

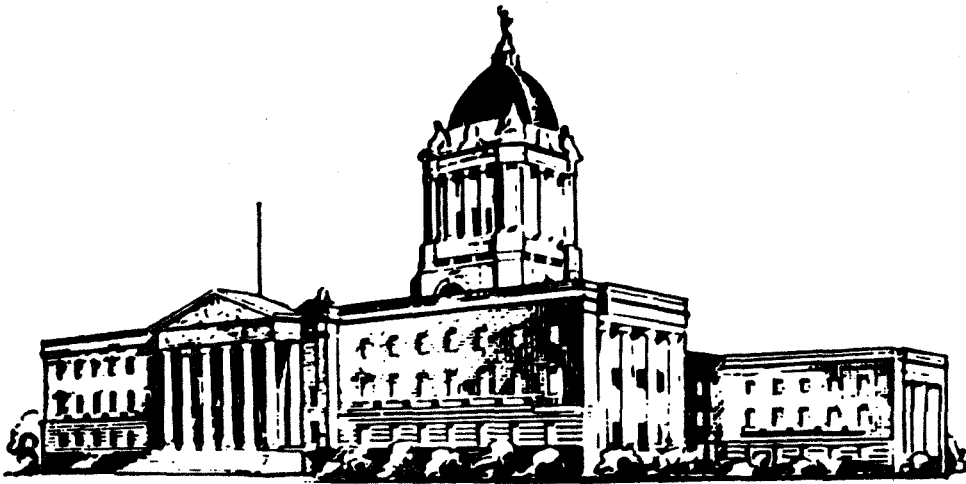


Second Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

40 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, July 5, 1991

The House met at 10 a.m.

PRAYERS

ROUTINE PROCEEDINGS

READING AND RECEIVING PETITIONS

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

An Honourable Member: Yes.

Mr. Clerk (William Remnant): To the Legislature of the Province of Manitoba.

The petition of the undersigned citizens, of the Province of Manitoba, humbly sheweth:

THAT the Winnipeg International Airport is vital to the economic health of the City of Winnipeg, and the project known as "The Pines," in its current location, will jeopardize the future of Winnipeg International Airport.

THAT to risk the jobs of the hundreds of people who are employed at the airport is not in the best interests of the community.

THAT "The Pines" project will inhibit riverbank access to the general public.

THAT the strip mall portion of "The Pines" project will give a foothold to commercial development which is incompatible with the residential nature of the neighbourhood.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to respect the wishes of the neighbourhood by withdrawing provincial funding and preventing the construction of "The Pines" project; and

FURTHERMORE prevent projects of a similar nature from destroying our community.

And as in duty bound your petitioners will ever pray.

TABLING OF REPORTS

Hon. Harold Gillehammer (Minister of Family Services): Yes, Mr. Speaker, I would like to table

the Supplementary Information for Legislative Review for the Department of Family Services.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I am pleased to table the proceedings of the Seventy-Second Annual Meeting of the Uniform Law Conference of Canada, which was held at Saint John in August of 1990.

Mr. Speaker, it is my duty today to table the Fifth Annual Report for 1990-91 covering the fiscal year ended March 31, 1991, of The Law Foundation of Manitoba.

ORAL QUESTION PERIOD

Provincial Judges Salary Increase

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, ironically in 1990 we were dealing with another bill called Bill 70, the compensation bill for judges, and it is interesting to note back then where the parties were at in terms of the two principles that were involved in compensation decisions for provincial judges.

The Liberals and Conservatives, of course, supported the bill on the basis of the principle of the independence of the judiciary, and the New Democrats spoke about the problem with this bill and the problems of independence when you deal with the consistency issue, and the principle of consistency in the public service of Manitoba. In fact, at that point we asked the Minister of Finance (Mr. Manness)—in our comments on the bill, I asked the Minister of Finance whether cabinet had considered the fact that they could be dealing a year or so ahead where you would have a situation where the secretaries would be offered 2 percent, and you would be giving judges quite a bit more because of a so-called independent process, and how this would be for the public service generally in Manitoba and for fairness in this province.

Mr. Speaker, we have a recommendation now to increase salaries to some \$95,000, some \$7,900 more than what they get, and I would ask the Minister of Finance whether you are going to keep

the position you had in the bill that you presented in the Legislature to have a so-called independence of the judiciary in setting the salary levels, or are you going to support the NDP decision and have consistency for people in the public service, particularly at the highly paid senior levels?

* (1005)

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I find it interesting that the provincial court act amendments brought in by this government, allowing judges salaries to be decided by the Legislature, was something that was supported by the Liberal Party of Manitoba, and yet we find yesterday the honourable member for St. James (Mr. Edwards) having serious concerns about the Legislature having to make these decisions.

Hon. Gary Fillmon (Premier): It depends which paper.

Mr. McCrae: My Premier says it depends which newspaper we read, so maybe the member for St. James (Mr. Edwards) is telling different things to different reports now, depending on what happens to be the most popular thing to say at the time.

The point raised by the honourable Leader of the Opposition though is an important issue, but I do believe he misunderstands the basic principle of the provincial court act, which was to take out of the hands of the cabinet the ultimate decision, and into the hands of the Legislature, which the judges and the Law Reform Commission and I happen to think is probably more appropriate than the old way for dealing with judges and showing some respect for their independence.

So, ultimately, the decision will be made by the Legislature. The various parties have their positions and I have my position, but I think the honourable member should review his understanding of that legislation.

Mr. Doer: I thought the Minister of Justice should have reviewed the understanding of that bill before he presented it in the House, something I warned him about two years ago, Mr. Speaker, and if he reads Hansard he will find out, documented and recorded for the public.

Mr. Speaker, I have another question to the Minister of Finance. The report that was commissioned by the provincial Conservative government legislation introduced in this House in 1989, and passed ultimately in 1990, makes a major

recommendation on the pensions for judges, major recommendations to double the pension benefits. If a judge retired at age 65, given that a judge can go up to the age of 75, it would even be doubling and tripling of pensions I would suggest to the government. In the report that the deputy Finance minister signs, he writes a qualification dealing with the compensation levels, but not dealing with the pension issues. In fact, the deputy Finance minister says: I support and agree in principle with the report and its conclusions, and then goes on to say it is not the right time for compensation levels.

I would ask the Minister of Finance then: Is it a government policy to implement a preferential or differential pension plan for provincial government judges?

Mr. McCrae: Mr. Speaker, the compensation committee was commissioned pursuant to legislation passed by members of this House. That process went forward and, as was planned in the first instance, that report would then be the subject of discussion in a legislative committee, and then in the full Legislature. That process is going forward. The contents of the report are there for all honourable members to see; the qualification by one of the members of the committee is there for all to see; and it remains in the hands of this Legislature to make a decision about where we go from here with respect to judges' salaries, pensions and other arrangements. Those questions will ultimately be decided by this House.

* (1010)

Mr. Doer: Mr. Speaker, but the report was signed June 7, 1991. I understand the embarrassment of the government for not tabling it earlier, but I would expect the minister and the government to have a lot more specific answers to public questions, especially when they have brought in another Bill 70 in the public service in this province. I would expect they would have much more specific answers on the policy issues raised in this report than the answers we were given today.

Bill 70

Exclusions—Manitoba Medical Assoc.

Mr. Gary Doer (Leader of the Opposition): A further supplementary question to the Minister of Finance today dealing with the existing Bill 70 before the Chamber. The doctors have had the negotiated settlement that was reached by the Province of

Manitoba. The provincial doctors covered by the MMA, not the provincially employed doctors but the fee-for-service doctors, have their second year of their collective agreement scheduled and negotiated to have arbitration starting April 1, 1991, for purposes of fee dispute. Mr. Speaker, the government has rolled back, frozen and generally manipulated through government fiat and legislation all kinds of other arbitrated awards or future arbitrated awards.

Can the Minister of Finance today explain why his legislation did not include the MMA, the highest paid people in the province, I guess, between the judges and the doctors? Why would it include secretaries, nurse's aides, all these other employees, but would not cover doctors covered by MMA?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, I have given full response to that issue in my speaking comments on second reading of Bill 70. This government entered into an agreement with the MMA, I believe, almost a year ago, August 1990, at which time we accepted a new model of arbitration which indeed not forced but at least indicated to the arbitrator that they had to take into account the province's ability to pay. That was a process that we entered into in good faith, a contract, an agreement, with the MMA. We would like to see that go to its natural conclusion.

If, indeed though, the arbitrator chooses not to take into account the province's ability to pay, and there are certain powers within this act which the government in its wisdom decides it has to act, it will. That is what I said in speaking to second reading on Bill 70 in fairness to the agreement that we entered into with MMA almost a year ago. In keeping with that, that is the process that we wish to follow at this time.

Community Colleges Restructuring Costs

Mr. Dave Chomlak (Kildonan): Mr. Speaker, my question is to the Minister of Education and Training (Mr. Derkach).

The minister cut programs like ESL at Red River Community College with no study and no analysis of the costs associated with it. Now that the minister is dismantling the community college system and restructuring it, I am wondering if the minister today can outline for us what the costs are associated with that privatization and restructuring of the community college system, all costs associated with it, costs for

the boards, costs for all the administrative units, et cetera.

Hon. Clayton Manness (Acting Minister of Education and Training): Mr. Speaker, I will either take the question as notice or I will ask the member to repeat it. I will take it as notice.

Mr. Chomlak: Mr. Speaker, I wonder also if the minister will take as notice when he is indicating what the costs are associated with the implementation of the privatization of the community colleges, whether or not he will indicate for us whether or not there are any savings associated, as has been alluded to by the minister, with the implementation of this new system.

Mr. Manness: Mr. Speaker, I know the Minister of Education and Training will be more than prepared to enter into a dialogue on this matter.

I find it interesting -(interjection)- No, interesting, that the member would call this new form of governance, he would label it, privatization, Mr. Speaker. I guess then the universities all have been privatized, because the governance model that the government is adopting and bringing forward by way of legislation more or less mirrors the governance model that exists with respect to universities today.

* (1015)

Report Tabling Request

Mr. Dave Chomlak (Kildonan): Mr. Speaker, I beg to differ with the Minister of Finance (Mr. Manness).

Since the minister is going to refer these questions to the Minister of Education and Training, I wonder if he might suggest to the Minister of Education and Training that he might finally table the report of his advisory committee recommending why we are going to this new form of college governance, so all members of the public and all members of this House can finally have an understanding why the government is doing what it is doing and what the costs are associated with it.

Hon. Clayton Manness (Acting Minister of Education and Training): Mr. Speaker, I find it again interesting that the member would ask for the rationale of governance. Indeed, the Minister of Education and Training (Mr. Derkach) provided all of that in reading and addressing the second reading of that particular bill.

The Minister of Education and Training, when asked why we are moving to this model, has always provided the rationale, certainly did in second

reading and has on several occasions. Either the member is deaf or has preferred not to listen, Mr. Speaker, because the Minister of Education and Training has provided that rationale on several occasions.

Point of Order

Mr. Chomlak: Mr. Speaker, the minister has failed to table the report.

Mr. Speaker: Order, please. The honourable member does not have a point of order.

Northern Health Care Patient Transportation Abuses

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, we have had a program of bursary support to high schools and adults cut, ostensibly because the Minister of Education and Training (Mr. Derkach) said that the students had been abusing the system. He actually went so far as to say, the day they got their cheque for the bursary, they opted out of programs.

Yesterday, in his usual constant chirping from his seat which is usually both nauseous and offensive, the Minister of Health (Mr. Orchard) indicated that in the discussion of the Northern Transportation Plan, I was not prepared to discuss the abuses to that plan.

I would like the Minister of Health today to document very clearly to this House the abuses to the Northern Transportation Plan which resulted in his implementation of a \$50 user fee.

Hon. Donald Orchard (Minister of Health): Mr. Speaker, appreciate how offended and personally hurt I am from my honourable friend's comments this morning.

I mean, I am deeply disappointed, because we have been cultivating a very open relationship across this narrow way, and for my honourable friend to now publicly make those kinds of statements of offence to me personally, I am speechless.

Mrs. Carstairs: Well, Mr. Speaker, that is an absolute first in the annals of this Legislature that the Minister of Health is speechless, because there is no one with a larger motor mouth than the man from Pembina.

Perhaps we can now get to the gist of this question because it is very critical. The critical question is: What evidence, what single piece of

evidence, can the minister present to this House that people in the North were abusing the transportation plan as it previously existed, and what evidence did he use to justify his \$50 user fee?

Mr. Orchard: Mr. Speaker, I am going to try to keep my answer very brief. As I have indicated to numerous questions in the House, this program change brings equity in access and contribution for elective transportation costs to seek physician office visits, for example.

It excludes emergency services. Those are paid for entirely by the taxpayers of Manitoba, be it through the Northern Patient Transportation Program, be it through the air ambulance, all of which commit in excess of \$5.5 million in service provision to those living in northern Manitoba. All other Manitobans must pay their entire costs of accessing similar services.

What we are bringing into the program is an opportunity for equity across the province. I realize my honourable friend may elatedly not agree with that, but, Mr. Speaker, I see constantly from the wisdom that always emanates from the mouth of my honourable friend, in her opinion, alternate suggestions as to how she might manage the budget.

Mrs. Carstairs: Mr. Speaker, it is not equity when those who are in the lowest range of incomes are asked to pay these fees over and over and over again. People in upper income brackets are never hurt by a deterrent fee. People on welfare get that paid by the social assistance program.

What about the working poor, the elderly, the individuals who, quite frankly, are single moms using every single cent they have to put meals on the table and a roof over the heads of their children? How are these women and the elderly to pay \$50 user fees over and over and over again if they happen to have a child with a chronic illness?

* (1020)

Mr. Orchard: Mr. Speaker, as I have indicated to my honourable friend and to the House, circumstances such as, and those are the examples I have used, dialysis or chemotherapy which require repeat transportation warrants are exempt.

I find it quite interesting that now my honourable friend is finding that she wants to defend these individuals when through election campaigns, my honourable friend on behalf of the Liberal Party, has urged that we charge for meals in the hospital. How

was she going to meet the criterion of compassion for the working poor by charging for meals in hospitals, slippers in hospitals, toothpaste in hospitals and all the charges that she suggested as Liberal policy would be implemented?

Where was her compassion for the working poor in those circumstances? Where was her compassion for the 40 percent working poor individuals who are currently resident of our personal care homes that she unceremoniously said in Minnedosa she would turf out as the new Liberal Party policy? Compassion does not exist in consistency with my honourable friend.

Government Purchasing American Contracts

Mr. Gregory Dewar (Selkirk): Mr. Speaker, earlier this session my colleagues revealed the fact that the Minister of Natural Resources (Mr. Enns) had used an American post office to send out government mail. Officially he admitted he was wrong and he said he would never do that again. Other ministers in the government have directed their departments and Crown agencies to shop in the United States for office furniture, parts for Hydro and other items.

My question is to the Minister of Government Services. How many contracts has his department let for American suppliers and can he table them in the Legislature?

Hon. Gerald Ducharme (Minister of Government Services): Mr. Speaker, first of all, each minister recommends to Government Services on the purchase of individual contracts. If the member would like to sit in on the Estimates I will go through as many of those contracts as he wishes and go through every single item.

Government Mail Private Courler Study

Mr. Gregory Dewar (Selkirk): Mr. Speaker, will the minister table in the Legislature the financial study he did on contracting out the government mail to a private courier and tell the House how much the government will be paying this firm in the current fiscal year?

Hon. Gerald Ducharme (Minister of Government Services): Mr. Speaker, I will be pleased to go through that and show the member the savings through that initiative of the new ways of providing the mail services in the city of Winnipeg.

Government Purchasing American Contracts

Mr. Gregory Dewar (Selkirk): Will the minister also explain why the Government Services department purchased computer equipment from a Radio Shack in Grand Forks rather than in Winnipeg?

Hon. Gerald Ducharme (Minister of Government Services): Mr. Speaker, speaking of computers, I am surprised that the member has not asked me why we are now doing more work in-house on computer servicing because, as that is our project, we will do wherever the best savings are there. We will purchase and we will also provide servicing wherever it is the best for the people of Manitoba and the cheapest means.

Foster Care Funding Delay

Ms. Becky Barrett (Wellington): Mr. Speaker, on August 30, 1988, the Manitoba Foster Parents Association signed a Memorandum of Understanding with the Province of Manitoba, the Premier and the then Minister of Family Services. Among other things the schedule for increased basic maintenance rates was negotiated which would reflect 1988 costs of caring for children under the care in our province. The final increase was due on April 1, 1991. The Foster Parents Association has now been told that this money will not be flowing until the Family Services Estimates are completed.

My question to the Minister of Finance (Mr. Manness) is: Why are the government bureaucrats now undermining the Premier's commitment of three years ago to the Foster Parents Association of Manitoba?

Hon. Harold Gilleshammer (Minister of Family Services): Mr. Speaker, the member is correct in that a Memorandum of Understanding was signed by this government with the foster families, and there was considerable negotiation that took place at that time. I, as the member knows, was not the minister of this department at that time. My understanding is that Memorandum of Understanding put into place the opportunity to compensate foster parents in this province to the point where they are probably among the highest paid foster parents in provinces across this country. That agreement is still in place.

* (1025)

Ms. Barrett: Again to the Minister of Finance (Mr. Manness), has government policy changed from last year when money under this Memorandum of Agreement to the Foster Parents Association did get into their hands before Family Services Estimates were completed? Has the policy of the government changed in this regard?

Mr. Gilleshammer: I would be pleased to take that question as notice and discuss with the department any situations between the Foster Family Association and the department and report back to the member.

Ms. Barrett: These monies can flow as a result of an Order-in-Council.

Will the Minister of Family Services now direct his department to, in fact, flow those monies to the Manitoba Foster Parents Association or is he going to go back on the commitment that his Premier (Mr. Filmon) and his predecessor, the Minister of Family Services, made to the foster parents of Manitoba three years ago?

Mr. Gilleshammer: I want to assure the member that we take agreements very seriously, and as I have indicated, I will discuss this with department staff and report back to the member.

Manitoba Hydro Garden Plot Fees

Hon. Harold Neufeld (Minister of Energy and Mines): Mr. Speaker, in reply to a question from the member for Point Douglas (Mr. Hickes) yesterday, I agreed to bring back some information for the House at the earliest possible time. The request was for reasons why Manitoba Hydro had increased garden plot rates in the north end of Winnipeg.

Mr. Speaker, in 1981, Manitoba Hydro charged \$10 a year for a 25 by 50 foot lot. In 1985, Manitoba Hydro raised that rate for a 25 by 50 foot lot to \$15. At the first of this year, of course, GST came in, but Manitoba Hydro's rates did not change. Manitoba Hydro had some complaints about people increasing the lot size, so they went out and measured each and every lot, and is charging now for a 50 by 25 foot lot, \$15. If somebody wants a 25 by 100 foot lot, they have to pay for two 50 by 25 foot lots.

Judicial System

Crown Prosecutors/Police Relations

Mr. Paul Edwards (St. James): Mr. Speaker, my question is for the Minister of Justice.

Manitobans, under this minister's tenure, have been regularly treated to the depressing spectacle of police and Crown attorneys regularly pointing fingers at each other, often in the course of the administration of sensitive cases, Mr. Speaker.

If there is anything more depressing for the administration of justice and the public confidence in the administration of justice, I do not know what it is than to have police and Crown attorneys point fingers at each other on the sensitive, important cases which often gain high profile in our community, blaming each other for failings in the administration of justice.

This Minister of Justice—

Hon. Donald Orchard (Minister of Health): Who are you pointing your finger at?

Mr. Edwards: I will tell the Minister of Health who I am pointing the finger at. We have in this House with us the chief law enforcement officer of this province. We have the person who is responsible ultimately for the entire administration of justice, Mr. Speaker.

My question for him, the Minister of Justice, is: Will he finally show some very needed leadership and get involved in establishing better protocols for relations between police and Crown attorneys? We have been asking for this for at least two years. If he will not do it himself, will he at least refer this matter to the Manitoba Police Commission to get some guidance?

Hon. James McCrae (Minister of Justice and Attorney General): I cannot recall, Mr. Speaker, having pointed any fingers in the direction anywhere. I have not done that. The honourable member has a habit of pointing all the fingers in whatever direction he can find, as long as there is somebody at the other end that he can malign, and he is happy to do that. I choose not to engage in that kind of irresponsible activity.

We perceived that there were some questions that needed to be answered. There were some questions outstanding that had not been answered, and we called in for the assistance of a person whose qualifications, I suggest, ought not to be questioned, even by the honourable member, in the

person of Ted Hughes who is conducting an inquiry. In the cool and dispassionate atmosphere of that particular inquiry, the answers that need to be given will be given.

* (1030)

Mr. Edwards: Mr. Speaker, the minister makes the error that these issues are singularly related to the Hughes inquiry or the Harvey Pollock case. They are not. They have been around for some three years. If anything is needed to be clarified, the recent testimony adds to that, but it certainly is not the beginning of the story.

Mr. Speaker, I am asking the minister to do exactly what he commits himself regularly to do, which is to be a proactive minister. I am asking him to take some leadership role for the sake of the administration of justice in this province.

Will he at the very least convene a meeting between his deputy, the head of Public Prosecutions and the chief of police to attempt to ensure that today the administration of justice is being served and that there is indeed—

Mr. Speaker: Order, please. The question has been put.

Mr. McCrae: Mr. Speaker, I think that the Department of Justice and this government has probably been more proactive on justice issues than any province in Canada. That is what I hear when I travel in this country attending meetings and conferences. I hear that from other Attorneys General, from places like Liberal provinces and things like that.

Talk about proactive, in 1989, before the Askov case, which we heard about in the Supreme Court of Canada, the Criminal Prosecution's branch of our department embarked on a backlog reduction program, reducing by some 20,000 cases the backlog in our system and keeping things since at reasonable levels. Unlike Liberal Ontario, which since Askov has seen—

An Honourable Member: NDP Ontario. There was an election

Mr. McCrae: NDP now, but the problem started under the Liberals, unfortunately. Forty thousand cases have had to be thrown out in Ontario because appropriate attention was not paid to those issues. Mr. Speaker, if that happened now in Manitoba or anywhere else, any Attorney General would have to hang his head in shame. We know what happened

to the government of Ontario, so no need to go into that further.

Talking about proactive, Mr. Speaker, this government did some proactive things in regard to Land Titles services in this province, in regard to criminal prosecutions, in regard to court reform. The process continues with the assistance of Mr. Hughes. The honourable member does not really do anybody any favours by standing in his place and pointing fingers as he tends to do so often.

Minister's Discussions

Mr. Paul Edwards (St. James): I will tell you what process continues, Mr. Speaker. It is the whole process of public ridicule of this minister in the administration of justice. As recently as Tuesday night, the minister stood up and gave the same answer. Problem? What problem? That is what he says.

Mr. Speaker, can the minister indicate what discussions he has had with Chief Justice Hewak given the very sharp criticisms of the bench as well as of this minister and his administration of justice specific to court reporters and court facilities? Will he tell members what discussions he has had to try and assuage some of the doubts of the bench, as well, in his ability to administer justice in this province?

Hon. James McCrae (Minister of Justice and Attorney General): I am delighted, Mr. Speaker, to be able to remind the honourable member that only in Manitoba do we have a judiciary that is interested and willing in working with the government in the operation of our court services on a courts administration board. Our department has regular and frequent contact and discussions with Chief Justice Hewak, Chief Judge Stefanson, Chief Justice Scott of the Court of Appeal. We have the most enlightened, I suggest, system for the operation of courts in this country.

Now the honourable member says, what problem? By no stretch of the imagination do I ever say, what problem, Mr. Speaker. We recognize problems, and we solve them as they come up.

Low-Income Families Guaranteed Annual Income

Mr. Doug Martindale (Burrows): Studies on infant mortality and income in Canada have proven that there is a direct link between poverty of parents and

infant mortality. Specifically, in 1986, 361 children of low-income parents died, and there was a direct relationship to income.

On Wednesday this week, the Economic Council of Canada released a study by two University of Manitoba professors on data collected by the Mincome experiment. The study shows that a guaranteed adequate income would not be a disincentive to work, contrary to claims by its opponents.

Since the number of people living in poverty has increased substantially during the current recession, since single-parent women with children are vastly overrepresented amongst the poor and since infant mortality and poverty are directly related, will the Minister of Family Services tell us what his government's policy is on a guaranteed adequate income?

Hon. Harold Gillehammer (Minister of Family Services): Mr. Speaker, yes, I read in the paper today, too, information that the member is referencing about a guaranteed annual income. This is an issue that has been studied by previous governments in this province. There certainly are discussions taking place by the federal government surrounding the concept of a guaranteed annual income.

I would remind the member, in the Budget Address this year, this government urged the federal government to take a leadership role in determining whether a guaranteed annual income is an appropriate way of providing income for low-income families and have asked the federal government to study that concept. We would welcome them taking complete charge of the issue of the providing of income for those least fortunate in our society.

Mr. Martindale: The federal government announced in its last throne speech a commitment to alleviating the plight of children living in poverty.

Will this Minister of Family Services give us the assurance that his government will pressure the federal Conservatives to implement an adequate level of support, such as a guaranteed adequate income, to eliminate child poverty in Manitoba and Canada?

Mr. Gillehammer: Mr. Speaker, I want to assure the member that the issue of poverty is one that our department meets with poverty groups on, on a regular basis. Both SACOM and MAPO have had meetings with us to discuss how we can best

resource people who require the support from government to meet their basic needs.

I can assure you, and I think we have some agreement, that we will be in discussion with the federal government to have them take a leadership role in this area.

Mr. Martindale: Mr. Speaker, the Minister of Finance (Mr. Manness) chirps from his seat, it is so easy that this government not only is not moving in that direction, but they are cutting back on programs to low-income families and not implementing the recommendations of the single family report.

Will the minister give the people of Manitoba the assurance that any future plans to introduce a guaranteed income plan will receive support only if it establishes adequate levels of income and is combined with a comprehensive retraining program and job opportunities in order to pull people out of poverty, instead of institutionalizing it?

Mr. Gillehammer: I would point out to the member that we did increase the support that we give to social allowance recipients by some 4.5 percent going back to January 1 of this year. Even in these times when the income that government accesses has levelled off, and that we do not see on the horizon any new income for government, we have made that increase. I would point to members across the way who were in government during the 1980s when government was accessing tremendous amounts of income and yet only increasing social allowances by 2 percent and 3 percent.

Having said that, I would also mention that the Gateway program that we offer and other programs for social allowance recipients are meeting some degree of success. Recently at a graduation from South Winnipeg Technical School, there were quite a number of graduates in various programs who were students of that school because of the Gateway program and other programs that are offered by this department. We have something like a 70 percent success rate with the individuals who are able to access that program and we very strongly support the concept that by providing training, providing education and providing those opportunities that these people can get off social allowances and into the—

Mr. Speaker: Order, please.

* (1040)

Home Care Program Health Advisory Network Report

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, I have a question for the Minister of Health whom I have never known to be speechless. Motor mouth is one way of putting it, verbal diarrhea is more like it.

An Honourable Member: Verbal diarrhea.

Ms. Wasylycia-Lels: Verbal diarrhea.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

Ms. Wasylycia-Lels: Definitely an honourable member with verbal diarrhea.

I want to ask a serious question about a critical program, the Home Care Program. Every report that the minister has ever received on home care has said we are facing a critical situation, serious understaffing which is jeopardizing the care of clients and their families. Most recently the minister has received the Health Advisory Network report on housing and home care which he now says he has received, and he has had time to read it and should have tabled it by now.

I would like to ask the minister if he will now act on the recommendations of this report, and indeed all reports, to deal with the understaffing and underresourcing in the Home Care Program to ensure that families and clients get proper care and attention?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, is this a Friday with all of these insulting comments coming across the way? I cannot believe how chippy my honourable friends are in opposition after I have treated both of them in such kind and generous terms over the past number of months, particularly in Estimates where we discussed this very issue in detail Monday evening. My honourable friend keeps bringing up issues—bringing up maybe is the wrong word when the Leader mentions nauseous—but let me indicate to my honourable friend, as I did on Monday evening, that we have increased the home care budget by 13-plus percent this year to provide more service to more people and more services to individual people right along the lines that have been recommended since the Price Waterhouse review undertaken by the NDP back in 1986-87. The Continuing Care Program continues to be the premier home service delivery program in Canada

recognized across Canada as such and we are building on that excellence constantly.

Staff Workload

Ms. Judy Wasylycia-Lels (St. Johns): I bring this matter to the House, Mr. Speaker, because in Estimates the minister said he would not be dealing with the workload issue and the computer would solve it all, yet this government's computer program in home care has exacerbated the problem to the point where it is now a chronic problem.

I want to ask the Minister of Health, if he will not comment on his own advisory network's report, will he respond to the concerns expressed by staff in his own department who have said the increase and length of time to place services is due to the workload experienced by staff and that this delay in response impacts hospital discharges and places additional stress on clients and families?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, again, we dealt at length with this issue last Monday night, and I will reiterate much of my answers if you give me the opportunity. I know that my honourable friend asking the question wishes to have the answer repeated to her.

First of all, the computerization is a new event. It was something cried out for under successive years that my honourable friend had the opportunity to implement it and did not. That will substantially improve the work times of individuals. Computerization of the client services system will help relieve some of the workload that has grown over 15 years on a manual system. That will help some of the issues that we inherited in 1988.

Secondly, my honourable friend asks about hospital discharge. For the first time in the history of health care planning and management in the province of Manitoba, we have established an institutional community interface committee. That has been ongoing for two years, Mr. Speaker, for the specific mandated role of improving the discharge opportunity from the institution to the community. That did not exist. That planning, that opportunity for co-operation, did not exist until we put it in place. It is showing improvements to a system that cried out for reform. I simply indicate to my honourable friend that those reforms will work and will improve the—

Mr. Speaker: Order, please. The time for Oral Questions has expired.

Nonpolitical Statements

Hon. Harold Neufeld (Minister of Energy and Mines): May I have leave to make a nonpolitical statement?

Mr. Speaker: Does the honourable minister have leave to make a nonpolitical statement? Leave? Agreed.

Mr. Neufeld: Mr. Speaker, at a time when commitments and promises are easily broken, my wife and I will be celebrating our 40th wedding anniversary come Sunday.

An Honourable Member: Do you want to go golfing on Sunday, Harold?

Mr. Neufeld: I cannot go golfing on Sunday, Mr. Speaker.

On July 7, 1951, after a short honeymoon, we settled in two rooms of a large house on River Avenue—245, I think it was—where we lived for some four and a half years in what might best be described today as below the poverty line. I had just completed my second year in the chartered accountancy program. My wife was a young secretary in an insurance office in Winnipeg.

Mr. Speaker, we were blessed with two daughters in the last 40 years. I must say that my wife did all the work in raising them because I worked most of the time. I must say that they turned out very well, and I am very proud of them.

My wife has been most supportive, especially in the last three years when, after my retirement from my former profession, I decided to enter politics without really discussing it with her. She was nevertheless supportive at a time we thought we might be enjoying several good years in retirement. She has been unable to do the things she wanted to do, but she has been supportive of me. I want to publicly thank her for that today. Thank you.

* * *

Mr. Speaker: Does the honourable Leader of the Opposition have leave to make a nonpolitical statement? Leave? Agreed.

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, first of all, I would like to congratulate the member for Rossmere (Mr. Neufeld), his wife and his family on the longevity, success and co-operation in their family life. We pass on our best regards to the Neufeld family.

I would also like to make a nonpolitical statement that I have been given leave to provide on the Winnipeg Folk Festival which, of course, started yesterday and continues on through this weekend. I know it is an event that all members of this Legislature share and appreciate in terms of the celebration of our music, our traditions in our music and folk music in this province.

Mr. Speaker, this event started in the early '70s. It has been a tremendous international event where people come from all over North America. In fact, there are even visitors from outside of North America. There are performers this year from Portugal. It is a tremendous event for the province of Manitoba, probably the most successful folk event in all of North America. It is something that Manitobans can be very proud of.

This year, Mr. Speaker, the Folk Festival is incorporating some new initiatives in the Folk Festival. It is going to add a new component, some aboriginal folk components to the Folk Festival in the province of Manitoba, a very high profile for aboriginal folk performers and entertainers this year, which again will help all Manitobans understand the goals and traditions of the aboriginal people and will help us all understand the challenges ahead for Canada's First Peoples, Canada's First Nations, in the province of Manitoba and in this country. I think that is a tremendous new initiative of the Folk Festival and one worthy of praise from this Legislature.

Mr. Speaker, we also want to thank the thousands and thousands of volunteers who have made the Folk Festival so successful throughout the years, and like all members of this Chamber, we hope for good weather and great music over the weekend for the people of Manitoba and the people of North America. Thank you very much.

* (1050)

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, could I have leave for a nonpolitical statement?

Mr. Speaker: Order, please. Does the honourable Leader of the second opposition party have leave to make a nonpolitical statement? Agreed? Agreed.

Mrs. Carstairs: Mr. Speaker, I think the member for Pembina (Mr. Orchard) indicated I did not have leave.

Hon. Donald Orchard (Minister of Health): Not after what you said about me today, but I will reconsider.

Mr. Speaker: Order, please. Does the honourable Leader of the second opposition party have leave to make a nonpolitical statement? Leave? Leave is agreed.

Mrs. Carstairs: Mr. Speaker, I, too, would like to congratulate Mr. and Mrs. Neufeld. I know we are not supposed to use the member's name, but in this case, I think an exception can be made on the celebration of their 40th wedding anniversary.

I must add that I am sorry we have not let this House out of session so that they can enjoy it in some state of relaxation. I am hoping that, by the time John and I celebrate our 25th wedding anniversary on the 6th of August, we will be out of here and we can do it in a sense of relaxation.

Mr. Speaker, it is going to be a very active weekend in our community, not only because there will be the Folk Festival which will be an exciting event as always for everybody, but there also is an Italian festival beginning at The Forks on Sunday. I think those of you who have participated in that festival in the past will welcome the opportunity to do so again. Those of you who have not, I certainly encourage you to participate in this event which not only will see displays of their cultural contributions to our community, but also their food contributions to our community, which unfortunately too many of us have overindulged in in the past and will probably continue to do so in the future.

Mr. Gerry McAlpine (Sturgeon Creek): May I have leave, Mr. Speaker, for a nonpolitical statement?

Mr. Speaker: Does the honourable member for Sturgeon Creek have leave to make a nonpolitical statement?

An Honourable Member: Leave.

Mr. Speaker: Leave. That is agreed.

Mr. McAlpine: Mr. Speaker, I am pleased to rise today and bring recognition to the many volunteers of the Winnipeg Folk Festival and their success that they hopefully will have this year with the Folk Festival that is going to be held.

I had the privilege yesterday of attending the opening, on behalf of the Premier (Mr. Filmon), the Minister responsible for Multiculturalism (Mrs. Mitchelson) and the Minister of Industry, Trade and

Tourism (Mr. Stefanson). It was a real privilege for me to go there and to bring these greetings and to meet the people who are taking part in the Folk Festival as they are.

As has already been said, this is an opportunity for us to enjoy the music of throughout the world and to share in our cultures. I congratulate those people who are participating at the level they are and the co-operation they are getting from all people and all nationalities. I congratulate the aboriginal people, the First Nations in their participation and in taking part in this event.

I think it has to be said that the number of volunteers that do participate in this—this would not be the success that it has been over the past 18 years if it was not for the volunteers. I think they have to be congratulated to the fullest extent. One person I think that has not been mentioned is Rosalie Goldstein who for the past 11 years has spearheaded the Folk Festival and has been a great part in the success of what we have been able to achieve today and the success that we realize in the province of Manitoba for the benefit of all Manitobans. I thank those people and congratulate them on this event. Thank you.

* * *

Mr. Daryl Reid (Transcona): May I have leave to make a nonpolitical statement?

Mr. Speaker: Does the honourable member for Transcona have leave to make a nonpolitical statement? Leave? It is agreed.

Mr. Reid: Mr. Speaker, today is a sad day for the province of Manitoba and the community of Transcona. Today is the final working day for some 1,500 CN Rail Transcona Shops employees.

At least 117 of these employees will be laid off permanently. The remainder of the 1,500 employees, many of them with long service exceeding 20 years, will be laid off for an extended period of 60 days beyond what would normally be a four-week vacation period.

A layoff of this magnitude will have serious impact on the community and the families of these employees. Some of these employees will be fortunate enough to have employment security income, but for the vast majority, unemployment insurance benefits will be the main means of support. Since deregulation impacted the Canadian transportation industry in the 1980s,

layoffs have been a way of life, as one company spokesperson so coldly put it.

The hard truth is these layoffs represent unsettled times for these employees, their families and the community. To improve the future, and hopefully prevent more layoffs of this nature, concerted co-operative action on the part of all levels of government would be the path to follow so that our work will secure a brighter future for all Manitobans.

Thank you, Mr. Speaker.

Mr. Speaker: Order, please. I would like to caution all honourable members, the honourable member for Transcona was skating on very thin ice, and I remind the honourable member it is a nonpolitical statement, and it is a right that is given to the members by the House. I was in the House one time when the right was denied for quite a long time. I just caution the honourable member. It is a right that is given to you by the House.

Committee Changes

Mr. Speaker: The honourable member for Gimli, with committee changes.

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Industrial Relations be amended as follows: the member for Sturgeon Creek (Mr. McAlpine) for the member for Ste. Rose (Mr. Cummings); the member for Brandon West (Mr. McCrae) for the member for Arthur-Virden (Mr. Downey); the member for Assiniboia (Mrs. McIntosh) for the member for Roblin-Russell (Mr. Derkach); and the member for Gimli (Mr. Helwer) for the member for La Verendrye (Mr. Sveinson).

I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Municipal Affairs—

Mr. Speaker: Order, please.

Point of Order

Hon. Linda McIntosh (Minister of Co-operative, Consumer and Corporate Affairs): My apologies, Mr. Speaker, but even with my earphone, because of the sound in the House, I cannot hear what the member is saying because of noise opposite. I just would appreciate the chance to hear.

Mr. Speaker: On the point of order raised, there appears to be some dialogue between both sides of the House. I would ask honourable members

attempting to have a conversation across the floor of the Chamber to do so outside the Chamber.

* * *

Mr. Speaker: The honourable member for Gimli, to finish with his committee changes.

Mr. Helwer: —for Tuesday, July 9 at 10 a.m. sitting be amended as follows: the member for Sturgeon Creek (Mr. McAlpine) for the member for St. Norbert (Mr. Laurendeau); the member for Turtle Mountain (Mr. Rose) for the member for Kirkfield Park (Mr. Stefanson); and the member for Gimli (Mr. Helwer) for the member for Fort Garry (Mrs. Vodrey).

Mr. George Hickes (Point Douglas): Mr. Speaker, moved by the member for Point Douglas (Mr. Hickes), seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Industrial Relations be amended as follows: the member for Kildonan (Mr. Chomiak) for the member for Swan River (Ms. Wowchuk), for July 5, 1991, Friday at 1 p.m.

Moved by the member for Point Douglas (Mr. Hickes), seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Municipal Affairs be amended as follows: the member for Swan River (Ms. Wowchuk) for the member for Selkirk (Mr. Dewar), for Tuesday, July 9, 1991, at 10 a.m.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I move, seconded by the member for Crescentwood (Mr. Carr), that the composition of the Standing Committee on Industrial Relations be amended as follows: St. James (Mr. Edwards) for The Maples (Mr. Cheema), effective Friday, July 5, 1 p.m.

Mr. Speaker: Agreed? Agreed.

ORDERS OF THE DAY

Hon. Clayton Manness (Government House Leader): Mr. Speaker, it is my intention today, and I believe the intention of the House, hopefully, to have four bills ready for Royal Assent approximately at 12:25, those being Bills 3, 43, 44 and 5.

Mr. Speaker, would you call, therefore, Report Stage, Bill 44 and Bill 5.

REPORT STAGE**Bill 44—The Public Utilities Board Amendment Act**

Hon. Linda McIntosh (Minister of Co-operative, Consumer and Corporate Affairs): Mr. Speaker, I move, seconded by the member for Niakwa (Mr. Reimer), that Bill 44, The Public Utilities Board Amendment Act (Loi modifiant la Loi sur la Régie des services publics), as amended and reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

Bill 5—The Mental Health Amendment Act

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I beg to move, seconded by the Minister of Highways and Transportation (Mr. Driedger), that Bill 5, The Mental Health Amendment Act; Loi modifiant la Loi sur la santé mentale, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

* (1100)

THIRD READINGS**Bill 44—The Public Utilities Board Amendment Act**

Hon. Clayton Manness (Government House Leader): Mr. Speaker, with leave of the House, I would like to move, seconded by the Minister of Highways and Transportation (Mr. Driedger), that Bill 44, The Public Utilities Board Amendment Act (Loi modifiant la Loi sur la Régie des services publics), be now read a third time and passed.

Mr. Speaker: Is there leave for third reading of Bill 44? Leave? Agreed.

Motion presented.

Mr. Nell Gaudry (St. Boniface): Mr. Speaker, it gives me pleasure to rise in support of Bill 44, long-awaited legislation for consumers of Manitoba.

The Public Utilities Board Amendment Act, sponsored by the member for Assiniboia (Mrs. McIntosh), will grant authority to Centra Gas, the natural gas utility operating in Manitoba, to discontinue service to delinquent commercial and residential customers.

Why I say long-awaited is, if we go back to last spring, when Centra Gas increased their rates by \$90 a year, there was quite a controversy amongst the consumers, especially the poor and the seniors. We received several calls and we were asked to make presentations at the Public Utilities Board on their behalf.

It was very important that we did, and I was pleased to do so on behalf of my constituents who had called several times, because it is not the poor people who are not paying their bills, but commercial accounts and people who have money to pay their bills. We know, because we have residents who get calls or speak to their neighbours and have said they have not paid their bills. They brag about it, and I think it is not fair. It is not fair to the poor people, and it is not fair to the seniors.

The court ruling resulted in \$19.5 million of arrears for Centra Gas of March 1991, an amount that the company has tried to recover in various ways, but to no avail. We have seen that on a weekly basis where Centra Gas, for example, in the digest have tried to collect their bills, but to no avail.

Mr. Speaker, their last attempt was to have all consumers pay for delinquent accounts, which I might say created quite a stir. To allow the public bill utility to discontinue its service if a customer is in default of payment, this bill amends The Public Utilities Board Act by adding sections as part of Part 2.

The short answer, this bill seems solid and can be supported in good conscience. The only point of contention is subsection 104.1. The bill, in general, forbids discontinuance of service during a moratorium period of October 1 to May 14. However, the subsection above exempts the landlord or any premise where a tenant provides rent to a landlord from this moratorium period.

The member for Elmwood sees this as discriminatory. If a moratorium is good enough for homeowners, it is good enough for renters. However, this is not the case. We have spoken to Mr. Barron of the Public Utilities Board and Mr. Singh, director of Landlord and Tenant Affairs. They say that the reason for the exemption clause is that landlords, unlike private owners, are already governed by this legislation.

There are The Landlord and Tenant Act and The Residential Rent Regulation Act, both of which will be superseded by The Residential Tenancies and

Consequential Amendments Act. Both the above-mentioned gentlemen consider existing legislation as adequate to deal with utility discontinuance and felt it unnecessary to include further considerations to Bill 44.

The argument against the member for Elmwood's (Mr. Maloway) opposition is that if a public utility is going to discontinue service or supply to an apartment block situation, the utility must inform Landlord and Tenant Affairs. They will, in turn, under powers also laid out in The Residential Tenancies Act sequester the landlord's rental revenue and pay the utility what is due.

The procedure here is as follows: The Landlord and Tenant Act under Section 60 of Bill 44 which allows them to block discontinuance after the utility informs them of their intention. Second, under Section 154 of Bill 13, Landlord and Tenant approaches the landlord and evaluates their obligations, demanding their payment be made. Third, should the landlord not be willing to fulfill his obligations, Section 154(2)(3) of Bill 13 is invoked, wherein landlord rent revenues are sequestered, landlord and tenant meets with the utility in deciding the time over which the payment is to be made. While the Landlord and Tenant Affairs consults with the appropriate utility, there is negotiation required by legislation. Once a decision is reached, the utility must comply with the Landlord and Tenant Affairs. -(interjection)- Not the NDP for sure, because all they do is lip service.

The procedure is sound and the exemption of Bill 44 only provides a trigger to begin the process described above. -(interjection)- No, I did not. The consumer is fully protected in the matter of utility discontinuance. I have spoken with the Public Utilities Board and with the Landlord and Tenant Affairs. They are both satisfied with the proposed Bill 44 and state there was considerable canvassing involved with groups such as Consumers Association of Canada, Winnipeg Hydro, et cetera. In fact, in their submission, Winnipeg Hydro complained that the Landlord and Tenants Affairs was being given too much power to administer payment.

Mr. Speaker, in these tough economic times when jobs are being cut, wages are being frozen, inflation is 6 percent, the consumer should not be burdened with these charges, especially when they are already being hit by the Tory GST intercession. Manitobans simply cannot afford this responsibility.

Unlike the member for Elmwood (Mr. Maloway), I do not find the piece of legislation discriminates against tenants. Unfortunately, that impression is easily given because Bill 44 is written awkwardly, and because it relies on other legislation passed in the House.

Therefore, I will conclude in supporting and hope that all the members will support this piece of legislation, long-awaited for the consumers of Manitoba.

*(1110)

Mr. Jim Maloway (Elmwood): I rise at this point to support the bill with some very serious reservations, and they are the same reservations that I enunciated at second reading, but I think they bear repeating because we feel this is a very serious matter.

First of all, I wanted to make some comments about the government's lack of action on this bill in that they left it so late before introduction. After talking about this bill for a considerable length of time, they brought this bill in May 15. In other words, only a month and a half ago did this bill see the light of day in this Legislature, and they expect us to give them immediate approval of this bill. Of course, as you know, things do not work quite that way.

But to show you that we did, with the best of intentions, move as quickly as possible, we immediately caucused the bill when we had a copy of it. We came up with a series of amendments that we requested to be drafted; in fact, at committee, we introduced those amendments. We were the one party in the Legislature to introduce amendments. I must say, to give the Liberals credit, that they in fact did vote for our amendments at the committee stage. But we were the party that caucused the bill and came up with the amendments to try to close any potential loopholes for problems that may arise.

Now let me tell you briefly what the amendments were that were defeated by this government, Mr. Speaker. The first amendment was that there be a mechanism to resolve a dispute in case the customer of the gas company did not agree with the amount that he or she was being billed. We are all aware of companies who bill individuals a certain amount, and it turns out to be an incorrect billing. One cannot just assume that the gas company is going to be correct in its billing, nor can we assume that any company is always correct in its billings. There could be room for errors.

We wanted that amendment to deal with that in the appeal process. That was defeated by the government. We also ask for an amendment to deal with disabled people, and blind people, and deaf people, people who may, through no fault of their own, be unaware and be cut off accidentally by the gas company and perhaps even suffer a death as a result. We wanted that amendment brought in. We drafted the amendment. We brought it in. The government defeated that amendment, Mr. Speaker.

Thirdly, we introduced an amendment dealing with the appeal mechanism of this bill. We wanted to make certain that the Public Utilities Board summarily dealt with cases where there was a life-and-death situation and that all other cases be dealt with on a 30-day basis. As the regulations are currently drafted, it is open ended; there is no time frame, no time limit as to when the PUB must deal with these cases. We felt that was important. That was another amendment that we introduced that was defeated by this government.

I wanted to also say that the gas company is in a very privileged position. When companies in this country like Air Canada are losing a million dollars a day, when the Big Three auto makers are losing multimillions of dollars every year, the gas company is in a very privileged position. With a monopoly of 200,000 customers, it, among companies, is showing profits of \$9 million two years ago, \$5 million last year. I am not certain what the profitability will be this year, but with this legislation I am sure the profitability will be improved somewhat.

We have submitted that if the company is going to get this legislation, then the public of this province deserves a reduction in their gas rates. The time has come for the gas company to stop going to the Public Utilities Board, as they did last year, three times a year asking for gas price increases.

One would assume that one of the reasons for this legislation is to allow them to improve their bottom line. If, in fact, that is a result of this legislation, then the public of this province expects a reduction in their gas rates, and I want to see that happen in the near future, as do the members of the public of Manitoba.

With that, I would like to end my comments and see this bill through to passage. Thank you, Mr. Speaker.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? Agreed? Agreed and so ordered.

Bill 5—The Mental Health Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): I believe, Mr. Speaker, we are moving on in Orders of the Day, if that has been passed, to Bill 5.

Mr. Speaker: That is passed.

Mr. Praznik: Mr. Speaker, I would move then, seconded by the Minister of Natural Resources (Mr. Enns), that The Mental Health Amendment Act; Loi modifiant la Loi sur la santé mentale, be now read a third time and passed, with leave of the House.

Mr. Speaker: Does the honourable deputy government House leader have leave for third reading of Bill 5?

An Honourable Member: Agreed.

Mr. Speaker: Yes, leave is agreed.

Motion presented.

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, I appreciate the opportunity to put some views and comments of the New Democratic Party caucus on record with respect to Bill 5. I want to indicate to the House that we will be very reluctantly supporting Bill 5 as amended.

Throughout the process involving Bill 5, we have been consistent in our approach in urging this government to take a step forward at this time in our history, to use this moment, this opportunity, the will of the community, to actually ensure legislation with respect to mental health that is consistent with our current notions of human rights and individual rights and consistent with the wishes and feelings of the broader Manitoban community.

Mr. Speaker, throughout the process we have made suggestions. We have raised concerns in this House and we have brought forward some very concrete, specific amendments to Bill 5. We have been disappointed in this government's response to those expressed concerns and those specific amendments. We are left dealing with a piece of legislation that has some improvements in terms of protecting patients' rights. It is not void in terms of moving in that direction, so we acknowledge that there have been some small steps taken forward to ensure that patients' rights are considered. Those steps are very small, indeed, and the will of the

community to have in place a much broader legislative legal framework for community-based mental health care services has been ignored.

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

We are left in dealing with the amended Bill 5 with three interesting situations. One, we are told by the Minister of Health (Mr. Orchard) to take a leap of faith. He has clearly, on a number of critical issues, suggested to us, as he has done in the past, that action will be forthcoming, that plans are in the works, that the concerns of the community will be taken into account. Madam Deputy Speaker, we have very little evidence from the past in terms of the minister keeping his word to actually put much faith in those words. We also know that major legislation is only before us on an occasional basis. It is rare for this Legislature and the community to have a chance to bring our legislation into the 1990s, to address major concerns and to move forward in terms of new thinking, new demands and new ideas.

Madam Deputy Speaker, we feel that this Legislature, this province is missing a golden opportunity. I believe that everyone recognizes that in the year 1991 we should be at the point of addressing a new legislative framework, a new legal framework for mental health. Instead, this bill and this amended bill tinkers with the present institutional system and the hospital model. That was reiterated over and over again, and I believe even the Minister of Health acknowledged that when he said wait, we will be working with the community, we will be bringing forward community-based legislation.

* (1120)

So, Madam Deputy Speaker, today we are saying we will have to take that leap of faith, but we will also indicate to the Minister of Health (Mr. Orchard) and to his colleagues, that we will be ever vigilant over the next number of months and years demanding and urging and pressuring for such a legislative framework. The community will be doing the same, because in many ways, although steps have been taken forward, they feel that an opportunity has been missed.

Madam Deputy Speaker, the other interesting development around this bill and the amended bill has been that the minister has asked us to accept his commitment that some problem areas will be addressed through administrative changes. He has

refused to move on amendments entrenching in legislation a timely appeal process, review board hearing process, in terms of individuals and clients and patients in our mental health system who feel that they have been hard done by. He has asked us, and he has deleted from this legislation, any reference to a timetable and refused to put in that legislation, by way of amendment, a very specific time frame as has been done in other jurisdictions and has worked very well.

So we are left, Madam Deputy Speaker, with the minister's word, once again, that he will correct some of these problems and put in place a more timely, more sensitive appeal process and hearing review process for individuals suffering from mental illness.

The third interesting development around this bill and the amendment stage and the committee reports and presentations from the public is that the minister has actually, and this government has actually, disregarded some very key issues around the rights of individuals, around patients' rights.

Madam Deputy Speaker, this minister has, when confronted and presented with some very creative and innovative suggestions from the community for improving this legislation in terms of the rights of patients and human rights protections, ignored and disregarded those suggestions.

Together, those three points, the leap of faith that the minister has asked us to take, the addressing of some serious concerns by way of regulation and administrative procedures, and finally the disregard of some very significant issues pertaining to patients' rights give us on this side of the House in the New Democratic Party some very serious concerns with respect to Bill 5.

It is for that reason, Madam Deputy Speaker, that we will very reluctantly support this bill. We will not stand in the way of this legislation, because it does take a few small steps forward, but we will not let this government sit idly by while the community cries out for much more progressive innovative legislation.

In all of this, we have said as New Democrats in this House that no government, that no political party over the last couple of decades is exempt from criticism, can be excused from neglecting this important area. We all bear guilt and responsibility for the general neglect in the whole area of mental health. We are all learning from the community,

from the changes in thinking, from new developments in this area and are prepared now to work with this government, to move as quickly as possible to bring in far-reaching, broad-sweeping legislation and a legal framework that will enhance and support community-based mental health services.

Madam Deputy Speaker, at the committee stage of this bill a number of Manitobans and a number of Manitoba organizations took the time and effort to come forward and make some very detailed thorough presentations on Bill 5, and they did so into the wee hours of the morning. We heard presentations until 1:30 that morning, and then as a committee we carried on with amendments until about 3:30 in the morning. Many of those community activists stuck through to the bitter end and showed their concern and commitment about good progressive legislative provisions in this area.

Madam Deputy Speaker, I must add, I think, in reference to the comment from the member for Crescentwood (Mr. Carr), that that is not a good way to make legislation. We objected to that late night hour of doing amendments and we asked the minister to put the amendment stage over and to give more serious thought to our proposals and to the presentations of committee members, and we hope in the future we can somehow, as a House, as a Legislature, as a Chamber, arrive at a more sane way of passing laws in this province.

Madam Deputy Speaker, I mentioned the groups and the presenters at our committee hearings. There were many and they were thorough. Just about every area was represented that evening in terms of the community side of mental health. We heard presentations from the Canadian Mental Health Association, from the Manitoba Association of Rights and Liberties, the Society for Depression and Manic Depression of Manitoba, the Psychological Association of Manitoba, Citizens for Quality Mental Health, the Registered Psychiatric Nurses, and so on. In just about every case, suggestions, the broad direction, were given to this government for moving toward community-based mental health, but further, more specific suggestions were made for improving Bill 5, suggestions which we agreed with. Most notably, just about every brief and every individual who presented made the point that it was time, in this year of 1991, to recognize the rights of patients by

giving them the right to choose who they feel should make decisions about treatment and care.

Madam Deputy Speaker, that substitute consent model is not something new and it does not come out of thin air, it is at work in other jurisdictions, it has been tried and tested, it is a reasonable way to go. Every single group who presented either had no trouble with that concept, or felt it should be something that should be changed in terms of Bill 5. The response of the minister and this government was that we should be patient and wait for the report of the Law Reform Commission, that this can only be addressed on a broad basis, that it could not be done beginning with the mental health area.

Madam Deputy Speaker, we fail to see the logic in that kind of argument. It seems to us that if you have a concept that reflects the rights of individuals, if you have a model that has been tried and tested and, if you have a government that is making a commitment to over the medium or long-term address and implement that model, then surely the place to start is with legislation that is open and before you.

If this government is serious, then it should act now. If this government is concerned about patients rights, then it should have no problem in introducing a model that goes a step further than that now presented in Bill 5, which presents us with a list of family members who, in order of precedence, will be asked to make decisions about the care and treatment of mental health patients.

* (1130)

All we and the community are asking for is that that be broadened, so that the individual, when that individual is able to make such decisions, be allowed the right to designate an individual, whether that be a family member or someone else, to make decisions when that individual is no longer able to make decisions.

It is recognized that in some cases the nearest family member in terms of the list presented in this bill may not be appropriate, may not be the most caring individual, may not be the one who is going to make the best decisions about care and treatment. It is also recognized that in some cases individuals other than a family member may be the most appropriate for looking out for the interests of an individual suffering from mental illness.

To us that did not seem too much to ask. It seemed reasonable and it could have been done at the amendment stage of this bill.

We regret that we must wait for action on the part of this government. We will be vigilant about pursuing this matter and expecting, as the minister has said, at the committee stage that this will happen very shortly, that the Law Reform Commission will report imminently and the issue may start to be addressed within a few months.

Madam Deputy Speaker, we will reluctantly support this bill with its decision to neglect an important amendment for patients rights on the understanding that this government will act quickly and sensitively on this very important issue.

Madam Deputy Speaker, I will not speak for very much longer on this bill. I did want to point out that some members of the community felt let down about the failure of this minister to address a very specific shortcoming of Bill 5, and that had to do with the voluntary patients being treated without consent and denied appeal.

The community had made a very strong case, and we support that case, that a provision of 72 hours is not needed to complete an involuntary psychiatric assessment. We presented the amendment that the community had suggested, which was to change 72 hours to 24 hours, a time specified because it makes sense in the context of this bill, because in fact a voluntary patient can discharge himself or herself within 24 hours. To us it made good sense and it was in the best interest of human rights for this government to move on that provision. Instead, we were presented with an amendment that pretended to deal with this issue but, in reality, does not. We are very disappointed that this minister did not accept that suggestion, and I know that the community feels let down and disappointed.

Madam Deputy Speaker, in this whole area of mental health, change is long overdue. Whether we are talking about legislation or we are talking about programs and policies, Manitoba is still very much in the Dark Ages. Manitoba, in terms of an institutional-based system, ranks 10 out of 10 in this country. We spend more on institutional facilities than any other province. We spend very little on community-based workers and facilities and programs. We have been told that the minister is addressing this issue. We will be anxiously waiting for his mental health reform policy.

In the words of the Canadian Mental Health Association, our mental health system is cumbersome and expensive. It runs on expensive medical and hospital services and expensive medicines. We recognize the need for a strong and competent hospital component in a mental health system. We feel, however, that the hospitals and the senior policy makers in the Health department continue to act as if a hospital system is a complete mental health system. We see them working to expand hospital services in Winnipeg as if that was a complete answer to the problems of people with mental illnesses throughout Manitoba.

The Canadian Mental Health Association considers that reform of The Mental Health Act was necessary and that the 1987 reforms were, in fact, overdue. The Canadian Mental Health Association goes on to suggest that we must find every way possible to address the question and have the community address the question, what is your power, not what is your problem. Yet in everything we do as a Legislature and as government, whether it be in terms of legislation or in terms of programs, is to really focus on that question, what is your problem, not what is your power.

We have a long way to go to empower individuals in our mental health community to ask to be entitled to the benefits that all of us enjoy. We have a long way to go to ensure human rights protection in this area. We have made very little distance in finding a balance between the systems approach and the notion of protecting the broader society versus ensuring rights and protection for individuals in our system. The imbalance is glaring. It is noticeable nationally. It is a disgrace.

We look forward to working with this government to correct that imbalance, whether it be legislatively or programmatically. It is absolutely imperative that we begin today, that we commit ourselves today to that kind of balanced mental health approach. Thank you, Madam Deputy Speaker.

Mr. Gulzar Cheema (The Maples): I am very pleased to rise and speak on this bill, Bill 5, third reading. Madam Deputy Speaker, I first decided that I will speak for five minutes, but I think after I have heard the member for St. Johns, I will have to go into a little bit more detail. There are a number of areas I would like to express.

First of all, Madam Deputy Speaker, we in this party support this bill, Bill 5. I will give you the

reason why we are supporting this bill, because it took almost two and a half years to bring this bill forward. It is the bill everyone said during the committee hearing—there was not even one person who said they were opposing this bill, not even one presenter.

It is very disappointing that the member for St. Johns (Ms. Wasylycia-Leis), I think, has lost some respect from me this morning, because we sat there for four hours. There was not one person who spoke against this bill. They have said, this is the first time in Manitoba, the consultation was done on a broad basis, every community organization to the best possible knowledge of—and they have the best consultation process.

It took two and a half years to bring this bill forward. I think it is very disappointing that when, you know, we should be speaking on the same issue, on the same line at every time, not change because we are sitting on this side of the House or sitting in front of the committee. I am very disappointed, very disappointed.

Point of Order

Ms. Wasylycia-Leis: Yes, on a point of order. I think it should be noted that the Liberals did not support a single one of the amendments supported by all of the community groups.

Madam Deputy Speaker: Order, please. The honourable member for St. Johns does not have a point of order. It is a dispute over the facts.

* * *

*(1140)

Mr. Cheema: Madam Deputy Speaker, the member for St. Johns does not have to raise the point of order. I will explain to you. I did not support her amendments because they were not valid. They were not rational and nobody on the committee—those were not practical amendments.

Ms. Wasylycia-Leis: Well, let the community hear that. We will circulate it.

Mr. Cheema: That is fine. It is okay.

Madam Deputy Speaker, I would like to explain that after April of 1988, we in this party made a commitment to the Minister of Health (Mr. Orchard) that we are going to work with him on one major issue, that is on mental health. We made a promise we will work on many aspects of mental health. One

was mental health reform and that includes the amendment to the mental health bill.

For the last two years, the time which was given to the mental health debate in this House, I think that has created a sense of at least awareness that we had a problem in Manitoba. Probably the member for St. Johns should read the 1987 bill and she would know that bill was a disaster. It was a proven disaster.

To bring forward a good bill it took a lot of courage from this ministry and with no regrets, I would say that it was done the best possible way it could have been. I do not think we can improve the bill at this stage. We never said it was perfect, but it will take some time. Mental health and the health care issues change. We cannot have a bill which is going to be stationary and say that is perfect and let us wait for another 20 years.

So I am very disappointed with the member for St. Johns (Ms. Wasylycia-Leis) and the NDP Party saying that the bill is not perfect. The bill is not complete and everyone was opposing the bill. That is simply not true. It is very disappointing.

Madam Deputy Speaker, the other aspect of what the member for St. Johns has said, the community-based mental health bill, the second part of the act, which is not a small portion of the act that is going to be the major component of the mental health reform, must come as a separate bill. You cannot bring a major bill in smaller amendments; it must be brought in a separate bill, and that is what the ministry must do. I was told on that committee that the hearing process had already started.

It is a major bill, the first time in this country a community-based bill is going to come, and you cannot make a major mental health bill in two hours. You should know that. It is going to take at least two or three years to bring those things. I think we should learn from Ontario. The community-based mental health bill was brought in by a private member; it failed. It needed a lot of improvements.

I think it is a disaster that people who are going to make decisions eventually have so much respect for the whole process and say so many things at different times to suit the political needs. It is very disappointing.

I think I have lost a lot of respect for the Member for St. Johns (Ms. Wasylycia-Leis) over this, because we have spent so much time. We have

talked about mental health for the last two years. We met in the minister's office; we had a discussion, and then the bill was brought in, and we had about six weeks for the presentation in this House. Everybody had made their remarks.

Just to say the consultation was not done is not fair. I think it simply speaks against all the organizations who have worked so hard. That means that people in the Canadian Mental Health Organization, who have worked so hard to bring amendments forward, to work with the minister's office, work with a major amendment committee—so that means those people have failed? No, they have not failed. I think they have done a tremendous job and we should be proud of their work.

It is the first time all the professional groups are working together. I think we should be encouraging them to have it happen more often. That is why we made it very clear at the committee stage that the second part of the bill, for the community-based mental health bill, must come as a separate act, and they should have a wider consultation. We do not want to have the same problems as Ontario had. We should learn from others.

Madam Deputy Speaker, let us be clear here that this bill does not belong to one political party. Mental health issues and health care issues are very important, and the way it was handled by this government, I will say it again, was the best possible way.

I will end by saying that we will support this bill and will look forward for the second community-based mental health act on a wider consultation basis and continue to co-operate to reform the mental health care in Manitoba so that we can achieve the best possible care, not for one political party, but for the people of Manitoba.

Hon. Donald Orchard (Minister of Health): Madam Deputy Speaker, I will be closing debate on Bill 5.

Madam Deputy Speaker: The honourable Minister of Health, to close debate on Bill 5.

Mr. Orchard: Madam Deputy Speaker, I want to indicate in having Bill 5 come to a conclusion with amendments that there has been a great deal of input into the creation of Bill 5 from the wider community of Manitoba who have specific interests in the issue of mental health and the delivery of mental health services in the province of Manitoba.

Those individuals, groups and organizations had a significant amount of input into the amendments we presented in Bill 5 and, indeed, in pointing out some of the flaws that we had missed in crafting Bill 5 as originally presented and in guiding us through to some nine amendments that we made that night.

Madam Deputy Speaker, I cannot help but observe two things. My honourable friend from The Maples (Mr. Cheema) and myself may disagree from time to time on specific issues, but the one thing that I want to say is that my honourable friend has been consistent, consistent in his support for change to the mental health system and from opposition has offered advice and support to the direction that we are attempting to change. He has done that on behalf of his party, because I believe that, as with the party I represent in this House, I believe the Liberals do have a vision for the future for mental health service delivery in the province of Manitoba.

They have been consistent in their support of a process to make the system change and reform not for a political party, but for the citizens of the province. That is a goal and agenda that I have had not only in the three years that I have had the opportunity as Minister of Health to attempt to make some of those changes, but it was consistent with some of the advice that I gave during the Estimates process when I was an opposition critic. That consistency will allow us to move Manitoba from a situation where we are not progressive in the way we offer services to those mentally ill Manitobans who require support in a way which is commensurate with current trends in health care to move towards more community support and community based services.

That kind of support from an opposition party is difficult, because I recognize from time to time when you support government, it puts you at risk. It is not a normal trend for an opposition party to openly state they support an agenda of government. You are supposed to be here to say, you know, you are not doing it right and to criticize and attempt to make the political argument. My honourable friends in the Liberal Party have avoided that consistently for three years in supporting the reform of the mental health system. That is why it will happen.

My honourable friend from The Maples (Mr. Cheema) made the observation that you cannot attempt to take the issue of mental health and turn it into today's political issue for today's particular

lobby group for today's particular circumstance which fits what you believe is your current political need as others in this Chamber have done this morning. That, Madam, is why I have to admit some small amount of disappointment, because I did believe that the New Democratic Party had a vision of where mental health services ought to go.

I want to tell my honourable friends that simply saying that you support reform of the mental health system is not enough. You are going to have to demonstrate your support as we move to it. You know what your choice is going to have to be, and this is where the New Democratic Party will not support reform of the mental health system. As we have discussed on Monday of this week when we dealt with the mental health spending of the government, the reform of the mental health system and the move away from institution to community means that institutional presence in terms of bed numbers, in terms of jobs in the institutions, will go down. That is what reform of the mental health system means. I believe the Liberal Party understands that, and they will seek a plan of action from government which provides support to those individuals who must make the employment transition from institution to community.

* (1150)

We intend to do that, but my honourable friends in the New Democrats, I fear, will take the easy route out and support the unions in their opposition, and not the patients who require care. That is where they have not consistently presented a vision for the future, because my honourable friend the member for St. Johns (Ms. Wasylycia-Leis) this morning, in closing debate on this important bill, failed—and she knows the purpose of Bill 5 was not to create new legislation around the issue of mental health.

Bill 5 was here to correct flaws in the 1987 legislation as passed. The flaws in the 1987 legislation passed by the government that she sat in cabinet with were there because they did not undertake public consultation as to the impact of those amendments. We did that. It took a substantive amount of time. I would have liked to have had these amendments in the House last session or two sessions ago, but we could not achieve a wide enough consultation around the issue, because there is no more emotional and complex and serious issue than amendments to The Mental Health Act.

I know of no other act that can bring forward such a diversity and range of opinion. It is all legitimate and it is all sincerely believed and held by those presenters who were there. They offered constructive criticism to the government, which we intend to act upon where possible. You cannot take and change strides to suit a narrow political agenda of your party on this issue, which she tried to do this morning, because you know the amendments were to merely fix mistakes made in 1987.

Second issue of informed consent that my honourable friend brought forward, the reason we did not accede to recommendations, and no group said we must include them in Bill 5 at the hearing process last week, but they said you should consider it, and we are. We referred the issue to the Law Reform Commission. We will not single out and stigmatize those with mental illness by giving them informed consent before other areas of health care. Our intention is to bring forward informed consent around the issue of admission and patient advocacy and the living will and other matters consistent across the health care system, so those with mental illness will not be singled out and potentially stigmatized. That I believe was accepted by the major presenters as a reasoned and logical way to proceed, because there are difficulties with that process in Ontario where it has been used.

My honourable friend from St. Johns attempted to make the case that there is an opportunity in the community now to bring forward legislation—that is correct—which would put parameters around community mental health. My honourable friend from St. Johns I hope is not trying to say that this can happen in two hours of amendments at committee that we did.

My honourable friend from The Maples (Mr. Cheema) understands that will be a substantive and long and consultative process. I hope my honourable friend from the New Democratic Party understands that as well, because I think some members in her party understand that. We have already commenced that process, but I am not going to wait on the existence of legislation around community mental health before I begin the reform. We will put action to the policy, to the legislation my honourable friend from the New Democratic Party requests by making those changes and those movements towards community-based mental

health. Those will happen, and those will happen quickly.

The challenge is going to be whether my honourable friend from the New Democratic Party will attempt to be on the side of the unions or on the side of the patients and the people. It is going to be interesting. I believe that she will come on the latter rather than the former. I hope.

Madam Deputy Speaker, I thank all honourable members for their contribution. This legislation represents a first time in which we have had consultation. I thank those many Manitobans who gave us advice and consultation around the issue of amendments to The Mental Health Act. I think we have made an improvement to legislation by having this bill passed. Thank you.

Mr. Gary Doer (Leader of the Opposition): The minister, in his preamble, mentioned that he would be closing debate on third reading. Well, of course, this is a bill like others that members have the opportunity to speak on at third reading. It was not second reading.

I want to add my comments if we are going to continue this debate on The Mental Health bill. Precipitated by some of the comments made today again, I want to add a few comments of my own on Bill 5.

First of all, Madam Deputy Speaker, let us deal with the process that this bill has undertaken. I certainly support the member for St. Johns' (Ms. Wasylycia-Leis) comments that a bill of this importance should not be based on kind of midnight-hour tactics when there is absolutely no urgency for dealing with a bill at second reading stage in terms of one day or another.

I am surprised that we had a lot of complicity from the Liberal member, and I will talk about some of those things in a minute. Madam Deputy Speaker, surely this Chamber recognizes, from time to time, there is urgency in which matters have to be dealt with and that we should go to two, three, four, five, six in the morning to deal with those matters. We are all used to that. We all accept that as part of the democratic process.

If there is not the urgency, why do we have a situation where the public views are heard and listened to and then we immediately move to amendments at second reading at two or three in the morning without considering the amendments

that are presented and considering some of the public input?

I have always believed, Madam Deputy Speaker, that it is desirable in bills, where possible, and we have tried to actually accommodate the government in this regard, to have the public input on bills for purposes of presentations from the public and give the government a day or so to think about those proposed amendments, because they may make sense. What is the sense of having public hearings, what is the sense of listening to the mental health community on amendments to bills and then, at 2:35 in the morning, just going clause by clause, page by page, and the Liberals and the Tories voting together on those proposed amendments and improvements?

I can understand sometimes why we have to do that, but quite frankly, Madam Deputy Speaker, on some of these bills, we have been trying to accommodate the government to get them up earlier. The Mental Health bill is one of those. The reason why we have been trying to accommodate the government on this bill and other bills is because it is better for the public. It is better for the people presenting their positions to the government that we take a day extra and not force these bills through.

If there are good ideas to come forward, you have to study those in your departments. You have to listen to those ideas and think about them, because there are good ideas out in the public. That is why Manitoba has a great system of having public hearings. We, quite frankly, on our side in opposition said this year, we do not want the public to be forced to come the last day of the Legislature and present their opinions to the government, go until six in the morning and deal with 65 bills. We would like the government to listen, and we would like the opposition to listen, both the Liberals and the New Democrats, and think about those amendments.

Madam Deputy Speaker, in dealing with Bill 5—and it seems to me the Liberal Health critic and the Minister of Health (Mr. Orchard) today have said there are only two options to dealing with bills. It is either yes or no. Well, we believe there is a third option. If the Liberal Health critic, whom I respect but do not always agree with, does not agree with that, fine, but I do not think, if we believe that some of the members of the public are putting good ideas forward and we support some of those ideas, to suggest, as the member for The Maples (Mr.

Cheema) and the Minister of Health do, that that is "political" to support the public in some of their recommendations, I think, is wrong.

If we are talking about the substance of those amendments and disagreeing for mental health reasons why those amendments have been put forward, fine, but to suggest that, because we think somebody has a good idea that is working in the mental health community and we support that, to be accused then of being political, I think, is really, really missing the point of public hearings.

* (1200)

Madam Deputy Speaker, by extension, the Minister of Health and the member for The Maples are suggesting that the Canadian Mental Health Association is political for proposing amendments, that Gord MacIntosh from the Canadian Association for Rights and Liberties is political, that the Association of Social Workers is political, that the psychological association of Manitoba is political, that the Citizens for Quality Mental Health Care are political, and the Registered Psychiatric Nurses are being political in proposing amendments.

Madam Deputy Speaker, I do not believe—and I do not think the Minister of Health (Mr. Orchard) should accuse those people and the member for St. Johns (Ms. Wasylycia-Leis) of being political because we have supported their ideas to improve a bill. Now, we have said to the Minister of Health that we like and we are supporting the amendments he has proposed. The question is: Should we be proposing or agreeing to amendments at second reading? Those were the comments the member for St. Johns put on the record. The member for St. Johns clearly stated, as is her right at third reading, second reading and at other readings of the bill, that we are supporting the bill. In fact, we were ready to pass it this morning until the Minister of Health again decided to filibuster, for the second time, his own bill.

That is perfectly his right, but if he puts items on the record, we went to clarify those items on the record. If he wants to engage in the debate and continue to debate, then we feel obliged to put our position on the record as well. Let me remind members opposite and ministers opposite, they do not close debate on third reading. The Minister of Health should know that. He has been in this House a lot longer than I have been, and I knew or suspected, but I knew you did not close debate on

third readings. My House leader used to have pretty specific instructions to me when I was dealing with my own bills on third reading, and I used to try to heed those instructions on third reading because, when you continue the debate and people raise issues, then the other side is responsible for putting our perspective on the record and clarifying the Minister of Health's positions.

Madam Deputy Speaker, I am also a bit surprised at some of the advice we received from other communities. Let me put on the record the excellent advice we received from the psychiatric nurses of Manitoba. I would remind the member for The Maples (Mr. Cheema) that his Leader has been supporting our urge and the member for Selkirk's (Mr. Dewar) position on the School of Psychiatric Nursing at Selkirk and where that fits with the mental health system. The psychiatric nursing association, too, at committees—I do not know whether it was two o'clock in the morning by that point or 2:30—

An Honourable Member: 1:30.

Mr. Doer: —1:30, yes, just your normal time to present briefs in a public hearing—made some very good points that they said, and I think they should be put on the record. I am surprised the member for The Maples (Mr. Cheema) did not put this on the record, because certainly the member for River Heights (Mrs. Carstairs), the Leader of the -(interjection)- I understand that.

Mr. Cheema: I work with them all the time.

Mr. Doer: I understand that, but there is a difference between working with them and supporting their position, Madam Deputy Speaker.

The Registered Psychiatric Nurses' Association of Manitoba said in their brief that Bill 5 enhances legislation in the delivery of mental health services and designated psychiatric facilities. However, it is our position that concentration on legislation deals with a hospital-based system and is inconsistent with the stated goal of a mental health services delivery system in Manitoba.

Who am I supposed to listen to, the psychiatric nurses who are working on the front lines? I think we should listen to some of their points. They say, we are concerned about the lack of consistency and development of implementation of strategy which would lead to reform, the same points that the member for St. Johns (Ms. Wasylycia-Leis) made in her comments this morning on Bill 5 and mental health services in the province of Manitoba.

Madam Deputy Speaker, I guess I just want to make a few comments, because we have had a good debate on this bill. I would really recommend that if we are not panicking on bills at second reading, that we take two days to deal with the bill. I do not think we have to get into this quasi-macho exercise—I use that term advisedly in quotation marks—of going to three o'clock in the morning just to prove that we have greater sort of staying power, physical staying power, because really what we are doing there at those committees is listening and incorporating ideas at committees from the public. Really what we are doing by saying, oh, we can last as long as you can last, is we are really doing a disservice to Manitobans.

I know we will get to the last day some day. I do not know when. We will pass a number of bills, but hopefully those will be bills that will not have too much public input and will not force the public and ministers to not be able to be flexible and listen to the public.

We did that, too, Madam Deputy Speaker. I always liked to have my bills presented in such a way that we could listen to the ideas from the opposition and from the public and incorporate them. That is what we are trying to practise in opposition by getting some of these bills forward.

There are three options in any bill. There is the pass/fail option, and there is the improve option. We moved some improvements, we thought, to the bill and they were defeated by the other two parties. That is democracy. We respect that. We feel it is important in a democracy to put those concerns on the record.

Having said that, the member for St. Johns (Ms. Wasylycia-Leis) clearly said that this bill is an improvement over the existing mental health legislation and, for that reason, our party will support the bill, as the member for St. Johns has said from day one to day 79 of the session. We will support it. We would have liked to have seen other improvements, but we will pass the bill subject to, of course, further debate from the members opposite.

Mr. Kevin Lamoureux (Inkster): Madam Deputy Speaker, I am going to be very brief, just two minutes. I just wanted to comment because the Leader of the New Democratic Party (Mr. Doer) has decided to try and bail out his critic and has actually ended up falling into the hole.

The critic for Health in the Liberal Party has brought forward many positive suggestions on this particular bill. The NDP party said that they have brought forward many different positive suggestions. They talk about consulting and so forth, Madam Deputy Speaker, but what we find out in terms of the bottom line is that when it goes to the committee stage what it is that the New Democratic Party has chosen to do. They decide to take the relatively cheap shots at my colleague the member for The Maples (Mr. Cheema), saying that we are siding with the Conservatives when in fact we are being responsible.

There are times in which we should be responsible and I would suggest to you that these are one of those times that we should have been responsible. Had the NDP felt so strongly in what they were talking about, I would have advised them to bring forward those amendments, to bring forward the concerns that they had prior to going into the committee hearings, so at least my colleague the member for The Maples, and the Minister of Health (Mr. Orchard), would have had an opportunity to go over the amendments and to consult had the critic from the NDP Party been sincere with her comments.

I do not want to prolong debate. I did feel it was important—

Point of Order

Ms. Wasylycia-Leis: On a point of order, Madam Deputy Speaker.

The member for Inkster is clearly questioning my integrity by not realizing that the amendments we proposed were those presented to all of us including the Liberal Party from the Canadian Mental Health Association and other organizations.

Madam Deputy Speaker: The honourable member for St. Johns does not have a point of order. It is a dispute over the facts.

* * *

Mr. Lamoureux: Madam Deputy Speaker, I will leave it at that and allow the question to be called.

Madam Deputy Speaker: Is it the will of the House to adopt the motion?

Mr. Doug Martindale (Burrows): Madam Deputy Speaker, I would like to put a few comments on the record very briefly on this important bill.

As our critic has stated, we are going to support this bill. We are going to vote in favour of it; however, we did have a number of amendments that we would have liked to have made to this bill based on what members of the public and organizations in the mental health field said in committee stage. We are disappointed that these amendments were not taken into consideration and were not passed. We think it is a good bill but that it could have been made better. We would hope that this minister would come back in the next session and do the things that he should have done in this session. Thank you.

Madam Deputy Speaker: Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Deputy Speaker: Agreed and so ordered.

DEBATE ON SECOND READINGS

Bill 70—The Public Sector Compensation Management Act

Hon. Clayton Manness (Government House Leader): Madam Deputy Speaker, would you call Bill 70, please.

Madam Deputy Speaker: To resume debate on second reading of Bill 70, on the proposed motion of the honourable Minister of Finance (Mr. Manness), and the proposed amendment of the honourable member for Thompson (Mr. Ashton), standing in the name of the honourable member for Inkster (Mr. Lamoureux), who has 39 minutes remaining.

* (1210)

Mr. Kevin Lamoureux (Inkster): Madam Deputy Speaker, it is a pleasure for myself to be able to continue debate. I did get an opportunity to put in a minute yesterday.

Madam Deputy Speaker, we have seen a bill in terms of Bill 5 where we find that it was important to give positive suggestions, to co-operate in facilitating the passage of that particular bill.

Then we have, on the other hand, Bill 70. Bill 70 is quite the opposite from Bill 5 because there is a large disagreement between the government and the two opposition parties. I stood, or sat I should say, in my place for a good portion of the member for Thompson's (Mr. Ashton) speech, as I am sure many members of this Chamber had in fact done, and he brought up a lot of very valid points that do

need to be addressed. Madam Deputy Speaker, it is those points that should be taken into account, and no doubt will be taken into account when we do go into the committee stage.

I think it is very important that I say, right from the onset, that the Liberal Party opposes Bill 70. We oppose it primarily because we believe that this government is a dishonest government. This government we can all recall during the last provincial election, we recall the Filmon Team, if you will. We see the Premier paddling in a canoe saying what it is that the Filmon government would in fact do for the public in Manitoba.

In no way did they ever indicate what their real true agenda was going to be like. In fact, I can recall a letter that was sent out when they were a minority government and it said, in terms of trying to raise funds, that we need to have a majority so that we can implement the real Tory agenda, that we need to form that majority in order to do that.

Unfortunately to many, the Conservatives did get that majority government and we have seen a major change. No longer do we see the willingness to co-operate in the same fashion that was here a year ago. Rather the government now decides on what it wants to do within the walls or the confines of cabinet and cabinet office and Treasury Board and when those decisions are made, those are the ones that are followed, whether it is good or whether it is bad.

A number of my colleagues had actually quoted from the Winnipeg Free Press, dated Thursday, June 27, an editorial that read, "Infected with arrogance," in making reference to the government.

Madam Deputy Speaker, I believe that is in fact the case, that since we have seen this majority government, we have seen numerous things that have led us to believe that this has to be one of the most arrogant governments that Manitoba has ever witnessed. It goes through to cite different ministers and different things that they have done. In particular, it talks about four different ministers.

The first one is, of course, the Pines project. The Pines project, Madam Deputy Speaker, is something that a majority of Manitobans do not support, believe that it is going in the wrong direction. I believe that this is important to the bill in the sense that what the government is doing is wrong, they are doing it in an arrogant fashion and these are things in the past, in the very short recent

past, that they have done that demonstrates how arrogant this government is.

Madam Deputy Speaker, we had—and we know what the public perception is on that particular process—the Pines project. The editorial actually—and I will quote from the editorial: “Mr. Ernst blithely ignored all such warnings about Winnipeg’s wider . . .”—

Madam Deputy Speaker: Order, please. I would remind the honourable member for Inkster that debate on second reading of bills should be explicitly relevant to the bill being debated.

Mr. Lamoureux: It is relevant. Oh, come on.

Point of Order

Mr. Gary Doer (Leader of the Opposition): I was listening to the member for Inkster’s comments, and I think the issue of the Free Press editorial that the member references is quite germane to the bill. It does mention all four examples of unilateral, autocratic action which is consistent with the comments and criticisms of the opposition about the government’s action in this regard. I know we have to all speak on the bill. We think autocratic action is part and parcel of Bill 70.

* * *

Mr. Lamoureux: Madam Deputy Speaker, I thank the Leader of the New Democratic Party (Mr. Doer).

I will continue on from the quote where Mr. Ernst: “. . . ignored all such warnings about Winnipeg’s wider needs and bulldozed ahead with the project as though he was sure of being right and all others must be wrong.”

Madam Deputy Speaker, it goes on. I want to save the one for our Minister of Finance (Mr. Manness) for the end, end of the four. Then we had even our dean of the Chamber on his particular bill, the bill that is known as the Ducks Unlimited, if you will. He talks about his decision, and his decision has already been made well in advance. I quote from the article: “He alone will decide what land uses in the marsh are permitted. He forgets that it is not his marsh.”

Point of Order

Hon. Darren Praznik (Deputy Government House Leader): On a point of order, Madam Deputy Speaker, I am somewhat concerned that the member may have drifted onto another bill.

Mr. Lamoureux: On the same point of order, Madam Deputy Speaker, so that others do not feel that it is necessary to bring it to relevancy, other members have brought up this same article and no point of order was raised. The Speaker at the time did not raise it. It is, in fact, relevant because it deals with the arrogance of this government on Bill 70 and other bills.

Mr. Doer: Madam Deputy Speaker, the principles contained within Bill 70 are principles of giving to the cabinet and to a government unilateral and autocratic power. Those are the principles contained within Bill 70. Those are principles germane to a democracy, and those are principles germane to other issues of democracy.

Madam Deputy Speaker, the comments being made by the member for Inkster (Mr. Lamoureux) deal directly with the principles of unilateral action by a particular government, and he is right on topic on Bill 70, as far as we are concerned.

Madam Deputy Speaker: I have exercised considerable leniency in letting members debate Bill 70. At this point, I am reminding the honourable member for Inkster (Mr. Lamoureux) that debate on second reading of the bill, as I indicated earlier, is supposed to be explicitly relevant to the bill. I am asking for the honourable member for Inkster’s co-operation.

Mr. Lamoureux: Madam Deputy Speaker, I am not going to attempt to reflect on the Chair, but I do feel that it is very important, I believe, that it is in fact being relevant in the sense that we believe that Bill 70 is an approach that is very relevant to the approach of other ministers. I think it is important to cite those examples and to continue on.

* * *

Mr. Lamoureux: There are two other quotes that I wanted to make reference to. One is in which the member for Minnedosa (Mr. Gilleshammer), in his attempt to try and change the child welfare system, and it goes on in terms of trying to establish that so-called “perfect” welfare system in which, and I quote, it reads: “He forgot also that a child welfare system needs the confidence and co-operation of the people operating it and the families it serves.”

* (1220)

Madam Deputy Speaker, just to conclude on this particular article, and I am sure you will feel most comfortable with, it is in direct comparison to, in fact,

Bill 70. What the Minister of Finance (Mr. Manness) has done by bringing in Bill 70, one aspect of Bill 70 that we feel has insulted a great number of Manitobans, a great number of individuals who work for the public service, who fought long and hard for concessions that they had in fact won, that is in terms of the whole question of the retroactivity of Bill 70. To quote from the article: "But Mr. Manness let the power go to his head. He reached back in time and wiped out labor contracts that unions had sought and bargained for and the government had already accepted. That was unfair and unnecessary."

Madam Deputy Speaker, I can recall an agreement in which, and the member for Thompson (Mr. Ashton) had brought up the agreement between the three House leaders, where we had agreed on final offer selection even though the Liberal Party had a very different position than both the Conservatives and the New Democrats, especially the New Democratic Party, on the whole issue.

(Mr. Speaker in the Chair)

We had entered into an agreement which we believe was entered into in good faith, and that was that final offer selection would not be repealed until March 31 of '91. The Minister of Labour quite correctly says that, in fact, it was not repealed.

Mr. Speaker, there were government agencies or government employees who were going through the process. In fact, some of those government employees had gone on strike for a number of days, I believe very close to two months, and fought long and hard for the concessions that they believed that they were entitled to. After going on strike, after going through the final offer selection process, and for others entering into the final offer selection process, the carpet was pulled from under their feet. The government, in its autocratic, arrogant way, brought forward a bill that, in fact, prevented those who went on strike, those who were in midstream on the final offer selection process from being able to present their case, to be able to have what was justifiably theirs.

I believe the Lieutenant-Governor is about to enter for Royal Assent, so I would be willing to continue my speech, and I would also ask that the five to 10 minutes that were taken off because of the points of order be given back to me because there was so much commotion that was raised. I will continue my speech on Monday, if that is the will of the House.

Mr. Speaker: When this matter is again before the House, the honourable member for Inkster will have 22 minutes remaining.

I am advised that His Honour is about to enter. All rise.

ROYAL ASSENT

Deputy Sergeant-at-Arms (Mr. Roy MacGillivray): His Honour the Lieutenant Governor.

Mr. Speaker: May it please Your Honour:

The Legislative Assembly, at its present session, passed bills, which in the name of the Assembly, I present to Your Honour and to which bills I respectfully request Your Honour's Assent:

Bill 3—The Coat of Arms, Emblems and The Manitoba Tartan Amendment Act; Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba

Bill 5—The Mental Health Amendment Act; Loi modifiant la Loi sur la santé mentale

Bill 43—The Workers Compensation Amendment Act (2); Loi no 2 modifiant la Loi sur les accidents du travail

Bill 44—The Public Utilities Board Amendment Act; Loi modifiant la Loi sur la Régie des services publics

Mr. Clerk (William Remnant): In Her Majesty's name, his Honour the Lieutenant Governor doth assent to these bills.

* * *

Mr. Speaker: Is it the will of the House to call it 12:30 p.m.? The hour being 12:30 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, July 5, 1991

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