



Third Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

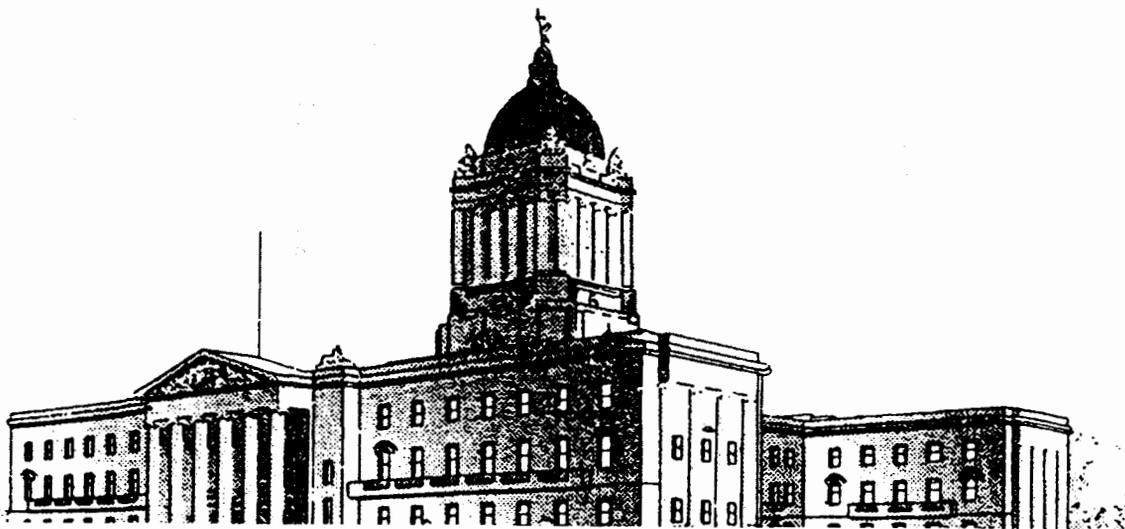
DEBATES

and

PROCEEDINGS

**Official Report
(Hansard)**

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The Honourable George Hickes
Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 27, 2002

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Transcona-Springfield School Division

Mrs. Heather Stefanson (Tuxedo): Mr. Deputy Speaker, I ask for leave to present a petition for the Member for Springfield (Mr. Schuler).

Mr. Deputy Speaker: Is there leave? *[Agreed]*

Mrs. Stefanson: I beg to present the petition of R. McLennan, Michael Trush, Chris Schmidt and others praying that the Legislative Assembly of Manitoba request the Minister of Education (Mr. Caldwell) to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

READING AND RECEIVING PETITIONS

Transcona-Springfield School Division

Mrs. Heather Stefanson (Tuxedo): Mr. Deputy Speaker, I ask for leave to present the reading and receiving of a petition for the Member for Springfield (Mr. Schuler).

Mr. Deputy Speaker: Is there leave? *[Agreed]*

I have reviewed the petition and find it complies with the rules of the House, the practices of the House. Is it the will of the House to have the petition read?

Some Honourable Members: Yes.

Mr. Deputy Speaker: The Clerk will read.

Madam Clerk (Patricia Chaychuk): The petition of the undersigned citizens of the province of Manitoba humbly sheweth

THAT on November 8, 2001, the Minister of Education (Mr. Caldwell) announced a split in the Transcona-Springfield School Division but despite repeated requests has been unable to identify any benefits of this decision to the students and taxpayers of said school division; and

THAT this decision was not preceded by adequate public consultation as outlined in section 7 of The Public Schools Act; and

THAT this decision would result in significant hardships for the students in both Transcona and Springfield that would affect the quality of their education; and

* (13:35)

THAT the proposal by the Minister of Education on February 12, 2002, neither alleviates nor remedies these hardships; and

THAT this decision results in an increased financial burden on the taxpayers of both the Transcona-Springfield School Division and the province of Manitoba; and

THAT on March 13, 2002, the number of resident electors required by The Public Schools Act requested the Minister of Education to convene a Board of Reference to decide the matter.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly request the Minister of Education to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

TABLING OF REPORTS

Hon. Greg Selinger (Minister of Finance): Mr. Deputy Speaker, I would like to table the following report: The Report of the Amounts Paid to Members of the Assembly for the year ended March 31, 2002.

INTRODUCTION OF BILLS

Bill 46—The Elections Finances Amendment Act

Hon. Gary Doer (Premier): Mr. Deputy Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh), that leave be given to introduce Bill 46, The Elections Finances Amendment Act; Loi modifiant la Loi sur le financement des campagnes électorales, and that same be now received and read a first time.

His Honour the Lieutenant-Governor, having been advised of the contents of this bill, recommends it to the House. I would like to table the message of the Lieutenant-Governor.

Motion presented.

Mr. Doer: Mr. Deputy Speaker, I am pleased to table and distribute Bill 46, The Elections Finances Amendment Act. This act provides for full disclosure for future leadership races of any person of a recognized political party in Manitoba. It provides for a limit on donations for many individuals to be \$3000; it supplies consistency in prohibiting donations for leadership candidates to come from either unions or corporations. This action was recommended by the Chief Electoral Officer back in 1995.

We said in the year 2000 we would bring this act forward to this Legislature after the then-current leadership race was in existence, and this again fulfils our commitment to the people of Manitoba, a full disclosure, transparency and rules that work for the people of Manitoba. I would recommend it to all members of this House.

Motion agreed to.

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Deputy Speaker, would you canvass the House to determine if there is leave to allow a report from the Standing Committee on Law Amendments to come forward to the House now regarding Bill 14, in the public interest.

Mr. Deputy Speaker: Is there consent to allow that Bill 14 be allowed to go back to the House now?

Some Honourable Members: No.

Mr. Deputy Speaker: Leave has been denied.

Introduction of Guests

* (13:40)

Mr. Deputy Speaker: Prior to Oral Questions, may I direct the attention of the honourable members to the gallery where we have with us today 10 students from the University of Manitoba under the direction of Leanne Matthes.

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

ORAL QUESTION PERIOD

Chiropractic Services Coverage Reduction

Mrs. Myrna Driedger (Charleswood): Mr. Deputy Speaker, on Tuesday, a worried mom wants to take her 15-year-old son to the chiropractor because he hurts himself water skiing on the weekend. I would like to ask this Premier (Mr. Doer) how much chiropractic coverage this 15-year-old boy will have as of Monday.

Hon. Dave Chomiak (Minister of Health): Mr. Deputy Speaker, that mother can take her son to the chiropractor today and on Monday; if the office is open on Monday I assume, then I think they could.

Mrs. Driedger: Mr. Deputy Speaker, the Minister of Health did not answer it by indicating he is cutting off coverage as of Monday.

I would like to ask the Premier to please explain to parents: How are they to cope with the financial burden now that he has totally cut off all coverage for children to see a chiropractor? How many families are going to be hurt by his decision come Monday?

Mr. Chomiak: Mr. Deputy Speaker, as we have canvassed and suggested in this House over the past week over several questions raised by the member opposite, the decision with respect to chiropractic was a difficult decision. We looked at all of the issues concerning the Budget.

We have put in place some significant changes to the health care system, most notably in terms of training and retaining nurses. There was clear and difficult shortage, and difficult circumstances for us. We were able to settle that collective agreement. We were able to settle without undue difficulty a collective agreement with physicians, and I am pleased to say, for the first time in two years, we, net, have more physicians in Manitoba than we have lost, as we did during the dark years of the Tory regime.

With respect to chiropractic, it was a tough decision. Fortunately, we are still able to provide some coverage, and we are one of five provinces in Canada that provides coverage.

Mrs. Driedger: Mr. Deputy Speaker, I would like to ask the Premier to please explain how he can justify having a sandwich factory developed in the Deer Lodge Centre while at the same time cutting off chiropractic coverage for children. His union buddies win and the children of Manitoba lose.

Hon. Gary Doer (Premier): Mr. Deputy Speaker, notwithstanding the cheap rhetoric in the question, and I will look forward to members opposite voting to ban union and corporate donations for the next leadership race in all our political parties, we will see who are tied to buddies and who are not. We govern free of fear and favour because we have banned union and corporate donations. I challenge members opposite to change their position on the banning of union and corporate donations and join with the public in giving us a better system, a more transparent system and a superior system for democracy here in Manitoba.

* (13:45)

Mr. Deputy Speaker: Before I recognize the honourable Member for Ste. Rose, I would like to remind the members of the public who are with us today in the gallery that our rules and practices of this House do not allow members of the public to participate in the proceedings in the Chamber, which includes the display of banners, signs, placards or any other exhibit, or even clapping of hands. I appreciate your cooperation.

Chiropractic Services Coverage Reduction

Mr. Glen Cummings (Ste. Rose): My question is for the Premier: Just how brave is he when he has an opportunity to face those on welfare who need chiropractic care, such as Lindy Bright, a woman on welfare who needs chiropractic care regularly, and if she is unable to afford those services will likely face reduced health, increased use of painkillers?

Mr. Deputy Speaker, will he recognize that he is forcing people such as Lindy into a more expensive system?

Hon. Gary Doer (Premier): I find it passing strange when we consider a member who voted to cut back the nutritional payments for mothers, cut back baby's milk, to be lecturing us about fairness; cut back the milk provisions and nutritional provisions for mothers. We need no lectures from the member opposite.

Is the member opposite suggesting we should bring in a system like B.C., a means-test system for chiropractic services? Is that the position of the Conservative Party?

Mr. Cummings: Well, frankly, Mr. Deputy Speaker, the Premier is denying opportunity for choices—

Mr. Deputy Speaker: Question. That is a supplementary question, allows no preamble.

Mr. Cummings: Given the latitude of the Premier, I would like to ask him: Is he going to continue to insist on reducing choices for people who choose to use alternative services such as chiropractic?

Mr. Doer: People have the choice now in our society to go to a doctor, people have the choice in our society now to go to a nurse, people have the choice in our society to have home care, people have the choice in our society to go to a physiotherapist, people have the choice in our society to go to a massage therapist, and people have the choice to go to a chiropractor, which is funded by \$7 million by this Government. There are choices in health care and we are maintaining those.

We have the fourth best system in Canada. We obviously believe in a tough set of decisions in health care with a service that is not covered under the Canada Health Act, that we have still provided choices.

I would point out to the House the whole issue of chiropractic services as an issue of whether it will be under the Canada Health Act or not be under the Canada Health Act is an issue under the Romanow Commission. He may recommend one way or may recommend another way, but this is an issue before the royal commission that has been established on health care services here in Canada under the Canada Health Act from Ottawa.

Mr. Deputy Speaker: The honourable Member for Ste. Rose, on a supplementary.

Mr. Cummings: This Premier neatly dodges the issue that—

Mr. Deputy Speaker: Question.

Mr. Cummings: —people in Canada are eligible for some support for chiropractic.

I am embarrassed that this Premier would—

Point of Order

Mr. Deputy Speaker: Point of order being raised. The honourable Government House Leader.

Hon. Gord Mackintosh (Government House Leader): Mr. Deputy Speaker, would you please remind the honourable member—I am sure he is well versed in the practices of the House—that supplementary questions require no preamble. I think he is on the second preamble.

Mr. Deputy Speaker: May I remind all honourable members that supplementary questions—on the same point of order, the honourable Member for Ste. Rose.

Mr. Cummings: Thank you, and I have no desire to put you in a difficult position, but the Premier has been allowed significant latitude on his answers. I would ask that I be given the same privilege.

Mr. Deputy Speaker: If the honourable member is the leader of his party he will have the same privilege.

The rule states that the preamble at the beginning of the main question will not exceed one reasonably long sentence. So there has been a violation of that rule. I think there is a point of order here. There is a preamble when it is on a supplementary question.

* * *

Mr. Cummings: I would ask the Premier: While he is reducing chiropractic coverage, does he think it is wise to also be spending money on a sandwich factory?

Mr. Doer: The Minister of Health (Mr. Chomiak) has answered that we are not spending money on a so-called sandwich factory. I am confident the work we are doing and some of the commitments we have made will be reversing many of the decisions made to have frozen food from Markham, Ontario.

* (13:50)

We are proceeding. We have cancelled the outside contract for salads. We are making those now in Manitoba. As a member representing a farm community, I think he should appreciate that. We are doing our breads now in Manitoba. We have brought that back and it is a good point about sandwiches.

On chiropractic services, we respect the work our chiropractor services provide to the people of Manitoba. We also respect the fact that this service is not covered under the Canada Health Act. This is a co-payment system, Mr. Deputy Speaker. Whether it was the former government reducing the visits from 15 to 12 or us reducing our investments in those services, we recognize these are amongst many other services the public of Manitoba, through MPI, Workers Compensation and the Department of Health, respect. Given that, we had to make decisions to live within balanced budgets and that is what we are doing.

Chiropractic Services Coverage Reduction

Mrs. Myrna Driedger (Charleswood): Mr. Deputy Speaker, many patients, including some

who drove all the way from The Pas, were extremely disappointed over the last two days because half of the members of this caucus refused to face their constituents and pick up their letters from these constituents.

I would like to ask the Premier: Can this Premier tell all of the chiropractic patients who are in this gallery today why he and his Government have chosen to ignore their concerns, the concerns of over 50 000 patients in this province, but he is quite prepared to spend government money to build a sandwich factory at the Deer Lodge Centre?

Hon. Gary Doer (Premier): I received a letter. Having been in the House for the last couple of days, apparently I was not scheduled to be served with the letter until a couple of hours ago. I have indicated I am willing to meet at 5:15 today with the individuals. I have two previous speaking engagements. When you have long-term commitments to speak, you are surely not going to cancel those commitments, but I am prepared to meet with the individuals.

Apparently I was not able to get the letters on Tuesday. I do not know where the letters were being stored. I am sure the letters were not being stored in the Tory caucus room. I am sure that was not happening. I am sure that would not have taken place.

Our people have received letters. Some were apparently not able to get letters. Some had to stay in the House for quorum calls. But this Government is willing to meet people who have advice for us. I am prepared to meet with the delegation, with all the delegation at 5:15 today, and so is the Minister of Health. We welcome their input.

Chiropractic Services Caucus Members' Comments

Mrs. Myrna Driedger (Charleswood): Mr. Deputy Speaker, I would like to ask the Premier if he is aware of any of his caucus members indicating to chiropractors: You guys better be quiet or you will lose it all.

* (13:55)

Hon. Dave Chomiak (Minister of Health): Considering how often the Member for Charleswood has got her facts wrong, I am not even going to answer that question, Mr. Deputy Speaker.

Premier's Comments

Mrs. Myrna Driedger (Charleswood): This question is for the Premier of this province. Has the Premier himself made any comments to chiropractors that if they do not stop embarrassing him here he will do what was done in British Columbia and cut off all chiropractic coverage altogether, except for those on social assistance? Has he himself made any of those comments to chiropractors?

Hon. Gary Doer (Premier): I just had a question about means testing from the Member for Ste. Rose (Mr. Cummings) and I answered the question about—

Mr. Deputy Speaker: Point of order being raised.

Point of Order

Mr. Deputy Speaker: The honourable Member for Ste. Rose, on a point of order.

Mr. Glen Cummings (Ste. Rose): The Premier is deliberately misrepresenting the question that was asked. Means test was never referred to.

Mr. Deputy Speaker: The honourable Government House Leader, on the same point of order.

Hon. Gord Mackintosh (Government House Leader): Mr. Deputy Speaker, on this point of order, this is a dispute on the facts quite clearly. I will raise another point of order, given the member's language, unless he wishes to withdraw in the meantime.

Mr. Deputy Speaker: A dispute over the facts is not a point of order.

Point of Order

Mr. Deputy Speaker: Point of order being raised. Another point of order.

Mr. Mackintosh: Mr. Deputy Speaker, would you please ask the honourable member to withdraw the remarks "deliberately misrepresent." Those are unparliamentary, I understand.

Mr. Deputy Speaker: All honourable members know that when you use the phrase "deliberately misleading" with the word "deliberately" it becomes unparliamentary. Would the honourable Member for Ste. Rose withdraw the statement? The statement was "deliberately misrepresent."

The Opposition House Leader, speaking on an existing point of order?

Mr. Marcel Laurendeau (Official Opposition House Leader): Yes, Mr. Deputy Speaker. The line the minister is quoting or the House Leader is quoting has been ruled upon by the Chair before, or he has caused intervention, but not necessarily been ruled out of order.

Mr. Deputy Speaker: The Chair considers it wiser to take the matter under advisement so it can be researched.

* * *

Mr. Doer: To continue on, in a democracy there are always decisions one makes that are supported and decisions that are not supported. We had a bill that was discussed last evening, Bill 14, to reduce the school divisions by 33 percent, again trying to reduce the administrative costs to taxpayers. Some people support it; some people do not. We have this action in the Budget that obviously has some people concerned. We respect that in a democracy.

I would point out, Mr. Deputy Speaker, this service is not covered under the Canada Health Act. This is not covered under the five principles of the Canada Health Act. I would also point out the Romanow Commission is also dealing with what matters will be covered under the Canada Act and what matters will not be covered under the Canada Health Act. That is something I have said publicly in this Chamber on a previous question.

Mrs. Driedger: Mr. Deputy Speaker, on a new question.

Mr. Deputy Speaker: On a new question.

Mrs. Driedger: On Tuesday in Question Period, the Premier commented that chiropractors make \$75,000 per chiropractor from Workers Compensation, MPI and from the provincial government.

I would like to ask this Premier what this has to do with anything in relationship to the cuts he has made to chiropractor coverage. That was a shameful comment for him to make. I really would like to ask him today what bearing that has on any of the decisions they made to cut chiropractic service in Manitoba.

* (14:00)

Mr. Doer: Of course, the figure I raised the other day is in the public domain. The public have a right to know those numbers. I am surprised the member opposite is afraid of the truth. That does not constitute the salary levels for chiropractors because obviously this is a co-payment system. This is a system the members opposite worship at, a private system. This is the kind of ideology you want for all health care. You want a private choice system, with profits, in every part of health care.

Then, of course, when you have a little bit of change into co-payment in a private system that is not under the Canada Health Act, we hear all the members opposite saying the sky is falling. This was a tough decision. We respect the work that is being performed. We have had to make other tough decisions and will continue to make those so we can stay balanced, pay down our debt and have an affordable province for the people of Manitoba.

Mrs. Driedger: I would like to ask the Premier again if he himself made any comments to chiropractors that, if they do not stop embarrassing him by bringing all these patients here to the gallery, he will do to them what happened in British Columbia and cut off all chiropractic coverage for patients, except for those on social assistance. Is there prejudice and discrimination at work here?

Mr. Doer: I note that often the member opposite has such inaccurate information. I think a couple

of weeks ago she did not even know the date she was elected and therefore would take no responsibility for the last doctors' contract.

Obviously people have a right to utilize fax machines, which are sending a number of form letters in from chiropractic offices across the province. Apparently the form letters were not available for me on Tuesday or Wednesday. Apparently they are available today some time. I do not know where they were stored. Perhaps the member opposite will tell us where they were stored. I am sure they were not stored in the Tory caucus room over the last couple of days.

Mrs. Driedger: The Premier has not answered the question and I will ask him one more time. Has he himself made any comments to chiropractors that if they do not stop embarrassing him by bringing all of these patients to the Legislative Building he will do to them what happened in British Columbia and cut off all chiropractic coverage to patients in this province, except for those who are receiving social assistance? Is he not aware that is going to hurt patients in this province with that threat?

Mr. Deputy Speaker: The question has been put.

Mr. Doer: I know no greater threat to patients' security than the outlandish statements that are made by the member opposite on a daily basis in this House.

I know the campaign has some vigour to it from opponents of our decision. I also know we are not embarrassed by democracy. We are not embarrassed by people who disagree with us. I am prepared to meet with the people at 5:15 today. I am not embarrassed at all about dissent in a democracy, and we look forward to advice we are going to get.

Apparently I was not eligible to get the advice on Tuesday, and apparently I was not eligible to get the advice on Wednesday, but apparently, Mr. Deputy Speaker, I am scheduled to get the advice today. I hope I am able to keep my speaking commitments that were made weeks ago so that I can meet with the group at 5:15 today.

Point of Order

Mr. Marcel Laurendeau (Official Opposition House Leader): *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate.

It is too bad I allowed the House Leader's staff to enter my room, but that information was not held in caucus. They asked if they could use a corner of my office, and it was filed in the corner of my office. It is too bad we cannot trust their staff when they walk into our room to negotiate or have discussions, but now we know how much we can trust them.

I would ask this minister to keep his staff out of my office, and I would ask this First Minister to keep his answers brief.

Mr. Deputy Speaker: The Government House Leader, on the same point of order.

Hon. Gord Mackintosh (Government House Leader): Mr. Deputy Speaker, now that there is clarification from members opposite about storage issues, I wanted to put on the record that I do not think it is fair to attack a staff member who is not able to defend himself in this House, a staff member, I understand, that was engaged in discussions with the Opposition House Leader in terms of House business. But there was something in plain sight and there was no secret about anything, nor, I understand, was there to be a secret.

Mr. Deputy Speaker: Disagreement as to what happened is not a question of order.

* * *

Mr. Laurendeau: Did you rule that there was no point of order, Mr. Deputy Speaker?

Mr. Deputy Speaker: I am trying to explain that when there is disagreement as to versions of what happened and disagreement as to facts as they occurred, it has nothing to do with the rules of the House. There is no rule of the House that has been cited that has been violated.

Mr. Laurendeau: I cited *Beauchesne* 417, Mr. Deputy Speaker. I challenge your ruling.

Mr. Deputy Speaker: The Chair has ruled that disagreement as to what happened is not a point of order. That ruling has been challenged.

Voice Vote

Mr. Deputy Speaker: All in favour of sustaining the ruling of the Chair, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In the Chair's opinion, the Yeas have it, and the ruling has been sustained. *[interjection]* I have to recognize the Opposition House Leader first. The Opposition House Leader must be recognized first before he speaks.

Formal Vote

Mr. Laurendeau: Yeas and Nays, Mr. Deputy Speaker.

Mr. Deputy Speaker: A recorded vote has been requested. Please call in the members.

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

Division

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

Yeas

Aglugub, Ashton, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Schellenberg, Selinger, Smith (Brandon West), Struthers.

Nays

Cummings, Driedger, Dyck, Enns, Faurshou, Gerrard, Gilleshammer, Helwer, Laurendeau, Loewen, Maguire, Penner (Steinbach), Smith (Fort Garry), Stefanson.

Madam Clerk (Patricia Chaychuk): Yeas 25, Nays 14.

Mr. Deputy Speaker: The ruling of the Chair has been sustained.

Chiropractic Services Finance Minister's Comments

Mrs. Myrna Driedger (Charleswood): Mr. Deputy Speaker, a few minutes earlier in the hallway a question was asked to the Minister of Finance (Mr. Selinger), who made the decision to pull the plug on chiropractors, and the Minister of Finance indicated: We got the advice from experts. When asked who are the experts, the Minister of Finance indicated it is the medical doctors.

* (15:10)

I would like to ask the Minister of Finance to confirm he made this statement in the hallway, that the decision made to pull the plug on chiropractors was made on the advice of medical doctors.

Point of Order

Mr. Deputy Speaker: The Government House Leader, on a point of order.

Hon. Gord Mackintosh (Government House Leader): It may not be known to the honourable member, but *Beauchesne* Citation 409(6), indeed the longstanding practice in this House is that the minister to whom a question is directed is responsible to the House for his or her present ministry.

In other words, questions can only go to the minister in regard to questions about actions undertaken in the particular department.

Mr. Deputy Speaker: On the same point of order, the Opposition House Leader.

Mr. Marcel Laurendeau (Official Opposition House Leader): The honourable House Leader would be correct if this was a question related to Health, but this was a question related to a statement made by the Minister of Finance.

Mr. Deputy Speaker: Since I have not clearly understood what the question is, I am taking the ruling of the Chair under advisement.

* * *

Hon. Gary Doer (Premier): Mr. Deputy Speaker, on the generic question of who made the decision, the Government made the decision that was made, I imagine, in a similar way to what the government did when the number of visits was reduced from 15 to 12. I imagine it was made in a similar way. I am not sure whether the member was here then or not or can remember whether she was here or not.

I have to say, though, that I respect the right of people to disagree with this. It happens every day. Mr. Deputy Speaker, I was a little disappointed with the behaviour in the hallway of throwing letters at us today.

Mrs. Driedger: Mr. Deputy Speaker, I would like to ask the Minister of Finance (Mr. Selinger), as this is a financial decision, if he will admit this decision to cut back on chiropractic care was really not about cost savings at all.

Mr. Doer: Mr. Deputy Speaker, \$10 million in the last Budget, \$7 million in this Budget, \$3 million less; cost saving equals \$3 million.

Coverage Reduction—Consultations

Mrs. Myrna Driedger (Charleswood): Mr. Deputy Speaker, I would like to ask: Seeing as the Premier is the one interested in answering the questions, before they made their decision to cut back on chiropractic coverage and accepted the advice of the medical physicians then, did they first seek the advice of the experts themselves in their own field, the chiropractors themselves? Did they even talk to the chiropractors?

Hon. Dave Chomiak (Minister of Health): Mr. Deputy Speaker, I do not know who the members consulted when they cut back the number of visits from 15 to 12 unilaterally.

As I indicated on many occasions in this House with respect to this decision, we had to

weigh a whole bunch of conflicting issues and matters. It was not an easy decision, but it was a decision we took in order to deal with the overall health care sector.

There are records of various organizations and groups positioned with respect to this issue that are on the record. If the member wants to do a little bit of research, perhaps she can find that out.

Education System School Year Start Date

Hon. Jon Gerrard (River Heights): My question is to the Minister of Education. For some time many parents, the Association of Manitoba Municipalities and many businesspeople have argued forcefully that the school year for those in primary and secondary education should start in the fall after Labour Day.

I ask the Minister of Education: When is he going to make the changes necessary to have the school year begin after Labour Day?

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Deputy Speaker, the 200 school days that we have in the province of Manitoba have been in place for a number of years now. We certainly on this side of the House are interested in facilitating a school year start that is post-Labour Day.

For that reason, I constituted a minister's committee approximately a year ago, maybe a little bit more, a little bit less, but approximately a year ago, consisting of representatives from the Manitoba Association of School Trustees, the Manitoba Chamber of Commerce, the Manitoba Teachers' Society and the Manitoba Association of Parent Councils. That committee has been working to come to a consensus from the groups that are relevant in this, parents, business, teachers, administration of the public school system, the trustees. There was no consensus available when the school year was called for this coming year.

That committee will continue its work. I expect a consensus will be reached in short order, but we believe this is an important issue that impacts upon children's ability to learn and

their education. We want to be very sensitive to their families, to the business community, to the trustees and to the parents as we work through a solution to this.

Mr. Gerrard: Mr. Deputy Speaker, my supplementary. I ask the minister: Has the Department of Education or others done any research to see if the changes made by the former Conservative government, that is, the 200-day rule, whether the institution of this rule, which led to schools starting after Labour Day, has provided either an increase or a decrease in the performance of students in schools?

Mr. Caldwell: Mr. Deputy Speaker, I guess the member criticizes the Conservatives on one side of this question and he criticizes us on the other side, but we believe in seeking consensus from the main groups of individuals who will be affected by this, the parents, the teachers, the trustees—*[interjection]* No, the parents, the teachers, the trustees and the Manitoba Chamber representing the business community.

I think it is self-evident that contact days in the classroom are beneficial to students in the classroom. That is self-evident. We believe, as the members opposite when they were in government believed, that the public school system is of critical importance to this province. The amount of contact time between students and teachers in the classroom is very important in a child's education.

Mr. Gerrard: Mr. Deputy Speaker, I just ask the minister for evidence. For example—

An Honourable Member: Question.

Mr. Gerrard: Here is the question. Compared to other provinces which have less than 200 days of school for students, did the increase in the number of school days in Manitoba to 200, made by the former Conservative government, provide for a dramatic increase in the performance of students on standardized tests?

Mr. Caldwell: Well, Mr. Deputy Speaker, we think the school year, the public school system, the work of teachers and, of course, the work of students in furthering their education are all important. I think one day of contact in a school

year would be too few. There are other provinces that have 200 days. There are other provinces that have 197 days. Notionally, in Canada, 200 days is not out of the ordinary, nor is 195 or 197.

* (15:20)

There is an interest in facilitating a change so that the school year begins after Labour Day. We are seeking consensus on that matter from business, parents, teachers and trustees.

Bill 14 Delay—Impact on Costs

Mr. Stan Struthers (Dauphin-Roblin): Mr. Deputy Speaker, my question is for the Minister of Education, Training and Youth. A lot of school trustees, CEOs, secretary-treasurers, parents, teachers, a lot of people have worked very hard to modernize our public schools and our school divisions. As we have seen in this House, many, many divisions have written to this side of the House and all members of this House urging the passage of this Bill 14 before July 1.

I would like to ask the minister: What will be the damage to school divisions should this bill not pass before that date?

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Deputy Speaker, I appreciate the question. I also appreciate the Conservative Party last night in committee as we moved through this and heard from the delegations in moving this legislation forward to the House. I am hopeful we will have a vote today on this matter.

There will be significant costs associated with a delay post-July 1. Additional work in delaying amalgamation would require significantly more administrative, accounting and financial work than if amalgamation were to take effect July 1. Staffing decisions that are made around the effective date of June 30 will mean a significant increase in workload for remaining staff. Administration and financial management of many divisions who have been planning and working hard to combine administrative and operational support and have them in place by July 1 will be threatened. Existing plans and arrangements will have to be altered, with costs associated with that.

School bus registration for divisions are renewable on July 1. There will be additional costs associated with that. Insurance coverage, divisions that have arranged changes in insurance coverage for buildings, vehicles and liability will have to manage.

So there will be significant costs associated if this bill is not passed by July 1.

Crime Rate Increase

Mrs. Joy Smith (Fort Garry): On November 15 last year, the Minister of Justice stated in reference to crime rates that they are, and I quote: Starting to decrease.

Unfortunately for this minister, statistics released today by the Winnipeg Police Service prove the inaccuracy of his earlier statement. For the year 2001, murder and attempted murder rates were up almost 30 percent as compared to the previous year.

Will this minister acknowledge that his crime reduction strategy of finger pointing and press releases with no follow-up is resulting in more Manitobans being concerned about their personal safety?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Her question is certainly interesting, coming from a Conservative, recognizing that in the 10 calendar years they were in office violent crime increased. I note from the Winnipeg Police Service news release that crimes against persons are down 3 percent overall. I might note, in addition to all the other areas of crime that are decreasing, the press release goes on to say property-related crimes continue to be a challenge, particularly in the area of stolen autos.

Mr. Deputy Speaker, auto theft in the year in question, 2001—in other words, this goes back as much as a year and a half—continues to be a serious issue up until the end of last year. I am pleased to announce today that as of yesterday auto thefts in the city of Winnipeg are down 15 percent.

Mrs. Smith: It is cold comfort to victims of crime when the Attorney General is making

excuses and picking up numbers like he did with the gang membership.

The minister, on June 25, 2001, stated, and I quote: We are putting in place a different way of dealing with things.

Can he reconcile with Winnipeg Police Service information that overall crime rates are up 7 percent in 2001 as compared to the previous year? What does this Attorney General have to say about that?

Mr. Mackintosh: The member is wrong again. My understanding from the Winnipeg Police Service is that recent review of the recorded robberies revealed that instead of a 7% increase there was a 1% decrease. Unfortunately, that was not reflected in their annual report.

Having said that, Mr. Deputy Speaker, violent crime is down 3 percent, robberies are down, prostitution is down, break-and-enters are down, sexual offences are down, assaults are down, abduction is down, possessed stolen goods is down, arson, thankfully, is down, domestic violence is down.

But the statistics from 2001, recognizing that was some six months ago, was largely and in no small way driven by the auto theft increase of 13 percent. As well, in taking into context the increase in mischief charges, which includes graffiti, we have an issue with regard to stolen autos. I was pleased today to announce one more brick in the wall, and that was a parking lot audit and sign campaign, as well as a new prosecutor position, for now two who are dedicated to the prosecution of auto thefts.

Gimli Rail Line Status

Mr. Edward Helwer (Gimli): Yesterday the Minister of Labour (Ms. Barrett) stated that the CPR was looking at options other than having Central Manitoba Railway purchase the Gimli rail line, which runs through Selkirk to Gimli.

Can the Minister of Transportation (Mr. Ashton) tell us what other Manitoba short-line rail companies have approached the CPR regarding taking possession of that very economically important rail line?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Today I am pleased to rise to inform the House we are working very hard with all members of the parties who are involved with this very crucial business decision of ensuring the line runs from Gimli and brings Seagram products to Manitobans and people all over the world, some of the finest whiskey in the world.

In all seriousness, it is very important to remain in a position where we can work with all members of the deal. We are prepared to do that. We continue to work with all members.

The issue is not closed. We are working with CP, with Cando, the Government, and looking at options to find a solution. We found a solution in Faneuil, Isobord, New Flyer, Motor Coach, McKenzie Seed and InMetal, which was a particular challenge.

These things do not result overnight. I would ask members opposite to be patient and work with us to find a positive solution.

Mr. Helwer: Will the Minister of Transportation (Mr. Ashton) finally set the Minister of Labour (Ms. Barrett) straight and let her know the only option the CPR is really looking at now that the Cando deal has collapsed is abandoning the Gimli line?

Ms. Mihychuk: I would recommend that members on the other side put the situation in perspective. Do not start hammering the lid to the coffin yet. We are in a state of negotiation, and I ask all members to be patient and work for a positive solution.

Mr. Helwer: Will the Minister of Transportation answer the question I asked the Premier (Mr. Doer) yesterday that he did not answer: How much additional highway upgrading and maintenance funding will be required for Highways 8 and 9, given that rail service to these major Interlake businesses is now no longer available as a result of the Minister of Labour's (Ms. Barrett) bungling?

Hon. Steve Ashton (Minister of Transportation and Government Services): Mr. Deputy Speaker, I am somewhat disappointed in the

Member for Gimli because he is not recognizing that indeed the rumours of the death of this line are greatly exaggerated. We are still working with the principals, the Minister of Industry, Trade and Mines (Ms. Mihychuk) is, in particular, working with the principals to try and maintain the rail line.

* (15:30)

Also, I hope he would note on the record that this is a banner year for investment in the Interlake. In fact this Government has done more to invest in highways in the Interlake than happened in 10 years when members opposite were in government.

Crime Rate Reduction Strategy

Mrs. Joy Smith (Fort Garry): Mr. Deputy Speaker, I would like to ask the Attorney General: When is this Minister of Justice going to stop playing with numbers and address the high crime rate that is happening here in the city of Winnipeg? Stop the smoke and mirrors; stop the political rhetoric and address the problem of the rising crime rate in many different areas, violent crime, sexual assault. In District 5 and in District 6 there is an increase in robberies, an increase in property problems. When is the minister going to address this problem instead of playing politics with it?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): The only politics I hear is right now. I might add that robberies, to my understanding from the press release of the Winnipeg Police Service, are down 1 percent. I would like to take this opportunity to reflect and to celebrate the excellence in law enforcement that the Winnipeg Police Service is, that our Chief of Police is, that the City of Winnipeg has been bringing to this effort and indeed in the area of crime prevention.

Mr. Deputy Speaker, I might also say, in addition to the excellence in law enforcement and the hard work that has been undertaken, and recognizing the challenge of auto theft, which hopefully is turning the corner, and the issue of mischief, safety is not only about stronger policing, it is also about stronger employment

opportunities. It is not only about stronger prosecutions; it is also about stronger early childhood education. Safety is not only about stronger corrections; it is also about housing initiatives and stronger neighbourhoods. It is not only about stronger laws, but it is about greater hope and opportunities for Manitoba youth. Tough on crime, yes; tough on the causes of crime also.

Mr. Deputy Speaker: The time for Question Period has elapsed.

MEMBERS' STATEMENTS

Flin Flon Fire Department

Mr. Gerard Jennissen (Flin Flon): Mr. Deputy Speaker, since the tragic events of September 11 last year, many of us have come to a greater appreciation of the role played by emergency responders such as firefighters. For example, in early June when fire broke out in the Hemlock Drive apartments, a seniors residence, rescue crews and firefighters responded promptly and efficiently. All tenants were safely evacuated. I believe that all members in this Chamber will gladly join me in honouring the Flin Flon Fire Department, which is celebrating its 65th anniversary this month.

The Flin Flon Fire Department came into being officially on July 7, 1937. The Rotary Club, in 1937, presented the newly formed fire department with a new Ford fire truck which had the capacity to transport 200 gallons of water. Before 1937, fires in Flin Flon were fought with the aid of an ancient hand-drawn hose cart and a 500-gallon chemical cart. The Flin Flon Fire Department was continually upgraded over the years and developed a proud tradition of public service. In 1981, a modern fire hall opened at the corner of Hapnot Street and First Avenue. In 1999, the first female firefighter, Jennifer Daneliuk, joined the Flin Flon firefighting ranks.

Congratulations Flin Flon Fire Department on your 65th birthday. All of us in this Chamber salute the fire chief, Jim Petrie, and the 29 members of the Flin Flon Fire Department. Thank you firefighters. It is comforting to know we can always count on you and we acknowledge the important role you play in safeguarding our lives.

Desmond Plewman

Mr. Jim Penner (Steinbach): Mr. Deputy Speaker, I am pleased to rise today to recognize yet another resident of my constituency who has achieved national success in their occupation. Recently auctioneer, Desmond Plewman of Kleefeld took top honours in being named Canada's best auctioneer. Mr. Plewman was awarded this distinction at the 2002 Canadian Livestock Auctioneering Championship which was held near Moose Jaw late last month and which featured 25 contestants from across the country. Despite competing against Canada's best, including a fully bilingual auctioneer, Mr. Plewman distinguished himself in taking the top award.

Auctioneering has been a lifetime interest for Mr. Plewman who first developed an attraction to the craft while attending auctions with his father. He acted upon this interest by enrolling in an auctioneering school from which he graduated in 1987. Mr. Plewman, now Canada's top auctioneer, can be heard practising his skills at the Grunthal Livestock Mart in which he is part owner and serves as general manager.

Mr. Deputy Speaker, like Mr. Plewman many Manitobans have distinguished themselves by achieving top honours in their chosen occupations. I am particularly proud of the many residents of the Steinbach constituency who have achieved special recognition for the work that they do or for the volunteer activities they perform. So, on behalf of all the members of this Chamber and on behalf of all the residents of the Steinbach constituency, I would like to congratulate Mr. Plewman for being recognized as Canada's best auctioneer and to wish him well in the future.

Maples Collegiate Graduation

Mr. Cris Aglugub (The Maples): Mr. Deputy Speaker, I was happy to attend my third consecutive year of the Maples Collegiate graduation exercises on June 24. This great event was held at the Duckworth Centre to accommodate the hundreds of students, their families and the school staff who participated. I also enjoyed the music of the Maples Collegiate choir and also Maple Sugar.

Mr. Deputy Speaker, it was my great honour that night to present the Cris Aglugub Merit Award for the year 2002. This award honours a student who has shown academic excellence and leadership qualities and Jessica De Guzman was the recipient of the award this year.

She was chosen as an outstanding graduate based on her scholastic achievement, with emphasis on community involvement, volunteerism and leadership. In her three years at Maples Collegiate, Jessica was a cast member in every musical presentation and play. She earned the recognition of Female Dancer of the Year in her drama class two years in a row. She also sang in the choir and played the flute in the concert band. To complement her considerable artistic ability, Jessica also maintained a high academic average during her high school years.

I am happy to learn that this dedicated, positive and vivacious young woman plans to study linear algebra, micro economics, psychology and statistics at the University of Winnipeg before commencing a degree in management. Jessica possesses many admirable traits and I am sure they will serve her well in her future endeavours.

Mr. Deputy Speaker, I would like to congratulate Jessica and all the other graduates whose achievements were recognized that night. I wish all the year 2002 graduates much luck for the future.

Cromer's Stick Horse Rodeo

Mr. Larry Maguire (Arthur-Virden): It is my sincere pleasure to attend the first ever Stick Horse Rodeo event in Cromer on June 1. This children's event seemed very simple in theory, but its unique concept drew the attention of many members of the community and proved itself to be extremely successful.

Young cowboys and cowgirls, many of them dressed in appropriate attire, waited eagerly for the events to begin. Their sense of anticipation was heightened by the smells emanating from the barbecue. By the sounds of western beats and by the reading of a cowboy poem entitled "My Two Teams," even before the event started there

were many smiles on the faces of both the competitors and the spectators.

In order to ensure the safety of these little rodeo stars, the group was first led in prayer, then followed a variety of events ranging from stick horse races to jumping competitions where some of the cowboys and cowgirls ran through rather than jumped over the standards. There were barrel races, branding contests and roping competitions. There was even a selection of miniature ponies that the little cowpokes delighted in visiting. Mr. Deputy Speaker, there was so much enthusiasm and excitement in the air that it was impossible not to become caught up in the spirit of the events.

This event was successful, not because of the prizes which were presented, but because of the joy in the eyes of the children, the pride on their parents and grandparents faces and the generosity of the people who made the rodeo possible. People worked together to make this happen and subsequently they worked towards building a stronger community, not just for themselves but also for their children.

* (15:40)

In particular I would like to pay special tribute and acknowledge the efforts of Mrs. Isabelle Zorn, the chief co-ordinator and organizer of the event. I would like to thank all sponsors and volunteers as well, who worked so hard to make Canada's first ever Stick Horse Rodeo such a great success. I look forward to attending future events such as these which help create a greater awareness of the advantage of rural communities and rural living. They help reinforce the strong sense for what rural Manitoba is so widely recognized.

Mr. Deputy Speaker: The honourable member, order, please.

Sturgeon Creek Rowdies Rugby Team

Ms. Bonnie Korzeniowski (St. James): Mr. Deputy Speaker. I rise with great pride today to tell the Legislative Assembly about the local rugby team in St. James-Assiniboia and the guests they are hosting this week.

The Sturgeon Creek Rowdies, both men's and women's teams, practice at Bruce Middle School and have become a very successful group. The women's team started as an underdog in the Senior Women's division, not winning any games in the early years. However, with much hard work the Rowdies have become a force to be reckoned with.

Several players are trying out for the national team, and many others coach and referee in other leagues. Rowdies have supplied the national team with more players in recent years than any other team in the province.

Thanks to coaches like Scott Harland and Ross Davidson, and the original coach and founder of the Rowdies, Ken Pearn, this team is now an establishment in the local rugby team. The support of Ray Hoemsen, President of Rugby Manitoba, has been invaluable in the promotion of this sport.

Last year, one member of men's Rowdies, Ryan Georgison, 18, was awarded a \$30,000 rugby scholarship to Harper Adams University in the United Kingdom. Harper Adams is the largest university in the UK that specializes in agricultural and food-based industries. While still in Winnipeg, Ryan was a forward for both Sturgeon Creek and the Manitoba provincial team and is recognized as a great athlete by his new British teammates.

Because of their link to Manitoba through Ryan, Harper Adams men's rugby organized a Canadian tour, the first of its kind at the school. The Rowdies have looked forward all season to be able to host the team from Harper Adams this week.

During the course of the year, the Harper students worked very hard to plan and fund raise for the tour, which will last two weeks. Their support and coaching staff, Ian Robson and Roger Davie, helped with promotion and organizing the tour.

Harper Adams' tour will include matches in Toronto; Winnipeg playing against the provincial team, Calgary and Edmonton. As well as challenging several Canadian teams, Harper Adams will see some of the best parts of our

country like Niagara Falls, the Rockies and the Calgary Stampede. We all enjoyed a lively evening at the Silver Heights Sports Bar, one very generous sponsor of the Rowdies.

Mr. Deputy Speaker: The honourable member's time has expired. Is there leave?

Some Honourable Members: Leave.

Mr. Deputy Speaker: Leave granted.

Ms. Korzeniowski: I wish them all the best in their tour and congratulate both our guests and our home team for their hard work and good sportsmanship.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Deputy Speaker, with regard to Bill 14, there is some practical urgency on that bill. I know the Member for River Heights (Mr. Gerrard) would like to ensure adequate time to deal with that bill further. It was introduced on May 6, so we are heading into the second month of that bill next week. But we are prepared to give that time.

I am wondering, would you canvass the House to determine if there is leave to allow the report from the Standing Committee on Law Amendments to come in this evening at 6:30, and that we could sit to deal with the report stage tonight?

Mr. Deputy Speaker: Is there leave to allow the Standing Committee on Law Amendments to sit tonight?

Some Honourable Members: Leave.

An Honourable Member: No.

Mr. Deputy Speaker: Is there leave to allow the report of the Law Amendments Committee to be made at 6:30 and to allow the House to sit to consider the report stage? Is there leave?

An Honourable Member: No.

Mr. Deputy Speaker: Leave has been denied.

Mr. Mackintosh: Mr. Deputy Speaker, given the denial of leave from the Member for River Heights, I wonder if there would be leave of the House to sit Thursday hours tomorrow, and allow the committee report to be brought in at 10 a.m. tomorrow. We ask for the serious consideration of honourable members to have this move forward in the public interest.

Mr. Deputy Speaker: Is there leave of the House to sit on Friday on Thursday hours, and to consider Bill 14 being presented and consider the report?

An Honourable Member: No.

Mr. Deputy Speaker: Leave has been denied again.

Mr. Mackintosh: Mr. Deputy Speaker, I think it is fair for the record, the Member for River Heights has denied that leave.

Point of Order

Mr. Marcel Laurendeau (Official Opposition House Leader): Mr. Deputy Speaker, I do believe it is inappropriate for the House Leader to be making statements during his time where he is doing Orders of the Day.

Mr. Deputy Speaker: The point of order raised is that it is inappropriate for the Government House Leader to make statements about the voting in the House. Is that the point of order?

Mr. Mackintosh: Mr. Deputy Speaker, just so that you do not have to take this under advisement, and spend weekend time on this, I will be pleased to withdraw that remark.

Mr. Deputy Speaker: That should conclude the matter.

* * *

Mr. Mackintosh: Mr. Deputy Speaker, would you please call debate on second readings, Bill 16.

DEBATE ON SECOND READINGS

Bill 16—The Class Proceedings Act

Mr. Deputy Speaker: On the proposed motion, the honourable Minister of Justice (Mr. Mackintosh), Bill 16, The Class Proceedings Act; Loi sur les recours collectifs, standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik).

* (15:50)

House Business

Mr. Deputy Speaker: On a matter of House business, the Government House Leader.

Hon. Gord Mackintosh (Government House Leader): Mr. Deputy Speaker, just after consultation, would you ask the House if there is leave of the House that, following the remarks that I understand are to follow on Bill 16, the House would be calling it six o'clock, therefore waiving private members' hour as well.

Mr. Deputy Speaker: Is there leave that, after remarks have been made on Bill 16, the House be adjourned and that private members' hour be waived? *[Agreed]*

* * *

Mr. Deputy Speaker: Back to Bill 16, standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik). Is there leave for the matter to remain standing in the name of the honourable Member for Lac du Bonnet?

Some Honourable Members: No.

Mr. Deputy Speaker: Leave has been denied.

Mrs. Joy Smith (Fort Garry): I welcome the opportunity to put some remarks on the record concerning Bill 16, The Class Proceedings Act. This legislation will facilitate citizen use of class action law suits in Manitoba courts, Mr. Deputy Speaker. This bill establishes the rules and procedures for class proceedings in Manitoba.

It sets out what circumstances a class proceeding may be brought, who may bring the claim on behalf of the group, how a class

proceeding is to be conducted, the role that individual members of a class may play in the class proceeding and how awards in class proceeding are to be distributed. It would require that all class proceedings be certified at the outset by the court before they go forward. Class action should be allowed in cases where there are at least two plaintiffs, the plaintiffs share common issues, the class action is preferable to another kind of procedure for the fair resolution of the matter, and there is a person who is prepared to act as a representative plaintiff to carry the action forward on behalf of all of the plaintiffs.

Broadly speaking, Mr. Deputy Speaker, the proposed legislation deals with the circumstances in which a class proceeding might be brought, who might bring the claim on behalf of the group, how the proceeding would be conducted and the role the individual members of a class might play, and how the awards, again, should be distributed.

Previously, the Attorney General stated, and I quote: "This act will help to increase access to justice in Manitoba. People who have a common claim from a similar kind of loss from the same cause will be better able to pursue a court claim together."

There is a need to streamline class action proceedings here in the province of Manitoba, due to the fact that class actions are often held up in the province of Manitoba when the circumstances within the class action varies. Karen Busby, the University of Manitoba law professor and one of the authors of the 1999 Law Reform Commission report, advocated for this legislation. She said, and I quote: Stated that, under current rules, two consumers can buy the same defective product, but if the resulting damages are different, they will not be able to file a class action suit together. I will also note that Québec, B.C. and Ontario have updated their class action legislation.

Gloria Desorcy, the Manitoba branch of the Consumers' Association of Canada, stated that consumers have a right to be protected. Members on this side of the House agree that consumers have a right to be protected. I must say that there are very, very few class actions to date

here in the province of Manitoba, Mr. Deputy Speaker.

There are some times when class actions would occur if it would be more amenable to putting them forward instead of having to do individual actions in the courts. It is very costly.

I must say it is very important that careful consideration be given to this bill. Members on this side of the House welcome this bill. We will support this bill, because it is in the best interests of the people of Manitoba.

This is something that the Law Reform Commission report did not address, but Karen Busby, one of the authors of the Law Reform report, did speak out in this regard, and rightly so, Mr. Deputy Speaker.

The value of class actions in society was set forward by the Supreme Court of Canada in reasons delivered on July 13, 2001, in the case known as the *Western Canadian Shopping Centres Inc. v. Dutton*. There, in paragraph 26, the court states, and I quote: The class action plays an important role in today's world. The rise of mass production, the diversification of corporate ownership, the advent of the mega-corporation, and the recognition of environmental wrongs have all contributed to its growth.

A faulty product may be sold to numerous consumers. Mr. Deputy Speaker, corporate mismanagement may bring loss to a large number of shareholders. Discriminatory policies may affect entire categories of employees. Environmental pollution may have consequences for citizens all over the country.

Conflicts like these pit a large group of complainants against the alleged wrongdoer. Sometimes the complainants are identically situated vis-à-vis the defendants. In other cases, an important aspect of their claim is common to all complainants. The class action offers a means of efficiently resolving such disputes in a manner that is fair to all parties.

Mr. Deputy Speaker, in looking at this legislation, members on this side of the House feel very strongly that this Class Proceedings Act allows equality and justice to all Manitobans, the

opportunity for people to get together if they have similar complaints. In the past if there were similar complaints, they could not compile a class action. The law would not provide that to happen. Here in this new law, it is evident that this will be streamlined and rectified.

Members on this side of the House do welcome this kind of legislation for Manitobans. The Manitoba Law Reform Commission has done a lot of work, a lot of reporting. There have been recommendations following the work of the Manitoba Law Reform Commission. As Justice critic for the province of Manitoba, I must commend the Manitoba Law Reform Commission for their excellent work on behalf of Manitobans.

I want to also note and commend the work and insights of the main author of the report whom I quoted earlier, Karen Busby of the Manitoba law school. This is very helpful. Ms. Busby's expertise and insightful research have really done a lot to merit this very sound legislation that is bringing forth.

Members on this side of the House believe that this legislation would bring Manitoba into step with a number of other jurisdictions which have enacted comprehensive class act legislation. Class proceedings legislation was first enacted in Québec in 1979, and then in Ontario in '93, in British Columbia in '95, and, most recently, in the province of Saskatchewan. So, in actual fact, Manitoba will be the fifth jurisdiction in Canada to bring in this kind of legislation.

I think it is something that the Manitoba Law Commission has done a lot to enable this legislation to go through. The Uniform Law Conference also created uniform class proceedings legislation as well. Mr. Deputy Speaker, I know that the Manitoba Law Reform Commission concluded that the required procedural and substantive changes necessitated a special statutory scheme.

On page 35 of the Manitoba Law Reform Commission, it was reported where I think the commission adequately sums up the reasons. The commission states the following, and I

quote: Not the least important rationale behind the introduction of class proceedings legislation is the need to provide a means of redress to people whose injuries are insufficient except in the aggregate, to make pursuing compensation in the judicial system economically feasible. As well, the judicial system is being called on to do more and more with fewer and fewer resources, and class proceedings can help ensure that those resources are used as efficiently as possible. I must say members on this side of the House support this legislation primarily because of that aspect, because of the fact that it makes it easier. It makes it more financially viable for Manitobans to be able to proceed with class actions.

Class proceedings legislation will also hold wrongdoers accountable for wrongs that might have not been pursued by individual victims, and therefore it does enhance the fairness of the society and the justice system here in Manitoba. Today, I must say that the average damage award for an individual claimant in a class action suit in the United States is \$750. So one can clearly see that on a cost-benefit basis the claim of an average \$750 claim being suffered by many, many people adds up to a lot of money, depending on the circumstances. Also, in Ontario, B.C. and the U.S., legislation has been interpreted to apply to potential plaintiffs across the country, including Manitoba. So, in some American class proceedings, that is, non-American residents have been found entitled to a smaller percentage of settlements. Establishing class proceedings legislation in Manitoba, therefore, will allow citizens to commence class proceedings and potentially avoid the less favourable division of awards received in foreign jurisdictions or other provinces. So it brings Manitoba in line with that aspect of it as well.

The legislation does deal with the circumstances in which class proceedings may be brought: who may bring the claim, as I said, on behalf of the group; how the class proceeding is to be proceeded with, et cetera, much of what I stated earlier on in my speech. So this sort of streamlines the process to such a degree that it would certainly support and enhance class proceedings that are needed by individuals who maybe otherwise could not bring them into the court system.

It is important legislation. I do think that it does level the playing field, in other words, because people sometimes do not have the financial resources to take class proceedings into court. Obviously, this will help that in many, many ways.

In conclusion, I must say that this is a bill that members on this side of the House do welcome and will support. I thank you for having the opportunity to put some comments on record.

Mr. Deputy Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: The question before this House is the second reading of Bill 16, The Class Proceedings Act; Loi sur les recours collectifs. Is it the pleasure of the House to adopt the motion? *[Agreed]*

As previously agreed, it is now six o'clock. This House is now adjourned, and stands adjourned until Tuesday at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 27, 2002

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