr. Speaker, my question is to the invisible Minister of Consumer Affairs (Mrs. McIntosh)—

Mr. Speaker: Order, please. I remind the honourable member for Elmwood that we refer to ministers as "the honourable minister of" and his responsibility. We also respond to members as "the honourable member for" in relating to his constituency.

I would ask the honourable member to comply with said rule.

Point of Order

Hon. Gary Filmon (Premier): On a point of order, I am sure that the member opposite would not want to make comments with respect to the minister if he were aware of the fact that she suffered a bad fall and has been instructed to be confined to bed by her doctor, Mr. Speaker.

Mr. Speaker: The honourable First Minister did not have a point of order.

We appreciate the information.

* * *

Mr. Maloway: Mr. Speaker, I have been trying to ask the Minister of Consumer Affairs this question for two weeks now. Perhaps I will direct my question to the acting minister.

Mr. Speaker, consumers of this province have paid fees and never received funds from loan brokers in this province. Given that the firm has now left the province, having bilked hundreds of Manitobans of their money, when is this minister, when is this government going to take some steps to regulate private lenders in this province?

They have known about it for a month and a half now, and they have done nothing.

Mr. Filmon: Mr. Speaker, without accepting any of the preamble of the question as being accurate, I will take that question as notice on behalf of the minister.

Consumer Alert

Mr. Jim Maloway (Elmwood): Mr. Speaker, since the minister knew about this situation now for six weeks, why did the minister not issue a consumer alert when she first got complaints over a month and a half ago and before the Better Business Bureau got 160 complaints on this matter?

Hon. Gary Filmon (Premier): Mr. Speaker, again, without accepting any of the preamble as being accurate, I will take that question as notice on behalf of the minister.

Private Money Lenders Investigations

Mr. Jim Maloway (Elmwood): Mr. Speaker, since this government is not prepared to act on this matter, my supplementary is to the Minister of Industry, Trade and Tourism.

Could he tell the House what involvement, including meetings, he has had with FYB Management Services, Western Financial Services Ltd. and Premier Canadian Financial Services Ltd. and whether these groups have been investigated as part of his long-awaited investigation into the Immigrant Investor Program operated in this province?

Hon. Eric Stefanson (Minster of Industry, Trade and Tourism): Mr. Speaker, I have had no meetings with any of those three organizations, certainly in the

last period of time or that I can recall under those particular names.

In terms of their involvement or potential involvement with the Immigrant Investor Program, we will await the conclusion of the five audits I have received that I referred to earlier.

To the best of my knowledge, again, there is no relationship of those three firms. We will wait and see what the information shows, Mr. Speaker.

Grain Transportation Method of Payment

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, my question is for the Minister of Agriculture.

Last week, I tabled a copy of a report of the NTA on the western grain transportation efficiencies. Since the report indicates that if these changes are implemented, farmers' costs will increase by \$500 million over eight crop years, I want to ask the minister whether he has had a chance to look at this report, and if he has, does he still support implementing the changes and changes to the method of payment which will further increase farm costs and do nothing to improve the farm gate prices?

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, I am glad the member has now finally recognized we have some troubles at the farm gate in terms of costs. I would like to remind her of costs I gave her before. Maybe she will get around to looking at them.

At the farm gate, we have seen costs for terminal activities, the elevators going for \$3.77 in 1980 to \$6.58 today, lake transportation from \$14 to \$18, storage costs from \$4 to \$1.83, the freight and elevation costs going from about \$9 up to \$21. Mr. Speaker, I am glad the member recognizes we have cost increases that have been passed on to the farmer.

We are trying, through the process of evaluating the overall system, to find ways and means to create efficiencies in the system that decrease overall costs, and particularly costs that accrue at the farm gate because, at the same time, the member is well aware that the value of the commodity we are producing in terms of the dollars per bushel for wheat and barley has gone down at the farm gate to about half. I am glad she now recognizes that problem.

Minister's Position

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, I thank the minister for that information, but I already knew about all the costs farmers are paying.

I want to ask the minister: He says he supports efficiencies and he says he supports improving the farm gate price. What does he say about this paper that says farmers' prices are going to go up by \$500 million and railway profits are going to go up to a billion dollars, increasing by \$500 million? What is this doing for farmers?

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, the issue is very involved, very complex, and that is why in 1989, we formed the Ministers' Advisory Council to look at the overall issues of grain transportation, the ability of grain farmers to survive with an international grain trade war and increasing costs. That process has been ongoing. Many studies have been put out. This is one of many, many studies that have been done.

The committee which is broadly represented by all rural Manitobans is analyzing the issue and making constant recommendations to me as to how we proceed in the future for farmers to have the ability to grow those crops and make a profit exporting it to the world.

Ms. Wowchuk: Mr. Speaker, this is the National Transportation Agency reviewing the system that says farmers are going to pay more money, and this minister will not—

Mr. Speaker: Question, please.

Ms. Wowchuk: Will the minister tell us whether he has read this paper and when he is going to stand up for farmers and oppose all of these things that are going to cost farmers more money and not do a thing to improve the farm gate price?

Mr. Findlay: Well, I guess, Mr. Speaker, that is the luxury of opposition. She can oppose anything. She just wants to oppose everything. She has no solutions.

We have gone through Estimates, went through the Estimates discussion. She had no solutions. She opposed this, she opposed that, but she has no solutions. I am one who consults with the industry broadly. I have done that religiously for five years, and I continue to do it working with the stakeholders to try to find solutions.

An Honourable Member: Close your eyes and the world will not change.

Mr. Jerry Storie (Filin Flon): Mr. Speaker, to quote the Premier (Mr. Filmon), close your eyes and the world will not change—

Mr. Speaker: Order, please.

Grow Bonds Program Review

Mr. Jerry Storie (Filin Flon): The same is true, Mr. Speaker, for the Minister of Rural Development, who has had his eyes closed with respect to the Grow Bonds Program since its inception.

Yesterday, I indicated that in my discussions with chambers of commerce and Regional Development Corporation managers and others involved in economic development in the province, the Grow Bonds Program was not operating as it should.

My question is to the Minister of Rural Development. Will he now, after the president of the Manitoba Chamber has indicated that this program is a failure, is failing the Manitoba communities, undertake the kind of review that is going to be required to streamline this program and get it back on track?

* (1410)

Hon. Leonard Derkach (Minister of Rural Development): Mr. Speaker, I would like to indicate to the member opposite that the Grow Bonds Program was implemented in this province so that rural Manitobans could invest in opportunities that might be coming to their areas and so that they would have a vehicle whereby they could invest in those kinds of opportunities.

I can indicate to the member that to date we have several very successful projects underway and several more that are in the works. I can refer the member to the Rimer-Alco project, which, indeed, has been a tremendous success in terms of the Grow Bonds initiative that was implemented. I can refer the member to the Teulon experience, where the Grow Bonds were sold out in a matter of a week and a half. These are examples of success stories.

However, we have to understand that this was not a quick fix for rural Manitoba, that, indeed, communities would have to generate the projects and that the vehicle of Grow Bonds was made available to all of them. The program is an excellent one and it is working.

Mr. Storie: Mr. Speaker, we understand that the vehicle has merit, but, unfortunately, this vehicle is stalled, this vehicle will not start, this vehicle needs a boost. That is what the chamber of commerce says. That is what people in rural Manitoba said.

My question to the Minister of Rural Development: Will he now acknowledge that there are some legitimate problems in this program, problems that stem partly from the variety of levels that are involved in the approval process, and will he attempt to streamline it with the groups involved in rural Manitoba?

Mr. Derkach: The member is dead wrong. As a matter of fact, it is up to the communities, and it is up to the individual proponents to come forward with ideas. As soon as those ideas have been developed, the process moves along very quickly.

No one intended that we would simply throw money at rural communities and the problems would go away. That is the NDP fix. It is not the way we are approaching the problem.

Mr. Storie: Mr. Speaker, obviously the government is not going to be interested in solving the problem until they acknowledge there is one. There is a problem. The chamber of commerce has told the minister.

My question is: Will he now work with the Manitoba Chamber of Commerce, with the Manitoba Association of Urban Municipalities and the UMM to establish a group to review this program to find out why it is not doing what the people in rural Manitoba and northern Manitoba expected it to do, and, that is create jobs?

Mr. Derkach: Mr. Speaker, that is precisely what we are doing. We are working not only with the municipal groups, the UMM, MAUM; we are also working with the chambers.

As a matter of fact, I have met personally with the president of the Manitoba Chamber of Commerce. What we have discussed is the programs that are available under Rural Economic Development. The president of the chamber of commerce for Manitoba indicated the programs that have been implemented in this province for rural development are, indeed, beyond all others in other provinces in this country.

Mr. Speaker, just last week, we announced a new program with regard to assisting rural Manitobans to invest in projects, and we will continue to work with chambers and municipalities to ensure that

rural Manitobans have every opportunity of investment in our province.

Housing Northern Manitoba

Mr. Steve Ashton (Thompson): Mr. Speaker, my question is to the Minister of Housing.

The housing conditions and concerns in remote northern communities are significant. There are poor housing conditions, lack of repairs, and now there are concerns in many northern communities about the changeover in programming with the assumption of responsibility by CMHC, which is leading to people going from fixed rents to increased rents based on income, and people who had the opportunity to own their own home now in the position of being renters.

I would like to ask the Minister of Housing what his position is in terms of the shifts that are taking place and what his government is doing to deal with the many concerns being expressed by people in remote northern communities about these changes.

Hon. Jim Ernst (Minister of Housing): Mr. Speaker, the member for Thompson's questions are quite broad, and it would be better served, I think, in terms of a discussion once we get into the Estimates of the Department of Housing.

I can say, though, that a number of, particularly native groups in this province about a year and a half ago approached CMHC and asked that all of the native housing programs that were being provided formerly by Manitoba Housing be returned to CMHC for delivery by them.

They in turn sublet the delivery of that program to the Manitoba Metis Federation which is presently delivering the program.

Mr. Ashton: Mr. Speaker, I had a specific question in terms of the impact it is having in terms of rental payments. Many people are faced with increased rental payments and continuing problems with maintenance.

What is the position of the minister and this government in dealing with the very significant concerns being expressed by northern residents about housing conditions and rents?

Mr. Ernst: The question of rents, maintenance and so on, Mr. Speaker, falls under the purview of CMHC. I suggest that he contact the local manager here, Mr. Roy Nichol, to ask him those questions.

Mr. Speaker: The time for Oral Questions has expired.

ORDERS OF THE DAY

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would ask firstly if you could seek leave of the House to waive private members' hour.

Mr. Speaker: Is it the will of the House to waive private members' hour?

Some Honourable Members: No.

Mr. Speaker: No, leave is denied.

Mr. Praznik: Mr. Speaker, I would ask then if you could call for second reading Bill 37. I believe that is the bill dealing with the Manitoba Public Insurance Corporation, then if you could call for continuation of debate on second reading in this order, Bills 23, 19, 16 and 22.

SECOND READINGS

Bill 37—The Manitoba Public Insurance Corporation Amendment and Consequential Amendments Act

Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act: Mr. Speaker, I move, seconded by the Minister of Highways and Transportation (Mr. Driedger), that Bill 37, The Manitoba Public Insurance Corporation Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Société d'assurance publique du Manitoba 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. Cummlings: Mr. Speaker, I would like to say a few words about Bill 37.

This bill calls for the introduction of a no-fault injury compensation plan for Manitoba. It will provide accident victims with fair compensation for their injuries and, at the same time, help stabilize Autopac rates over the long run.

The new plan will replace the right to sue, a provision which often results in some people being paid too much for their injuries and others too little, with guaranteed compensation for all accident victims based on their real economic losses. This compensation is greatly enhanced over that which

is available today. This bill takes restitution for injury claims out of the realm of litigation and into that of compensation.

The government recognizes that Bill 37 represents a major departure from the status quo, but let me assure everyone in this House that such a dramatic action is what may well be preferable to the alternative, and that alternative may be continuing massive increases in injury-claim costs resulting in a doubling of Autopac premiums by the turn of the century.

Mr. Speaker, those costs are being driven primarily by claims for relatively minor, temporary injuries. These become a major burden on the insurance system. Last year, in fact, these types of injuries, such as whiplash, made up 80 percent of all injury claims reported. Clearly, Manitobans are concerned.

My friends, no doubt, have heard that the implementation of no-fault will result in some considerable saving, but let me remind everyone that that saving will ultimately accrue to the motorists of this province. With these changes, very simply, Manitobans will no longer face the unacceptably high premium costs that they experienced last year.

Mr. Speaker, I think the acoustical system in the other side of the House is not working well.

When we announced that legislation would be introduced, Mr. Speaker, we emphasized four key principles to ensure that Manitobans are fairly compensated for real economic losses due to auto accidents. I repeat that we wish to ensure that Manitobans are fairly compensated for real economic losses due to auto accidents.

The four key principles are these: coverage for all Manitobans injured anywhere in Canada or the United States as a result of an automobile accident; indexing of benefits to ensure compensation is not eroded by inflation; compensation for actual financial losses, including coverage for medical rehabilitation and other expenses; guaranteed compensation for all injured people regardless of who was at fault for the accident.

I would like to touch on a few of the highlights of this bill that I believe will reinforce the four principles that I just mentioned. By now, most Manitobans probably have a good idea of the general coverages that are available under the no-fault plan. Many of them have likely seen the brochures that have been delivered to their homes.

Income replacement, medical rehabilitation costs, personal care expenses, death benefits and funeral expenses, child care expenses, compensation for students unable to complete a school year or term and payments for people who suffer permanent injuries are all essential components of the package. Many of these coverages are not capped or limited, for as long as the person legitimately requires coverage, they will receive it.

* (1420)

That is an important reference point, when we look at some of the other forms of no-fault compensation that are being tried in other jurisdictions across this country and across the United States, there are very few of the benefits within this compensation package that will be capped.

There are certain points which speak to concerns about the benefits that have been expressed by some members of the public. Income replacement provisions apply to anyone who loses income as a result of an accident. If wages are lost, or salary from a full or a part-time job, there will be compensation, and that compensation will be up to the level that covers the vast majority of Manitobans.

Homemakers, students, seniors and self-employed are assured of comprehensive protection against financial loss. In some cases, even where there was no wage income in place, income replacement is provided. For example, the homemaker who is injured and disabled for six months or more will receive income replacement even though he or she did not work for wages outside of the home. As well, all other applicable coverages will be paid to homemakers such as compensation for medical and rehabilitation expenses.

Mr. Speaker, seniors have asked questions about income, and what would occur should they be injured. Those who depend on private or public pension income will not be affected because this income remains in place even if a person is injured. At the same time, they will be eligible for benefits such as medical expense, payments to ensure that they suffer no economic loss as a result of an accident. In addition to this, they will be eligible for all other benefits. Working seniors will also receive an income replacement indemnity even if they are also receiving pension income at the same time.

Mr. Speaker, as we all too well know, economic circumstances can change from one year to the next. As they do, they can have a profound impact on people with fixed incomes. People receiving no-fault benefits will not be placed in this unfortunate situation. These benefits will be adjusted to assure that people whose lives have been affected by injuries as a result of automobile accidents do not fall behind.

Also, I would like to draw attention to the appeal mechanism. It is a strong appeal and review mechanism designed to protect accident victims who disagree with decisions that have been made about their claims. This appeal process will be available to all claimants.

Firstly, the review will be conducted by a corporation representative who is not involved in the original claim decision. If this is not satisfactory, an appeal can be made to the independent automobile injury compensation appeal commission. This body will be made up of a chief commissioner and other commissioners, and it will be appointed on merit, with regard to their expertise and their broad base of experience in helping them deal with situations that they may be faced with.

It will seek appropriate appointees who will bring their skill and good judgment to bear on the decisions that they render. The commission will have adequate powers to conduct through reviews and, if necessary, through investigation. It will provide a yearly accounting of its decisions and the reasons for those decisions in a report to be tabled annually in this House through the Minister of Consumer Affairs (Mrs. McIntosh).

Let me assure members that the provisions of Bill 37 do not mean that the concept of fault in terms of responsibility for accidents will go by the wayside. People who cause accidents will continue to be held accountable for their accidents through the current accident surcharge and demerit point system.

Mr. Speaker, the changes proposed by this government and as outlined in Bill 37 represent another progressive step to reinforce confidence in Manitoba's automobile insurance system. No-fault compensation, I believe, is a humane, fair and equitable solution to rising injury claim costs and one that I believe is supported by the majority of Manitobans. I would anticipate supported, if not unanimously, by a wide margin in this House.

Mr. Speaker, as I said a moment ago, there is a rather unique situation in this province where we have a monopoly Crown that offers a minimum amount of insurance that is required to put a vehicle on a road in this province. That in itself has caused a lot of controversy. Many members of this House historically go back to the early days of that debate, if not the very first days, and that debate is an ongoing one.

In these amendments and through this bill, we are bringing a further dimension to how people will be reimbursed for their injuries as part of that automobile insurance plan. People may well choose to buy additional insurance, as they do today. But we believe that the basic requirements and the basic coverages that are needed for protection of the driving public and of the passengers and automobiles in this province are included in the amendments that are before you today in conjunction with the previously accepted bills for automobile insurance in this province.

I commend this bill to the House. I would expect that there will be some hardy debate in committee. We will be endeavouring to make available to the committee, as much as we can, details regarding what regulations may be attached to this bill to provide further clarity as to how it will be seen, or how it will be received as it is being implemented. I look forward to that debate.

Mr. Daryl Reid (Transcona): I move, seconded by the member for Selkirk (Mr. Dewar), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

BILL 23—The Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Industry, Trade and Tourism (Mr. Stefanson), Bill 23, The Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages Amendment Act; Loi modifiant la Loi sur les jours fériés dans le commerce de détail, la Loi sur les normes d'emploi et la Loi sur le paiement des salaires, standing in the name of the honourable member for Kildonan (Mr. Chomiak).

An Honourable Member: Stand.

Mr. Speaker: Is there leave that this matter may remain standing? [agreed]

Also standing in the name of the honourable member for Elmwood (Mr. Maloway) who has 20 minutes remaining. Is there leave that this matter may remain standing? [agreed]

Point of Order

Hon. Darren Praznik (Deputy Government House Leader): Yes, Mr. Speaker, I look to my colleague the opposition House leader as to whether or not there was need to have this bill remain standing in anyone's name today. I understand there are members who want to speak on it, perhaps conclude debate. I look to him for his comment.

Mr. Steve Ashton (Opposition House Leader): Yes, Mr. Speaker, those that are listed have indicated that they do not wish to debate. Perhaps you might want to ask if there is leave again. I believe there probably is not leave, and we can proceed with other speakers.

Mr. Speaker: Maybe I misunderstood, we will ask one more time.

Mr. Speaker: On the proposed motion of the honourable Minister of Industry, Trade and Tourism (Mr. Stefanson), Bill 23, standing in the name of the honourable member for Kildonan (Mr. Chomiak).

Is there leave that this matter remain standing?

An Honourable Member: No.

Mr. Speaker: No. Leave is denied.

Also, standing in the name of the honourable member for Elmwood (Mr. Maloway) who has 20 minutes remaining.

Mr. Speaker: Stand?

An Honourable Member: No.

Mr. Speaker: No. Leave is denied.

Mr. Gregory Dewar (Selkirk): Mr. Speaker, it is a pleasure to rise today to put a few words on the record concerning Bill 23, The Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages Amendment Act, also known as the Sunday shopping legislation. It is important for me to rise to put a few comments on the record concerning this piece of legislation, bearing in mind the fact that I

am from a constituency adjacent to the city of Winnipeg, representing a community that will, unfortunately, suffer a negative impact because of wide-open Sunday shopping in this province.

The legislation has created a great deal of controversy in rural Manitoba. Mr. Speaker, many of the members opposite who represent constituencies from rural Manitoba were elected from rural Manitoba. Now they have betrayed the very individuals who elected them. They were elected here to defend the interests of their constituents, of those who work in the small businesses within their community and in small businesses themselves and ultimately the viability of those communities, all of those issues will be threatened by the passing of this legislation.

* (1430)

Mr. Speaker, needless to say, the legislation is still opposed by the vast majority of individuals in rural Manitoba, the vast majority of rural businesses. The Manitoba Chamber of Commerce in a vote last May voted 30 to two against any expansion of Sunday shopping in the province here in Manitoba. Again, the vast majorities of elected officials in the province of Manitoba in rural Manitoba voted against it.

It was passed in the Manitoba Chamber of Commerce in a Resolution 13, and I will just read: Therefore be it resolved that the Union of Manitoba Municipalities oppose the implication of Sunday shopping.

This was from the R.M. of Shoal Lake which I believe is represented by a member from the opposite side of the Chamber. This is a knee-jerk reaction on behalf of this government to a desperate situation here in the province, that it is really obvious that their economic policies have failed and failed miserably to all of us in Manitoba.

Their policies have failed so their only alternative is to, well, let us allow wide-open Sunday shopping. They figure this will revive the economy. This will make everything better for all Manitobans. Well, unfortunately, Mr. Speaker, this will not. This will hurt the rural economy, and as someone who represents a constituency in rural Manitoba such as, as I was mentioning before, Selkirk, which is very close to the city of Winnipeg, we are going to be seeing a negative impact upon businesses and communities such as Selkirk, Stonewall, Gimli, Morris,

Beausejour, all these communities will see their businesses suffer.

Selkirk already has had a number of economic blows over the past years brought on by the government opposite: the closing of the school of nursing. There was significant job loss. There was a significant amount of students who left the community and took with them their purchasing power. The government closed the training plant within the Selkirk community, the Human Resources Opportunity Center, again, withdrawing from our community much-needed disposable income which would help the small businesses in that community.

The municipal leaders in our particular community were opposed to the whole issue of Sunday shopping, and now they are opposed to the way this government is dealing with this issue in this particular piece of legislation, because now they have to make the decision. They were unhappy with the whole issue of Sunday shopping before and now they are very unhappy with having to bring forward the resolution to their own council and debate it and having to decide the issue themselves.

They feel that it is a passing of the buck by the government, Mr. Speaker, and it is something that will not be forgotten by those of us who live in rural Manitoba.

We have also called for the government to hold public hearings outside of the city, outside of this building. We have asked them to hold public hearings in communities such as Steinbach, Gimli, Brandon, Dauphin, Selkirk.

When they first introduced Sunday shopping they mentioned that it was brought on as a trial basis, and they were going to conduct during that time an objective analysis of the shopping patterns of individuals on Sundays. That of course brings the question of has there been any objective analysis, and the answer unfortunately is no.

It was suggested by the member for Flin Flon (Mr. Storie) that the Rural Development Institute in Brandon look into the whole issue of Sunday shopping in rural Manitoba and look into the effects that this would have upon the small operations that exist outside of the city of Winnipeg. But the government here is ignoring its roots. Again, it is ignoring the individuals that elected them to this particular Chamber.

It is going to mean job losses in rural Manitoba. It is going to mean fewer small businesses in rural Manitoba. I know that now. There has been at least a dozen small businesses that have closed in my own community. You can drive up and down the streets of Selkirk, you can walk through the malls in the community, and you can see the glaring examples of this government's failures in terms of economic policies—for sale signs, for lease signs.

There have been many businesses that have already closed in the community, and this unfortunately will not at all help them deal with the whole issue of economic difficulties that they are facing. This of course will even compound the issue, because if you live in a community such as Selkirk, adjacent to the city of Winnipeg, you would be more tempted unfortunately to travel to Winnipeg to do your shopping as opposed to spending your money within the community itself.

This again has been one of the major criticisms of this whole issue. One of the stronger opponents of Sunday shopping is an individual who actually has a business in the Selkirk community, Mr. Jim Gaynor. He is the president of Gaynor Foods in Selkirk and the past president of the Selkirk and District Chamber of Commerce. Mr. Gaynor has been very vocal in his opposition to the government's position in terms of Sunday shopping. He owns, I guess, the largest independent grocery store within the community of Selkirk. Up to now he remained closed on Sundays, and he was very satisfied with the existing legislation prior to the introduction of this particular bill and the bill that followed it.

Now he finds himself in the awkward position of having to open on Sundays to compete with the larger food and retail stores within the community. He feels that his particular business is based upon the loyalty that he has developed and secured with his customers over the years, and I would agree that he has done an excellent job. His concern is that if he did not open on Sunday, as his main competitors are doing, that he would lose that particular business that he has built up over the last number of years. So this is why he is in strong opposition to it, and I understand it is his case. I know that my sister works at his particular store, and she is now required to give up her Sundays on a regular basis to go into work, Mr. Speaker. She has a young family. She misses the opportunity now to spend time with her children and with her family.

As Mr. Gaynor was stating, he makes a number of points in his opposition to Sunday shopping, and I would just like to quote from some of the statements that he has made in a recent publication of the Manitoba Chamber of Commerce, Manitoba Focus. He quotes as No. 1: It will be very damaging to small business in our province, the sector which is well recognized as being our major employer.

No one can deny that small business in our province is the major generator of jobs, and I believe it was a quote from another source which states that large employers like SuperValu create about one hour of employee time for every \$500 worth of sales. You compare that to small independent grocers who create one hour of employment for every \$50 in sales, Mr. Speaker, so there is no denying the value of small business within our province. There is also, unfortunately, no denying that wide-open Sunday shopping will have a negative impact upon these very important job generators within our community.

He makes another point: It will be very damaging to the commercial life of rural communities at a time when our government is spending large amounts of money to move jobs to these communities in an effort to strengthen them.

He speaks, of course, about the government's decentralization strategies. Here we have the government moving jobs into rural Manitoba, a worthy enough endeavour, but unfortunately while they are moving jobs into rural Manitoba they will be weakening the economic structure of rural Manitoba communities by the introduction of this legislation which is going to be hurting the economic viability of certain businesses within those communities.

I speak of Selkirk, Stonewall, Morris, Beausejour perhaps, communities that are adjacent to the city of Winnipeg, communities that are represented by members opposite. Many of these communities are represented by members opposite, who are betraying their rural constituents by their support of this particular piece of legislation.

* (1440)

I was reading in the Hansard the speech given by the former member for Rossmere, and I quote: I have one great concern, Mr. Speaker, and that is that 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, the town of Stonewall, the

town of Selkirk, the town of Beausejour, for that matter. The availability in itself will cause people to come into Winnipeg to shop if they are unable to shop on Sundays.

Maybe this is one of the reasons why the former member for Rossmere quit, because the government opposite are uninterested, Mr. Speaker, in any of his concerns. Obviously he raised the concern about this government running up the largest deficit in the history of the province of Manitoba, \$862 million. Basically what the government opposite has done with that particular deficit, they have spent my child's future and they have deferred taxes until a new generation of Manitobans. When they ran up a deficit of \$862 million last year they set a record, and it will be something that I know Manitobans will never forgive them for.

So, anyway, as I was mentioning, the member for Rossmere in one of his quotes, he understood that communities in outlying areas to the city of Winnipeg will unfortunately suffer because of the availability of shopping in the city of Winnipeg. It is unfortunate that more of his colleagues in the government do not listen to him. They obviously did not listen to him in this issue and they did not listen to him on a number of other issues as well. Of course, he took the only avenue that he could in that he resigned his seat, Mr. Speaker.

Mr. Gaynor goes on to say: The only businesses positioned to benefit from this change are a few large corporations, many of whom have a questionable commitment to our province as they have recently moved their head offices to other provinces, Mr. Speaker.

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

Again, he is very accurate in that assessment of the current situation in our province. He goes on to state: The case has been made by some large corporations that businesses expand as a result of full-scale Sunday shopping. This is absolutely wrong. The reality is that business shifts from rural communities in small centre cities to large corporations, most of whom are headquartered in distant cities or foreign lands.

Sunday shopping will not benefit rural Manitoba, will not benefit the community of Selkirk, or the community of Swan River, or the community of Riverton. It will only benefit a few large corporations,

Madam Deputy Speaker. It will not help rural Manitoba.

We are disappointed with the fact that the government will not go out to rural Manitoba to hold hearings. They are betraying their roots. They are ignoring those individuals who live in rural Manitoba by failing to go out to listen to their concerns on this issue. The government definitely will pay for their ignorance, their arrogance, in this particular piece of legislation.

Madam Deputy Speaker, I realize that there are other members in my party wishing to speak on this legislation today. I just wanted to voice a few concerns in opposition to this legislation. I have enjoyed the opportunity to speak to it, and I will not be supporting this legislation.

Mr. Gary Doer (Leader of the Opposition): Madam Deputy Speaker, the members opposite are a little overanxious on this bill. It is a pleasure to speak on a bill that is this important in the Chamber and affects as many people and lives in the province of Manitoba.

I want to start my comments with the comments of the member for Pembina (Mr. Orchard), comments that were made in 1987 in this Chamber dealing with the Sunday shopping laws that were changed in 1987. I remember because I was a new member of this Legislature, and I remember the kind of co-operation that was put in play to get a made-in-Manitoba solution to a problem that was developed in the courts arising out of a legal technicality dealing with the 1979 law that was passed by the former Conservative government dealing with Sunday shopping.

I remember when the courts overruled the made-in-Manitoba compromise, we all got together—the Liberals, the NDP and the Conservatives—and passed the Sunday shopping law that maintained the Manitoba compact, that maintained the compromise between rural Manitoba and urban Manitoba.

I thought we had a pretty good solution in this Chamber in 1987, and I want to quote the member for Pembina in responding to—and the member for Pembina could never be accused of supporting the NDP legislation on a whim. He supported it, of course, because it was consistent with the legislation that he had been involved in passing in 1979.

The member for Pembina said in 1987, quote: I have not changed my position from when we passed this legislation some eight years ago, and I approach this legislation from maybe a different perspective representing rural Manitoba, because there is no question the major chains would next get their market share from rural shoppers. The major chains would get their shoppers from rural Manitoba.

He goes on to say: And I have to tell you that rural Manitoba cannot stand to lose one more job, one more business for future investment in the community.

Madam Deputy Speaker, the minister says and the member for Pembina (Mr. Orchard) states: I cannot support wide-open Sunday shopping, shopping because of its impact on my constituency, jobs in my constituency and the people I am elected to represent and protect here as much as possible.

Madam Deputy Speaker, these are the words of the member for Pembina when he talks about the Sunday shopping law that was passed in '87, because that Sunday shopping law, by definition, was almost the same Sunday shopping law that Sterling Lyon brought to this House in 1979, which was a compromise between rural Manitoba and urban Manitoba.

Madam Deputy Speaker, I am absolutely shocked when I listen to members of the community from rural Manitoba that there are not more members opposite saying the same things that the member for Pembina stated in 1987 in this Chamber and standing up for their constituents and standing against the bill being proposed by the former deputy mayor, the now-Minister of Industry, Trade and Tourism (Mr. Stefanson), in this Chamber, a bill that clearly gives an advantage to Winnipeg—and I represent a Winnipeg constituency—is clearly a bill that is supported by the Winnipeg business community, is clearly a bill that will have as its advantages for large retail chains in the city of Winnipeg. The member opposite, the member for River East (Mrs. Mitchelson), grimaces at my comments.

I shop at some of the same stores the member opposite does. I shop in some of the same community stores as the member opposite does. She and I have seen the petitions from stores in our collective northeast quadrant of the city of Winnipeg, hundreds of names on petitions from Penner Foods

stores, for example, that we have tabled in this House. She has talked to those people. They are not card-carrying members of the New Democratic Party. I think quite opposite. They just believe that the existing system, even though if a change may represent some marginal increase in their profit margin, is not worth the sacrifices to family and is not worth the sacrifices that will have to be made by rural Manitoba businesses.

* (1450)

Madam Deputy Speaker, we have had a situation with Bill 4 that the government tabled in November and December of 1992. I am sure they told the members opposite in their own caucus, oh, this is only a trial period; we will have a trial; and we will have a five-month trial; and we will let the people speak; and we will study the situation. That is what they said when they brought the bill in, in November of 1992.

Let us look at the minister's original press release—a trial. Madam Deputy Speaker, in terms of legislation, a trial surely means, (1) there is an independent judge; and (2) for legislation, there is public input. Now did we have an independent judge on this trial period? We suggested that the Rural Institute do that independent study—maybe a better idea.

Government did not come back with one. We did not want to have a few bureaucrats with the former deputy mayor from the City of Winnipeg just meeting with the city of Winnipeg businesses and having that trial being conducted behind closed doors in the bureaucracy of the minister's department, so we did not have an independent study of this issue. We do not know whether Don Orchard was right in 1987 of whether this will impact more on rural jobs and rural businesses, because we did not get the fairness involved in a trial period.

The second thing, Madam Deputy Speaker, is public hearings. We do not pass very many bills to second hearing quickly very often. In fact, members opposite would normally accuse us, as opposition, of debating bills too long. Perhaps the odd time that is correct. Perhaps the odd time we have not debated them long enough. But we passed this bill within 10 days in December of 1992 at second reading so the public would have a chance to speak at public hearings.

All of us make speeches about, you know, politics has changed, we have to have greater

empowerment, we should listen to the people, and we have to have communities. The Speech from the Throne after the 1990 Meech Lake issue said, we have to stop elite accommodation. We have to stop accommodation of just a few people in back rooms. The Canadian public has had enough of it. The Manitoba public has had enough of it. So when we get a chance to have public hearings and have the public speak on the so-called trial period, what happens? January goes by, February goes by, and we are back in the House in March in 1993.

Okay, maybe the government was busy. Maybe they were over in Switzerland and other places. Maybe they were busy. Maybe they were too busy to hear from their own constituents and from their own communities. The chamber of commerce in rural Manitoba had said this is bad for rural Manitoba business. Many businesses in Manitoba, in rural Manitoba, had said it was bad. Communities like Brandon, Steinbach, Dauphin, Swan River had said this is not good for them—Selkirk, Beausejour.

Maybe they were too busy at that point. So we asked the question on the first day we returned in March of 1993: Are we going to have public hearings? And the minister said to us, yes, we are going to public hearings, and we are going to have them shortly.

First week goes by. Second week goes by. I do not know whether it was raised in the Conservative caucus. Third week goes by and, lo and behold, without any public hearings we see a second bill, Bill 23, on the Order Paper that suspends the trial period for Sunday shopping, suspends the five-month period of time we were going to evaluate it, cancels it out fully with the stroke of a minister's pen and a stroke of a cabinet's fiat, and says we are going to go to a new system of Sunday shopping.

We are going to go to a new system, Madam Deputy Speaker, and where they develop this system, I do not know, but we are going to delegate the decision now to the communities in Manitoba.

How does that solve the problem between rural communities that say this is bad for them, and the urban community of Winnipeg which says this is good for them? How does that solve the problem when the government has now chosen to take the hot potato, provide no moral leadership, no economic leadership, no compromise in terms of fairness for Manitoba, and is just going to toss the hot potato to rural and urban communities, which by

definition is unfair to rural communities outside of the city of Winnipeg.

It is absolutely, patently unfair. Where did we develop this? Where did this come from? The last time a Premier of a province came up with a ridiculous idea of delegating it to the communities was a person named David Peterson who was thrown out of office because of his arrogance and his cavalier behavior and his lack of ability to have a compromise and consensus on some of these tough issues.

So, Madam Deputy Speaker, I say to the members opposite: How have you let the Conservative Party in your own caucus be so totally dominated by two ex-deputy mayors across the way who had the portfolio of Industry, Trade and Tourism and a number of members opposite who had tremendous clout in the former City Council and are now running the City of Winnipeg's agenda as part of the provincial Conservative government agenda?

That is a very important point because there is no other conclusion to be drawn. There is no other conclusion to be drawn. Don Orchard said in 1987 that the people that will benefit are retail chains.

Now, I have gone out and talked to rural businesses, and I have gone out and talked to businesses in Winnipeg. Small businesses in Winnipeg have lost business. It has gone to big business like SuperValu. We have talked to rural communities. They have told us clearly that SuperValu has gained and their stores have lost.

Now are we listening to different people than members opposite? Are we listening to different people in Beausejour than the minister? Are we listening to different people in Steinbach than members opposite? Are we listening to different people in Selkirk than they are listening to? [interjection] Well, there is the Minister of Labour (Mr. Praznik).

SuperValu was not open and Costco was not open before the government changed. Now let me explain it to you. When you have a huge retail chain that is now open on the seventh day, that impacts on the stores that were formerly opened the four employees or less.

I want to explain this to you because, if you have those stores open and taking hundreds of dollars of purchasing power away from the small store in Beausejour or Selkirk or Steinbach or Portage la Prairie, you are eventually going to slow down their

volume, slow down their profit margins. So Don Orchard was right. He was right in 1987.

You are in effect decreasing the activity of the smaller stores and the rural stores and increasing the volume in the large retail chains in the city of Winnipeg. There is no question about it. That is why, Madam Deputy Speaker, the government cannot table a study. It cannot table a study because they did not want to have an independent study. They did not want to have an independent study.

So this issue is a compromise. I mean, there are things that are open on Sundays. There were in 1979 under the Conservatives. There were in 1987 under the NDP, and there are obviously today.

This is also a compromise between small business and big business. So we have a compromise between rural Manitoba and urban Manitoba, and we also have a compromise between small business and big business. This gives some of the smaller operations an opportunity to have a greater market share and greater share in the economy.

Now the government opposite says, oh, members opposite are only concerned about the unions. That is an allegation they make. Well, let us look at it. Are small retail operations "unionized"? [interjection] Okay, well some members—the Premier (Mr. Filmon) said that to us. [interjection] Okay, well, that is fair enough. The member says no. I know that when we asked the question about eight weeks ago, and I will show the member the Hansard, the Premier says, oh, you are only representing "unions." Well, quite frankly, SuperValu is unionized and many of these small operations are nonunion.

This crosses across "union lines" and let me throw that argument out right away. The Minister of Labour (Mr. Praznik) says he has not raised it. I respect that. The member for Emerson also says he has not raised it, and I respect that as well. Not the member for Emerson, sorry. [interjection] Pardon. No.

* (1500)

Let me say that this is a compromise again between small business and large business. The other compromise this is, Madam Deputy Speaker, is on the whole issue of families who want to get as much time together as possible. It seems to me that again we have a compromise here in Manitoba that makes sense. It is a made-in-Manitoba consensus. It is a made-in-Manitoba compact. There are those who believe that everything should be closed down

on Sundays and believe strongly religiously that everything should be closed down on Sundays and nothing should be available. There are those who believe that everything should be open in an unfettered way on Sundays, because that is the right of the individual to make those decisions.

It seems to us that this, again, a Sunday shopping law which is again a compromise. The retail shopping law is a compromise. It allows for the maximum amount of people to have time with their families, and it still allows for some of those things to be available for families in terms of entertainment and in terms of other activity that will allow them to enjoy some of the qualities of life when they have their time with their families, again, a compromise.

Now, you cannot argue this bill on the basis of one extreme or another, because in 1987 there was a compromise. In 1979, there was a compromise. The only time the compromise has been broken is in the proposed legislation from the Conservative Party and the former deputy mayor of the city of Winnipeg who I still think is acting on behalf of the Winnipeg Chamber of Commerce and not acting on behalf of businesses and people all across Manitoba. We have, unfortunately, got a perimeter vision in the Minister of Industry, Trade and Tourism's office and that is reflected in the bill that is before us in the Chamber today.

Madam Deputy Speaker, we believe that Bill 4 was a bad bill, but we did believe that it should go to public hearings early, and we did believe that we should propose creative and crucial ways of improving Bill 4. We proposed that the study be conducted by a body independent of the government, the Rural Institute. The government chose to ignore that. We proposed that the public hearings take place in the January and February period of time so that the public could speak out.

We believe that Manitobans do not want extreme policies on Sunday shopping. They do not want everything closed up and they do not want unfettered Sunday shopping as proposed by the Conservative government. We believe that the compromise with limited employees for limited Sunday shopping in limited areas is the intelligent compromise for those with strong religious beliefs, for those with strong respect for small businesses and particularly for those people who want to keep rural businesses alive and well.

I ask members opposite to look at the comments made by their colleague in 1987. Think about the fact of who is running this bill through this Chamber, who is denying them the opportunities to have public hearings in the so-called trial period. Vote for a Manitoba compromise. Vote for a Manitoba compact. Do not vote for the extreme position that is being only articulated and proposed by a few interest groups inside the Perimeter Highway. Stand up for a compromise for all of Manitoba. Stand up for your constituents. Vote against Bill 23, and vote to keep the compromise that is alive and well in Manitoba unless this Bill 23, which is the son of Bill 4, is passed.

I would therefore urge all members to vote against this delegated bill to the municipalities of Manitoba. It is not moral leadership. It is not a proper way to deal with retail Sunday shopping, and it is not an intelligent way for Manitoba to go. Let us learn from the mistakes of Ontario, and let us not repeat them with passing Bill 23 which is very unfair to lots of people outside of the city of Winnipeg and very unfair to delegate this decision to municipalities because the government did not have the will, did not have the integrity, and did not have the interests of all Manitobans at heart.

Thank you very, very much.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Madam Deputy Speaker, I rise to speak on this bill despite the nattering from the Minister of Northern and Native Affairs (Mr. Downey) with respect to the question. I am speaking on this bill because I think that it is a decision on the part of a witless, gutless government.

Some Honourable Members: Oh, oh.

Mrs. Carstairs: Well, let me tell you, when this bill was introduced on Bill 4, I would have supported the piece of legislation. I would have supported the piece of legislation because I honestly believed that the majority of people in my constituency were in favour of Sunday shopping. I said that, and I would have supported it.

The caucus took the position that everybody should have a free vote on this particular piece of legislation, and the caucus was very divided. I wanted us to have public hearings, wide public hearings. We voted for, as a caucus, this bill to go into committee, as did this whole House in December, so that this could happen. What has happened now, in my opinion, is an example of a

government who, because its own caucus was very divided on this issue, simply absented themselves from decision making and have determined that they would back out of any moral authority that they should have had on this particular piece of legislation.

So the Liberal caucus will vote against this bill, and we will vote against this bill not on the basis of whether Sunday shopping is good or bad, but on one basis alone, and that is that when a government is given the legal authority to make a decision, then that government has a moral authority to make that decision. This government, by offloading to municipalities a decision which should be made by the Province of Manitoba, is opting out, I would suggest to you, Madam Deputy Speaker, of their legal right to govern in the province of Manitoba.

I am deeply disturbed that in a province where 60 percent of the population lives in the city of Winnipeg that a government would decide that the rural municipalities did not have a valid position to take, but that that position would be in no small way affected by a decision made in Winnipeg.

You are now asking City of Winnipeg councillors to make a decision when their legal authority only allows them to make a decision for the citizens they represent, and they are being asked to take into consideration the needs, the problems, the dilemmas that are faced by rural municipalities. That is not fair. That is opting out of our responsibilities as legislators in this particular Legislature.

If we want a bill on Sunday shopping and we want that bill changed, then let us have the courage to do it in this Chamber, not to make the decision that the City of Winnipeg, who by law, by moral authority should not take into consideration the needs of those outside because that is not what their mandate is all about. We have that mandate. We represent rural and urban citizens living in the province of Manitoba. We have a mandate to make legislation, and we should be accepting that mandate.

* (1510)

This government has opted out. It is bad legislation. It is an extremely bad precedent. It is bad for Manitoba, and the Liberal Party will be voting against it.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is

second reading of Bill 23. Is it the pleasure of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Madam Deputy Speaker: Agreed. All those in favor, please say Yea.

Some Honourable Members: Yea.

Madam Deputy Speaker: All those opposed, please say Nay.

Some Honourable Members: Nay.

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

Mr. Gary Doer (Leader of the Opposition): Yeas and Nays, Madam Deputy Speaker.

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

Mr. Speaker: The question before the House is second reading of Bill 23, The Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages Amendment Act; Loi modifiant la Loi sur les jours fériés dans le commerce de détail, la Loi sur les normes d'emploi et la Loi sur le paiement des salaires.

All those in favour of the motion will please rise.

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

Yea

Cummings, Dacquay, Derkach, Downey, Driedger, Ducharme, Enns, Ernst, Filmon, Findlay, Gilleshammer, Helwer, Lamoureux, Laurendeau, Manness, McAlpine, McCrae, Mitchelson, Pallister, Penner, Praznik, Reimer, Render, Rose, Stefanson, Sveinson, Vodrey.

Nays

Ashton, Barrett, Carstairs, Cérilli, Chomiak, Dewar, Doer, Edwards, Evans (Interlake), Friesen, Gaudry, Gray, Hickes, Lathlin, Maloway, Martindale, Plohman, Reid, Santos, Storie, Wasylcia-Leis, Wowchuk.

Mr. Clerk (William Remnant): Yeas 27, Nays 22.

Mr. Speaker: The motion is accordingly carried.

House Business

Hon. Clayton Manness (Government House Leader): Mr. Speaker, on House business, I would like to announce that the Standing Committee on Economic Development will consider Bill 23, (The

Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages Amendment Act), the bill we just passed at 8 p.m., Wednesday, and if necessary, Thursday morning at ten o'clock. That is next week. I do not specifically have the dates, Room 255.

Furthermore, I would like to make announcement that the Standing Committee on Privileges and Elections will sit on Monday, May 31, Monday coming at 10 a.m. to consider The Freedom of Information Act review. That will also be held in Room 255.

Mr. Speaker: I would like to thank the honourable government House leader (Mr. Manness).

BILL 19—The Court of Queen's Bench Amendment and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill 19, The Court of Queen's Bench Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Cour du Banc de la Reine et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable member for Wellington.

Ms. Becky Barrett (Wellington): Mr. Speaker, yes, I am going to be our party's single speaker on this piece of legislation, and then we would be prepared to send it to committee.

Bill 19 is The Court of Queen's Bench Amendment and Consequential Amendments Act and basically changes the legislation in two areas, both of which we support. It allows for the payment of post-judgment interest at the same rate as the pre-judgment interest rate and gives the court the ability to make a judgment for damages from personal injury claim or death as a periodic rather than a lump-sum payment.

Mr. Speaker, we support this legislation, of course, with the caveat that in public hearings, should there be concerns raised by members of the public, we would certainly pay attention to those concerns. Basically we support this piece of legislation because it simplifies the process. It basically states that if you have a payment due you through the court system, the court, upon the request of one of the parties, can make the judgment in periodic terms rather than a lump-sum payment which provides for a greater degree of flexibility and

also allows the court to establish the interest rate and those other costs at a regular time frame rather than at one particular point in time.

Also, Mr. Speaker, it is interesting to note that Manitoba will be the first province to enact this enabling legislation which was recommended by the Manitoba Law Reform Commission and the Supreme Court of Canada. So while we are in a mad rush to the bottom in several other areas in legislation in this province, in this particular area, we are in a positive position. As stated, under the current legislation, the court could make periodic payments for awards, but it would have to be with the consent of both parties in the lawsuit. As we know, in the justice system, in the court system, when you get people into a civil lawsuit, you often do not have agreement on anything, certainly not on the manner in which payments will be paid to one of the parties in the litigation. So this current awarding of periodic payments was difficult, at best, to enact.

Under the amendments, the court can make a periodic damage award when application is made by one of the parties to the litigation and, secondarily, when the court feels that this is appropriate. So it creates a much greater degree of flexibility in awarding of payments and also continues to give the court the ultimate decision as to the payment schedule for the award. It is not universal, Mr. Speaker. It does deal with only damages arising out of a personal injury claim or death. So it does not include all kinds of litigation, but it is one of the areas that has been the most problem to the court system and to people in Manitoba.

* (1600)

What currently happens with the lump-sum awards is that the award now has to take into account the future earning potential or future losses that the litigant who has been the recipient of the award would have. So it forces the court, in effect, to look into the future and to make a judgment based on what the court's best estimation is of either the potential losses or the potential earnings of that individual would be.

The periodic payment system means that the court will reduce the size of the awards potentially because it does not have to take into account in one sense only but can wait till the actuality occurs of the compensation for future losses. The high awards also are seen by many to be as a result of the

management fees and the gross-ups for future taxation as part of the lump sum. So it allows the court to be more realistic in its awarding of the payment and also to provide, in effect, more of the payment going to the payee and less going to potential fees or taxes.

So on all of those levels, Mr. Speaker, we feel this is basically a very good piece of legislation. As I stated earlier, it is interesting that in this particular piece of legislation Manitoba is prepared to be the only province to implement it.

The argument that has been made in this House by the Premier (Mr. Filmon) that we cannot afford student social allowances because no other province has them does not appear to be across the board with this government. So in a case like the Court of Queen's Bench amendments, the province is more than willing to be first off the mark. We find that a bit disconcerting, to say the least, that the government chooses this one particular area to take a leadership role—not an unimportant area, but an area that probably will not affect large numbers of Manitobans. We hope it does not affect large numbers of Manitobans, because we hope that people are not involved in accidents and other events that would lead them to the court system to an ultimate determination of this kind of payment. However, we do know from history that there are thousands of Manitobans who are going to be affected by the government's making a decision that they are not going to be first, they are not going to retain a leadership role in another very important area, that is, in the area of student social allowance.

So, Mr. Speaker, while on the one hand we are very pleased with this piece of legislation with, as I have stated earlier, the caveat that should there be presentations at the public hearings that have some concerns of a more specific nature, we would be certainly open to those concerns and would hope that the government would act on any legitimate concerns that are raised at the public hearing process.

We are, on the other hand, certainly in favour of this bill in principle and would like to see it get to the public hearing process so that we can see if there are any other issues that need to be raised in this matter.

So with those few comments, Mr. Speaker, we are prepared to send this legislation to the public hearing process.

Thank you, Mr. Speaker.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 19, The Court of Queen's Bench Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Cour du Banc de la Reine et apportant des modifications corrélatives à d'autres lois. Is it the pleasure of the House to adopt the motion?

An Honourable Member: Agreed.

Mr. Speaker: Agreed? That is agreed and so ordered.

BILL 16—The Public Schools Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Education and Training (Mrs. Vodrey), Bill 16, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, standing in the name of the honourable member for Selkirk (Mr. Dewar).

An Honourable Member: Stand.

Mr. Speaker: Stand. Is there leave that this matter remain standing? [agreed]

BILL 22—The Public Sector Reduced Work Week and Compensation Management Act

Mr. Speaker: On the proposed motion of the honourable Minister of Finance (Mr. Manness), Bill 22, The Public Sector Reduced Work Week and Compensation Management Act; Loi sur la réduction de la semaine de travail et la gestion des salaires dans le secteur public, standing in the name of the honourable member for Transcona (Mr. Reid). Stand?

Is there leave that that matter remain standing? [agreed]

And also standing in the name of the honourable member for The Pas (Mr. Lathlin), who has 32 minutes remaining.

An Honourable Member: Stand.

Mr. Speaker: Stand? Okay. Is there leave that that matter remain standing? Leave. [agreed]

Mr. Jerry Storle (Flin Flon): I am pleased to be able to join this debate at this time. I guess when I reviewed this particular piece of legislation it struck me that one of the things that keeps a government in power is good will, that the electorate on balance must feel that the government is acting in the best interests, collectively, of the province. They have to

feel that they can trust the government to do what is fair.

Mr. Speaker, there are students outside this Chamber who do not feel the government is being fair. We have seen more demonstrations in the last couple of years against government actions than in the history of this province. The reason is because the government is operating in an autocratic, authoritarian, heavy-handed style.

When I read this legislation, I said, is there a clause in this legislation which sums up the government's attitude, in particular to public sector employees but I think probably more broadly, an attitude toward employees in general? The answer is yes.

Mr. Speaker, for those who are following the hymn book, it is Bill 22, it is page 6, it is Section 7 and it says, we are no bargaining agent. I want to read this into the record because I think it is instructive and not all members in the Chamber may have had a chance to read this legislation, but it says: "In the case of any employee not covered by a collective agreement, a direction that days or portions of days are to be taken by that employee as leave without pay under this Part is effective on such a direction being given to the employee by the employer, and, without further notice, such direction and any arrangements with respect to its implementation are deemed to be part of the employment contract or arrangement between the employer and that employee."

I would ask the Minister of Finance (Mr. Manness) to indicate that this means something other, that the employer can do whatever the "H" he or she or it requires. Whatever they want, that is what it means.

Mr. Speaker, there is no respect in this legislation. There is no respect for the needs of individual employees. There is no respect for the collective needs of employees. There is no respect for the negotiated agreements with employees. There is no respect.

* (1610)

This clause says it all. This clause says that the employer simply tells the employee what they are going to be doing and under what circumstances they are going to be doing it and that is it. That is a heavy-handed, a dictatorial and, I think for a lot of Manitobans, an unacceptable approach to managing the public affairs of the Province of Manitoba.

The scope of this legislation is extremely broad and, as my colleague from Wolseley (Ms. Friesen) said the other day, it is carefully crafted. We acknowledge that many of the concerns that could have been raised, would have been raised under the Charter of Rights, under the Human Rights Act, the Human Rights Code under employment standards, have been carefully and shrewdly covered under this legislation to make it impossible for people who object to this kind of authoritarian, dictatorial attitude to overtake us in the workplaces across the province.

Mr. Speaker, who are we talking about? Who is impacted by this legislation? Again, the list is long. It affects, of course, provincial Crown corporations. It affects the employees of the provincial government itself. It affects hospitals, personal care homes, Child and Family Services agencies, municipalities, school boards, universities, colleges. It affects, in addition to that, any group that the government considers publicly funded. The government may in this legislation designate who in fact is a public sector employee. The long arm of this government reaches out and touches many of those agencies which have not heretofore considered themselves under the purview of the provincial government.

I would advise and I would encourage members opposite to read Section 7 if they want to understand the full intent of this legislation, because it speaks to a conservatism which is far to the right of what I think even the most moderate members on that side believe to be the core of their value.

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

Madam Deputy Speaker, it is draconian to say the least. Having noted that the government has painted an extremely broad brush when it comes to the ramifications of this bill, and when it comes to the sheer number of people, employees that this bill is going to affect, you have to ask yourself, what else is the government going to do? This is where I see some quite contradictory, I guess, arguments coming from the government.

We hear on a regular basis the First Minister stand in his place, the Premier stand in his place and telling the people of Manitoba that this government does not increase taxes. Well, anybody that has watched the last six budgets knows that there have been tax increases on several fronts, some of them

well disguised but taxes none the less. The last budget, of course, was not nearly as well disguised. The Minister of Finance (Mr. Manness) in his more candid moments acknowledged that, yes, there was going to be what he described as a decrease in disposable income. It was not really taxes. It was just some sort of, you know, amorphous kind of decrease, just something that happens to someone's disposable income.

The government imposed some \$435 worth of additional taxes on the average Manitoban as a result of the budget. What many Manitobans, particularly those who are not affected by this legislation, will not have understood nearly as well is that this legislation is also a form of taxation. Madam Deputy Speaker, if I may refer to you and your constituents in a suburban part of the city of Winnipeg, when you talk to them or when one of your colleagues on the front bench should be talking to constituents in your area, I want them to explain to your constituency how this is not a tax. For the average public servant in the province of Manitoba, this is a tax increase of between \$1,400 and \$1,600. That is what it is. It is a tax grab of between \$1,400 and \$1,600. That is the net impact of this reduction in the disposable income of public servants.

So let the government not say that it is not taxing somehow the middle class. The fact of the matter is, the middle class is bearing the brunt of this legislation. In particular, it is the middle class that forms the vast majority of public servants in our province, those people who provide hospital care and education and all of those other services that are vital to our society. Madam Deputy Speaker, I think, if you frame this bill in those terms, it is a tax increase. That is what it is.

In the Minister of Finance's (Mr. Manness) words, it is a reduction in disposable income. It is a tax increase of \$1,400 to \$1,600 for every single public servant in the province of Manitoba. It is a tax increase. It is no different than Brian Mulroney's GST. It is no different than if they had hiked the personal income tax some 20 percent. If you consider that for a teacher in St. Vital School Division or a teacher in the Midland School Division or a teacher in St. Boniface School Division this bill is a personal income tax increase of 20 percent, I think you would have a revolt on your hands.

Madam Deputy Speaker, when the First Minister (Mr. Filmon) stands up and says, well, the only reason that teachers are protesting and that other

civil servants are is that they are not willing to share. They are not just sharing the pain. They are paying for the government's failure, economic failure, fiscal failure. That is what they are paying for. [interjection] The Minister of Finance (Mr. Manness) wants to say I know better. The Minister of Finance knows better than anyone in this Chamber who has had the highest deficit in the history of the province of Manitoba. It is that Minister of Finance who has the dubious distinction of having the highest deficit in the history of the province of Manitoba.

The Minister of Finance says it does not bother me. It does bother me. What bothers me even more is that this Minister of Finance has chosen to take out his failings on the backs of public servants. This is a tax increase to public sector employees, to those who serve the people of Manitoba, of approximately 20 percent if we are going to translate it into personal income tax, 20 percent. [interjection]

Well, Madam Deputy Speaker, the Minister of Finance (Mr. Manness) had better share all those thousands of letters because I will certainly share with him the hundreds that I am getting that are opposing.

So this is a tax increase. What is wrong with this government's approach to taxation is that it is dishonest. What is wrong with this government's approach to taxation is that it is not fair. It is not up-front with the people of Manitoba. The government has disguised what it is actually doing in the rhetoric of reduced workweek, if somehow magically that does not translate into reduced income.

Madam Deputy Speaker, it is not forthright. It is a hidden tax. It is a hidden tax primarily on the middle-income groups in our province. It is not fair. Now what is not fair about this legislation? Well, what is not fair is that the pain is shared equally, and of course there is the tyranny of equality, I guess.

An Honourable Member: Tyranny of equality? I have heard of tyranny of the majority, the tyranny of the minority, but I have never heard of the tyranny of equality.

Mr. Storle: Well, there is also the tyranny of the Minister of Finance (Mr. Manness). He has not heard that one yet.

Madam Deputy Speaker, there is a certain logic to saying, well, everyone is going to lose 10 days pay. The difficulty of course is—and the Minister of Finance may have acknowledged this when he

introduced the legislation, I do not recall it. The fact of the matter is that there is some inherent fairness in that approach, because what he is doing is taking the same 10 days pay from someone who earns \$20,000 or \$16,000 and someone who earns \$100,000. [interjection] Absolutely, the same 10 days pay is being taken from those people.

The problem is that the amount of disposable income that someone that earns \$20,000 has to lose is marginal. I mean, we all recognize, and maybe even the Minister of Finance will recognize, that anyone that is involved as a single income earner in a family of four and earning \$20,000 is living below the poverty line.

So there is some inherent unfairness in this. It is not completely forthright. It is a tax increase, and it is unfair. Now if those are not three legitimate and justifiable reasons for voting against this legislation, then I would like to hear some rationale for voting for it.

The fact of the matter is that this legislation deserves to be defeated. I am not trying to belittle or underestimate the difficulty the government of Manitoba faces. The Minister of Finance says—and I do not know whether he was being facetious—but he says, I have been losing sleep over the fact that our deficit is so high. I know the Minister of Finance is concerned, as he well should be. But what the province of Manitoba demands and what people demand is fairness. What they want to feel is that they are being treated fairly.

* (1620)

This issue reminds me of the way the government has dealt with Sunday shopping. It reminds me of the way the Minister of Energy and Mines (Mr. Downey), who represents rural Manitoba, has forgotten where he comes from. It reminds me that the government has forgotten that it is supposed to be standing up for rural Manitoba.

Madam Deputy Speaker, this legislation is not standing up for the people who serve the province of Manitoba, and it is not fair. The government has displayed a degree of cowardice in this legislation which is also similar to Sunday shopping.

When the government first introduced the Sunday shopping legislation back in December—unilaterally decided that we were going to have Sunday shopping—the government said that this was the wave of the future, that the government was doing this as a test and that they were firmly

convinced that this was what was needed to spur Manitoba's economy.

Well, only five months later, the government decided to back away from its supposed commitment to wide-open Sunday shopping, and instead passed the buck. That is what the government has done in this legislation. Instead of the government imposing what it sounds like it thinks is the solution to our economic problems, it once again passes responsibility. We see that more clearly perhaps in the education field than any other, because what has the province done with this legislation?

Well, it does not require school divisions or hospitals or any other outside agency to do (a) or (b) to meet certain requirements. It simply says that you may and you can and that if you wish you may—you will, but what it has done is create a patchwork of implementation.

So that what we have in the case of school divisions is some school divisions not requiring their teachers to take any reduction in pay. We have some school divisions that are requiring a certain number of reduced workdays in the year, other school divisions requiring a different number. So we are shown absolutely no leadership.

Madam Deputy Speaker, if the government really believes that the only way to solve its problems—if they really believe that and I hope that is not the case, but if they do—then the government should have the courage to act. The same should be said of Sunday shopping. If the government believes that wide-open Sunday shopping represents a net economic benefit to the province of Manitoba, then it should act. It should not absolve itself of responsibility. It should not pass the buck to another level of responsibility. It should simply act.

So the government's legislation fails on another count because it is not clear that the legislation is going to do what the government thinks it is going to do. Other governments who believe that it was important to reduce the cost of providing services have used other methods. That is one that we would counsel.

One of the other things that is wrong with this legislation is that it does not respect something that virtually every other government in the history of Manitoba has respected, and that is the collective bargaining process. The government of Manitoba has continued to bargain with its employee groups,

as have other agencies, outside agencies, school boards and hospitals, in good faith, bargain in good faith, and the government has now decided to abandon that.

The government has decided notwithstanding collective agreements that were reached that this legislation is going to override those agreements and is then going to impose this tax on wage-earners in the province of Manitoba.

The collective bargaining system can be used in a more positive and pro-active way. I remind the government that in years past, the wage increases have been kept at zero, but years have gone by and agreements have been struck where there has been no increase to the base salary cost of the Province of Manitoba. There are examples of private sector collective agreements and other government's negotiated agreements which actually saw a reduction in the base salary. I would argue that those kinds of negotiated agreements are going to be in the long run much more successful than this one-time effort at intrusion into the collective bargaining system.

Madam Deputy Speaker, the government knows, or it should know, that even if it succeeds in imposing its will through this bill, Bill 22, that it is not going to reduce its base salary costs. What the government is going to enjoy is a one-time saving. What school divisions and hospitals are going to enjoy is a one-time saving.

If you want to reduce the base costs for a longer period of time, you actually have to reduce the base. If, instead of, as is the case in this particular instance of having a negotiated increase rolled back, because the negotiated increase is going to form part of the base in subsequent years, in other words, the costs of the negotiated increases are going to show up as increased costs in future years. The only way to reduce your long-term costs is to establish a zero increase on the base, and if you achieve that, then you net real savings. Obviously it also is true that if you achieve a reduction in base, you also incur some benefit over the long term as a result of that.

But this particular legislation imposes the will of the government in a very unfair and autocratic way, in a way that is unfair to low income employees of provincial governments and provincial Crowns and provincial agencies. It does it without regard to already established collective agreements freely negotiated, so, Madam Deputy Speaker, this

legislation is a failure from many perspectives. It is not going to achieve in the long run what the government hopes it is going to achieve.

So Madam Deputy Speaker, the legislation, in my opinion, although it is cleverly drafted, is not going to serve the interests of Manitoba. It may serve the interests of this government for this budget year, but I warn the government that the demonstrations they have seen, the anger they have seen amongst their own employees, amongst employees of school divisions, is not going to go away, and it is not going to go away because this was not a negotiated settlement.

The First Minister stood in his seat today and tried to place the blame for the demonstration that is going on in front of this building on the school teachers in the province of Manitoba. Well, I can tell you that the First Minister never sat down and talked to the school teachers. He never sat down, neither did his Minister of Education (Mrs. Vodrey) or his Minister of Finance (Mr. Manness) sit down and look and see if there were alternatives, to find out what alternatives there were. Instead they chose to arbitrarily introduce this legislation, to pass on the responsibility of doing the dirty work, if you will, to school boards.

At the same time, what were they doing? They were reducing the funding that was available to school divisions by \$16 million, and they were telling school divisions that they could raise no more than 2 percent through the special levy, that they could not raise local taxes to cover the shortfall to continue the program.

* (1630)

So what happens, Madam Deputy Speaker? Well, some divisions have decided to reduce the workweek for teachers and taken away the professional development days—again, in my opinion, a short-sighted solution. The professional development is as important to parents and students as it is to teachers. [interjection] Here we have the member for Arthur (Mr. Downey) who was not here when I said what he has done, in effect then, if he will just be a little bit logical, is impose a \$1,400 to \$1,600 tax on these people because that is what it is, a \$1,400 to \$1,600 in costs, disposable income.

The bottom line is that the responsibility for this should not rest with the school divisions, because it is the government's responsibility. If they had taken

it, in some straightforward and honest way, then you could have some respect for what they are trying to do. But they are now trying to lay the blame on someone else.

Madam Deputy Speaker, the final subject that I would like to touch on is the question of service. I think it has been quite clear by questions that have been raised by my colleagues and the second opposition that there is a great deal of confusion and uncertainty when it comes to who and where services are going to be available and who is going to provide them as we get into this 10 days of reduced activity.

Certainly, for those in personal care homes and hospitals, those responsible for education to some extent, those involved in daycare, those involved in emergency family services are going to be hard-pressed to provide a level of service that is acceptable.

We can only hope that there are not unfortunate consequences from some of this service reduction, because that is what we are doing. We are taking away, you know, 5 percent of the service that is available to Manitobans on a regular basis. Some of those services, obviously, are more important and more vital than others.

It is not clear that the government has thought through or has in place a system to make sure that emergency circumstances, the personal, medical kinds of emergencies that develop, are going to be managed by the employees who remain in service or by the other people who are hired on at additional costs by the government to do these services.

Madam Deputy Speaker, we have seen a couple of examples already where the government's supposed savings by this reduced workweek have gone out the window. We know that there are going to be circumstances where people are called back for overtime duty at greater expense to the government. It is going to happen in some Family Services areas, it is going to happen in Highways, it is going to happen in Natural Resources. So it is not clear that the government's desired savings are going to come about as a result of this. [interjection]

Madam Deputy Speaker, the member for Inkster (Mr. Lamoureux) has obviously been listening and, probably for the first time in his life, may actually be clued in. He may be entirely clued in and may, in fact, have picked up the tenor of my remarks. It may

suggest to him that I am not going to support this legislation.

So, Madam Deputy Speaker, I want to conclude by urging the member for Inkster and some of his quote, unquote, Liberal colleagues, to the extent there are any left, to read the section that I quoted earlier where no bargaining agent, and to come to the conclusion that I have that this legislation is draconian in the extreme, that it represents the extreme right wing of the Conservative caucus, that it is authoritarian, that it opposes the will of employers on employees without any compassion, any consideration for the extenuating circumstances they face.

I would urge the member for Inkster (Mr. Lamoureux) and his colleagues to consider the fact that this is taxation. It is taxation of public servants to the tune of \$1,400 or \$1,600 in one year.

If we want to use the euphemism that the Minister of Finance (Mr. Manness) used, we could say, well, it is just—[interjection] Yes, it is a contribution—that is the Minister of Health's (Mr. Orchard) euphemism for tax, but the Minister of Finance always says that it is a reduction in disposable income. It is not a tax; it is just a reduction of disposable income; and it is \$1,400 to \$1,600.

So, Madam Deputy Speaker, the Minister of Energy and Mines (Mr. Downey) has not been listening again. I did not say "they." It is not us and them, it is all of us should share. The Minister of Energy and Mines knows that he gets to make the decisions and that is what everyone else—that is what the "they" want, too. They want to be part of the decision making. This was arbitrarily done without consultation with the groups who are going to be affected and it was not very imaginatively done at that.

So it is a form of taxation. It is draconian; it is intrusive. It does not respect the collective bargaining process. It is cowardly in that it passes on its responsibility to other levels, to hospital boards and school divisions and others, and it does not reflect an understanding of the importance of many of the services that are being provided by these people who have now been told that they are going to take 10 days off without pay.

So I hope that the government will listen when it comes to this piece of legislation, that they are not going to—as governments of all stripes are wont to do—forge ahead regardless of the costs. I hope that

they are going to consider this because it is not going to do what they want it to do, and quite ironically perhaps it is going to do what they do not want to have happen, and that is turn the public of Manitoba against them.

Thank you, Madam Deputy Speaker.

Mr. Conrad Santos (Broadway): Madam Deputy Speaker, it is a pleasure and a privilege for me to participate in this debate on Bill 22.

Bill 22 enables a public employer to designate a minimum of 10 days up to a maximum of 15 days of unpaid leave. If you analyze this so-called leave, it means nothing but 10 to 15 days salary cap because this is unpaid leave.

In other words, what the government is trying to do here is the indirect way of taxing those people. What they cannot do or would not do directly because they promised so in the political forum that they would not tax, they are now going to do indirectly. It is even worse because people will not be working and they will receive no pay.

Some of these services that are being cut are essential services. By essential services, of course, we mean those segments of public services which the people cannot do away with without suffering some damage or injury. Essential services cannot be postponed. They are by definition services that are needed by the citizens of the community, and if they are needed, it is essential that they be provided. This bill enables any public sector employer to cut those services by means of unpaid leave without work. However, they do establish a process by which they can negotiate the number of days that they can go without pay, but this is only a sham form of negotiation because, regardless of the outcome of the negotiation, in the ultimate analysis, it is up to the discretion of the employer to impose their will on the employee. Regardless of the result of such negotiations, such unpaid leave can be implemented.

If we try to analyze what is going on, they are trying to cut public services, the kind of services that the people have equal access to. These are the essential and nonessential public services. It is only in the area of the public sector that there is an element of equality of access among all the citizens, and they are cutting the public sector. At the same time, the vacuum that is created by lack of those services, they will have to fill up by contracting out services to some employer in the private sector.

Take for example, in this very Legislature, it may be necessary that some of the security guards not work on a certain Friday, but in order to provide the necessary security on the premises, you may have to hire out some private security agency to do the same work. So what kind of saving will there be?

* (1640)

It is simply transferring some of the work in the public sector to their friends in the private sector, and if you analyze this carefully, you can infer the basic root of all these activities that are going on. It is based on an ideological premise well known to have been subscribed to by the Conservatives, namely, that the best form of government is the government that governs the least. In other words, they are cutting the essential public services in order to cut government services because they think that the best form of government is the government that governs the least. That is the basic Conservative philosophy.

On the other hand, if you look at the unholy alliance between the government and segments of the private sector, you could see that even the private entrepreneurs are receiving some government largess and grants. For example, the private sector will be receiving training grants in order to train the private employer sector to do their work, but they are getting the resources from the public sector. So while they are saying the government that governs the least is the best form of government, the private sector is in fact dependent on some of the resources provided by the public sector.

So this is an inconsistency. Of course, in the performance of government services, in the prohibition of public services, we have to have efficient, well-trained and effective public servants. But how can you create a core of public administrators who are motivated by the spirit of serving the general public in the best interests of the public if they are to be the brunt and to be the victim of government cuts?

There is, as applied to the public servants, the public servants have a very negative image in the eyes of the general public. The general public in the abstract are saying that the government civil servants are fat cats in our society, that they have high salaries and, therefore, need to be cut.

Yet, when you survey the same citizen as to their personal experiences in dealing with the employees

of the government, in dealing with public servants, they will admit that they have received courteous and prompt service. This is apparently an inconsistency in the general image that was formed by the media and being inculcated in their minds as compared to their personal experiences.

We have a public service in Canada reputed to be a public service based on merit alone. They have been selected according to their qualifications, ability and skill to do the job. They have to pass through a rigorous selection process, examinations. All of these are based on the ability to do the job, the merit principle. Therefore, they deserve some kind of security in the performance of their public function.

The public servants that you are cutting, these are dedicated people who have devoted their lives to the service of the citizen. At the same time, we are trying to erode their effectiveness by affecting adversely their motivation to do the job. Why? It has been a remarkable achievement throughout the years that even in the public sector they have achieved a right to collective bargaining. The right to bargain collectively is an achievement that had been fought throughout the years, and yet by the very stroke of this legislation, that right to collective negotiation is being denied and eroded.

This is a hard-fought right, a cherished right to determine the terms and conditions of employment. Yet, by the exercise of the public authority, the provincial government is, of course, negating and denying the right of collective bargaining of public servants. Applied to the teachers, it means that the teachers will not be able to have their days of professional development and training. It is now up to the school board to determine, ultimately, the condition and terms of their employment. This will undermine the teaching profession and the capabilities and motivation of public school-teachers. In fact, they are opposed to Bill 22, the schoolteachers, because the school board, in the ultimate analysis, can impose its will, regardless of the outcome of the so-called negotiation between the teachers and the school board.

We are now taking back history to the pre-1948 days when the school board would say: Here is the pay, take it or leave it. If you do not take it, we have other people who are willing to take even less pay.

This is retrogressive. This is not progress. This is an erosion of the educational opportunities that are

open to all the youth of our community. Therefore, Bill 22 in that sense is bad for the community and bad for Manitobans.

Moreover, the bill rolls back the salaries of MLAs and fees for physicians. Well, as far as the public is concerned, they also have a negative image of all politicians. They are very cynical about people in the public service, in the elected segment of the public service. So they think that again politicians, like the public servants, are fat cats in our society and, therefore, should share in the burden.

From the point of view of the politicians, they cannot say anything here. They will have to agree, because it will be a conflict of interest on their part not to accept the cuts of 3.8.

An Honourable Member: Conflict of disinterest.

Mr. Santos: The member for Portage (Mr. Pallister) is saying, as opposed to disinterest. There is no such thing as disinterest. It is a basic premise that all human beings will act according to one's best self-interest. It is elementary that everybody will try to promote their respective self-interest, the way they see it.

But it should not be at the expense of other people in the community, of other societies. There should be an essential ingredient of fairness and, if you can do it in a win-win situation—but how can you win in days of limited resources, in days of recession, in periods of limited government receipts because of less economic activity?

Hon. Harry Enns (Minister of Natural Resources): Would the honourable member permit a question?

Madam Deputy Speaker: Would the honourable member for Broadway (Mr. Santos) permit a question by the honourable Minister of Natural Resources?

Mr. Santos: I would gladly do so after my speech is over, Madam Deputy Speaker.

* (1650)

Madam Deputy Speaker: The honourable member for Broadway has agreed, after he has completed his remarks.

Mr. Enns: By that time I will have forgotten the question, Conrad.

Mr. Santos: Then you can write it down now.

I had been saying, it is only in the public sector that the services can really be categorized as equal

access to public services, because whether you are poor, middle income or rich, if the service is provided by the government, you have a right to access the service.

So there is an element of equality and egalitarianism in the provision of public services. That is the reason why we have chosen to educate our children through the public school system, generally, unless, of course, some people would like to, again, inject the element of hierarchy in society, the class structuring of society, but this is, again, creating unevenness and inequality of opportunity.

The essential public services instead of being cut had to be reformed, because like in the private sector the best form of public service is one that is client oriented, that is to say, people oriented. Most of our public servants, government civil servants, provincial civil servants, they are dedicated servants trying to do the essential public services to the best of their ability. But we are now adversely affecting their motivation to run an efficient and effective public service by doing this thing to them. They are now being the victim who are being asked to sacrifice because of the inefficiency and incompetence of this government in trying to control the escalation of provincial debts and deficits.

If everybody has to share in the so-called sacrifice, this is necessitated by the fact that we have dwindling resources in our hands at the control of the government, the economic activity. Too many bankruptcies are taking place because we cannot control what is developing outside our national economy.

It is our inability to control the activities of the multinationals, because they can relocate their profitable businesses in the low-cost areas of the globe. Yet the government is helpless to impose any kind of taxation on these corporations.

Why can we not start, in Canada, with the abolition of all the interprovincial barriers, if we all try to help one another? But there are barriers, and provinces compete against other provinces, and that is not good at all for the Canadian people as a whole. As far as this bill is concerned, it will reduce the salary of public servants as well as the elected officials. It will reduce by 3.8 percent the indemnity of MLAs and constituency access allowance. That is all right as far as the MLAs are concerned.

But the thing that is wrong about this bill is that when it takes effect it becomes retroactive.

Generally, retroactive legislation is no good because they are trying to change the existing state of affairs where people have already established their contracts.

(Mr. Speaker in the Chair)

People have already committed themselves to certain legal relationships and then the law will change those relationships, which militates against the stability of agreements. In fact, no more negotiations can have that kind of dependability if changes can be retroactive after the agreement has been made.

This, of course, is an erosion of the very process of collective negotiation, one of the basic processes in democratic society in the reconciliation of conflicting interests of all the various groups in a peaceful nonviolent way. That is the genius of our democratic system, that we can negotiate and make compromises in a peaceful, orderly way. And yet the government has eroded these hard-won collective bargaining rights of public servants and public school teachers. The government would like to impose its sovereign will over and above these agreements.

It undermines the process of arriving at reasonable settlements and where all the parties will be contributing to that settlement, where all the parties will be satisfied and happy under the agreement that they themselves had forged among themselves. If the government all the time will invoke its public authority and overrule and override all these negotiations, that will be bad for society as a whole, because then the frustrated group will have no other resort but to go against the authority, and that could mean sometimes the eruption of unwanted violence in our society.

Mr. Speaker: Order, please. When this matter is again before the House, the honourable member for Broadway will have 17 minutes remaining.

House Business

Hon. Jim Ernst (Acting Government House Leader): Mr. Speaker, the House leader earlier announced that the Committee on Economic Development would meet on Wednesday night, I believe, to consider Bill 23. I would also like to advise the House that they will also consider Bill 4.

Mr. Speaker: I would like to thank the honourable acting government House leader for that information.

* (1700)

PRIVATE MEMBERS' BUSINESS

Mr. Speaker: The hour being 5 p.m., time for private members' hour.

PROPOSED RESOLUTIONS

Res. 27—Quick Court

Mr. Paul Edwards (St. James): Mr. Speaker, I move, seconded by Monsieur Gaudry, le député de St. Boniface, that

WHEREAS hundreds of Manitobans become involved in civil litigation each year in Manitoba, the majority of these cases being brought for amounts less than \$25,000; and

WHEREAS the cost of civil litigation in Manitoba has become increasingly high; and

WHEREAS it has now become very difficult for litigants to address the merits of the issues between them in a trial in cases for amounts less than \$25,000 because of these high costs; and

WHEREAS this situation results in litigants often settling their cases not based on the merits but based on each party's ability to finance the litigation; and

WHEREAS this situation does not serve the interests of justice in Manitoba; and

WHEREAS it would be in the best interest of justice to provide an expedited trial process for liquidated claims under \$25,000.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recommend that the Minister of Justice consider putting in place an expedited trial process for all civil suits brought in Manitoba for less than \$25,000 thereby allowing these cases to move to trial expeditiously and cost effectively.

Motion presented.

Mr. Edwards: Mr. Speaker, it gives me great pleasure to have this resolution come forward today. I know that it will be quickly recommended for passage and accepted by my colleagues to my left, the government, in view of the fact that one of their own, Mr. Randy Smith, a Canadian Bar Association representative, has recommended passage of this in a recent newsletter of the Canadian Bar Association. [interjection]

Well, the member for Flin Flon (Mr. Storie) says he never really liked that guy, but you know, I

thought it was wonderful that Mr. Smith had the fortitude to know a good idea when he saw it, and he recommended passage. I was very pleased to have the assistance and recommendation of him and indeed his subsection of the Bar Association.

By the way, I think Mr. Smith is quite a friend of the Minister of Justice (Mr. McCrae). So I know that the members on the government side will want to see this resolution pass because it is like being a bit of a lightning rod these days being a lawyer in this Chamber. There are some controversies surrounding some allegations about lawyers, no-fault insurance—[interjection] Well, that is true. There always are allegations and spurious ones, I might add, but in particular, these issues have come up.

Mr. Speaker, this is a resolution whose sole purpose is to increase access to the courts. That is important because, not only must justice be done, it must be seen to be done. The truth is, people who are unfortunate enough to find themselves embroiled in civil suits end up having the costs of litigation becoming the determining factor. That is not right. It is not good for the process. It is not good for the litigants, and it is not good for the lawyers because you have people, who are your clients, who are not satisfied. They do not get to court. The truth is, whether you win, lose or draw, people want their day in court, and they should have it. They do not want to be buried in paperwork and all kinds of delays and costs not associated with getting to the nub of the issue.

They want to get in front of a judge, have their case heard, state their piece, and have a result. That is a very, very important part of the justice system. It must be speedy, it must be impartial, and it must be, in my view, accessible. If the costs of litigation become the determining factor in settlement, become a bar to putting forward a defence or a claim that a person truly believes in, the system is not working.

Currently, Mr. Speaker, in my estimation, and I am prepared to negotiate and discuss with members on an amendment on the amount involved, I have chosen \$25,000 and less as a reasonable size of claim that should move to an expedited process. I would be open to suggestions that it should be higher. I would also be open to a suggestion that it should be lower, although slightly lower, because I think that frankly anything less than \$25,000, the truth is, that very quickly one of the parties, either

the plaintiff or the defendant, can quickly drive the other party to settle the case based on costs alone.

How do you do that? Well, Mr. Speaker, anybody who knows the system knows, you just start flooding the other side with paper, motions on this, motions on that, particulars, discovery, all kinds of things—[interjection] That is right. The member for Thompson (Mr. Ashton) knows.

You can flood the process. You can take up time. You can delay. There are protections against that, and the judges do a good job of attempting to streamline it, but the truth is the rules are very particular, they are very lengthy, and they are there. They are there to be used effectively, but occasionally they are abused, Mr. Speaker. So what we are doing here, what we are proposing here is saying not quite like the Small Claims Courts which are fairly ad hoc for claims under \$5,000. There is some more formality to these claims between \$5,000 and \$25,000, some more formality recognizing that they are worth higher amounts.

Mr. Speaker, the key thing is that there are not—I have attempted by this resolution to cut out all of the expensive processes, and the biggest one, in my view, would be the examinations for discovery. That is the time when you go to the lawyer's office and spend sometimes days under oath. There are transcripts produced. It costs hundreds and thousands of dollars. There is no need. You should do an exchange of documents, an exchange of relevant documents. That is easy, that is quick, and then you should go to court. You should have your lawyer do what you pay him to do, just to fight the case, not write letters and all kinds of documents. That is important, but the truth is people want to get in front of a judge.

Mr. Speaker, the truth is that this makes sense. It makes common sense, and proof that it has worked is the example, the experiment in British Columbia, New Westminster, where an expedited court process was started. In that circumstance it has worked very, very well. The courts have approved of it. The clients involved, the litigants involved, have been satisfied, and, as well, the lawyers involved have also expressed approval. They want to get to court. They want to do what their clients want them to do which is to have it heard in a neutral forum in front of a judge and have the judge hear their piece.

Mr. Speaker, the truth is that this minister—and I was at his first public speech as Minister of Justice,

it was up in Clear Lake at the Canadian Bar Association meeting. That was in the spring of 1988, and I believe it was June actually, we had just been elected. He had just been appointed Minister of Justice, and he came to Clear Lake and he said, I want my tenure to be about access to justice, and I have held him to that. I have attempted to craft resolutions and bills consistently to attempt to hold him to his word on access to justice, and consistently I have been disappointed. Consistently he has not approved or dealt seriously with the proposals which I have put forward to increase access to justice. This is another one.

* (1710)

I know that the Minister of Justice currently has some other things on his mind, as do I; however, I believe that given the previous approval of a close friend of his, a member of the legal community in Brandon, on behalf of the Canadian Bar Association, Randy Smith, in view of that, this should merit fairly speedy passage, because it is time that we truly allowed access to justice. That means making the costs realistic, making them fit what the case is worth. It is so easy to make a case cost so much for the other side that the other side quickly comes to you and says, I give up regardless of the merits of the case. We have got to settle because it is just not worth it to me to pursue this. I cannot afford it. It is taking too long.

You should not be able to do that, Mr. Speaker. That is the purpose behind the Small Claims Court. Well, the Small Claims Court is \$5,000. The reality is today claims, I believe, \$25,000 or less are in a similar situation. I am not calling for a Small Claims process. What I am calling for is an expedited trial process, and it would serve the interests of all people involved, and I point to the experiment in B.C. as proof that this can work. It is a good idea, and we should lead in this province in opening up the court system to the people for whom it is designed, that is the litigants in the province.

Let me make one other comment, Mr. Speaker, which is that I have had, off the record, discussions with many judges about this. I have talked to them about this. They are frustrated that there are not mechanisms for this size of case where they can get to the nub of it and do their job. They are willing to be more proactive in courts. Because we have not got all these examinations for discovery, they are willing to be more proactive and they are willing to hear cases without all the paperwork. They do not

mind doing that. I have had that repeated to me many times by judges. So the Minister of Justice (Mr. McCrae) need not think he is putting an extra burden on judges. They want to do their job. They want to have people in front of them and do their job which is to hear evidence and then make a decision.

So, Mr. Speaker, we have the lawyers through the Bar Association, their voice, expressing approval. We have judges expressing their approval. The public, I venture to say, would lavish praise on this minister for passing anything that would make justice more cost-effective, more efficient. All of the stakeholders are winners under this proposal. It is an idea whose time has come, and the Minister of Justice (Mr. McCrae), I believe, has committed himself five years ago to increasing access to justice. Here is his chance to prove that he has the courage of his conviction.

Now I understand, as I said, that he has some other things on his mind. So do I, but I felt it was so important to deal with this, Mr. Speaker, that I am here today expressing my opinions for my fellow members. I am sure that the Minister of Justice (Mr. McCrae) will have researched this and passed on the recommendation and advice to his colleagues that this should receive speedy passage.

I am pleased to recommend to all members this resolution as a way to do the right thing for their constituents and as a way to make the justice system work for the people, not for the lawyers, not for the judges, although they would be pleased to have this happen, but for the people. Let us make it work for the people.

Thank you, Mr. Speaker.

Hon. Darren Praznik (Minister of Labour): Mr. Speaker, it gives me great pleasure to rise on this matter officially in my capacity as the acting Attorney General for the Province of Manitoba. I know my colleague the member for Thompson (Mr. Ashton) asks, of what profession? I gather he makes some comment toward the fact that I am a graduate lawyer and have been called to the bar in the Province of Manitoba and that somehow I might form some sort of judicious or judicial alliance with the member for St. James (Mr. Edwards) to impose on the people of this province a method of court action that could lead perhaps to a greater expense to the citizenry of our province.

Let me assure the member for Thompson, whom I know well, that it is not my intention at all to see

increased legal fees and cost to the people in the province or to form an alliance with the member for St. James. I know my deskmate, the honourable Minister of Natural Resources (Mr. Enns), has come out in support for the member for Inkster (Mr. Lamoureux) in the Liberal leadership campaign, but I can assure the member for Thompson that I will not be supporting either of the two contenders for the Liberal leadership, nor will I be voting Liberal in the next election.

Mr. Ashton: If they have a vote.

Mr. Praznik: If they have the vote, the member for Thompson says. When shall it be? The great questions and the issues. The member for Flin Flon (Mr. Storie) makes reference to my Liberal past and my family. Certainly, my family has a long history in the Liberal Party throughout most of this century, one we are quite proud of.

Mr. Ashton: So what happened to you?

Mr. Praznik: The member for Thompson says, what happened to me? I grew up; I matured. The question I put to members of the New Democrats is, what happened to them?

Mr. Speaker, to the issue at hand, and that is the proposal by the member for St. James (Mr. Edwards) for a quick court system, let me say first of all, I think all people share in the belief that the court system should be accessible, that citizens of our province, indeed of our country, should have the ability to access a court system, a decision-making body to settle disputes between them in a fashion that is both timely and cost-effective.

There is no doubt that over the years the court system, not only in our province but, in fact, throughout most of the industrialized world has grown in its complexity, not only issues being dealt with but, certainly, their process and procedure, all of it designed, of course, to ensure fairness in trial, to ensure that the respective issues of the parties are brought out in an appropriate manner such that the appropriate decisions can be made by the deciding officer.

We know that this has added, no doubt, to the cost of litigation. We have also seen our friends in the bar over the years, the cost of retaining counsel grow, perhaps not just because of the complexity. One has to wonder if some of it is not a bit of work creation on the part of members of the bar. I know from some of my own experiences both in practice with other counsel and now as Minister of Labour, in some

areas we involve members of the legal profession. I often have to wonder if matters could not be dealt with more speedily with often a better result if some of my own colleagues in the profession of law were not involved in those processes.

Mr. Speaker, in preparation for this afternoon's debate I had opportunity to speak with officials in our Ministry of Justice in the province, and I know that the member for St. James (Mr. Edwards) as the Justice critic of the second opposition party has proposed this quick court method and has made reference to a similar system having been successfully piloted in British Columbia.

I understand from our officials in the Ministry of Justice that this proposal for a system, known as economical litigation, in B.C. to deal with less complicated matters was considered there, I am told, three years ago in that province. However, opposition from the bench concerning the rights of unrepresented litigants, because of that opposition from the bench and concern that was raised, the proposal really never materialized in the full sense of their court system.

* (1720)

Perhaps I am wrong, but that is the advice that I received from our people in the Justice system who monitor these initiatives across the country. We do know, now, in fairness, that our Small Claims system, our Small Claims Practices Act and Small Claims Court, has been improved by this administration in terms of the limits of the cases, the value of the issue being decided and that this system has worked well to ensure that for disputes involving lesser amounts of money that individuals can receive speedy adjudication without having to involve the expense of legal counsel.

We do know, though, that in the range above our Small Claims Court to a larger amount of money, that there probably is a void. But how do we address that? How do we come to address that? The member for St. James (Mr. Edwards) makes the argument that often these matters in that range of issue are settled not on the legal principles that surround them, but on simply what the cost of litigation is, weighing out the balance as to what has been gained, and a settlement occurs.

He makes the case, of course, that somehow that is not a proper way of settling matters. I would like to just for a moment explore that argument somewhat, because I can tell the member in my

experience as an MLA, that there are a number of issues that come to my attention, as I am sure they do to other members of this House on occasion, where individuals are prepared to fight a particular matter that really is a matter of principle for them. But the value of the contract, the value of the service not provided, the value of the annoyance in cash is very, very limited.

I know often they come to us as MLAs and we help them as part of our public responsibility, or our staff helps them and sometimes they end up in small debt court and there they are dealt with. But if one were to really look at the cost, the effort involved in pursuing these matters that are often not involving great amounts of money, you really have to ask the question, was it a good use of one's time?

When people do ask that question and weigh the cost, the inconvenience of pursuing some of these matters with what is to be gained, it truly has to be a matter of principle that they wish to pursue and are prepared to go to that expense.

In that larger range, above the small debts court, Mr. Speaker, there is no doubt that sometimes that balance is a hard one, where the costs are not going to equal or only slightly less than what is to be gained. We recognize that the cost of litigation, all of the various pre-trial procedures, can add up, but I would remind honourable members that within the pre-trial procedures in civil litigation, each step presents an opportunity to settle the matter. Each step provides an opportunity to expose more fact on which the parties then can judge the strength and merits of their case, and if it is a weak case, not to proceed.

I refer to the examinations for discovery, where you have the opportunity to examine the chief witness in the matter from the other side and gain a testimony that you can use at trial. From that you get a very good sense of the strength of your case and the kind of evidence that is going to be adduced at trial, and again you have a chance to assess whether or not this should proceed. In the exchange of documents as well, another opportunity to garner and test the strength of your case.

So ultimately all of these provide those opportunities, and often, I would suggest from my recollection in practice at the law firm at which I did my articles, the majority of cases that are being litigated are settled, quite frankly, in one of those early procedures. That is probably where they best

should be settled, rather than not only going to the expense of counsel and litigation, but also really wasting the time of the court on a matter that is in fact very, very minor.

Mr. Speaker, our Attorney General over the last number of years has, as I have pointed out earlier, taken the steps to improve the use of our small debts court. As many members may be aware, this Legislature or the previous Legislature of which I was also a member, amended the Small Claims Practices Act, so that all claims for less than \$5,000—we changed that limit to \$5,000—and they are, in fact, set for hearing not more than 60 days after filing. In addition, the Department of Justice has reviewed the effectiveness of the current Small Claims system and is currently reviewing with the court a number of initiatives to ensure that the court continues to meet its principles of expeditious, informal and inexpensive access to the court. This includes the relocation of the entire Small Claims system to 373 Broadway and will include a review of the financial jurisdiction for Small Claims.

Another initiative, Mr. Speaker, which sped up the system is an amendment to the Queen's Bench rules governing the pre-trial procedures. The Queen's Bench Summary Judgment and Expedited Trial Rule was introduced in 1989 to provide an avenue to dispense with or limit pre-trial procedures and expedite hearings. Several other initiatives have been undertaken by the court to reduce costs and delay to litigants. The number of court appearances has been reduced by signing of documents as opposed to personal appearances in the courtroom. All requests for adjournments are also carefully scrutinized by judges.

To further reduce delay, the judiciary has also instituted a system of pre-trial conferences in an effort to narrow and define trial issues, a very important part so you are not wasting one's time dealing with issues that everyone is, in fact, in agreement. So there have been a number of very important steps taken by the Ministry of Justice to deal with this issue. Some of the existing methods, quite frankly, end up in settling those particular matters. But we would agree with the member for St. James that there is a need to continue to work to ensuring that we are not imposing hardships, financial burdens on those wishing to proceed with litigation, that people have access to a speedy as possible trial system. But I think that the experience of British Columbia, from the advice that we

received within the Ministry of Justice, this quick court system that he is proposing may not necessarily be the answer. It may lead to people not properly being represented and losing in litigation because they have not had the advice they needed to make their case.

I think all of us as MLAs from time to time have seen people come forward, whether it be on civil matters, whether it be on unemployment insurance matters, whether it be on Workers Compensation matters, who have done some harm to their case, because they did not appreciate the case they had to build, the issues that they were dealing with, and did not proceed in a manner that ended up prejudicing their ability to get the remedy or the compensation that they may have been entitled to.

So having proper advice is important. There is some concern, I think, in the part of the ministry that this system, as piloted in British Columbia, leads to that kind of difficulty, which, of course, creates, I think you would agree, another type of injustice.

So, Mr. Speaker, I would move, seconded by the honourable Minister of Urban Affairs (Mr. Ernst),

THAT Resolution 27 be amended by deleting all words following the first WHEREAS and substituting the following:

many Manitobans become involved in civil litigation each year; and

WHEREAS the best interests of litigants are not served in a system where cases are not based on merit, but on each party's ability to finance the litigation; and

WHEREAS the government of Manitoba, through the Department of Justice, has instituted several reforms to reduce the cost and delay in the court process.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba encourage the provincial government to continue its efforts to reduce the delay and cost of litigation in Manitoba.

Motion presented.

Mr. Speaker: The honourable minister's amendment is in order.

* (1730)

Ms. Becky Barrett (Wellington): I rise to speak on the amendment to the resolution as amended by the acting Minister of Justice to the resolution first brought forward by the member for St. James (Mr. Edwards).

I am bit puzzled, Mr. Speaker, by the amendment to the resolution because it seems to me that in many cases the amendment to the resolution is only restating what it is allowing for the resolution itself. Maybe I should try and clarify that statement just a bit.

In the amendment to the resolution it says: BE IT RESOLVED that the Legislative Assembly of Manitoba encourage the provincial government to continue its efforts to reduce the delay and costs of litigation in Manitoba.

Mr. Speaker, it seems to me that the resolution as put forward by the member for St. James does exactly that. We are not in favour of the amendment, but certainly would support the unamended resolution.

Mr. Speaker: Is the House ready for the question? Oh, do you want to speak on this?

An Honourable Member: Mr. Speaker, I wonder if there is a quorum in the House.

Mr. Speaker: A quorum having been requested, I would ask all members present to rise in their place, and the Clerk will record the names of all members present.

Madam Deputy Clerk (Beverley Boslak): The Honourable Mr. Ernst, Mr. Ashton, Ms. Barrett, Mr. Santos, Mr. Dewar (Selkirk), Mr. Alcock, Mr. Edwards, the Honourable Mr. Rocan.

Mr. Speaker: Eight. Due to lack of a quorum, this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 26, 1993

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