



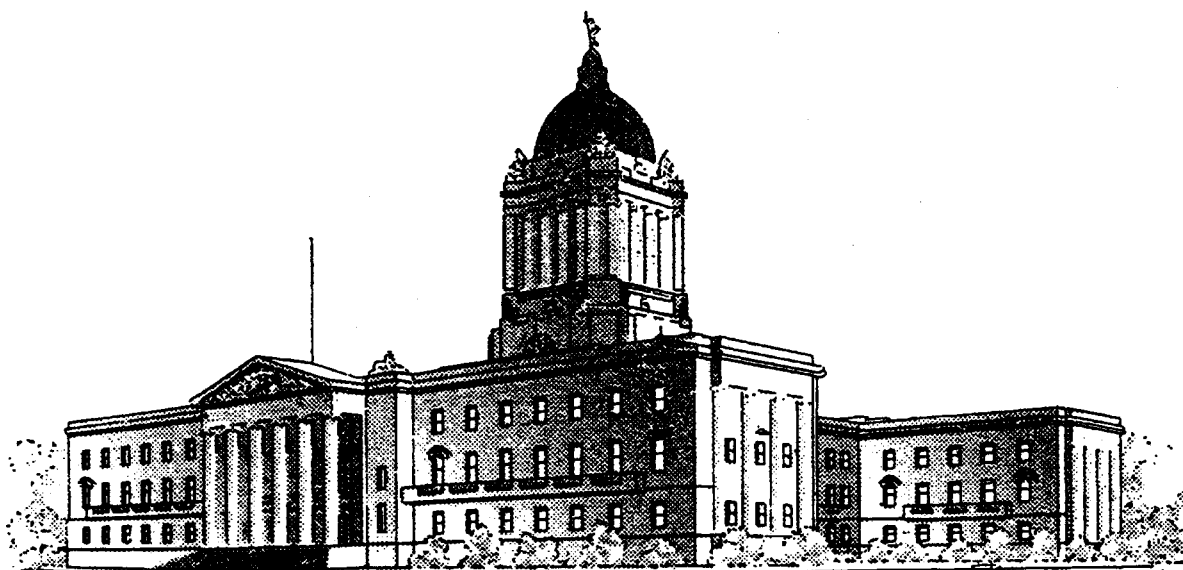
First Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(Hansard)**

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Speaker*



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MANTOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

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BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
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HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, October 26, 1995

The House met at 1:30 p.m.

PRAYERS**ROUTINE PROCEEDINGS****PRESENTING PETITIONS**

**Emergency Health Care Services—
Community Hospitals**

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I beg to present the petition of Dan Coffell, Blake Kendall, Christina Kowalski and others requesting that the Legislative Assembly urge the Minister responsible for Health (Mr. McCrae) consider making a commitment to the people of Manitoba that emergency health care services in Winnipeg's five community hospitals will remain open seven days a week, 24 hours a day.

READING AND RECEIVING PETITIONS

**Emergency Health Care Services—
Community Hospitals**

Madam Speaker: I have reviewed the petition of the honourable member for Inkster (Mr. Lamoureux), and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Yes.

Madam Speaker: Yes. The Clerk will read.

Mr. Clerk (William Remnant): The petition of the undersigned residents of the province of Manitoba humbly sheweth

THAT emergency health care services are the core of Manitoba's health care system.

THAT Manitobans deserve the greatest possible access to this care.

THAT the government is considering reducing access to emergency services.

WHEREFORE your petitioners humbly pray that the Legislative Assembly urge the Minister responsible for Health (Mr. McCrae) consider making a commitment to the people of Manitoba that emergency health care services in Winnipeg's five community hospitals will remain open seven days a week, 24 hours a day.

**PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES**

**Standing Committee on Law Amendments
Fourth Report**

Mr. David Newman (Chairperson of the Standing Committee on Law Amendments): Madam Speaker, I beg to present the Fourth Report of the Committee on Law Amendments.

Madam Speaker: Dispense.

Your Standing Committee on Law Amendments presents the following as its Fourth Report.

Your committee met on Tuesday, October 24, 1995, at 7 p.m. in Room 255 of the Legislative Building to consider bills referred.

At that meeting, your committee elected Mr. Newman as chairperson and Mr. Radcliffe as vice-chairperson.

Your committee heard representation on bills as follows:

Bill 12—The Louis Riel Institute Act; Loi sur l'Institut Louis Riel

*Roberta Carriere, Private Citizen
Billyjo De La Ronde, Manitoba Metis Federation
Maurice Saint-Cyr, Private Citizen
Marion MacKinnon, Metis Women of Manitoba
Audreen Hourie, Private Citizen*

Bill 25—The Real Property Amendment Act (2); Loi no 2 modifiant la Loi sur les biens réels

Irene Groot-Koerkamp, Manitoba Telephone System

Jim Wood, Professional Land Surveyors Business Group

Laurie LeClair, Association of Manitoba Land Surveyors

Your committee has considered:

Bill 9—The Wills Amendment Act; Loi modifiant la Loi sur tes testaments

Bill 10—The Development Corporation Amendment Act; Loi modifiant la Loi sur la Société de développement

Bill 11—The Trustee Amendment Act; Loi modifiant la Loi sur les fiduciaires

Bill 33—The Statute Law Amendment Act, 1995; Loi de 1995 modifiant diverses dispositions législatives

and has agreed to report the same without amendment.

Your committee has also considered:

Bill 4—The Real Property Amendment Act; Loi modifiant la Loi sur les biens réels

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

MOTION:

THAT subsection 4(2) of the bill be amended by striking out "Subsections" and substituting "Section 2 of this Act and subsections".

Your committee has also considered:

Bill 12, The Louis Riel Institute Act; Loi sur l'Institut Louis Riel

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

MOTION:

THAT the following provisions of the French version of the bill be amended by striking out "Institut Louis Riel" and substituting "Institut Louis-Riel":

(a) the title;

(b) the definition "Institut" in section 1;

(c) subsection 2(2).

Your committee has also considered:

Bill 25—The Real Property Amendment Act (2); Loi no 2 modifiant la Loi sur les biens réels

and has agreed to report the same with the following amendments:

MOTION:

THAT the proposed subsection (127(1), as set out in subsection 13(1) of the bill, be amended:

(a) in the section heading, by striking out "explanatory plan" and substituting "plan of survey"; and

(b) by striking out "an explanatory plan that is certified by a Manitoba land surveyor, approved by the Examiner of Surveys and satisfactory to the district registrar" and substituting "a plan of survey".

MOTION:

THAT the following be added after subsection 13(1) of the bill:

13(1.1) Subsection 127(2) is amended by striking out "an explanatory plan" and substituting "a plan of survey".

MOTION:

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

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

Motion agreed to.

MINISTERIAL STATEMENTS

J.R. Simplot Company— Brandon Plant Expansion

Hon. Leonard Derkach (Minister of Rural Development): Madam Speaker, I have a statement for the House.

Just a few hours ago, Madam Speaker, I had the pleasure of attending a very significant event where J.R. Simplot Company announced plans for a huge expansion at their Brandon plant.

The firm will invest over \$150 million U.S. in the project, making Brandon the site of a truly world-class fertilizer operation. This expansion will triple the plant's ammonia capacity and significantly increase its urea capacity at Brandon.

This is wonderful news for the people of Brandon and the Manitoba economy as a whole. Over the next year and a half the project will create 250 construction jobs and a host of spin-off benefits in related businesses such as trucking. The benefits will ripple through a wide range of industries in Brandon and beyond.

One of the exciting aspects of this announcement is the fact that Simplot is moving an offshore operation into rural Manitoba. An existing ammonia plant in Sicily will soon be dismantled and the equipment will be transported to Brandon.

* (1335)

The impetus for the move is the need to become more competitive in the global marketplace. Simplot knows that Manitoba is the right base from which to attack those markets. Manitoba has what it takes to help businesses succeed.

For global-minded businesses like Simplot, Manitoba, is the key to the North American continent. We are located right at the centre of the prairie agricultural belt and the huge market of the U.S. Midwest. Most importantly, goods produced in Manitoba are very competitive in the world market because this is such an economical place in which to do business.

Our province is ideally located in the centre of the country for transportation of products south and our geographical location makes us ideal for air transport as well.

The expansion is also a strong vote of confidence in the management and workforce at the Brandon plant. Simplot believes the people of Brandon have what it takes to meet the challenges of the next century. Their decision to expand in Brandon signals a strong commitment to the community for many, many years in the future.

Madam Speaker, I ask members of this Legislature to join me in congratulating Simplot and the people of Brandon on this wonderful day. Thank you.

Mr. Leonard Evans (Brandon East): I want to thank the honourable minister for this statement. We are very delighted with this news. Certainly Manitoba's economy does need a boost and obviously this particular investment will help considerably. It seems that we have gone a long way when we were all concerned in this Legislature a couple of years ago when Cargill was about to expand in Saskatchewan, and I recall asking questions of the Premier (Mr. Filmon) and the then-Minister of Industry to ensure that they worked closely with the—

An Honourable Member: And we delivered.

Mr. Leonard Evans: Well, the Premier remembers. I was on my feet in this Legislature, Madam Speaker, to ensure that the Manitoba government would do everything possible to assist Simplot in every which way to compete against what seemed to be a very serious threat out of the Cargill operation being planned for Saskatchewan. So obviously those problems have been overcome, and there is this announcement for an expansion.

I like the construction jobs. There is no mention about how many permanent jobs. I do not know whether the level of regular jobs will stay the same, because it is a very highly automated procedure.

I had the privilege of being in the audience in the old Prince Edward Hotel in Brandon when Mr. John

Simplot Sr. made the original announcement. I was a professor of economics at Brandon University and I was asked to come to this very big announcement that was to be made. No one knew what the announcement was.

I cannot help but remark, though, that the original investment was helped originally by a huge grant from the federal government and considerable assistance from the government of the day—I think it was the Roblin government of the day—from the Manitoba government. There was a great deal of public investment to get the Simplot company started, so we have to recognize that if it were not for public initiative working alongside of the Simplot company, this would never have happened.

Regardless, Madam Speaker, we are delighted to see this particular development occurring, and we look forward with anticipation to future success of this company. Thank you.

* (1340)

Introduction of Guests

Madam Speaker: Prior to Oral Questions, I would like to draw all honourable members' attention to the public gallery, where we have with us this afternoon from France and Winnipeg's River East Collegiate thirty Grades 10 to 12 students under the direction of Mr. Marcel Matte. This school is located in the constituency of the honourable Minister of Family Services (Mrs. Mitchelson).

Also seated in the public gallery, we have thirty-four Grade 12 students from Collège Jeanne Sauvé under the direction of Mr. Bernard DesAutels. This school is located in the constituency of the honourable Speaker of the Legislative Assembly. On behalf of all honourable members, I welcome you this afternoon.

ORAL QUESTION PERIOD

Concordia Hospital Emergency Cardiac Care

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, due to concern of the public about the closure of emergency wards in our community hospitals, we

are attempting to have public meetings over the next few days to listen to the people and the public that are quite concerned about this.

Tonight, we are dealing in the northeast section of the city with the Concordia Hospital closure of the emergency wards. There is a report, produced by Dr. Seiford in 1992, sent to the provincial government, which indicates the Concordia Hospital has the largest number of cardiac arrest cases taken to, or transported to, their emergency ward by the Winnipeg ambulance service of any other community hospital.

I would like to ask the minister, does Concordia still have a high volume of cardiac cases dealt with at the emergency ward which we know, of course, take place a lot in the evening after the closure of the emergency wards? What can we advise the public about the cardiac arrests and their concerns about it?

Hon. James McCrae (Minister of Health): Madam Speaker, I for a long time have maintained that it is never too late to do the right thing, and if the honourable Leader of the Opposition is now, in 1995, late in the year, beginning to listen to the public on issues related to health care in this province, I congratulate him. I only say, what took you so long? We have been doing it since 1988 when we took office as government of Manitoba and will continue to do so.

I will pass on the point the honourable member made to the committee that is looking at the issues related to emergency services in the city of Winnipeg, but again, I say to the honourable member, welcome to the club that begins now, in 1995, actually to consult the people.

Mr. Doer: Madam Speaker, the minister may dig back through his files and find community meetings in 1989, 1991, 1993, 1995, but I know the minister does not read his briefing book because he does not answer one question in this House about the actual impact on patients and that is what we were asking about, the impact on cardiac patients.

The report goes on—and I do not know whether the minister has read it or not; it has been in his department for three years—to say, Madam Speaker, that due to the high number of elderly people in the northeast quadrant

of the city, that is one of the reasons why there are more cardiac arrests, more cardiac arrests that take place in the evening, and more cardiac arrests that must be dealt with at the emergency ward of the Concordia Hospital.

Did the minister consider that and the public opinion of what that means for their families when he callously closed the emergency wards in our community hospitals, Madam Speaker?

Mr. McCrae: Unlike the honourable Leader of the Opposition who chooses today to look at one particular quadrant of the city of Winnipeg, Manitoba Health and all of the parties around the table at the emergency services task force are looking at emergency services for all Winnipeggers and, indeed, all Manitobans, Madam Speaker.

Indeed, the northeastern quadrant of this city is extremely important. We have people living there, and we have people living in all of the quadrants of this city and in all parts of this province who need quality and efficiently operated emergency services.

Madam Speaker, the report the honourable member refers to and others that he has raised that exist are all part of the deliberations of the emergency services task force, and I am certain that task force is looking at this and all other relevant material.

To make sure of that, Madam Speaker, the membership on this emergency services task force is made up of people from all the quadrants of the city. It is made up of doctors and nurses from all the quadrants of the city and all of the hospitals, and consumer organizations and professional organizations, as well.

Those are the appropriate people. The honourable member may wish to substitute his judgment for that of all these professionals, but I do not think that would be a very wise thing to do.

* (1345)

Health Care System Emergency Services—Consultations

Mr. Gary Doer (Leader of the Opposition): The government has already expressed their judgment.

They have already closed the emergency wards of our community hospitals, Madam Speaker, without any study, without any work and without any consultation with the public.

I would like to invite the minister to the meeting tonight to listen to the public, because his committee does not have any public hearings. If the minister will not call public hearings in all the city to listen to the people across the city, Madam Speaker, especially after the fact that before the election he promised he would not close them and now after the election he is closing them, if the minister would listen to the public, will he attend our meetings or call some of his own so the public can speak out about their health care in their community dealing with their community hospitals?

Hon. James McCrae (Minister of Health): Madam Speaker, with all due respect to the honourable Leader of the Opposition, the public is really quite tired of the approach taken by him and his colleagues when it comes to health care. They have no interest whatever in any evidence on which decisions ought to be made in health care. All they do is listen to whomever speaks the loudest, and that is the direction that they go in.

Madam Speaker, that is not the way to run a health system. That might be the way they did it when they were in government, and it is probably why we are spending \$650 million this year on interest charges on debt raised by the honourable Leader of the Opposition and his cronies in the New Democratic Party. I wish I had those \$650 million to spend on health or on some other thing. That would be a more appropriate way to spend money, but this was the foresight shown to us by the New Democratic government in this province when they had a chance.

The Pas Health Complex Staffing Reduction

Mr. Oscar Lathlin (The Pas): My questions are also directed to the Minister of Health.

Madam Speaker, over the past few weeks, the postelection cuts in health services by this government have caused a great deal of concern for people who live in the North. The minister must understand that, unlike

people in southern Manitoba, we do not have the luxury of driving to the next town to receive medical service if there is none available in our community.

I would like to ask the minister whether the 13.5 EFT positions that are being lost in The Pas Health Complex, which translates into 25 nursing positions, whether those reductions were actually based on a well-thought-out plan or whether those cuts were made simply to reduce costs.

Hon. James McCrae (Minister of Health): Madam Speaker, that is an excellent question, and the reason I say that is I believe if the honourable member would confer with his colleagues in the city of Winnipeg who clamour each and every day for services that northern Manitobans could only dream about, frankly, I think it would be good for the honourable member to take part in caucus discussions on his side of the House on health care issues.

In short, Madam Speaker, the answer to his question, though, about the reduction in EFTs at The Pas Health Complex, the answer is, yes, those decisions were made based on good health planning and not based on a need to meet some bottom line.

Emergency Services

Mr. Oscar Lathlin (The Pas): My next question, Madam Speaker, is again to the Minister of Health.

I would like to ask the minister whether he is convinced that leaving one registered nurse at the emergency unit in The Pas is safe. Is that the right thing to do, is that the proper thing to do in view of where The Pas hospital is located, by that I mean next to Moose Lake, OCN, Easterville, and Grand Rapids?

It is a large catchment area, and I am just wondering if the minister had taken that into consideration when he decided to reduce down to one nurse in the emergency unit.

Hon. James McCrae (Minister of Health): Madam Speaker, if indeed that is the situation, it is not a decision I made. The honourable member, I suggest, should contact the administration of The Pas Health

Complex, and if he is concerned about the decisions they made in this regard, to raise those concerns—[interjection]

* (1350)

Madam Speaker: Order, please. The honourable Minister of Health, to complete his response.

Mr. McCrae: The appropriate place for the honourable member to raise that concern would be with the people who operate the Health Complex at The Pas.

Madam Speaker, I have explained to the honourable member in the past that the staffing guidelines in all of the hospitals in Manitoba were set after a year-and-a-half-long deliberation by health care professionals, a very large number of whom were from northern Manitoba facilities. I would invite the honourable member to raise that question again with the administration at the hospital because that administration was very much involved with the development of the staffing guidelines.

Mr. Lathlin: Again, Madam Speaker, I would like to ask the minister a question.

These reductions that were made at the hospital in The Pas, are they part of the integrated emergency services plan that the minister always likes to talk about, or are they, again, simply to reduce costs?

I have met with the administrator of the hospital. He advises me that they are running into all sorts of problems. I believe he has written letters to the government, to the Department of Health, so he has very serious concerns, and I agree with him.

Mr. McCrae: When, over a long period of time, one facility operates with a staffing mix that is somewhat enriched from the staffing mix experienced in other parts of the province and when taking into account the configuration of the building in which they are working and when taking into account the level of acuity of patients who come to the facility and a decision is made by a committee composed of people who have far more capabilities than I or the honourable member in matters relating to health, decisions get arrived at.

The honourable member somehow wants to leave the impression that no other hospital in the province of Manitoba had to deal with the same problem that The Pas Health Complex had. It just happened that the northern ones, as the honourable member for Thompson (Mr. Ashton) points out, in The Pas, Flin Flon and some other locations as well, were operating with a much higher staffing level than comparable facilities elsewhere in the province. Somehow it seems unfair to me that such a situation should be allowed to continue, Madam Speaker, and that is why the staffing guidelines were developed so carefully.

Health Care System Emergency Services

Mr. Kevin Lamoureux (Inkster): Madam Speaker, my question is for either the Premier (Mr. Filmon) or the Minister of Health. J.D. McDowell is the clinical director over at the intensive care unit at the Grace General Hospital. Dr. Louis Ludwig is the head of emergency at the Health Sciences Centre. These two individuals are professional health care deliverers. Both of these individuals have said that what the government has done, in essence, is wrong by shutting down the emergency health care clinics.

My question to either the Premier or the Minister of Health is, who are the professionals that have advised this government that what they are doing to community-based health care emergency services is the right thing to do?

Hon. James McCrae (Minister of Health): Madam Speaker, I remind the honourable member that 42 emergency physicians felt that it was appropriate to leave their posts without any essential services arrangement in place, and 14 pathologists, as well, for 34 days, leaving facilities and the government in a position where they had to develop a contingency plan which would ensure the safety of the people of this province.

I respect the professionals to whom the honourable member refers. I also respect the two professionals I met with yesterday and the two professionals I met with a couple of days previous to that who deal in

emergency medicine, both from a nursing standpoint and from a medical standpoint, Madam Speaker.

We are listening very carefully to the input of all participants in the system, and we are certainly doing so through the emergency services task force, which is just loaded with emergency professionals and people who really know what we need to have in the city of Winnipeg.

We will continue to listen to them, and should any adjustments be indicated by evidence and by need, those will be addressed, as they have been already, Madam Speaker.

* (1355)

Mr. Lamoureux: Madam Speaker, again, very specifically, what health care workers are telling this government that they have made a good decision, given that Dr. Louis Ludwig actually serves on that committee which the minister has appointed?

Mr. McCrae: Madam Speaker, I do not know that these sorts of things can be categorized in the way that the honourable member is attempting to do. These things are not very simple matters of it is either one way or the other way.

There was a recognition by virtually everyone, except maybe the member for Kildonan (Mr. Chomiak), that we have an oversupply of emergency capacity in our city related to the need that exists. That is virtually unanimous except for maybe the member for Kildonan who has a different view from the rest of the world. That being the case, there is a willingness on the part of all of the players to work together to create an integrated quality emergency health services system here in the city of Winnipeg.

So it would not surprise me at all, Madam Speaker, if in arriving at consensus, there is an opposing view along the way. That is not the way the world works. Unanimity in many things, in most things, is virtually impossible.

Mr. Lamoureux: Madam Speaker, my question is to the Premier.

Will the Premier listen to what the public is asking of this government? Will he listen to what the experts in the health care field are telling this government and do the honourable thing, not wait for a provincial election, and reopen our emergency services seven days a week, 24 hours a day in our community health care clinics?

Hon. Gary Filmon (Premier): Madam Speaker, I will certainly listen to all of those people. That is why the process of consultation is ongoing.

Health Care System Sexual Assault Treatment Protocols

Ms. Diane McGifford (Osborne): Madam Speaker, my questions are for the Minister of Health.

The closing of community emergency rooms has meant that women who have been sexually assaulted—and most sexual assaults do take place between 10 p.m. and 8 a.m.—are sent to the Health Sciences Centre where they must sit in a public waiting room for four to six hours before receiving treatment, or, alternately, if women choose to have forensic examinations, they receive treatment sooner, but forensic exams are only done if a woman chooses to report to police, and we, of course, believe in choice.

Again I ask the minister to table the emergency rooms' standard protocols for dealing with victims of assault and abuse which he was committed to developing and also to tell us what his comprehensive integrated plan for sexual assault victims is.

Hon. James McCrae (Minister of Health): Madam Speaker, we have a sexual assault team. That team is centred at the Health Sciences Centre, and that is a city-wide nurse response team. There are 10 registered nurses involved at HSC, and they are certified for forensic evidence collection.

If a victim presents at a community hospital—and we recognize that most victims, I think it is safe to say most victims of these sorts of assaults, do not arrive at a hospital by ambulance, and there has to be some recognition of that. If someone should present at a community hospital, those community hospitals are part of the city-wide sexual assault operation.

But, Madam Speaker, in forensic terms, the Health Sciences Centre is the appropriate place.

Ms. McGifford: Given that the team deals only with forensic examination, will the minister act quickly and decisively to ensure that other victims of assault are not retraumatized by a six-hour wait in a waiting room?

Mr. McCrae: Madam Speaker, no one is interested in seeing victims of these sorts of things retraumatized.

Ms. McGifford: Will the minister act to ensure that expeditious treatment is not tied to forensic examinations which leaves a woman in a position where selecting immediate treatment means losing the choice to report or not to report the assault?

Mr. McCrae: Madam Speaker, I have no indications but that emergency staff in all Winnipeg hospitals, indeed province-wide emergency room staff, are sensitive to issues related to these types of assaults, and in assessing patients upon arrival, those kinds of judgments are made and that is done as sensitively as possible.

Should there be any indication otherwise, I would be very quick to want to act on it.

* (1400)

Access Programs Nonrepayable Bursaries

Ms. Jean Friesen (Wolseley): My questions are for the Minister of Education.

In the House on October 10, 1995, the minister stated that, quote, many Access students receive \$25,000 to \$27,000 of nonrepayable bursary. This puzzled me, Madam Speaker, because it did not fit with what I knew from the students.

I would like to table today information from the Winnipeg Education Centre social work program, Winnipeg Education Centre education program, the University of Manitoba premedical program and the University of Manitoba general access programs, which shows that not one of their students receives \$25,000

bursaries, and that the average nonrepayable bursary is between \$4,000 and \$6,000 for students with families to support.

Would the minister reconsider her statement?

Hon. Linda McIntosh (Minister of Education and Training): Madam Speaker, I will obtain for the member the information provided to me by my staff which is that students who are receiving the Access capabilities, if they require funding over and above their student loans, can receive monies up to an unlimited amount and indeed have shown me figures indicating students receiving \$25,000 to \$27,000 of money over and above the loan in a nonrepayable provincial loan, because their needs were determined to require that much.

I will obtain those figures and those items for the member and present them to her, Madam Speaker.

Federal Funding

Ms. Jean Friesen (Wolseley): Will the minister correct a further comment she made on October 10, where she stated that the federal contribution to Access is 60 percent of the total funding, a number contradicted by the minister's own briefing note of April 28, 1993, which shows that the federal contribution historically varied between 13 percent and 30 percent? This was also corrected in the court case in the statement of agreed facts. I will table that briefing note as well.

I would like the minister to confirm to the House that this is indeed the case.

Hon. Linda McIntosh (Minister of Education and Training): Madam Speaker, the member in her preamble indicated that her first statement had been accepted by me as correct. It was not. So I just want to make that clear. I will not allow that to stand as correct. The information—[interjection]

Madam Speaker: Order, please. The honourable Minister of Education, to complete her response.

Mrs. McIntosh: The member in her preamble indicated that my confirmation of the fact that my staff

has given me information showing case studies where people have received a \$25,000 to \$27,000 nonrepayable loan on top of their student loan—she indicated that I had not confirmed that. I am confirming that and I will provide her with the information.

I will, as well, Madam Speaker, check into the statements that she has alleged just now and bring back to her information that I have received which may serve to contradict that which she has just stated.

Provincial Funding

Ms. Jean Friesen (Wolseley): Madam Speaker, would the minister confirm that far from being the saviours of Access, the new pose of this government, that her own briefing note, her annual reports and Estimates show that this government has reduced its contributions to Access by more than 40 percent since 1988?

Hon. Linda McIntosh (Minister of Education and Training): Madam Speaker, our government's work on this issue has enabled the Access program to continue. The member knows—and she is not acknowledging she knows—that when the federal government withdrew completely from that program, the province stepped in and attempted to backfill, and by going to a loan/bursary, we were able then to make that program available for the widest number of students and target those in need, as opposed to those who did not need. By going to a loan/bursary, those students who had very high incomes were weeded out, and those students who had need were able to be serviced.

If the member would have preferred to see us just allow the program to lapse because of federal lack of commitment, then that is implicit in her statement. We enabled that program to continue, so that we have a maximum number of students accessing it. I do not have the figures in front of me, but I believe around 700 students this year are accessing that, students who need it, Madam Speaker, and for those who are able to take out a loan for the first part, we ask them to repay, as do any other students in Manitoba. We wanted the program to survive. We have enabled it to survive. For that they should be grateful.

Point of Order

Mr. Steve Ashton (Opposition House Leader): On a point of order, Madam Speaker, Beauchesne indicates that we cannot insist that ministers give answers, but if the minister is not going to answer the question, I would ask that you would call her to order, and we could continue with other questions, because she has gone on rather extensively on this question that we placed, a very serious matter, and not even managed to get even close to providing an answer.

Madam Speaker: Order, please. On the point of order, I would remind all honourable members, both posing the questions and responding to the questions, that their questions should be as brief as possible, as should the responses to the questions.

Louisiana-Pacific Treaty Land Entitlements

Ms. Rosann Wowchuk (Swan River): Madam Speaker, at the time when the Louisiana-Pacific deal was signed, aboriginal leaders such as Chief Hubert Kematch and Chief Charlie Audy from my constituency expressed concern with the impact of this development on traditional hunting areas. They also continue to express their concern that the provincial government will not carry out their obligations on settling treaty land entitlements.

I want to ask the Minister responsible for Native Affairs why his government is refusing to deal with outstanding issues and when are they going to meet with these people to deal with treaty land entitlements.

Hon. Darren Praznik (Minister responsible for Native Affairs): Madam Speaker, the member's preamble could not be further from the truth. This government takes very seriously our obligations as a province under treaty land entitlement, but she should be aware what those are. Those obligations are to provide such unoccupied Crown land as the federal government requires to settle their obligation. So the initial obligation on treaty land shortfall is between the federal Crown and those communities. Our obligation is to the federal Crown, and that is why in fact we have a double bilateral process in place.

Ms. Wowchuk: Can the minister tell us then whether they have carried out that obligation and they have provided the Crown land in order for these proceedings to continue and treaty land entitlement can be settled?

Mr. Praznik: I can tell the member it is very obvious for 100-and-some years the federal Crown has not settled the proven claims that have existed in our double bilateral process now. By the way, we have settled a number of claims in the past few years: the four communities of Island Lake; Rosseau River has just been completed; Long Plain, et cetera. They have happened in the last few years.

But the federal government has not completed that process. We negotiate with the federal government on terms of quantum and specific land available, and we have offered to all of those communities who have proven claims that are yet outstanding to set aside interim protection zones on the basis of two for one acreage in which we would not encumber for a period of two years while this process comes to conclusion.

That offer has been made through the treaty land chiefs to all communities. It is up to them to avail themselves of that offer.

Ms. Wowchuk: Madam Speaker, since Louisiana-Pacific has filed their environmental impact assessment, we are going to be holding public hearings. Will the minister address the concern that is raised specifically by the bands in my area and deal with the issue, or will he agree to meet with them to address the concerns that they have as they relate to the Louisiana-Pacific deal?

Mr. Praznik: We have a process through the treaty land chiefs that has been established, that has been operating, that was done at their request as a group of chiefs. We have a process. In fact, meetings have gone on right up to yesterday with respect to general issues. We made the offer to the treaty land chiefs for interim protection zones, but I must underline this very important fact to the member, that the obligation of the province is to make available such unoccupied Crown land. There was never imposed on the Province of Manitoba under the Natural Resources treaty or Natural Resources Act of 1930 an obligation not to encumber land.

We have indicated very clearly that we will carry on, but we will set aside those lands for two years. They have to be identified by those communities. We set guidelines for it, and if those communities want that to happen, they can follow that process.

But if third-party interests have been created on existing Crown land, those third-party interests might mean that that land is occupied land. That has gone on for over a hundred years in this province, Madam Speaker, and has been the case. We have offered interim protection zones, and the process is there.

* (1410)

Wood Bison—Chitek Lake Protection

Mr. Stan Struthers (Dauphin): Madam Speaker, my question is for the Minister of Natural Resources.

Repap's annual cut continues to increase despite the fact that it has yet to complete a 10-year forest management plan. This has resulted in a number of shortsighted decisions being made, including the construction of an all-weather road to Chitek Lake, directly through the Waterhen First Nations herd of wood bison.

Does this minister understand that this project endangers this herd, which is listed as a vulnerable species which should receive maximum protection?

Hon. Albert Driedger (Minister of Natural Resources): Madam Speaker, let me first of all say that I am very proud of the wood bison herd that we have at Chitek Lake. I had the privilege, together with the Premier (Mr. Filmon), to have a first-hand look at the herd a little while ago. I think the Waterhen Band and the arrangements we have with them have been a very positive thing.

Madam Speaker, having indicated my support for the wood bison herd at Chitek Lake, I want to tell the member that there is no road that has been built into Chitek Lake at this point in time, and that we will be working very closely with the environmental people, with my department in terms of any construction of

road access to certain wood supplies that we are negotiating with Repap at this time.

Mr. Struthers: I am glad the minister and the Premier were there while the buffalo are still there.

Madam Speaker: Order, please. The honourable member has been recognized for a supplementary question.

Mr. Struthers: How can this minister assure the Waterhen First Nation that its herd of wood bison will be protected from the introduction of disease and from poachers once this road is built?

Mr. Driedger: Madam Speaker, first of all, I am looking forward to further discussions with the Waterhen Band who basically are operating a wood bison herd in captivity, an arrangement whereby they have to release a certain amount of animals each year into the wild. The animals that are basically functioning in the wild are doing very well.

I say I am very proud because when I went up there, I raised the question about the potential of poaching taking place or somebody illegally shooting these animals, and everybody in the general area is very conscientious about the herd that is out there, take great pride in it, and everybody acts as a watchdog to make sure that nobody takes and infects the herd out there.

Repap Manitoba Inc. Forest Management Plan

Mr. Stan Struthers (Dauphin): Madam Speaker, will this minister take steps necessary to ensure the protection of this herd by insisting that Repap finally submit its 10-year plan, including measures to protect the interests of the Waterhen First Nations bison herd?

Hon. Albert Driedger (Minister of Natural Resources): Madam Speaker, the other day I assured the member that the 10-year agreement, we are in the process of signing it even as early as today or tomorrow possibly.

I want to just tell the member, as well, that in terms of protecting the wood bison herd at Chitek Lake, I will

make very sure that all precautions are taken, that the necessary steps are taken to make sure that herd is not going to be affected.

Brandon General Hospital Hemodialysis Unit Expansion

Mr. Leonard Evans (Brandon East): Madam Speaker, I have a question for the Minister of Health.

The volume of need for hemodialysis treatment at the Brandon General Hospital has well exceeded the capacity of the hemodialysis program for patients with kidney disease in the area. As a result, unfortunately, some people are being forced to go to Winnipeg for treatment.

I understand that a year ago the Brandon General Hospital had prepared a plan for necessary expansion of the program since it anticipated the growing need in this area, but as of today the Brandon General Hospital has still not received formal written approval from the government.

Can the minister tell us when will a formal written authorization be sent to the Brandon General Hospital so that it can proceed immediately on this badly needed project?

Hon. James McCrae (Minister of Health): Madam Speaker, there is no question but that dialysis services have been under pressure for many years as the requirement for dialysis continues to grow in the province each and every year. The honourable member will, I think, agree that perhaps even under the previous government, year over year, the budgets reflected a recognition of a need to respond to that requirement. This government has certainly done that too, and it always seems to be a question of keeping up with the demand.

We are working with Brandon General Hospital in that regard and I hope soon to be able to see to it that the requirements are met.

Mr. Leonard Evans: I thank the minister for that answer, but is it correct that the technical people have

approved the project but that the approval for funding is still being held up at the cabinet level?

Mr. McCrae: Madam Speaker, it may well be that the technical work has been completed and that now it is at the point where it is then reviewed by Manitoba Health and approval or otherwise would be forthcoming within a reasonable period of time.

Modernization Project

Mr. Leonard Evans (Brandon East): On another question about BGH, Madam Speaker, everyone is wondering when will construction begin at the Brandon General Hospital to implement the modernization program which has been planned and researched for many years and indeed was announced by the minister before the last election. Specifically, is it going to be proceeding soon or is this whole project being put on hold by the government?

Hon. James McCrae (Minister of Health): Madam Speaker, as the honourable member would know from experience, the capital program of the government is something that is constantly under review because proposals come in and are reviewed on a regular basis. They are being reviewed this year, as they are every year, as we move through the budgetary process. The federal government, as the honourable member knows, is going to be taking as much as \$220 million in funding from the Province of Manitoba, and we are also moving towards balanced budget legislation. We have to continue that process of looking very carefully at all dollars being spent in every area of government.

I would ask members of the community working on their capital projects with us to continue to bear with us as they always have done as we continue with our assessment and our review, and we will communicate the results of these reviews as soon as that process is complete.

Sport Manitoba Staffing

Ms. Marianne Cerilli (Radisson): Madam Speaker, my questions are for the Minister for Sport with regard

to the amalgamation of the Manitoba Sports Federation and the Sport Directorate.

There are a number of concerns in the sport community, and I want to ask the minister if he is trying to go back to the old days in sport in Manitoba where one administrator worked for five or more sport associations and if he will assure Manitoba that individual sport governing bodies will still continue to hire their own staff under the new Sport Manitoba regime.

Hon. Jim Ernst (Minister responsible for Sport): Madam Speaker, the purpose of Sport Manitoba is to try and focus the money that is spent on sport on the athlete, the coach and the official. Currently, 43 percent of the money that is provided to the Manitoba Sports Federation is spent on administrative costs. That is unconscionable.

Under Sport Manitoba in the future, Madam Speaker, the focus has changed and if individual sport governing bodies who are autonomous wish to hire staff to assist them in their operations, that will be their choice, but the intent is to focus the money on where it should be focused: the athlete, the coach and the official.

Ms. Cerilli: I would like the minister to ask the question if the intent of this is to force sports to work in hiring staff to administer and provide the support for all the athletes, the coaches and officials by grouping together and hiring one staff that will work for a number of sports.

Is that the intent, or will that likely be the result of this policy and this amalgamation in the amateur sport world?

Mr. Ernst: Madam Speaker, those kinds of choices will be made by the Sport Manitoba board. The Sport Manitoba board will be composed of people appointed by the government and people from all of the partnerships in the sport community. They, ultimately, will decide what kind of programs they will have and what rules they will operate those programs under.

* (1420)

Role

Ms. Marianne Cerilli (Radisson): My final supplementary for the minister: Will the minister describe for the House the relationship between the individual sport volunteer boards and the new Sport Manitoba board in terms of accountability and communication? How will this relationship work?

Hon. Jim Ernst (Minister responsible for Sport): To answer that question, it would be wise to consider the current relationship between individual sport-governing bodies and the current Manitoba Sports Federation.

Currently, they are members, a collective group of people, members of the Manitoba Sports Federation. That will no longer occur under Sport Manitoba. The object of Sport Manitoba is to deliver the government of Manitoba's sport policy with its focus on athletes, coaches and officials.

Each of those groups is autonomous, but if they wish to apply for funding in order to complete or to carry out their operations, they will in fact apply to Sport Manitoba. They will, however, not be members of the collective as they currently are.

Internal Trade Tendering Requirements

Mr. Tim Sale (Crescentwood): Madam Speaker, last July 1, the agreement on internal trade came into effect, and there has been considerable discussion about whether the municipal, academic, social service and health sector should be brought into the agreement.

Madam Speaker, a number of municipalities and others have raised very serious concerns about the exemption levels and the tendering requirements. Could the Minister of Industry, Trade and Tourism indicate what progress may have been made on amending the tendering levels, exemption levels in the treaty as now negotiated?

Hon. James Downey (Minister of Industry, Trade and Tourism): Madam Speaker, I can indicate that good progress is being made.

Madam Speaker: Time for Oral Questions has expired.

NONPOLITICAL STATEMENTS

Municipal and School Board Elections

Hon. Gary Filmon (Premier): I wonder if I might have leave for a nonpolitical statement?

Madam Speaker: Does the honourable First Minister have leave to make a nonpolitical statement? [agreed]

Mr. Filmon: Madam Speaker, I want to rise on behalf, I am sure, of all Manitobans and all members of this Legislature to extend congratulations to all of those who participated in the municipal elections and elections for school boards that were completed yesterday.

I want to, in particular, as one who has, along with many others in this Chamber, served at the municipal or school board level, recognize that they are embarked upon a commitment to a service that is very important to this province and to the communities in which they live, recognize that they will indeed be called upon to exercise their judgment and their leadership and to apply all of their skills and knowledge to a very, very important task of governing the municipal and school board jurisdictions of our province over the next three years.

Madam Speaker, I also want to recognize the tremendous commitment that was put forward by everyone who ran as a candidate, not just those who were successful, because it does involve a tremendous sacrifice of time and energy and money to put themselves forward on behalf of the ideals in which they believe, on behalf of the goals and desires they have for the achievement of their communities in future. I want to particularly recognize both the candidates and the volunteers who gave so generously of their time and their efforts to the municipal election campaign.

We all recognize that there will be a tremendous need for leadership and for commitment as we embark upon some difficult challenges, but I believe that there are

also significant opportunities that await those who take on the challenge of leadership and the responsibility of ensuring that we preserve and enhance the democratic process in which we believe so strongly in this province and this country.

I want to just make one particular mention of an innovation which I found not only intriguing but also very impressive, the electronic voting equipment that was utilized by the City of Winnipeg yesterday in the election. It appeared to work extremely well, and as a participant, I commend them for their efforts.

In closing, Madam Speaker, to those who were successful and now have the challenge of public office as their primary responsibility, I want to wish them well in their endeavours on behalf of the public that they serve and extend to them not only congratulations but my own thoughts of looking forward to working with them in the next three years.

Mr. Gary Doer (Leader of the Opposition): I would like to have leave for a nonpolitical statement.

Madam Speaker: Does the honourable Leader of the official opposition have leave to make a nonpolitical statement? [agreed]

Mr. Doer: Madam Speaker, I would like to join with the Premier and all members of the Legislature in congratulating all candidates who ran for school board, all candidates who ran for municipal office. Whether the people were winners or losers, I think we had a tremendous quality of people running in all communities. I know, marking the ballot in my own area, there were all kinds of choices, all kinds of excellent people running. It shows again that democracy is alive and well in our communities, in our neighbourhoods and across this province.

Madam Speaker, we applaud the Premier's comments today about working in partnership with municipal and school board governments. The Premier mentioned today in his statement in the House, and we take his statement very seriously, that it is a responsibility of the government to work in partnership with those elected bodies and it is important for those elected bodies to carry out their responsibilities.

Madam Speaker, you cannot have responsibilities without authority, and because the authority that is vested in municipal governments and educational governments through school boards is provided constitutionally by the provincial government, it will be very important in the short term to remember that responsibility, authority and elected mandates go together. The government must respect that authority and respect that responsibility and we welcome his comment about the responsibility that—[interjection] I did not know he had anything else in mind. I remember.

We respect the results of this election and the responsibility and authority that goes with it and we will, in opposition, work with the government in partnership with those elected representatives across the province, the men and women that were elected.

Also, the Premier made a point of referencing the electronic voting machines in the city of Winnipeg, from his own personal observation. I think, obviously, any time new technology is in place, that is positive. I cannot make any other comments about the electronic situation.

I would also ask the government to look at another factor. It was my personal view that it was becoming almost dangerous, based on the court decisions, for signs that were on some boulevards in some communities. You could not turn a corner sometimes and see cars coming on an ongoing basis, so I would ask the government to review that court decision in a nonpolitical way—[interjection] It was on public property, Madam Speaker.

Again, congratulations to those people that ran and congratulations to everybody that voted, and as I celebrated the Cree victory yesterday, we look forward to the Inuit victory tomorrow and hopefully a victory on Monday for Canada as well. Thank you very much, Madam Speaker.

* (1430)

Mr. Kevin Lamoureux (Inkster): Madam Speaker, on behalf of my colleagues and the Leader of the Liberal Party, I, too, request leave.

Madam Speaker: Does the honourable member for Inkster have leave to make a nonpolitical statement? [agreed]

Mr. Lamoureux: Madam Speaker, on behalf of the Leader of the Liberal Party and my colleagues in the Legislature, I, too, would like to join with the Premier (Mr. Filmon) and the Leader of the Opposition (Mr. Doer) in applauding the efforts of those who have taken the time and the financial resources and commitment to run in the last civic election and also to applaud the efforts of the thousands of volunteers from one end of the province to the other who participated in making sure that the message that their candidate was talking about was in fact getting out so that the public would be better informed in terms of how they could vote.

I know from my own personal experience in the area in which I live, there were 16 school trustees, five mayoralty candidates, seven city councillor candidates, Madam Speaker. So there was a good selection from all the different ideologies from the far right to the far left. It was encouraging to see that so many people value the position of an elected office and want to be able to contribute to the development of Manitoba as a society.

Again, we applaud all of the efforts that everyone has put forward and, of course, those individuals who took the time to go out and vote, and echo the remarks from the Premier (Mr. Filmon) when he made reference to the electronic age. Maybe we, too, should be looking at that in the next provincial election. Thank you, Madam Speaker.

The Maples Garden Market IGA Opening

Mr. Gary Kowalski (The Maples): Do I have leave to make a nonpolitical statement?

Madam Speaker: Does the honourable member for The Maples have leave to make a nonpolitical statement? [agreed]

Mr. Kowalski: This morning, I had the honour and privilege of opening and doing the ribbon-cutting ceremony at The Maples Garden Market IGA. Renovation to this store, along with the accompanying

shopping centre, was well over a million dollars. It has had a profound effect in our community that over a hundred jobs, full-time jobs, have been created in The Maples. That is tripling the number of jobs.

So, for a small community, this has had a great effect. This store has continually supported the community and I know the community will support this store. Thank you very much, Madam Speaker.

Manitoba League of Persons with Disabilities

Mr. Doug Martindale (Burrows): Do I have leave to make a nonpolitical statement?

Madam Speaker: Does the honourable member for Burrows have leave to make a nonpolitical statement? [agreed]

Mr. Martindale: Madam Speaker, I rise to pay tribute to the Manitoba League of Persons with Disabilities. The Manitoba League is an organization of people with disabilities. Its main objective is to create a community in which disabled Manitobans can be full and active members of society. The Manitoba League works to improve a wide variety of services for disabled people in such areas as housing, employment and transportation, to name a few. I would like to congratulate them on celebrating their 20th anniversary this year.

Also, on June 18, 1995, they changed their name to the Manitoba League of Persons with Disabilities. Also, this year, they have been carrying out a campaign called the Barrier Busters Campaign—I believe all of us were mailed forms to fill out—so that they could try to remove barriers to disabled people.

Also, on Sunday, November 5, the Eighth Annual Great Obstacle Race is taking place at Portage Place. This is an educational and fundraising event which a number of members in the Legislature are participating in, and I want to wish the participants and MLPD success in this event. Thank you.

Committee Change

Mr. George Hickes (Point Douglas): I move, seconded by the member for Broadway (Mr. Santos),

that the composition of the Standing Committee on Agriculture be amended as follows: Burrows (Mr. Martindale) for Thompson (Mr. Ashton) for Thursday, October 26, 1995, for 8 p.m.

Motion agreed to.

ORDERS OF THE DAY

Hon. Jim Ernst (Government House Leader): Would you call, Madam Speaker, the bills as listed in the Order Paper.

DEBATE ON SECOND READINGS

Bill 18—The Housing and Renewal Corporation Amendment Act

Madam Speaker: To resume debate on second reading on the proposed motion of the honourable Minister of Urban Affairs and Housing (Mr. Reimer), The Housing and Renewal Corporation Amendment Act (Loi modifiant la Loi sur la Société d'habitation et de rénovation), standing in the name of the honourable member for Dauphin (Mr. Struthers).

An Honourable Member: Stand.

Madam Speaker: Is there leave to permit the bill to remain standing? [agreed]

Bill 19—The Intercountry Adoption (Hague Convention) and Consequential Amendments Act

Madam Speaker: To resume debate on second reading, Bill 19, on the proposed motion of the honourable Minister of Family Services (Mrs. Mitchelson), The Intercountry Adoption (Hague Convention) and Consequential Amendments Act (Loi concernant l'adoption internationale (Convention de la Haye) et apportant des modifications corrélatives), standing in the name of the honourable member for Transcona (Mr. Reid).

An Honourable Member: Stand.

Madam Speaker: Is there leave to permit the bill to remain standing? [agreed]

**Bill 23—The Health Services
Insurance Amendment Act**

Madam Speaker: To resume debate on second reading, Bill 23, on the proposed motion of the honourable Minister of Health (Mr. McCrae), The Health Services Insurance Amendment Act (Loi modifiant la Loi sur l'assurance-maladie), standing in the name of the honourable member for Thompson (Mr. Ashton).

An Honourable Member: Stand.

Madam Speaker: Is there leave to permit the bill to remain standing, and standing in the name of the honourable member for Inkster, who has 34 minutes remaining?

Mr. Kevin Lamoureux (Inkster): Madam Speaker, it has been a pleasure for me to be able to stand and to add a few more words to this particular bill.

Bill 23, as I indicated earlier the last time I stood up, provides for protection from liability for members of different boards who conduct themselves in good faith. The three boards or committees that are made reference to are in fact the Medical Review Committee, the Manitoba Health Board, and the formal inquiry committee.

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

At times, government feels that it is necessary to have boards, and these boards are charged with responsibilities that have an impact, a very direct impact, on the lives of many Manitobans. Because, Mr. Deputy Speaker, we have found that it is in the best interests of board members that do act in good faith to be able to cover or to protect them from lawsuits, if in fact they have acted in good faith, that it is necessary to have legislation of this nature.

When we talk about boards, boards and committees do a wide variety of things and services for the

government. A lot has been talked about with respect to the most recent board that has been appointed by government and that, of course, being the emergency services board, Mr. Deputy Speaker. We have raised a great deal of concern regarding that particular board and hope to, over the next six, seven days to seek further clarification because we are concerned how these boards will ultimately assist in dictating government policy stands and so forth. The positions that they take have a very dramatic impact on what is going to be happening in our health care facilities throughout the province of Manitoba.

We hope and trust that this particular bill will assist in these boards and committees that I have just listed off and are in favour of seeing this bill going to the committee stage.

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

The question before the House is second reading of Bill 23. Is it the pleasure of the House to adopt the motion? [agreed]

Mr. Dave Chomiak (Kildonan): Mr. Deputy Speaker, I welcome the opportunity of rising to discuss some provisions of this particular bill. I would like to indicate that we, in general, in the New Democratic Party do not have difficulties with most of the provisions of this bill, but we have some very specific concerns. Consequently, unless those concerns can be somehow clarified, we intend to oppose this particular bill.

* (1440)

In general, this bill has been brought forward as a housekeeping bill dealing with some of the administrative matters and, in general, it seems to me from a review and interpretation of this bill that there is not much difficulty. The general provisions in this bill are not a major problem as they apply to allowing the department to have the ability to look at the medical practice of former practitioners as well as extending liability to inquiry committees, boards and other agencies that are involved in health. In fact, in general, we do not have difficulty with that.

I know this particular reading of the bill is not to deal with specifics, but I want to put on the record some of our concerns. Our major concerns are in the final portion of the bill as it relates to the ability of personal care homes to hold funds in trust. We reviewed that particular provision and were somewhat concerned, and we had the occasion to talk with individuals who were involved in administering personal care homes as well as talking with other people involved in this area, Mr. Deputy Speaker.

I also took the step of writing to the minister outlining the concerns that we had with respect to this particular bill, and the minister, to his credit, wrote back to me on September 29 with some explanations.

Now, I know that I am generally precluded by the virtue of the forum of this debate from discussing specifics of the bill, such specifics which will be dealt with at committee stage but, in general, our concern is the ability of personal care homes to hold funds in trust and use the income from those trust accounts for the general use of the residents of that personal care home.

I was very concerned at the prospect and we are very concerned at the prospect of having personal care homes being given the administrative responsibility and powers to handle large sums of money on behalf of residents. I understand and we recognize that in certain cases that already occurs. We also recognize and understand that there are presently regulations in place that limit the volumes and the amounts of funds that can be held in trust and limit the interest income that can be derived from those funds which can, therefore, be used for the other residents.

The point is that at present trust accounts can be held by personal care homes on behalf of residents to a maximum, as I understand it, of \$400, and the interest from those particular funds can be used for the benefit of the personal care home.

Our concern is, that particular cap and that particular level can be changed by regulation. Now, the minister indicated to me the changes that were put in place in this bill were recommended by officials who reviewed the bill and said we should put in statute form some of the powers that are presently in regulatory form. That

is fine, Mr. Deputy Speaker, we do not have any objection to that.

Our concern is that the levels to be established to be held, the levels of the accounts that can be held and the interest derived therefrom are determined by regulation, and that can be changed at any time by Order-in-Council.

I have to outline, Mr. Deputy Speaker, that we on this side of the House are generally quite careful to scrutinize every aspect of change or so-called reform brought in by the government, because, so often, change is brought in under one guise or for one purpose and, in fact, it is being done for other purposes. The many examples, for example, of the multitude of cuts in the health care system are again and again defended by the government as attempts to make the system better when, in fact, they are nothing more than cutting of the system in order to claw back money from the health care sector back into the government's general revenues.

Over and over again, we see massive cuts and changes in programs that, in fact, do not improve the quality of health but, in fact, markedly result in a decline in the quality of health care in this province under the guise of reform, Mr. Deputy Speaker.

It is quite understandable why we on this side of the House would be very careful to scrutinize any and all changes that they are invoking by the Department of Health. Therefore, we are very concerned, firstly, by virtue of this bill, that the statutory power will be provided, although it is presently provided to personal care homes to hold these funds in trust accounts and use the interest from these funds for the, quote, betterment of all of the residents.

However, that particular provision can be changed by regulation, which could possibly mean that personal care homes can begin to accumulate funds on behalf of residents and use the interest from those funds for other residents. It might be appropriate at small levels, but it is completely inappropriate when you are dealing with larger sums of money. For example, if a resident should come in with some kind of income or estate in the tens of thousands, or I dare say hundreds of

thousands of dollars, and if by regulation the government changed the regulation to take off the \$400 cap, therefore, the income from that trust account could be used by the personal care home for, quote, the betterment of residents.

Now, I am not saying that personal care homes would not use the money for the betterment of residents, in general, but I am asking two questions. Firstly, is it appropriate to take funds from an individual who is paying after all massively increased rates to be a resident in that nursing care home as a result of government changes in the past few years to that 46 percent increase in nursing home rates? Is it fair to take that person's money and their life savings and use that in addition to help fund a nursing home? In principle, in fact, is that a correct course of action that more sums of money and that a person's total income be used to fund the nursing home?

Secondly, would there be some operators—and I am thinking specifically of the private, for-profit nursing homes that this government has allowed to expand in the province of Manitoba. Is there an opportunity for some of those funds to be used to fund the operating costs of the nursing home, lessen the costs therefore for the proprietor, and therefore increase the profits for the shareholders of that nursing home?

We are diametrically, unequivocally and 100 percent opposed. I guess I cannot stress it in any greater terms, Mr. Deputy Speaker. We are opposed to that particular change. With these amendments, that power will be granted and can be changed by Order-in-Council and therein lies our opposition to this particular bill.

Now I hope I have explained clearly our concerns with this bill because there, of course, will be afforded an opportunity when the bill goes to committee for government officials, for the minister and for the public to make representation in this regard and perhaps deal with this fundamental issue. But, notwithstanding the fact that we will have the opportunity to discuss it and perhaps make amendments at committee stage, we want to put on the record very clearly our difficulties with the provisions of the bill as they relate to the utilization of funds that are owned by residents of personal care homes.

* (1450)

Mr. Deputy Speaker, there has been in the province of Manitoba in the past few years an increase in the number of personal care home beds. That, of course, had to happen given the massive slashing and cutbacks in beds in the province of Manitoba. In fact, using the department's own figures in its latest annual reports, over 500 hospital beds have been closed in the province of Manitoba. To put that into perspective, I remind members that that would constitute two hospitals in the city of Winnipeg or five to 10 to 20 in rural Manitoba.

So let not members opposite, who love to stand up and talk about other provinces, forget the fact that they have closed the equivalent of two hospitals the size of St. Boniface Hospital. They have closed that many beds, and still they cut. The point is, in order to take care of some of that offload, some of that offload has been recaptured by putting in place these personal care home beds. Now, the majority of these personal care home beds have been for-profit personal care homes. Many friends of the government have had the opportunity of having profit personal care homes open under this particular regime.

That I have to indicate is a problem for us and has always been a problem. Health care is not a field where it should be open willy-nilly to profit making, because those few dollars that the minister always talks about should not be going into the pockets of shareholders, wherever they may be located, when in fact those dollars ought to be going to benefit the health care of Manitobans. One cannot help but be somewhat suspect, therefore, of a provision in this bill that allows personal care homes to have the capacity to utilize funds of residents for the benefit of the home. I hope—

An Honourable Member: They are against that.

Mr. Chomiak: The member for Arthur-Virden (Mr. Downey) indicates from his seat that we are against that. I urge him to review the comments I have just made the last few minutes in Hansard in order to understand the situation and, perhaps, he will join us in questioning the wisdom of this particular aspect of this particular bill.

The potential for the utilization of these funds is, I think, both philosophically wrong, structurally wrong and has a potential for a fundamental change in the way that personal care homes are operated and the way that funds are generated for the operation of those particular facilities.

It is fairly clear, Mr. Deputy Speaker, that with the proliferation of for-profit nursing homes, with the proliferation of for-profit home care services, with the proliferation of for-profit nursing services and with the proliferation of for-profit—good heavens—consulting firms, which are doing very well, I might add, under this regime, the potential for for-profit nursing homes to derive income from this is potentially a problem. Consequently, as a result, we have to be opposed to it.

Unless somehow in legislation the cap can be enforced, which I do not think would be a normal statutory provision, it would be very difficult for us to accept this particular provision in this particular bill because of the fact that by Order-in-Council the government retains the ability to determine what the cap is on these funds and, therefore, at the whim of the provincial cabinet can change the capping provisions and thereby invoking our concerns and thereby causing difficulties, potentially resulting in some of the conclusions that I have posed in my earlier comments.

Members opposite might suggest that that provision was merely administrative or that provision ought not to be taken out of context or they might suggest, oh, do not worry, we have had that particular Order-in-Council and that particular regulatory cap in place for a number of years, and we will not change it, but I could cite case after case after case in the health care field where members on that side of the House have made one statement and the result was completely the opposite.

Let me cite one example as an example of why we are very suspicious about the motivation of the bringing in of this particular bill. For example, let me talk about the consolidation of pediatric services at one particular hospital. I remember very well comments by the then-Minister of Health and by officials from the government that the consolidation of all pediatric services at Children's Hospital will result in better quality, faster services, et cetera.

Now, there are experts in this case, as opposed to the emergency ward closures case, who talked to me whom I talked to who said that, in fact, that was the case, that the consolidation would work and would improve the quality of service. I give them credit. I did not agree with that, but experts told me that, and there was at least a justifiable argument on the part of the government to say that perhaps that was the case.

But we have found since the consolidation that precisely what we were on this side of the House worried about has happened. They consolidated and closed the wards, placed all of the children at Children's Hospital and then proceeded to cut back the services at Children's Hospital, so that in this Chamber as recently as the summertime, the last sitting of the session, we had to demand and ask of the Minister of Health (Mr. McCrae) to open beds for kids who had no beds, and fortunately, because of public pressure, we were able to do that, and as recently as three weeks ago, we saw the cutback of drug programs to children, and we were again forced to bring it to the attention of the minister to try to change that policy.

So, Mr. Deputy Speaker, what we see and what we hear from the government on health care matters are often two different things. On the children's matter, they said, do not worry, we will consolidate and put all those resources into Children's Hospital and there will be plenty of services, and in actual fact what we saw was, we saw the consolidation, but we saw less funds now going in general to children.

I do not need to begin to talk about what the situation is with respect to the closure of the emergency wards at the community hospitals and the relationship that that has to what the government is saying and what is in fact happening, because in that instance and this instance, the instance of emergency services, I have not found a single expert, I have not found a single person in the health care field who has, in fact, been able to agree with what the government has done.

Mr. Deputy Speaker, so, when we raise concerns in this bill and when we point out to the government that we are very concerned as to what their motives are and where we ultimately may end up at the end of day with regard to this bill, I think we are very, very much

justified by recent past developments, history of health care in this province. In fact, events that are happening as we speak with regard to emergency wards clearly demonstrate that we must be wary and we must be questioning of this government's motives at all times with regard to anything that happens in health care. I am sorry to have to say that. I truly wish I did not have to say that, but clearly the track record and developments with regard to health care have been such that we have no choice but to question vigorously every single initiative and every single motive of this government.

As I indicated earlier, Mr. Deputy Speaker, I appreciated the fact that the minister responded to my queries with regard to our concerns regarding this bill but, unfortunately, his response is not sufficient to permit or allow us to pass this bill in the form as it exists.

Mr. Deputy Speaker, when the bill came out, aside from talking to people who are involved in the personal care home field in the form of administrators and others, I had occasion to talk to individuals who represent seniors groups. I said, in principle—obviously, I have a position on this bill—but, in principle, can you tell me what your view of these changes are? Not to my surprise, they related to me the fact that they were very, very concerned that the government would be providing statutory authority to personal care homes, particularly the profits, to hold and use funds of residents. So those comments of individuals representing seniors organizations solidified our suspicion and underlined our concern and I think justify our opposition to this bill and those particular provisions that have been put into the bill.

* (1500)

Returning, Mr. Deputy Speaker, to some of the other provisions of the bill, as I indicated earlier in my comments, in principle there are basically three portions to this bill, the portion dealing with the ability of the government to investigate and deal with former medical practitioners, the second portion of the bill deals with the area of liability from boards, committees and others involved in the health care field, and the third deals with the amendments that we are

particularly opposed to, those relating to personal care homes.

One of the reasons that extended liability, I guess, has been added to The Health Services Act is because the government, on our recommendation, I might add, has put in place a number of review committees to deal with some of their less-than-popular and less-than-effective decisions relating to various aspects of home care and various aspects of personal care homes.

The government when they made the massive changes and the massive slashes to Home Care several years ago, and the massive increases to personal care home rates several years ago, we, of course, were very concerned. One of the suggestions we made was that, at the very least, the government ought to put in place committees, ought to put in place a board or independent third party that can deal with these changes. That was not our preferred route. We are strongly on record, of course, as opposing those ill-fated measures.

Nonetheless, the government did, at least, at a minimum, put in place some independent third parties to review these matters and allow the public with at least an opportunity to express their viewpoints in this regard. So in principle, I guess, and I suspect that the proliferation or the increased number of committees that have been put in place require increased liabilities.

Mr. Deputy Speaker, it is incredibly ironic, I think, and a sad commentary in fact that during this session of the Legislature we are dealing with a bill that is largely administrative, dealing with health, and, at the same time, some of the most massive changes to our health care system are going on generally and in secret out of the minister's office as we speak. It is unfortunate that there is not more that has been brought to the floor of this House.

In fact, one would have hoped we would have seen at least in draft form within the context of a bill dealing with The Health Services Insurance Amendment Act, some of the changes so the public of Manitoba could have some ability through their elected members to comment on some of the changes, such changes as the slashing of \$20 million over the Health Sciences budget

over the next three years, \$19 million over the next three years over St. Boniface Hospital, the closure of beds, the closure of the emergency rooms at the community hospitals, the massive changes to the regional board system.

All of these could have been dealt with in a bill of this kind, or at least addressed in draft form so elected members would have an opportunity. Instead, what we have in the bill under The Health Services Insurance Amendment Act are administrative changes. Even those administrative changes, the government cannot get right.

So, Mr. Deputy Speaker, I hope that members opposite have had an opportunity to review the provisions of this bill and perhaps take a second look, and I look forward to an opportunity to discuss these issues in committee, but I can indicate that, for the reasons stated during the course of my comments, we will be opposed to this particular bill.

Mr. Steve Ashton (Thompson): Yes, standing in my name, Mr. Deputy Speaker, I would like to speak at this time.

I want to thank the indulgence of the House in being able to have this matter remain in my name, and I do want to speak on it, because I know we do have some other speakers on this bill, but we do wish to move this bill into committee.

I think it is important to note, as the member for Kildonan (Mr. Chomiak) referenced in his remarks, that this is a bill that deals with a number of amendments to The Health Services Insurance Amendment Act, deals particularly in regard to a number of areas. I just want to mention this at the beginning because I think it is important to, first of all, look at the focus of the bill, which looks first of all at prosecutions in terms of offences under this particular act, application to former practitioners, protection from liability, which refers to the members of the board, the medical review committee. Essentially, that is the area we are dealing with in terms of the current bill.

I think it is fairly important as well to note the debate that has taken place thus far on the bill, because I know

we have raised questions in regard to both the bill—also not only what is in the bill, but, of course, what is not included. I think that is important, Mr. Deputy Speaker.

Quite frankly, I think it is appropriate because today there were some suggestions earlier in Question Period by the Minister of Health (Mr. McCrae) that I thought were very misguided, were very unfortunate, and that is in regard to the very constructive role that the member for Kildonan (Mr. Chomiak) has played in the debates, the discussions, on health care in this province. I think the member for Kildonan should be commended for his efforts on behalf not only of his constituents but the people of Manitoba for fighting for the medicare system, because, essentially, that is exactly what we are dealing with: the very need to preserve our health care system.

I thought it was unfortunate earlier today, and I think it is something that should be referenced in this specific bill, that the Minister of Health (Mr. McCrae) suggested that somehow the member for Kildonan (Mr. Chomiak) was only speaking for himself, was not talking from the perspective members of the public.

Mr. Deputy Speaker, not only is that not true, I would just suggest that members opposite, particularly the Minister of Health, take the time as we will be doing today, our caucus, at a public meeting in the city to listen to the people of this province. I know it is an issue that is very much one that you have received calls on, I am sure—health care.

Indeed, we are getting the message very clearly from Manitobans, and I think that is something worth noting. It has really crossed the province at the current time. Today, we saw questions involving The Pas. I will be asking questions about the Thompson General Hospital. We have faced cutbacks. Mr. Deputy Speaker, it just seems to be very coincidental that when I speak on issues such as this—there was a bill the other day that I referenced and you, Sir, were in the chair at the same time, something that you have been involved with. And here we are talking about health care—and I know and I say this not only directly but rhetorically that health care is an issue that is of concern—

* (1510)

Mr. Deputy Speaker: Order, please. I would like to remind the honourable member that we are dealing with Bill 23. This is not the time to have a general discussion on health care. If the honourable member could be relevant to the bill, I would appreciate it.

Mr. Ashton: Mr. Deputy Speaker, in talking about health care and talking about your own concern about health care, if you are suggesting that it is out of order to reference your own concern about health care, I withdraw that remark unequivocally. I apologize to the House for even suggesting that you are indeed concerned about the overall issue of health care. I thank you for your admonition. I am sorry, but I just could not resist it. It was one of those fortunate sort of circumstances that we—[interjection]

An Honourable Member: Speak to the bill.

Mr. Ashton: Indeed, the minister opposite says speak to the bill. I am wondering specifically what section would he like me to reference, in the general sense, of course, since we cannot reference.

An Honourable Member: Well, I do not really care.

Mr. Ashton: The minister says he does not care.

An Honourable Member: I am not listening anyway.

Mr. Ashton: He is not listening anyway. Well, him and the Minister of Agriculture (Mr. Enns) share that. I guess that is one of the privileges of sitting in this Chamber for awhile that one can do that and actually say it and get away it. I remember when the Minister of Agriculture said a similar thing in committee a number of years ago.

Mr. Deputy Speaker, I only raise that and I encourage any member opposite, in fact, anyone who wishes to hear my comments, or our caucus's comments on any specific section of this bill, any of the basic principles. The government House leader, what would he like specifically I reference to?

An Honourable Member: Section 1.

Mr. Ashton: Section 1. Well, Section 1 deals of course—I cannot mention the section directly, but it does deal with the amendment to C.C.S.M., which are statutes of Manitoba, Continuing Consolidated Statutes, c.H35, and I will not mention the specific reference of the bill; that is not what we do on second reading—but it deals with prosecution within two years. It indicates that a prosecution for any offence under this act or regulations may be commenced not later than two years after and later goes into some detail about prosecutions.

So you see I am referencing the bill very specifically. It is difficult because you only are suppose to deal with the basic principles of the bill. I was referencing in dealing with the basic principles an issue—and I will not reference yourself, Sir, as Deputy Speaker—but I was talking about issues of health care, and what I think Manitobans would expect of us in dealing with a bill that deals with amendments to The Health Services Insurance Amendment Act.

This act deals with a very fundamental act in this province and at a time when we are debating many important national issues—obviously, looking ahead to Monday—I think we have to be talking positively about some of the features that make Canada unique. I really believe that one of those features is basically that we have a health care system that I think is a model for the world. I am sure you know that. I am sure all Canadians know that. That is one of the benefits of Canada.

There are limitations on that, and I want to reference specifically The Health Services Insurance Act. I had a case recently where individuals had moved back to Manitoba and were denied Manitoba Health coverage. I have raised this with the minister. They have since moved to Nova Scotia. They were denied health coverage in Manitoba because they made the mistake of saying, while they had moved back here, which is where they had maintained their address while they were overseas, they were going to be moving to Nova Scotia within a period of several months.

I raise this because I think it is important on every single issue to maintain the principle of universal health care coverage no matter where one is resident and no matter where one intends to go.

We are still a country where there are certain basic rights that go with being a Canadian. I believe one of the most basic rights is something that is very unique in comparison, for example, to the United States, and that is that you are covered by health insurance, by what we call the medicare system, no matter where you live in this country. Any landed immigrant, any Canadian citizen is covered by a system that, despite its faults and despite efforts of some governments to restrict that system, the fact is it still is a much more effective system than the system we see, Mr. Deputy Speaker, in the United States.

That is why, when we are dealing with these amendments, I would hope that we would also look at ensuring strengthening The Health Services Insurance Act to ensure that is put in place and practised. I mentioned the example of the couple who eventually moved to Nova Scotia. They have raised this with the federal Minister of Health, and I think that should be something that should be included. There are a couple of amendments here which deal with protection from liability, for example, that deal with other aspects of The Health Services Act, including prosecution with two years.

Mr. Deputy Speaker, I would suggest it would be well within the bounds of the kind of amendments that we can look at in committee if the government could look at this particular matter. I have corresponded with the Minister of Health (Mr. McCrae). I just point out that here is an example of where the basic principle of health insurance is not being provided. Nothing in this bill deals with it in the sense that I wish to see it dealt with.

I want to suggest that we really focus on the health care system and look at some further amendments that I think also could be very much in keeping with the spirit of this bill which presumably the basic element in this bill is to bring in a number of changes, hopefully to improve the application of the act. I will not reference this in terms of the specific bill. I am not trying to anticipate the debate on the bill, but I look at The Health Care Records Act, which we have dealt with in various forms in this Legislature the last number of years, has been dealt with at the level of private members' hour on a number of occasions, has not been

passed, has not been accepted by the government and you, Mr. Deputy Speaker, once again referencing another debate and another issue, know that governments can and sometimes will take issues that are put forward by private members and I would suggest this would have been very applicable to this particular bill.

It fits in with some of the principles of this bill. I think it is unfortunate some of those principles have not been applied. Bill 23, which deals with the basic issues of health care services but also issues related to health care records could very easily be dealt with by amendments to this particular bill.

Now I wanted to put those comments on the record. I just want briefly to reference a few other areas that I want to express my concern about. That is why, Mr. Deputy Speaker—and I apologize at the beginning of my remarks—I referenced some comments that were made earlier in Question Period because I do think it is important for the government to realize that many Manitobans are concerned about health care, and there are going to be, I am sure, other opportunities when we will discuss some of the significant issues in health care.

I am not going to reference in any detail the questions of the emergency ward closures in Winnipeg or the cuts to rural and northern facilities, because I realize that while the suggestion was put forward by our Health critic, those issues could have been dealt with. Certainly protection of services issues could be dealt with in this particular bill. Obviously, that is not the basic principle that the bill refers to.

I do want to suggest that there are going to be some significant concerns, some significant challenges ahead for us in terms of the health care system. I really believe that the government—which spent obviously a considerable amount of effort bringing in this particular bill, Bill 23; it is one of the 30-odd bills, a fairly small number of bills that we have—obviously, the government feels this is a priority in terms of its legislative agenda.

I want to suggest that, to a certain extent, I think they are missing the boat. I am not sure how much of a

priority this is. I am not saying that these amendments do not have some particular impact, but I am not sure how significant they are. I would appreciate, perhaps, even in the wrap-up and debate, comments from the Minister of Health (Mr. McCrae), because, quite frankly, I think the Minister of Health could deal with some of the questions that are raised and have been raised by the member for Kildonan (Mr. Chomiak).

I would also point out that one thing that has fallen into disuse in this House, which is an important parliamentary tradition, has been that of ministers, on second reading, completing debate and often answering some of the questions raised in debate. I state that because on many occasions ministers have not participated in debate on second reading.

I find it unfortunate, because it used to be the tradition in this House that, if a bill was brought up during that day and it was under the minister's portfolio, the minister was here to hear the debate. On rare occasions the minister would read Hansard to find the comments, but it was also clear that ministers would then respond on second reading.

Some concerns have been raised by the member for Kildonan (Mr. Chomiak) and will be raised by others, and I think it is important the Minister of Health (Mr. McCrae) deal with those concerns in his comments on second reading. Quite frankly, I think the whole process of debate in this House on this particular bill would be helped greatly if we had the input not only from the minister but from other government members. I find it unfortunate, as well, and I referenced this the other night on the other bill I mentioned earlier, the fact that it is very rare for government members to participate in debate. I would like to know if these are the priorities of the government, if government members agree with what is in the bill, if government members have suggested amendments.

I do not see anything wrong with that process, Mr. Deputy Speaker, and even, in fact, if government members felt pressured to support the bill and speak in favour of the bill, that is positive, too, because I think then we get more of a real debate in this House. We often have what we call debate on bills, and it becomes a series of speeches which may or may not constitute

debate, and particularly when we are dealing with health care.

* (1520)

I want to say I appreciate the latitude you have given members in terms of definition of relevance, because I think that your admonition earlier was a correct one, Mr. Deputy Speaker, but I do feel it is an important enough issue that there has to be some latitude to develop the context we are dealing with, and I think with health care, it is more particularly the case than perhaps some of the other issues.

This is health care we are dealing with, the largest single expenditure of any provincial government. It is one of the things that makes Canada have the quality of life that it does. We are No. 1, according to the UN, in terms of overall quality of life measures. One of those is health care. It is not that we cannot improve the system, but, you know, it is the bottom line that Canadians do have one of the best health care systems in the world, and I think it is something we should be really proud of.

I would suggest in the next years to come that there are a number of areas we have to look at. We are dealing with service delivery issues in this House, Mr. Deputy Speaker. I think that is fairly important. We will raise those concerns.

I personally believe that there is a significant role for community hospitals, whether it be in the city of Winnipeg or whether it be in my own community of Thompson or in The Pas or Flin Flon. I am very concerned when I see what I would call the bureaucratization of our health care system, because what I see from the government, and I even see it in this bill in terms of what obviously are the priorities of the government, is what I would call a bureaucratic approach to health care reform.

Mr. Deputy Speaker, let there be no mistake about this. I fully supported, in fact, argued for health care reform when I was health care critic a number of years ago, and we had the document released in 1992, I believe, the so-called blueprint, and I use that word advisedly because it was actually printed in blue ink

and I think very much had the imprint of the party in power at the time and the party currently of which blue is the color.

But one of the things about which I am very concerned about health care is the bureaucratization of the so-called health care reform we are seeing. I heard the minister earlier today reference the situation in The Pas and say, well, these experts made the decision, and we have to follow through with those experts' decisions.

Well, first of all, the funding guidelines are provincial guidelines. They are not something that was invented by the hospital administration, and, second of all, by the way, the criteria that were used by the group that sat down and had to deal with this were essentially the criteria established by the government, which is one of reducing the expenditures. Third of all, Mr. Deputy Speaker, the bottom line is I have talked to people part of the process and they said it was a farce. The minister cannot hide from responsibility for the fact that his government set up the criteria in the first place for this review—it wanted the review to take place—and the consequences of its actions are essentially it has to take responsibility.

The government cannot hide behind any of these committees it has established. The government cannot hide behind hospital boards. It cannot hide behind other structures that it is looking at establishing, such as the regional health facilities which, by the way, I think is a good concept. We will see how it applies in practice. It cannot simply withdraw into this kind of attempt to establish some sort of suggestion that in terms of health care we are actually, Mr. Deputy Speaker, dealing with a situation where it is actually the bureaucracy that makes the decisions and the government really says, I have nothing to do with it. I mean, let us get serious.

The last election, health care was a significant issue. A lot of the support we received was because of people who were concerned about health care, 33 percent of Manitobans, and I would suggest many of the Liberal voters in this province. One of the reasons the government was returned was because the Premier (Mr. Filmon) said, trust me on health care. I think we all

remember the ads. He got out of the canoe in 1990 and talked about health care and, Mr. Deputy Speaker—

Mr. Deputy Speaker: Order, please. The honourable member has been given a fair bit of leeway here but under Citation 665 in Beauséjour, it is clearly stated that on second reading of an amending bill it is the principle of the amending bill, not the principle of the act. I would appreciate it if the honourable member was relevant to the bill. I have allowed you some leeway, but I believe you have drifted a little bit too far.

The honourable member for Thompson to continue.

Mr. Ashton: I apologize if referencing the Premier saying, trust me on health care is not appropriate to this bill and I almost choked on the words, Mr. Deputy Speaker, even when I said it. But I would say, perhaps to make it even absolutely directly relevant to this bill, the Premier said, trust me on health care. I think that is an accurate statement. We saw the ads. I saw the ads. There were many of them.

I assume when we are dealing with this bill one of the basic principles we are being asked here again is to trust the government on health care. That is why I raise in the context of this bill and indeed of health care generally, from what we have seen since the Premier said trust me, can we trust the government on health care? Can we trust the government? Mr. Deputy Speaker, that is the underlying debate on this issue. The government brings in this bill and says, trust me. The minister earlier today said, trust me; we have a bureaucratic process. Today we are having to deal with this issue. The fundamental principle that I think Manitobans have to decide with this government is can they trust them on health care.

Mr. Deputy Speaker, I am sure you will once again give me an admonition if I talk about the betrayal of that trust even since the last election. I will not get into great detail about that, but the fact is that is the essential issue that we are dealing with, the single largest expenditure in this province, health care, the single probably most, I would say the greatest characteristic of Canada in terms of social programs—because I believe health care is essentially a social service.

I ask the question again, Mr. Deputy Speaker, would you—pardon me, I am saying this rhetorically—but would you trust the government, based on what has been happening the past six months, and would anyone trust the government based on its record the last six months? I could—[interjection] The new member for River Heights (Mr. Radcliffe) talks about the federal government. You know, we can talk about that, but I most definitely would be ruled out of order if I mentioned the federal government, but we are talking about the provincial government. That is the bottom line question.

I know the answer that people in my community would give. The answer is no. I know the answer the people in The Pas give. It is no. I know the answer that the people in Flin Flon give, because they are well down the line of many of the kind of cuts we are seeing but, you know, Mr. Deputy Speaker, if you were to ask tonight at a meeting that will take place that will be dealing with concerns of one community hospital affected by emergency ward closures and ask them that single question, and you will be probably best equipped to ask that question, do you trust a government that says, cut first and worry about the impact later? You know the answer will be overwhelmingly no.

I want to say in conclusion that this is a really important issue because, my experience with politics, and there are others in this Chamber who have had more experience than I have, is that old adage about, you can only fool some of the people some of the time, but you cannot fool all of the people all of the time.

You know, it is one thing in an election, with highly powered commercials, political ads to say, trust me on health care, as the Premier (Mr. Filmon) did, but actions speak louder than words and even in the long run perhaps even louder than campaign commercials.

We have not forgotten what the promise was in the 1995 provincial election campaign on health care. It was, the Tories said, trust me. Remember, you know, think of all those positive experiences with health care.

We hear on a daily basis, you know, the Minister of Health (Mr. McCrae) never answers a question. Basically he tries to sort of say, well, trust me, you

know, it is all going to work out in the end. The bureaucracy is dealing with this. This committee is dealing with that. We are not really doing it.

Mr. Deputy Speaker, I raise this question because I believe over the next several years one of the fundamental political issues in this province will be whether anyone can trust this government on anything when it is clear after six months that they cannot trust them on health care.

With those few words, I am very pleased I had the opportunity today to speak out on behalf of my constituents and as one of our caucus members on behalf of our caucus for whom one of the central issues in Manitoba has been and will continue to be the maintenance of our health care system from any of the actions that the members of the Conservative government have brought in in the past and will continue, I am sure, to bring in which will detract and will attempt to destroy medicare.

But they cannot and they will not take medicare away in this province, because we will be pushing them on each and every time that they betray that trust. Thank you, Mr. Deputy Speaker.

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

The question before the House is second reading, Bill 23, The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie. Is it the will of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Mr. Deputy Speaker: Agreed and so ordered.

* (1530)

Bill 32—The Proceedings Against the Crown Amendment Act

Mr. Deputy Speaker: To resume debate on the proposed motion of the honourable Minister of Justice (Mrs. Vodrey), Bill 32, The Proceedings Against the Crown Amendment Act (Loi modifiant la Loi sur les

procédures contre la Couronne), standing in the name of the honourable member for Thompson. Stand?

Mr. Steve Ashton (Thompson): Mr. Deputy Speaker, I had adjourned this, but some of our caucus members have comments, including the member for Crescentwood (Mr. Sale), so I defer to the member for Crescentwood.

Mr. Tim Sale (Crescentwood): Mr. Deputy Speaker, we view this as a very serious bill because in principle it intends to put before the House a measure that would amend The Statute Amendment Act so that firms and individuals and other levels of government could have a remedy before the Court of Queen's Bench in order to impose a fine or some other kind of judicial sanction under the Agreement on Internal Trade.

I want to speak against this bill in principle, Mr. Deputy Speaker. I hope that you will understand that my remarks touch on the Agreement on Internal Trade to a great extent because this bill intends to bring before the House a measure to enforce that agreement, and I think we need to pay very careful attention to the substance of the Agreement on Internal Trade, which, in fact, has never been before the House.

So I say that to anticipate, I think, your concern, and I understand your concern that we speak in principle at this reading. The principles of this bill are to put in place a bill which has never been before the House, and, indeed, it has never been before any of the Legislative Assemblies in Canada.

I also want to say that I have learned in preparing for this debate a great deal from a book that I would commend to all members. It is C.D. Howe Institute, so it is sufficiently conservative that it should not upset their sensibilities. It is called *Getting There*, and it is the assessment on the Agreement on Internal Trade by two very well-known trade specialists in Canada, Michael Trebilcock and Daniel Schwanen.

I have also reviewed the legal opinions on the pending federal legislation under Bill C-88 in the federal Parliament, which is currently, I believe, in second reading, and that is the bill to implement the Agreement on Internal Trade, and I will say in a few

moments why I think this is also problematic for this House. I have reviewed submissions of the Union of Manitoba Municipalities and the Federation of Canadian Municipalities, as well as Bill 36, which is a bill before the Alberta Legislature to do essentially the same thing as our Bill 32 does, Mr. Deputy Speaker.

So, first, let us look at Bill 32. It purports to establish an enforcement mechanism for the Agreement on Internal Trade, which came into effect July 1, 1995. Specifically, this bill would allow the award of costs as a result of a dispute panel mechanism to be entered as a judgment in the Court of Queen's Bench, thereby providing the parties with the ability to enforce the findings of the dispute mechanism through the panels created for this purpose.

Let me say at the outset that we have grave concerns about the enforcement mechanism itself, Bill 32, as well as the Agreement on Internal Trade, which it intends to enforce. I will try to make clear why we have these concerns, but I would urge honourable members to do two things. One is to actually read the Agreement on Internal Trade, which would, I suspect, be an interesting experience. I doubt that very many members opposite have even seen the document, let alone read it, and also to read and review two different books on the subject which I think both raise very serious concerns from a very nonpartisan point of view about the effect of any dispute mechanism and about the nature of bills like Bill 32.

First of all, then, let me put Bill 32 in some historical perspective. From the 1970s onward there have been a number of attempts on the part of the central government of Canada and the larger provinces, Ontario, Quebec and Alberta in particular, to reduce or remove interprovincial barriers to trade. Provisions were put in the 1980 run-up to the Constitution patriation to achieve this goal. They were repeated in both the Meech Lake and Charlottetown documents. The MacDonald royal commission spent some considerable time trying to advance proposals to free up internal trade.

Following the failure of the Charlottetown Accord in 1993, Minister Michael Wilson announced a new approach to this issue of internal trade and the dispute

settlement and the remedies that Bill 32 speaks to. Essentially the approach he took was to mimic the approach the World Trade Organization was taking at that time to the Uruguay Round of trade negotiations. It is what Trebilcock and Schwanen have called a macro approach, putting everything on the table and then only negotiating backwards those things which provinces could not accept. So it is to put a comprehensive agreement on the table and then write exceptions to it.

After much hard work, the provinces and the federal government reached an agreement in July of 1994 which was completed and signed on behalf of all governments in September of 1994.

To understand the Constitutional context of the Agreement on Internal Trade and Bill 32, we have to remember that under Section 92 of the Constitution Act, the provinces have control over trade and commerce within their boundaries, while the federal government, under Section 91.2, already has the power to regulate interprovincial trade. Historically, provinces, properly valuing employment and their own diverse economies, have used their control under Section 92 to erect both tariff and nontariff trade barriers in areas, particularly, such as brewing, tobacco and alcohol sales and their production, the trucking industry and transportation, and, in some cases, culture.

Provinces have sometimes required residency of individuals or corporations as a condition of their being able to own farmland or to undertake construction projects or other forms of business.

Alternatively, and these still exist in substantial form, the provinces have established preferential bidding procedures in which local companies get preference through some subsidy of 5 percent or 10 percent or some other such percentage. Manitobans, of course, are very familiar with this through the long-term discussions with Flyer Industries and New Flyer about whether buses should be able to be sold to Quebec and whether we should buy Quebec buses.

The federal government, in fact, while appearing to have a great deal of power to regulate interprovincial trade, has actually faced a lot of reductions of that

power through decisions of the Supreme Court over many decades. It is interesting that the first decision in this case goes back to 1881, and it is a famous Canadian constitutional decision. It is called *Citizens Insurance Company versus Parsons*. There is a long history of the outcome of that initial case which circumscribed the federal power to regulate trade in the country.

Essentially, a free trade agreement seeks to reduce all of these sorts of barriers. The economic theory we are all familiar with, each region, province or area should do what it does best, the market will adjust, labour will adjust, move its wages or move its ability to work, so that the market will become very efficient as long as no other distortions take place.

However, as most of us know, the real world is very different from that world. In the real world, scale of manufacture often means, for example, no matter how efficient a Canadian brewery is, it does not matter how efficient it is, the unused brewing capacity in the state of Minnesota is sufficient to supply the entire western Canadian brewing requirements. So there is some point at which this argument about free trade breaks down, because when the economies of scale are so massive that one state could supply the entire area of western Canada with brewing resources, and, thereby, unemploy thousands of Canadians, then the question of public good has to come in rather than simply the question of efficiency.

Manitobans are also familiar with the fact that many goods can most efficiently be produced on a massive scale in the agricultural area, chickens, for example, pork, and in the machinery area, cars. If we were simply interested in only the maximum efficiency of production, then there would be very little reason to locate very many things in Canada, if that was the only interest, because scale of production will ultimately be the end of our agricultural industry if that is indeed the only question.

However, quality of life frequently means that social concerns, environmental concerns, health and education are all factors to be weighted along with economic costs. For many people, living in Winnipeg has values and virtues which are possibly not always simply

subject to bottom-line economic concerns. I have heard members opposite, and I know members on this side of the House have made many such comments.

* (1540)

The theory that undergirds the idea that local rights and needs should have some preference over simply economic maximum efficiencies is called subsidiarity. It means, for example, that an argument should be made on grounds other than purely economic grounds, that it would be to the benefit of a community to maintain a resource, even though a pure economic case could be made for letting it go. Thus, for example, we can make a short-run argument that huge factory farms are the best way to raise chickens and milking herds. This means the end of the dairy industry in Quebec, and it means the end of the chicken and poultry industry in the rest of Canada.

Many Manitobans, government and opposition alike, would argue that the value of having smaller farms and having the communities they represent outweighs the purely economic argument for the factory farm. In my view, they would be very right in so doing. So that is the trade theory and a bit of a background to this bill, Mr. Deputy Speaker.

So, before considering Bill 32 itself, let us ask about the scale of the problem that it attempts to remedy, and I want to quote from a couple of pieces of literature about that. There was a very rough estimate from the Canadian Manufacturers' Association; as far as Trebilcock and Schwanen and several other authors, including people who wrote a book called the Balkanization of the Canadian Economy, as far as they can find out, it is the only quantifiable estimate of the cost of interprovincial trade, and many have pointed out that it is a questionable estimate. The Canadian Manufacturers' Association suggested that \$6.5 billion was the cost of existing trade barriers.

However, I would point out that this measure double-counts much of the federal spending, and the authors of Provincial Trade Wars state that a writer named Whalley undertakes a survey of the most important interprovincial distortions imposed by provincial and federal policies. There are some technical details about

how he did it, but he indicated that the result was that the interprovincial distortion of goods flows in Canada is small, ranging from less than one-fifth of 1 percent of GDP to, at most, 1.5 percent of GDP. He goes on to say that the cost in a region of only 0.06 percent of the labour bill would result—an insignificant cost. He points out further that the capital flow costs would be of a similar low magnitude. Similar comments are made by Trebilcock and Schwanen and de Mestral and others who speak about whether this is a big problem.

(Mr. Mike Radcliffe, Acting Speaker, in the Chair)

Is Bill 32 needed? Trebilcock suggested the majority of the distortions of interprovincial trade are at the level of a few industries, ones which, in fact, have already been dealt with, the brewing and wine industries and, to a great extent, apart from a problem which is now being remedied in Ontario, the trucking industry. That has to do, as members opposite know, with the length of the trailers allowed on highways in Ontario and in other provinces.

It is a very serious issue, Mr. Acting Speaker, that the bottom line appears to be that all of the provinces and the federal government entered into this agreement on interprovincial trade without knowing the scale of the problem they were trying to remedy. There is an old saying in rural Manitoba, and where I come from as well: if it ain't broke, don't fix it. In this situation, the provinces together set out to fix something which is not demonstrably broken.

The second major concern about Bill 32 is whether it speaks to a treaty that is a free trade agreement or not. The majority of opinion in this book, which quotes about 12 authors on behalf of the C.D. Howe Institute, is that the Agreement on Internal Trade is not, in fact, a free trade agreement, and it is not binding. It is simply an agreement among provinces in a federation, not among or between sovereign states.

Because it is within a federation, any province can ignore the agreement and continue to call on its powers under Section 92 of the Constitution. Naturally, there may or may not be consequences to their so doing, but it is hard to see, for example, how Prince Edward Island could compel Ontario to abide by an agreement

that Ontario could simply decide to ignore by calling on Section 92 of the Constitution.

I should point out that, of course, you are a learned lawyer, as well as a learned Acting Speaker, and when an agreement such as the Agreement on Internal Trade, Article 300 makes the point that no constitutional impairment shall come, and I will quote: Nothing in this alleged agreement alters the legislative or other authority of Parliament or the provincial Legislatures or the Government of Canada or the provincial governments or the rights of any of them with respect to the exercise of their legislative or other authorities under the Constitution of Canada.

If the Agreement on Internal Trade, as one of its very key components, says, nothing in this agreement abridges constitutional powers or rights, then it is difficult to see what the Agreement on Internal Trade is adding to the Constitution. In other words, it is not really an agreement on internal trade; it is potentially a set of protocols and not anything more, because it is not actually changing the fundamental nature of our federation.

Furthermore, the agreement, when you read it, is 220 pages, is really nothing more than a long list of things that people intend to do. It is really an agreement setting out a series of honourable intentions, and I would quote further that Article 100 in the Agreement on Internal Trade makes it very plain that this is not really an overarching agreement but really it is an attempt to put in place a framework which might at some point do something. The objective of the parties is to reduce and eliminate, to the extent possible, barriers, et cetera.

I think that, Mr. Acting Speaker, you know from your experience in law that when someone puts in a weasel phrase that is "to the extent possible," what they are really saying is, let us use our best efforts but, if we fall short, we did it to the extent possible, and that is what I think this phrase means in this situation.

In Article 200 of the treaty, Mr. Acting Speaker, there are a number of exceptions. It is interesting that at the very beginning of a major treaty there are five exceptions which cover a huge range of things which

are not to be touched by this agreement: culture in the first one; publication distribution; sale of books, magazines, periodicals, newspapers, et cetera in print or machine-readable form, but not including the sole activity of printing or typesetting; production, distribution, sale and exhibition of film or video recordings; audio recordings; music; radio communications. So all of those are exempt from this trade agreement.

At this point, culture is totally exempt, energy production is not covered, nor are the activities yet of the municipal, academic, social services or health sectors, though there is some indication that there is still consideration of this.

Then, in Section 400, there are a whole series of other exemptions. These come under the heading of Article 404, Mr. Acting Speaker, called Legitimate Objectives. So Bill 32 is attempting to implement an Agreement on Internal Trade that leaves out seven areas, the Legitimate Objectives stated on page 10 of the treaty, and these include such things like—sorry, I have the wrong page reference here [interjection] Thank you, Mr. Acting Speaker, for filling in that gap very nicely.

There are seven exemptions under Legitimate Objectives, and I invite honourable members to listen to this list. [interjection] I wish we could too.

* (1550)

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

Here are the seven legitimate objectives, public security and safety; public order; protection of human, animal, plant life or health; protection of the environment; consumer protection; protection of the health, safety and well-being of workers; affirmative action programs. In other words, there are enough exceptions and exemptions in here through which we could drive one of those trucks that is not yet legal in Ontario.

Trebilcock, Schwanen and others, such as Dr. Morley Gunderson of the University of Toronto,

express strong concerns about the failure to deal with the needs and rights of labour in the Agreement on Internal Trade. They make the point, on page 63 of their book, that it is difficult to imagine that the forum of Labour ministers could actually issue legally binding directives to anyone. After all, when they meet as Labour ministers, Mr. Deputy Speaker, they are simply meeting as Labour ministers. They have no authority to issue binding directives back to their provinces on any matter. They can only bring them back to the provinces for ratification. So Trebilcock and Schwanen conclude that the final effect of the Agreement on Internal Trade is a very modest improvement on the status quo, chiefly in the areas of brewing and alcohol.

A much more critical assessment comes from a constitutional scholar with whom the Minister of Labour (Mr. Toews) opposite, may be familiar, Armand de Mestral from the University of McGill. He, in a very short three-page critique, says the following: The difficulties that I see with this agreement are threefold—and I ask particularly the attention of the Minister of Labour, because this is the kind of thing that constitutional scholars love.

De Mestral says it contrives at one and the same time to involve no law, bad law and the wrong kind of law, and then he goes on to say why. He concludes his arguments with some very important observations about international law. He points out that the agreement even fails to address some of the major obstacles to interprovincial trade that exists. The agreement contrives to apply the wrong sort of law and so on, and I would commend the comments of de Mestral to the attention, in particular, of the Labour minister, because I think it is a very important little comment on the Agreement on Internal Trade.

We on this side of the House have a fundamental problem with Bill 32 in that it provides an enforcement mechanism for an agreement which the House has never considered, Mr. Deputy Speaker. Again, I say this also to the Minister of Labour opposite who as a constitutional scholar has some interest in these matters. We have an Agreement on Internal Trade that has never been tabled in this House, has never been considered before a committee of this House, has never

been studied by the members of this House, but was brought simply as a public announcement and has been placed in the libraries after being signed by the Premier (Mr. Filmon) and by the Minister of Trade (Mr. Downey).

So this House has never, ever studied, and I would wager I think fairly safely that there might be one or perhaps two of the honourable members opposite who have actually even read the treaty, so I would hope that they might do so before pursuing Bill 32 any further.

We have a great concern with what is happening in the federal House at this point, and that is a bill to enact the Agreement on Internal Trade. I want to table for the House, if I can find it, and am particularly interested in the comments of the Minister of Labour (Mr. Toews) on this material, even more interested in the comments of the Minister of Trade, but I think the Minister of Labour might bring some special expertise to this.

These are documents from legal counsel in British Columbia, some very prestigious firms, who have written a very long and I think extremely thoughtful legal opinion about the dangers inherent in Bill C-88 now before the federal House. Specifically, they are asking four questions, and I think I may just have given away all my copies of that. That was not very smart. No, here we go.

They were asked four questions by the government of British Columbia, and I should say also for honourable members that there is no secret about this opinion. The government of British Columbia supplied all Trade ministers with it back in June of this year.

Four questions were asked: Does Bill C-88 go beyond the minimum requirements needed to fulfill the obligations of the federal government under the Agreement on Internal Trade? Two, what alternative language could be substituted in Bill C-88 that would fulfill the minimum obligations of the federal government? Three, could Bill C-88, as introduced, have implications regarding Canada's obligations under NAFTA, particularly with respect to the federal government's obligation to ensure compliance with NAFTA? And four, could Bill C-88, as introduced,

alter the legislative or other authority of the federal government or of the provinces under the Constitution?

And that, Mr. Deputy Speaker, is the most serious question of all. Is it likely, as trade law evolves in this country through the Supreme Court, that Bill C-88 will be seen as changing the constitutional roles, Sections 91 and 92, of the Constitution Act?

In summary, the responses from the learned counsel in B.C. were, yes; yes, there is better language; yes, if Bill C-88 were enacted in its current form there could be significant implications regarding the federal government's extent of obligation under NAFTA. And four, would it change the nature of constitutional interpretation? They say, possibly.

Neither Bill C-88 nor the agreement would change the wording of the Constitution Act; however, they go on to say Bill C-88 linked to AIT could have a significant impact on how the legislative or other authority of the federal and provincial governments will be interpreted by our courts under the Constitution. They go on to make a great deal of detailed findings referring back to the Parsons case in this regard.

So I hope that members opposite will take the time to review the legal opinions put forward by the government of British Columbia and shared with all governments raising very serious concerns about Bill C-88. I see I am coming close to four o'clock. Mr. Deputy Speaker, could you indicate how many minutes I have left?

Mr. Deputy Speaker: You have approximately 13 minutes left at this time.

Mr. Sale: Well, I will go to four o'clock obviously and conclude at a later time. Thank you.

It is striking when you read the Agreement on Internal Trade, the degree to which the AIT mimics the language of the Free Trade Agreement and NAFTA as well as the World Trade Organization. Yet, in the case of the AIT, the parties to the agreement do not have the authority to enact what they hope to achieve. Indeed, it is within the federal authority only to enforce many of the provisions of the AIT, and that is why the legal

counsel for British Columbia is suggesting that there may be serious problems here.

To do what the AIT purports to do requires action of the federal government, and since the AIT clearly affects provinces' ability to regulate trade within their boundaries, that is the basis of the fear that the implementation of federal act C-88 may impair provincial authority under the Constitution, Section 92.

In brief, federal Bill C-88 intends, and I quote, to implement the Agreement on Internal Trade.

So far as I know, only one other province, Alberta, has even introduced this subject into its Legislature. The Alberta bill, by the way, is a statute amendment act—it is simply bringing definitions into alignment with AIT. It is not actually an implementation act. I have, then, a real concern about how many members opposite and indeed how many of our members have read the AIT even in a cursory form or read any commentary on it.

An Honourable Member: I will wait for the Coles notes.

Mr. Sale: Right. Trebilcock and Schwanen. These are the Coles notes. Very good.

I think if we might call it four o'clock that would be a reasonable spot to stop. I have a few concluding comments to make at a future debate, Mr. Deputy Speaker. Is that possible?

Mr. Deputy Speaker: When this matter is again before the House, the honourable member will have 10 minutes remaining.

House Business

Hon. Jim Ernst (Government House Leader): On a matter of House business, Mr. Deputy Speaker, if the Standing Committee on Municipal Affairs, currently meeting, has not concluded its business by 6 p.m., the same committee will meet tonight at eight o'clock in Room 254 to continue consideration of Bills 5, 6, 17, 21 and 22.

Mr. Steve Ashton (Opposition House Leader): On House business, I just want to ask if the government

House leader could perhaps leave discussions on that. We were given short notice. We are having some difficulty getting the committees arranged and there are some other people on the committee as well. So we are open and if we can find people to sit tonight, it is not a problem; otherwise, we may want to suggest an alternate date, for example, tomorrow during the House or during the afternoon. I just want the minister, if he could just hold off on that or even reconsider, if within the next half hour if we have some difficulty with—

Mr. Ernst: That is fine, Mr. Deputy Speaker, I am prepared to try and accommodate members here. We have the same difficulty; we would have the same people sitting on two committees. Where we do have difficulty, in terms of time related, is to try and complete these bills. Perhaps we can have a recess for two minutes and I can speak to—

Mr. Deputy Speaker: Order, please. The honourable government House leader and the opposition House leader wish to confer. We will continue on with House business and you can interrupt at a later time and we can bring forward that at that time.

The hour now being 4 p.m. and time for private members' hour, as previously agreed, debate on second readings, public bills.

* (1600

PRIVATE MEMBERS' BUSINESS

DEBATE ON SECOND READINGS— PUBLIC BILLS

Bill 201—The Health Services Insurance Amendment Act

Mr. Deputy Speaker: On the proposed motion of the honourable member for Inkster (Mr. Lamoureux), Bill 201, The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie, standing in the name of the honourable member for Sturgeon Creek (Mr. McAlpine). Stand?

Is there leave for this matter remain standing?
[agreed]

Bill 204—The Child and Family Services Amendment Act (2)

Mr. Deputy Speaker: On the proposed motion of the honourable member for Burrows (Mr. Martindale), Bill 204, The Child and Family Services Amendment Act (2); Loi no. 2 modifiant la Loi sur les services à l'enfant et à la famille, standing in the name of the honourable member for St. Norbert (Mr. Laurendeau). Stand?

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

SECOND READINGS—PUBLIC BILLS

Bill 205—The Health Care Records Act

Mr. Deputy Speaker: On the proposed motion on second readings, public bills, Bill 205, The Health Care Records Act; Loi sur les dossiers médicaux, is the honourable member going to be coming forward? Not at this time.

Bill 208—The Elections Amendment Act

Mr. Deputy Speaker: On the proposed motion, 208, The Elections Amendment Act; Loi modifiant la Loi électorale, is the honourable member bringing it forward at this time? Not now.

Bill 211—The Limitation of Actions Amendment Act

Ms. Diane McGifford (Osborne): Mr. Deputy Speaker, I move, seconded by the member for Crescentwood (Mr. Sale), that Bill 211, The Limitation of Actions Amendment Act; Loi modifiant la Loi sur la prescription, be now read a second time and be referred to a committee of this House.

(Madam Speaker in the Chair)

Motion presented.

Ms. McGifford: Madam Speaker, I am pleased today to open debate on The Limitation of Actions Amendment Act which hopes to correct a situation in which victims of sexual assault have frequently found

themselves. I refer to those instances where, because of the limitations of actions, victims of assault are unable to seek redressment in civil court for the criminal acts committed against them.

I want to add at this point that though women and girls are most frequently the victims of these types of assault, and therefore changes in legislation would most benefit them, men and boys too have suffered physical and sexual assault in relationships of trust and dependency. We need only to think of Mount Cashel and the shameful records of many of our residential schools. Men and boys will benefit from the proposals in this bill.

Bill 211 amends the current Limitation of Actions Act by removing barriers to civil suits by victims of assault or sexual assault where the assault or sexual assaults took place in a relationship of trust and dependence, for example, when a parent, a guardian or a physician was the perpetrator. In instances of sexual assault the bill removes all time limitations governing civil suits. In other instances of assault, for example, domestic assault, the limitation period is set at 30 years.

Madam Speaker, I want to tell the House that this bill is based on legislation currently in place in Ontario. The Supreme Court of Canada has specifically cited Ontario's legislation and commended its thoroughness and its excellence. This seems to me a high recommendation.

The bill recognizes those cases of childhood sexual assault where individuals for many years and for a raft of reasons are simply incapable of commencing civil proceedings against their perpetrators. All of us in this House, whether through the media, professional or personal experience or through constituency work are familiar with cases like these. I suppose the most famous recent example of belated public disclosure was that made by the surviving Dionne quintuplets, who were not able to break their silence until they were in their 60s. If these women lived in Manitoba and if their perpetrator still lived the old Limitation of Actions Act would not allow them to pursue civil action.

This amendment would change the current statute and enshrine the removal of barriers in a provincial

statute. Women like the Dionnes then could pursue civil action if they so chose.

Those women's groups, professional therapists and counsellors and individuals, both men and women, with whom I have consulted in regard to this bill welcome its intent. They view it as a step in the direction of justice for the victims of crimes. I think too that given the fairly recent recognition of cases involving childhood sexual abuse, especially those cases where abuse is brought to light after years of lost memory or after years of denial, this bill is timely and I of course recommend it to the House.

Perhaps the best known Canadian cases of individuals who as adults recovered their memories of childhood sexual abuse are Sylvia Fraser, Elly Danica and Shirley Turcotte. Fraser and Danica in their respective books, *My Father's House and Don't*, and Shirley Turcotte in her movie, *A Scream from Silence*, have documented their abuse and their healing.

All of these women believe they saved their lives by recovering their memories and objectifying their experiences in art. These women did not proceed with civil actions, but I mention them as artists with international reputations and therefore as extremely credible women, certainly strong argument against the false memory syndrome and excellent examples of the importance of redress and action in healing from sexual abuse.

This bill is timely too in view of the advent of false memory syndrome advocates. The argument of these advocates is basically that therapists eager to cash in on their clients or obtain cannon fodder for research projects plant the seeds of sexual assault in the minds of their clients who then in turn dutifully report childhood sexual abuse.

The false memory argument is as old as Freud. As a young practitioner Freud was staggered by the incredible numbers of women reporting sexual abuse. He first accepted their stories and later, in the face of skeletons in his own family closet, amended his diagnosis and developed his theory of the Electra complex. Women, so the theory goes, desire sexual

relationship with their fathers or with father figures and therefore fantasize these very encounters.

Madam Speaker, Freud was brilliant, but the Electra complex is not an example of his brilliance. Nonetheless, false memory advocates have seized on Freud to champion their cause, to argue that men and women with the conniving of either ruthless or inept therapists have imagined what they reported as sexual assault.

Indeed, the truth may well be that false memory advocates themselves are perpetrators. We know that many perpetrators who vociferously deny their actions are in very prestigious positions and sometimes in powerful public positions in public institutions.

* (1610)

Again, one thinks of residential schools, the years of abuse and torture inflicted on children, mostly aboriginal children. I note the perpetrators in these cases were not quick to acknowledge culpability, and that initially there was great denial and public resistance. As a society, we do not like to see the undesirable underside of our society held up to public scrutiny.

At this point, I want to say the research project entitled Women's Voices Shall Be Heard, Report on the Sexual Abuse of Women by Mental Health Service Providers, this report was prepared in 1993, by the Canadian Mental Health Association. This is neither the time nor the place to examine the report, but I want to make a couple of quick points: (1) both men and women participated in the study; (2) when confronted, perpetrators invariably denied their actions; (3) recovering from assault is a lengthy and difficult process; and (4) in relation to the advocates of false memory syndrome, perpetrators nearly always deny their crimes.

My question is just why would individuals invent the dreadful instances of sexual abuse that are brought before the courts? There is simply no reason why this would happen.

I want to say that Manitoba courts measure the period of limitation from the time that the plaintiff knows or

ought reasonably be expected to know the material facts of a claim. Furthermore, the courts have been relatively liberal in interpreting the expression "ought reasonably to be expected to know." The limitation period for civil action is two years from this time.

The question then becomes, Madam Speaker, why, if the courts are so generous in applying the limitation of actions, is it advisable to extend the time for initiating action in cases of sexual assault involving trust or dependency to drop all limits, and in cases of assault involving trust or dependency to extend the limitation of actions to 30 years?

These are complex and sensitive matters. In many cases, assailants use their powers over victims to draw a curtain of secrecy around the crime and to impose a tremendous burden of guilt on the victims. Only with the passage of time and perhaps therapy is a victim in a position to take legal action. In other cases, and this is particularly true of incest, the victim may suffer memory loss, and regaining memory may take years.

My research and consultations with experts suggest that, when an individual first becomes conscious of the abuse, he or she experiences a good deal of personal trauma and even enters crisis. In fact, the first two years of conscious knowledge may well be the time when an individual is least able to take action. This is often a time of paralysis, confusion, bitterness and emotional volatility. It is a time for healing and not really a time for initiating actions.

The current limitation means that during these two years the pressure to initiate action can put an individual and a therapist under tremendous pressure, pushing them both to speed up the process which requires time. Not only does this interfere with healing but as well makes it more difficult for an individual to reclaim all the memory and the totality of experience.

Furthermore, Madam Speaker, victims of abuse often look to the justice system as a means of validating their credibility and assisting in their healing. When the victim, because of the pressures of time, experiences the court as adversarial, that individual is not vindicated and, indeed, may feel revictimized and deprived of justice.

Extending the limitation of actions would create a climate where the justice system did not throw blocks in the way. The current situation, as mental health care practitioners know, discourages most people from initiating civil suits; therefore, it discourages justice and redressment. Extending the limitations of actions would enshrine in statute the rights of victims. I want to add here that as a society I think we are only just beginning to become aware of the terrible way in which we have violated and ignored victims, and we need to change this.

As I near the end of my debate, I think it is important to point out that in some cases civil suits are absolutely part of the healing. This is especially true for those individuals who have been most damaged, who have been left with little sense of self, and who desperately need validation from the outside. As well, for victims of childhood sexual abuse, it is important to note that they have almost invariably been hurt by figures of authority, by fathers, grandfathers, physicians. Therefore, institutional and public validation can be an extremely important part of their healing. It can be an outward and visible recognition that indeed these people, their experiences are valid.

Then there is the fact that in our culture money talks. If an individual successfully launches a civil action and is awarded damages or restitution, it is a sign that he or she has been fully heard and has had that famous day in court. Of course, the sad truth is that these individuals, often so needy and damaged, probably need money to seek the services that they will require if they are to recover and lead happy and productive lives.

Madam Speaker, this bill proposes a 30-year limitation of actions in cases of physical abuse where there is a relationship of trust or dependence. The bill distinguishes between physical abuse and sexual abuse, because the memory loss which accompanies or can accompany sexual abuse does not usually accompany physical abuse. Thirty years allow minors to come of age, allow victims to regain their emotional composure and also the health required to initiate actions. It allows victims a necessary measure of safety from which to consider litigation.

In conclusion, Madam Speaker, the current statutes neither reflect our current knowledge of victim psychology nor are they fair to victims of sexual abuse

and physical abuse in relationships involving trust or dependency or both. The proposed amendment would free us from the constraints of antiquated legal rules and introduce a new measure of fairness into our courts. With this in mind, I recommend The Limitations of Actions Amendment Act to this House.

Mr. Mike Radcliffe (River Heights): Madam Speaker, I would move, seconded by the honourable member for Morris (Mr. Pitura), that debate on this bill be adjourned.

Motion agreed to.

Committee Changes

Mr. Marcel Laurendeau (St. Norbert): Madam Speaker, might I have leave to make committee changes?

Some Honourable Members: Leave.

Mr. Laurendeau: Madam Speaker, I move, seconded by the honourable member for River Heights (Mr. Radcliffe), that the composition of the Standing Committee on Municipal Affairs be amended as follows: St. Norbert (Mr. Laurendeau) for Morris (Mr. Pitura).

Madam Speaker, I move, seconded by the honourable member for River Heights (Mr. Radcliffe), that the composition of the Standing Committee on Agriculture be amended as follows: The member for Ste. Rose du Lac (Mr. Cummings) for the member for Roblin-Russell (Mr. Derkach), and the member for River Heights (Radcliffe) for the member for Turtle Mountain (Mr. Tweed).

Motions agreed to.

* (1620)

PROPOSED RESOLUTIONS

Res. 36—Wheat and Free Trade

Mr. Frank Pitura (Morris): Madam Speaker, I move, seconded by the member for Emerson (Mr. Penner), that

WHEREAS wheat has been the major grain produced in western Canada, and this wheat is without a doubt the best quality in the world; and

WHEREAS the protein level of this wheat has been high and in good demand by American millers, allowing Manitoba farmers to aggressively market this high-protein wheat to the United States; and

WHEREAS American farmers have protested these sales, claiming unfair subsidization, thus leading to a challenge by the United States government to the Canadian government to curtail wheat exports to the United States; and

WHEREAS the Canadian government, without challenge, conceded to export limitation and accepted quota limits on Canadian wheat to the United States, all without having our trade panels review Canadian wheat pricing.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba unanimously challenge the Canadian government's right and motives regarding this action and demand a reopening of the border to wheat exports until such time as the Arbitration Tribunal of the Free Trade Agreement can make reasoned and balanced decision.

Motion presented.

Mr. Pitura: Madam Speaker, it is indeed a pleasure to finally stand up and speak to this resolution. It seemed every time I tried it was always six o'clock. In 1988, when the federal government signed the Canada-U.S. Free Trade Agreement, the grain farmers of Manitoba were filled with optimism. It was thought that this agreement would ensure that Manitoba's grain producers would have open and unfettered access to sell their crop to the American market. This would seem to be the intent of a bilateral free trade agreement. Yet I rise in the House today and must regrettably report that the anticipation and optimism that Manitoba's wheat producers felt seven years ago have been replaced by disappointment and frustration.

Madam Speaker, the vision that our province's farmers had, a vision of producers transporting and selling the world-renowned wheat to American

consumers at the volumes they wished, was apparently not shared by the federal government or the Canadian Wheat Board. The summer of 1994 was a time of record levels of grain exports to the United States. It was a time when our farmers were reaping the benefits of being able to market the world's finest grain to the world's largest market. Yet, despite the benefits and rewards that come with a strong export market, the summer of 1994 also saw the federal government bow to American pressure and place a cap on the amount of Canadian wheat that can be exported on an annual basis to the U.S. market. Madam Speaker, the implementation of a cap on grain exports is viewed by Manitoba's grain growers as not only contrary to the spirit of free trade, but also as the politicians in Ottawa selling out their interests. It is important to remember that the federal government was not without options. There existed diplomatic options that were negotiated for, first, in the Canada-U.S. Free Trade Agreement and options that were subsequently secured under the North American Free Trade Agreement.

The federal government could also have sought an adequate solution under the General Agreement on Tariffs and Trades and yet, Madam Speaker, these options were not chosen. Rather than seeking a fair ruling as to free trade and its implications on Canadian wheat exports, the Canadian Wheat Board would administer an artificial level of trade. One is left to wonder what the games are of a free trade agreement when our federal counterparts choose not to use the mechanisms available when disputes such as this arise. Is it really the intention of a free trade agreement to limit exports when one nation achieves a trade advantage over another? It is clear that the notion of a cap violates the meaning and spirit of free trade.

When the Memorandum of Understanding was signed in 1994, it provided for the establishment of a joint commission on grains. The objective of this commission was to make recommendations to assist the Canadian and American governments reach a long-term solution to the problems in the grain sector. This commission, Madam Speaker, examined all aspects of the two countries' respective marketing practices. Having completed its preliminary report, the commission has made among others the following recommendations: (1) that the United States eliminate

its Export Enhancement Program; (2) that the Canadian Wheat Board be placed at risk of profit or loss in the open marketplace; and, (3) that the domestic agricultural policies in both countries be modified to remove trade distorting effects.

Madam Speaker, as of September 12 of this year the one-year Canada-U.S. wheat agreement expired without being extended. The United States has indicated that they will continue to monitor Canadian wheat shipments to their market and will use their own trade laws if Canadian exports exceed the previous cap levels.

So Madam Speaker, as of today Manitoba's grain farmers are still forced to pool all of their harvest through the Canadian Wheat Board and are limited in the amount of grain they may sell into the American market. It is important to remember that these shackles are the ones that our own federal government allowed to be placed upon our farmers. They are restraints that did not have to be placed there and they are limitations that were thought to be destroyed after the negotiation of the Free Trade Agreement.

Madam Speaker, the Filmon government recognizes that Manitoba's farmers face enough challenges and obstacles in making ends meet without having to wage war with a federal government that is acting contrary to their best interests. Manitoba's farmers battle the forces of nature. They battle fierce international competition. They battle to make their loan and mortgage payments, and, in face of all this, they need a federal government that is willing to go to battle for them.

Madam Speaker, the farmers of Manitoba have faced a further challenge with the recent elimination of the Crow rate for the transportation of grain. Due to the central location of our province, this has certainly increased the transportation costs our farmers face, somewhere in the neighbourhood of about \$200 million.

Yet we are not without our advantages. The first and foremost is that Manitoba's farmers produce the highest-quality wheat in the world. The second is that our province and our bread belt is bordered along one of the largest consuming markets in the world. Yet, as

commendable as these advantages are, what good are they if our federal government will not allow Manitoba's farmers to capitalize upon them?

Madam Speaker, imagine the frustration of a farmer who has worked around the clock to ensure a successful crop and then is forced to turn that wheat over to the Wheat Board and is not allowed to seek out the most lucrative market for their harvest. The frustration surrounding these circumstances has caused some of our Manitoba farmers to defy the law and be subject to prosecution.

May I suggest, Madam Speaker, that this is not free trade, this is not fair trade and this is not right.

The United States Export Enhancement Program is the most trade-distorting mechanism in the whole of the international markets. For Canada to not insist and use every available means to ensure its elimination is deplorable. Our government is steadfast in its belief that the legislators in Ottawa need to continue to ensure that the U.S. border remains open to Canadian exports. From the outset this government has strongly opposed the wheat cap and has felt that there was sufficient protection under the GATT and the NAFTA agreements without having the federal government cave in and agree to a cap.

Madam Speaker, we need the Canadian Wheat Board and the federal Liberals to understand that Manitoba has a very distinct locational advantage for marketing in the U.S. We need them to understand that our farmers have to capitalize on their inherent strengths in the face of many challenges. We need the legislators to act upon that understanding and support the farmers of this province and country.

As I travel throughout my constituency during the year, I witness first-hand the effort and dedication that is required to bring in a successful harvest. Those individuals who choose to work Manitoba's farmland for a livelihood do not do so in the hope of an easy living, and they do not do so in the hope of an easy paycheck. No, Madam Speaker, they do it because they have a love of the land and the satisfaction that it provides. Yet, in these fields that produce the ingredients for the food the world consumes, there is a

growing and real sense of frustration. It stems from the belief that the federal government has interests other than that of Manitoba's farmers at heart. It stems from a belief that they have had their interests sold out and that they lack a strong voice in our nation's capital.

Yet our government has chosen to make a stand, and we have chosen to stand with the farmers of Manitoba. We have chosen to support their right to sell their grain products directly and without limits to our neighbours to the south.

* (1630)

Today, Madam Speaker, I ask all members of this Assembly to take a similar stand and support Manitoba's farmers in their fight for free trade by approving this resolution. It is my belief that they have not only earned our respect but they have earned our support. Thank you.

Ms. Rosann Wowchuk (Swan River): Madam Speaker, I want to thank the member for Morris for bringing forward this resolution and putting those interesting comments regarding the Wheat Board on record.

When we look at what this is all about and we look at the Free Trade Agreement that was signed in 1988, I can remember many of the discussions that took place at that time.

People said, well, if we get into this Free Trade Agreement, our Wheat Board is going to be under attack. If we get into this Free Trade Agreement, other supports for farmers are going to be under attack. Our orderly marketing is going to be under attack. But no, the proponents of free trade said, oh, no, do not worry, just like we do not have to worry about our unemployment insurance and our health standards, everything is going to be fine under free trade.

Well, let us look down the road, and what do we have here? We have the Free Trade Agreement and we have our Unemployment Insurance program being eroded and brought into line with American programs. We have our health care system certainly under attack,

and we have the Crow benefit gone that was a support for farmers, and we have the Wheat Board under attack, something that the supporters of free trade had said would never happen.

As we had said would happen, that has become a reality, and we see the U.S., Americans wanting to get rid of our Wheat Board, and they have an ally right here in this province where we have producers here in this province who think that they can do a much better job on their own and have forgotten the real value of the Wheat Board and why it was introduced, because it brought equality to all farmers across the Prairies.

We have proponents, people right here in this House, saying that we should be getting rid of the Wheat Board. I am extremely surprised to hear those kinds of comments, Madam Speaker, especially in light of the fact that last year when we had a vote on the Wheat Board Advisory Committee, there was overwhelming support for the Wheat Board, and it was those people who were in support of the Wheat Board who got the support, farmers indicating very clearly that they want to see the Wheat Board maintained.

It is a shame that we have people within our own country trying to become allies with the Americans in undermining the very supports that are very important to farmers in this country.

With respect to the caps, I was also, as all of us were on this side of the House, disappointed that the federal government agreed to the caps on the amount of wheat that would go into the United States.

We had expected a stronger fight from the federal government on that issue, Madam Speaker, but I guess when we look at what the federal Liberals have done and the actions that they have taken toward the farmers, we should not be surprised that they did not take a stronger stand on it.

Madam Speaker, that cap has been removed, but the Americans have stated clearly that they intend to watch this very closely and consult with Ottawa if shipments should exceed, but there is in fact a temporary agreement in place now that the caps are—it is not a permanent cap. But I can tell you, Madam Speaker,

that I believe the Americans are going to be trying to get this permanent cap in place, and if it is not, they are going to be negotiating to get other things removed for Canadian farmers. In fact, it is stated in the Co-operator that the United States will convince Canada to permanently cap wheat exports to the U.S. by using supply management systems and the possibility of separation to lever the Americans into putting in place a permanent cap.

So, Madam Speaker, this issue of capping the amount of grain into the United States is not a fair move, and I think we have to look at why we are shipping grain into the United States. Basically, we are shipping grain into the United States because they have created a vacuum by shipping their grain out of the country under the Export Enhancement Program, and Canada is filling that vacuum. If they were not shipping that grain out, there would not nearly be the market there. We also have to recognize that we have a very high-quality grain here in this country that Americans do want for their pasta plants.

I think that we have to also look at more development so that we would be using that high-quality grain to get value-added jobs here in this country as well, but we will never process all that grain. We do have to ship some of it to the U.S. market, but we should not be trying to sacrifice the Wheat Board to ensure that that market is there. It is a high-quality grain. They want it. We will be able to access that market because it is needed, and saying that we should allow farmers to travel back and forth across the border and make their own deals is absolutely ridiculous, because within a very short time we would clog up those elevators across the border, and we would have a bigger fight than you can imagine from American farmers. In fact, that is one of the reasons for the cap, because the American farmers do not want to see our grain coming across the border and clogging up their system.

So, Madam Speaker, there are issues that should be addressed. The federal government should be working very hard to ensure that we do have access to those markets, but the federal government and the Canadian Wheat Board should also be looking for other markets. We should not be tying ourselves completely to the

American market. There are people all over the world who are hungry, millions of people who need food, and we can be exporting to other countries as well. We should not just be saying that this is the only market that we can depend on. There are many more markets that we can look at, and we should not be threatened by the heavy-handedness of the Americans who want to see our Wheat Board eliminated, who want to see our supply management eliminated.

Past Canadian governments have worked very hard to develop a special system here in Canada, one of them being the Canadian Wheat Board, to ensure that there is equality for those who live farther from the market and those that live closer to the market. If we look back at history, before the Wheat Board was in place there were people who were—smaller farmers who had to sell their grain early in the fall to make their payments versus those that were larger operators and could hold out for the higher prices. Those people really suffered without the Wheat Board, and I would be very disappointed to hear that there is a move on the part of the government side not to support the Canadian Wheat Board.

I am anxiously awaiting the full recommendations from the Canada-U.S. Grain Commission. We heard the preliminary reports and I was very disappointed when that report recommended that the Wheat Board be placed at risk of the marketplace because really that is the beginning of the dismantling of the Wheat Board.

I think that we cannot take our supports away from our producers and allow the Americans to continue with the supports they have. The Americans have done their share of distorting markets. As I said, they have their Export Enhancement Program, they have paid farmers large amounts of money to take land out of production, and they certainly have their share of supports there.

We have to look at the way that both countries do trade. They are different countries, but in no way does Canada support their farmers more. In fact, now that the federal Liberals have taken away the Crow benefit and the pooling benefits that western Canadian farmers had, our farmers are at a very serious disadvantage. If we even consider taking the Wheat Board away, we

will further jeopardize the farmers, particularly those who live some distance away.

* (1640)

I think that in a country such as Canada, we should be looking at equality for all producers, not looking at the people who live along the border and, say, oh, yes, let us get rid of the Wheat Board because this is good for these producers down here, and to heck with the rest of the province, the rest of Canada. That is not the way Canada works. I think we have to be very careful with those kinds of suggestions.

Certainly, there are concerns with the capping. We feel that both countries should be able to trade. If you look at the trade stats, there is an excess of a far greater amount of trade coming into Canada. My colleague the member for Crescentwood (Mr. Sale) just the other day raised the issue that we are having much more goods coming into Canada than are being exported into the United States.

So we should not be having our grain capped that goes into the United States. We have to look at all the balances of trade, but that should be able to be worked out without caps. We should not even dream about saying that we are going to improve trade into the U.S. by removing the Canadian Wheat Board.

I think we have to clearly remember that when the Free Trade Agreement was signed, we were told that we did not have to worry, that there would not be any trade barriers. If this is a true free trade agreement, trade caps should not be put in place, they should be able to be worked out, but I think we have to really recognize what this Free Trade Agreement is. It is free trade for the United States, and Canada takes what is left over.

We should be standing up and fighting for the very important parts of our farming economy, and in particular, we should be fighting to ensure that the Canadian Wheat Board stays in place.

I have concerns that the federal Minister of Agriculture has said he is going to be reviewing the Canadian Wheat Board. That frightens me because I

am sure that part of his plan is once he starts to review it, he is going to be moving in the direction of dismantling, and that certainly is not what farmers want.

As I say, farmers spoke very clearly when they had the vote last fall on the Wheat Board. They voted for the people who were in favour of maintaining the Wheat Board. People who were supporting dual marketing in fact got one seat of all the seats on the Wheat Board Advisory Committee.

There is tremendous support for the Wheat Board. We should not even consider dismantling it. Certainly we have to have trade with the U.S., but we should not be banking on all of our trade going that way. We should be looking for other markets.

We have to also be very vigilant and ensure that the United States does not try to play games with other parts of the farming economy. I would be very concerned if in fact they are going—and I know that the United States has many times said that supply management is unfair for Canadian farmers as well.

I want to put very clearly on the record that our position is that the Wheat Board must be maintained. We do want trade with the United States but not at any price. We are not willing to sacrifice our supply management boards, our supply management system.

I would have hoped, when I first saw the title of this resolution that the member would have stated in his resolution that he was very much in support of the Wheat Board. I am disappointed to hear that that is not the direction he is taking.

I can assure you, Madam Speaker, that we will continue to speak up for farmers, as they have spoken up for themselves when they had their vote, that we will want to see the Wheat Board maintained and work along with producers in that respect. Thank you.

Mr. Jack Penner (Emerson): Madam Speaker, it gives me a great deal of pleasure to rise on the resolution that is before the House today, dealing with the whole grain marketing system.

I guess when you really look at the resolution, we are not really only dealing with the grain marketing system in Canada or North America. Really what the resolution speaks to is the ability of the three countries that have signed the NAFTA agreement to in fact abide by the rules established under that agreement. That is what is in question here.

I think we can go back in history only a very short period of time. During the debate of the Free Trade Agreement between Canada and the United States, there was a very significant effort made by the American negotiators to do away or call into question many of the programs that Canada had for decades used to encourage the production of agricultural goods in western Canada. One of the key issues that was raised continually during the FTA negotiations, the debates, was, of course, the benefits that farmers received under the Crow rate.

The second issue that was raised time and time again was the validity of the supply management system that Canada had established for its poultry, dairy and a number of other sectors. The third one was, of course, a question as to whether Canada should be allowed to maintain under the auspices of the Free Trade Agreement the system of support, the ad hoc system of support to agriculture that Canada had utilized for many, many years, such as the special grains program and those kinds of things.

Canada in turn countered and called into question the EEP program, the Export Enhancement Program, the farm stabilization program that the Americans had used and the on-farm storage program, the land set-aside program and many of those kinds of programs that the United States has used.

In the final negotiations that took place just before 1988, during 1987, when I sat on the Canadian Federation of Agriculture board of directors as a vice-president, one of the most interesting things happened, that our negotiators were able to convince the American government and the people negotiating on their behalf that we should sign an agreement which would allow Canada to institutionalize, really, those programs under the auspices of that FTA, and, similarly, we would not call then into question the

Americans' right to keep their land set-aside program, to support agriculture within their boundaries and to allow the quotas that had been used to keep goods out of each others' countries to disappear.

That was the issue and that was the real trade-off. We would do away with the quotas, and in place of that we would put in place a series of tariffs, and the tariffs would be determined by a binational panel, and whatever the determination was, that is where the quotas would be set, agreed to.

Canada, in my estimation, came out by far the big winner in the Free Trade Agreement. I will never forget the day that I walked into this Legislature and the weeks ensuing when the opposition members, time and time again, criticized the Free Trade Agreement, and they said it would have a major economic impact on this country, and it would cause huge detrimental effects to employment in this country. Well, how far from wrong, how far from the truth was that, and were they utterly wrong?

We have seen a very major increase in employment in this province and indeed in this country because of the agreements that have been struck because now and for the next five years hence until the true total impact of the Free Trade Agreement and the NAFTA agreement come into being, and remember that it was a 10-year tariff reduction program that we were negotiating, the true impact of that agreement will not be felt till at least five years hence. So roughly about the year 2000 will be the final year of the determination of how effective the agreements really were.

* (1650)

What struck me as utterly astounding from a farmer's perspective and a politician's view in Manitoba is that the federal government during the last two years allowed itself to be manipulated by federal negotiators and allowed themselves to be persuaded that our wheat exports in fact had a deterring effect on pricing in the United States. How wrong they were. Consequently, the federal government in Ottawa agreed to limit the exports of wheat and grains into the United States simply by the fact of the persuasion of the federal U.S. negotiators.

Not once did we call into question the Export Enhancement Program and the effect that had in the decrease of pricing in Canada that would in fact allow us to market into the U.S. under their supported program. That is the key issue in this resolution. That is what we are debating in this resolution.

Now, why are we discussing the Wheat Board? I have always been a strong, strong supporter of the Wheat Board. I think the Wheat Board has done a marvellous job in the past, but let us look at the real world today. Let us look at what happened. Let us look at the decision that the federal Liberals have made in the last two years.

They have done away with the Special Grains Program. They have said there will no longer ever be another special consideration made to keep agriculture in business in western Canada. Okay, let us accept that. That is what they have said.

They did away with the Crow benefit, something that we had held sacred as farmers forever because it caused each and every one of us to be allowed to export, market our grain or put our grain into an exportable position at the same price. Whether you lived in Alberta, whether you lived in Hochstadt, Manitoba, it did not matter. The price of shipping grain off the farm in western Canada was equalized through that agreement. We threw it out the window. What did that do? We put in place a small payment in recognition of the hurt that we would be caused over the next millennium, \$1.6 billion. What do we do? We in Manitoba accepted the fact that we were hurt the most, yet we would be compensated the least. Those are realities. Those are facts.

We know that Alberta will probably be the biggest benefactor of the \$1.6 billion amount. We know that Saskatchewan will be the second biggest benefactor, and we know that Manitoba will receive the least. Why? What does that do to Manitoba farmers? The fact of the matter is we will now pay some \$45 a tonne additional for shipping grain out of Manitou or Pilot Mound into any of the export markets, regardless of what the true cost is. We will not be allowed to, under the current terms, be allowed to designate our shipments through southern ports down the Mississippi

and through the gulf ports, and even if we were, our cost would be based on the export price of Vancouver and Thunder Bay—not Thunder Bay, but Baie-Comeau. Thunder Bay used to be our export position—no longer. We now pay the full cost without pooling through to Baie-Comeau.

So farmers are asking the question, in light of the fact that the price of wheat yesterday at Chicago was \$519 U.S. Now you multiply that times \$1.36 yesterday. Tell me what the price of Canadian wheat should be on the farm in Manitoba, even in Swan River. It would be almost \$8 a bushel for wheat in Swan River, Manitoba. Durum wheat today based on U.S. prices would sell for better than \$10 a bushel, Madam Speaker, and yet, when I take my load of wheat to the elevator to sell to the Canadian Wheat Board, I am paid today less than \$4.

I have no guarantee that there will be a final payment. If they make money on the future sales, there will be. But there is no guarantee that the Export Enhancement Program will not be used by the Americans to drive our export markets down to a limit where I will receive a final price of less than \$4 a bushel when I could be marketing today directly and hauling by truck for a lot less than \$45 a tonne, my grain, just across the line from my place.

Anybody from Swan River could haul their grain for less than \$45 a tonne to a U.S. market, I kid you not, and yet we are forced to, by the same old rules that we applied years ago, when all the other rules have changed.

Now, Madam Speaker, I very briefly make the case to you. All the other things have changed. Should we then enshrine the Crow or should we then enshrine the Canadian Wheat Board to keep on operating the way they have in the past? I say no. That is the question.

I say to you that it is time that we recognize that we as farmers and we as legislators in this building had better start addressing the real issue that will face us and in a realistic manner start negotiation and discussion on how we best serve our farmers and to set aside the institutions that we have had and draft new agreements for new institutions that will serve the

needs of the farmers today under the new changes and the new rules and the new criteria that we are faced to deal with.

That, Madam Speaker, is the essence of this resolution. It does not destroy the Wheat Board. It does not destroy the free market system. It enhances both. It would allow the individual to make the free choice. And I say it is about time that we as legislators start giving the freedom back to the people.

That should not deter us from making the choice whether we want to retain the services of the board. They have done a marvellous job, and I think they can do a marvellous job in the future. But it will have to be done under new rules.

I say it is about time we look at new rules to accompany and provide the same rationale that we are now no longer as farmers subjected to the same kind of costs that we were before, our costs varied vastly from one end of western Canada to another.

We never questioned once when we applied the rules of limitation of wheat exports to the United States the ability of the Americans to export corn into western Canada. We allowed them free access to our feed market, drove our barley prices way down. We never questioned once the Americans' ability to export to us.

We never questioned once their ability to export whatever they chose to into Manitoba whether it be John Deere tractors to compete against our Ford-built tractors in Manitoba. We never questioned that. We never questioned how many jobs they took from us in that sector. Neither did the opposition. Should we not? I think so because that is at the core of this whole matter.

So I say to you, I would ask all members opposite and all members of this House to help us pass this resolution.

Committee Changes

Mr. George Hickes (Point Douglas): I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on

Agriculture be amended as follows: Broadway (Mr. Santos) for Wellington (Ms. Barrett) for Thursday, October 26, 1995, for 8 p.m.

I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Municipal Affairs be amended as follows: Osborne (Ms. McGifford) for St. James (Ms. Mihychuk) for Thursday, October 26, 1995, for 8 p.m.

Motions agreed to.

Madam Speaker: The hour being 5 p.m., as previously agreed, Resolution 37.

* (1700)

Res. 37—Extension of Pay Equity Legislation

Ms. Diane McGifford (Osborne): I move, seconded by the member for Thompson (Mr. Ashton), that

WHEREAS in 1985, The Pay Equity Act was passed unanimously by the Manitoba Legislature; and

WHEREAS The Pay Equity Act was Canada's first noncomplaint based pay equity legislation and was used as a model in other jurisdictions for the implementation of pay equity; and

WHEREAS the act required employers in a portion of Manitoba's public sector to correct gender-based wage discrimination by applying the principles of equal pay for work of equal value; and

WHEREAS in November 1988, then-Minister of Labour Ed Connery initiated an information-gathering process with a view to a thorough assessment of the implementation of pay equity to date and a determination of which new pay equity initiatives should be implemented; and

WHEREAS the provincial government pledged to extend pay equity into the broader public sector and indicated that it would support a review of the legislation to ensure the intentions of the act are maintained in terms of maintenance of wage gains for affected groups; and

WHEREAS only a few school divisions have voluntarily implemented pay equity principles, and there has been no action on extending legislation to the broader public sector or municipalities; and

WHEREAS there is still a substantial wage gap between women and men in Manitoba; and

WHEREAS barriers to equal pay for women mean that many families do not have an adequate income; and

WHEREAS women working in both the public and private sectors should be guaranteed fair pay for their work.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider studying the experiences of other jurisdictions which have implemented pay equity legislation; and

BE IT FURTHER RESOLVED that this Assembly urge the Minister of Labour (Mr. Toews) to consider beginning consultations on the extension of pay equity legislation in Manitoba.

Motion presented.

Ms. McGifford: I am pleased today to rise and to speak on this resolution on pay equity legislation and to recommend its acceptance to all honourable members. It is certainly my hope that this resolution will come to a vote and will not join all the previous resolutions at the bottom of the Order Paper.

The resolution before us addresses an issue which tradition places near the heart of New Democrats and which is in conjunction with our policies. Equity issues are very much a part of our commitment to social and to economic justice and to the full and equal participation of women in all aspects of community life.

I trust that our just causes can and should be shared by the members opposite, therefore it seems to me that all fair-minded members of this Legislative Assembly will support this resolution, which is modest, asking

only that the House urge our government to study pay equity legislation in other jurisdictions and, secondly, urge our Minister of Labour (Mr. Toews) to begin consultations on the extension of pay equity legislation in Manitoba.

The need for the extension of pay equity is everywhere before us, and without being thoroughly inclusive, I will provide some examples.

We know that the numbers of women in the working force have grown considerably. As Stats Canada put it in its spring 1995 publication, *Canadian Social Trends*, and here I quote from Stats Canada:

Of all the social and economic changes that have affected the Canadian labour force during the past two decades, one of the most pronounced has been the increase in women's employment. We know, however, that this increase in the number of women in the labour force has not been matched by commensurate changes in the differences between the earnings of men and women. Although the gap between men's and women's wages has narrowed, women employed full time and part time continue to earn considerably less than their male counterparts, regardless of age or levels of education. The gap is narrowing as increasing proportions of women with higher levels of education and more work experience move into better paying jobs. Still, narrowing is not good enough.

The very best-case scenario with respect to wage differences occurs in the group of women aged 24 to 34 and of this group who have university degrees. This group makes 84 percent of what their male counterparts earn. The greatest discrepancy between male and female wages is that group of women between 45 and 54, who have some post-secondary education. This group, to our shame, makes 51 percent of what their respective male counterparts earn. In other words, in this group and with this level of education, a woman makes 51 cents for every dollar that her male counterpart makes.

On the average, and this is all categories, all ages, women earn 71.66 percent of what their male counterparts earn. Calculated over the years this is, of course, a staggering difference and will make a

staggering difference in the quality of life and pensions, and that is just to name two factors.

Before proceeding, I want to return briefly to that category of women between 45 and 54. I was not surprised to discover that this is the group to suffer the greatest discrimination in earnings, but I was not quite prepared for the severity of the discrimination.

I think that we know, at least women know, that, all posturing to the contrary, women in Canadian society continue to be valued almost in direct proportion to their age and that the group between 45 and 54 fall definitely into what society views as the shop-worn category. The statistics on earning underline this very sorry and discriminatory fact. On the average, women in this category make 67 cents for every dollar that their male counterparts earn.

It is not surprising then that old women are among the poorest of Canadians and that an astounding number of old women live in poverty. It is not surprising that on an average day any one of us can go to a supermarket, Safeway, et cetera, and see our elderly female constituents searching for cheap cuts of meat or bargains of all kinds.

Madam Speaker, I represent a constituency which is home to many seniors, many of whom live on fixed incomes, and women's fixed incomes are nearly always fixed lower than their male counterparts. One of the grim and ugly realities of female life is that 75 percent of Canadian women live out the last quarter of their lives in poverty.

Today I want to ask the Minister of Labour (Mr. Toews) to assume some responsibility for redressing these inequities. Let us move to ensure that history does not repeat itself, trapping still another generation of Manitoba women who must live their declining years in want and poverty.

The need for pay equity is apparent too in the child poverty rates in our province. We know that Manitoba has a greater incidence of childhood poverty than any other province in Canada. We know that 25 percent of our children live in poverty. We know that the rates of poverty are the severest among single-parent families

and that 86 percent of single-parent families are headed by women.

These families need more money, and they deserve fairness. We need pay equity. While some of these families are on social assistance, others are supported by women wage earners, some of whom are the working poor, some who earn liveable incomes, and then there is the odd woman who does financially very well. But only a very few of these women makes a dollar for every dollar earned by their male counterparts.

I think that at our current rate of narrowing the gap between male and female wages, we will strike parity sometime in the next millennium.

* (1710)

Of course, pay equity by itself will not eliminate childhood poverty, but it will not hurt, and it might help. Members of this side of the House certainly encourage the Minister of Labour (Mr. Toews) to give it a try. I am sure that the 86 percent of single-parent families headed by women, especially the 57 percent of those families who live below the poverty line, will be very grateful indeed, not to mention the other women in Manitoba who currently have no choice but to tolerate discriminatory earnings.

Clearly, pay equity is a social justice and a Status of Women issue since the society where women and men are paid different wages for the same or equal work is a society where women are not recognized as full and equal participants. Add to this the growing feminization of poverty, the childhood poverty of our province and the terrible ramifications of poverty, the need for the extension of pay equity legislation is certainly apparent. Women working in both the public and private sectors should receive equal pay for equal work.

Turning more specifically to the issue of pay equity, I want to highlight the contribution of Mary Beth Dolin, a dedicated feminist and a New Democrat Minister of Labour during the early '80s. Dolan's personal vision and commitment were behind The Pay Equity Act, which the House passed in 1985, making

Manitoba the first jurisdiction in Canada to pass pay equity legislation. The Minister of Labour in 1985, Al Mackling, was responsible for the passage of this noncomplaint based, proactive legislation.

The act provided for the implementation of pay equity programs based on job evaluations, first in the provincial civil service, later in external agencies such as Crown corps like MTS and Manitoba Hydro, 23 health care facilities and four universities.

The first pay adjustments were announced on October 1, 1987, the culmination of a two-year process in which the government and the Manitoba Government Employees' Association had first negotiated and then implemented a job evaluation plan.

Pay equity negotiations have been successfully concluded in all agencies, though with the election of a Tory government in 1988, in 1990 health care workers were forced to resort to a court challenge and in 1991 the court decided in their favour.

In 1985, the members opposite adopted the position that legislation was not required, that pay equity could be negotiated through collective bargaining. Later, I understand the Premier (Mr. Filmon) announced a commitment to extending pay equity which emerged in 1988 with the then-Minister of Labour, Ed Connery, initiating an information-gathering process. Later, the government pledged to extend pay equity into the broader public sector. Finally, many other pledges and promises were made.

Unfortunately, the Tory pay equity pledge was based on a voluntary approach to pay equity. Though the government in 1991 provided some funding incentives, which they hoped would induce school divisions to implement pay equity, past experience shows that the voluntary approach is not a method that usually works.

As this resolution points out, not all school divisions have voluntarily implemented pay equity principles, and there has been no action on extending legislation to the municipalities. Then there is the private sector. Those in positions of power and those holding the purse strings are usually unwilling to voluntarily give their money or power away.

I have perused Hansard in order to establish just what this government's current pay equity position might be, and all I find is a record of prevarication and inaction, and here is an example, Madam Speaker. Recently, I was told by the Minister of Labour's (Mr. Toews) office that the Pay Equity Bureau, established in accordance with the 1985 Pay Equity Act, was disbanded in 1994 because the work was done. Well, quite clearly, legislation will be required if pay equity is to be extended, and, just as clearly, we need some leadership from this Minister of Labour.

The minister can certainly turn to the progressive legislation passed by the State of Minnesota and the Provinces of Ontario and British Columbia. He can return to Manitoba's Pay Equity Act. I particularly recommend to the minister Ontario's Bill 79, the Employment Equity Act, which mandated not only pay equity in most Ontario workplaces but also employment equity.

I add with regret that it appears Ontario's new draconian government is committed to dismantling this progressive legislation. One wonders if anyone will be left working in Ontario and if anyone will enjoy social justice. For my money, I prefer the wisdom of Rosalie Abella to Mike Harris's knee-jerk agenda, and I cite here Ms. Abella's Royal Commission report of 1984 in which she recommended legislated employment equity in all workplaces. I am sure our Minister of Labour (Mr. Toews) knows the document, and now if only Mike Harris knew it, and he apparently does not.

The current government of Manitoba said it is for women's equality. The Minister for the Status of Women (Mrs. Vodrey) frequently reminds us of her personal commitment to Manitoba women and of her government's action in promoting the status of women; but, when women begin to ask for legislative commitment, that is usually when the excuses start. Of course, rationalizations for barring women from equal status in society are as common and hidebound as corporate donors at a Tory fundraiser.

Of course, too, women have traditionally worked for free and now some employers expect women to work for less. There are a host of frequently cited arguments against pay equity like these ones: Pay equity threatens

the free market system; pay equity means the end of a free and democratic society.

In closing, I point to the importance of learning from experience in other jurisdictions and urge the minister to do his homework. Second, I urge the Minister of Labour (Mr. Toews) to begin public consultations on pay equity but do not drag them out, for, finally, I remind the minister that the bottom line from women in women's groups is straightforward, basically this, just give us the money, we have our lives to lead and our families to care for.

Hon. Darren Praznik (Minister of Northern Affairs): Thank you very much, Madam Speaker, for the opportunity to address this issue on behalf of this side of the House. I know there are other members who want to contribute to this debate.

The member for Osborne (Ms. McGifford) has outlined some of the history of pay equity legislation in Manitoba, and I must say, in what I would consider to be a very partisan way. In fact, many of the specific facts that she outlined, she tended to gloss over very quickly many of the things that this government has done on this issue in a way that I think was very unfair to the many people who were involved in that particular process, both on these benches and in the community.

My observation is that many of her analyses of this issue are quite frankly very simplistic, I say this to her, very simplistic. Her parting comment as she sat down about, just give us the money and we will go live our lives, well, it begs a whole host of questions. You know, the member sits in a party whose fundamental principle on its labour side has been free collective bargaining.

When I, as Minister of Labour, minister responsible for pay equity, dealt with the implementation of this legislation—and I just want to remind the member when she mentioned about the health care facilities, the reason why there was a problem in health care facilities was because when her party was in power, they only included in the legislation 23 of the health care facilities. The women working in all the others did not matter to the New Democratic Party when they were in government. They did not matter.

Twenty-three were legislated in the act, only 23, so women working at the Beausejour Hospital or the Pinawa Hospital or the smaller facilities in Manitoba were not important to this so-called high-principle party, only the women in the 23 institutions that they named.

An Honourable Member: What was the rationale for that?

Mr. Praznik: Well, I am not going to defend the rationale that was done. We came to power, we had to deal with their issue and we worked through the issue. The court challenge was a little more complicated than the member would let on, but the issues were dealt with. They were dealt with in an negotiated way, and they were fulfilled.

But not for one minute should the member for Osborne stand on a pedestal in this House as if her party is the only party that has fairness because, quite frankly, their legislation brought into law a very fundamental unfairness in picking which institutions would be covered by the legislation, and she should not forget that.

Madam Speaker, coming back to the point I made about free collective bargaining, this whole issue does raise a fundamental question, and particularly in the public sector where public-sector unions like the MGEU, the health care unions, et cetera, are very powerful and have been very powerful—unions that were led by her party Leader, Mr. Doer, who represented thousands of women in the public service of this province through a number of negotiations.

* (1720)

I have to ask why the representatives of those employees who come to the table in bargaining were not addressing those issues on a regular basis in bargaining those categories of salaries on behalf of their members. Why was legislation even needed to equalize categories if those people had been properly represented over the years?

Now, I can guess some of the reasons. Obviously, there is a history to this. I accept that; we understand

that. There is a history to this. Traditionally, over the years, women have been paid less in female-dominated categories in government. We know that. That has to be addressed, and had to be. I have always argued, and I think anyone who believes in free collective bargaining, that that is a place to address it, in the bargaining process.

There is also another side to this coin that makes pay equity, the implementation of it, very, very difficult, because one of the experiences I saw in the public sector, as we went through, as the people went through—and a lot of the work was done before I became minister—but from working and talking with the people who dealt with this, you start to learn some of the problems. When you start assessing categories and raising certain categories up to the other, it begs the question, maybe some categories are too high for the work that is done. But the legislation that was brought in said specifically you could not make any adjustments downward for male-dominated categories that might have been overpaid for the work that was done because that might create a problem.

So what happens at the end of the day? What free collective bargaining should ultimately do is that, within a bargaining union that is representing a host of units, levels and categories, there is the relative nature of what people pay for the work to do. Overtime gets sorted out. Once you start to distort that, you have a host of other problems that take place. Those problems are still working themselves through the system in the public sector today.

So let no one believe for one moment that this a simple, easy process that has to be taken on. There are a lot of side effects that the member does not deal with. No one on this side, certainly not me, is arguing that people should not be trying to achieve a level of pay and remuneration that is fair, just and affordable for the work that they are doing. Whether a person is a man or a woman doing the work should not be a determining factor in leading to a difference for the same kind of work.

The magic solution of getting it to legislation is not as simple as the member would have us believe, and I think experience has proven that out. That may in fact

be one of the reasons why the New Democratic Party only provided in health care for 23 of our largest institutions as opposed to everyone across the board because it was not so simplistic.

Madam Speaker, the member plays down the work that we did on this side of the House, the honourable member for Roblin-Russell (Mr. Derkach) as the Minister of Education, myself as Civil Service minister, when we had to go to the Treasury Board to find some 50 million additional dollars to extend pay equity into the school division side for nonteaching staff. We had to go, we had to find that money, and we brought it in on a voluntary basis and the take-up of school divisions was very, very high. I do not know, cannot remember, recall offhand what percentage, but it was very, very high, of schools divisions that adopted that process, and the work was done.

The real issue for the member here is the extension or the bringing in of legislation to the private sector. This government has always taken the position, and I had the privilege of serving as Minister of Labour when we took that position, that we would not extend legislation into the private sector, that the remuneration of any individual in the private sector was for them to work out whether it be through their union who represents them or them as individuals. That was their responsibility to work out.

We as public sector employers took it upon ourselves through two governments to address the issue through legislation for a voluntary aspect, and it was addressed for us as employers with our employees. I still have to ask the question of why this did not occur, in the last 10 or 15 years when we are in a very supposedly enlightened age, at the collective bargaining table.

In fact, I can say to the member from my experience at collective bargaining, it was never an issue. It was not something that was coming up. It was not raised by many of those public sector unions.

So obviously there was a failure I think over the years on the part of many of our public sector unions to want to address the issue, because it is tough. It is a tough one, because you may solve a problem here but you create another one over here, and it is difficult to deal with.

Getting back to the issue of extending or bringing in pay equity for the private sector, the member asked us to look at examples in other places.

Well, let us look at the example in the province of Ontario in which the Rae government brought in extremely comprehensive legislation. Was it a success? Did it lead to solving or dealing with the issues? I think any criteria by which you judge a successful program should be the ease with which it is administered and implemented because, if there is not an ease with which to do it, if it becomes too cumbersome in many ways, it does not get done, resentment grows, and it becomes a great difficulty.

That in fact turned out to be the case with the legislation that was brought in in the province of Ontario and turned out to be bitterly opposed by many, even many who were to be the beneficiaries of that program because, ultimately, the question for people working is, what is a fair wage? It is what one can negotiate, what one can work out with one's employer. We would hope and we would want to ensure as much as possible that people are not doing the same work, a male and a female, and being disadvantaged by that but, ultimately, what that category should be paid is a matter of negotiation whether it be on an individual basis or it be through collective bargaining.

The member makes reference to a lot of particular statistics about categories of people and percentage of income and, yes, that does point to a general problem but, when you get down to dealing with the specifics of the situation, the specifics of the components that make up those overall numbers become much more difficult to deal with because there are hosts of other factors that fit into those issues.

Just one that comes to mind very, very quickly when you talk about our elderly seniors and you look at life expectancy, obviously, if one lives longer, and everyone would like to live longer, women tend to live longer in our society than men. That simply implies to me that there has to be a larger base of resources, that a family in planning for their retirement has to ensure that there are greater resources available for the party who is likely to survive, whoever that may be. That fits into one's planning for one's retirement. That has to be

taken into account. There are other components of breaking down those statistics and situations. The answer to just bring in legislation and require everybody to meet these standards, I think, becomes so complex, so burdensome, that at the end of the day one does not achieve the goal that the member is attempting to achieve.

Madam Speaker, from some of our own experiences in Manitoba in health care in the public sector in areas where we did bring in pay equity—again, pay equity that did not judge the value of a job and bring them to a level playing field but brought everybody up and never dealt with areas where people may have been overpaid compared to other standards led to a host of other problems that had to be worked out over the years in bargaining. I would even suggest, in some categories, led to coming back to exactly where people were before pay equity. So it is not by any stretch of the imagination as simple as the member for Osborne (Ms. McGifford) would have us believe.

The member for Osborne made a comment that I think was very insightful of her thinking and that of her party. She said that people working in the public and private sectors who do the same work should receive equal pay for that. Madam Speaker, she should think about that a little more because in many cases in the public sector in Manitoba over the last 20 or 30 years, the rates of pay—particularly for areas that have been highly employing female workers—have been higher in the public sector than they have been in the private sector where the market drives the force. That has certainly been true when one does the analysis in the civil service. I am not saying that is good or bad. I am glad that that has been there to do it, but the member should do a little more research on what is a very complex issue.

* (1730)

Mr. Steve Ashton (Thompson): Madam Speaker, I appreciate this debate because I have had the advantage of being able to be in this Chamber at the time that the original pay equity legislation was discussed. I find it rather amusing the kind of argument that the minister used. He said, well, the original pay equity bill did not do this, it did not do that, it did not go far enough.

Well, the minister referenced some of the health care facilities that were not covered under the legislation. It is interesting because it reminds me, we had a debate a few days ago when one of the government members got up and talked about the child care system in this province and said, boy, we have the best regulations in North America.

Well, it is interesting, Madam Speaker, because I was here when it took an NDP government to bring in those child care regulations, and I was here when it took an NDP government to bring in pay equity in the public sector. Now I just want to compare—and anybody who wishes to compare can go to Hansard and compare—the statements made by the former Minister of Labour with the statements that were made by the Conservatives at the time. I will not reference the child care comments, although I could talk about just how much effort it took and how little support there was from the Conservative side for what was undertaken by the government at the time. But let us talk about pay equity.

Did the Conservative Party in opposition say, we want stronger pay equity, amend the legislation, extend it in to those health care facilities that the minister referenced? Did they do that? Well, not only did they not do that, I will tell you what they did. Day in and day out, the current Minister of Health (Mr. McCrae), who was then the Labour critic, got up in this House and in Question Period asked questions on a repeated basis about why we were bringing pay equity in, what was going to happen, were we going to set up a pay equity police. Yes, Madam Speaker, he talked about a pay equity police.

Let there be no doubt that if we had not had a NDP government, we would not have had pay equity in the public sector, period. Let the former Minister of Labour not mislead the House by suggesting with his comments today that somehow the Conservatives wanted stronger pay equity. They never did want pay equity legislation in the public sector. That was very clear from their comments at the time, and, quite frankly, I do not think, listening to the comments of the minister, that they are even committed at this point of time to pay equity, period.

I heard all the old arguments that were trotted out about pay equity at the beginning, and I really find it

amusing that the former Minister of Labour, who, I thought, in his previous role, would have attempted to come down to some understanding about the collective bargaining process and the role both of management and of labour—he criticized unions today for not achieving pay equity.

I find it interesting because, first of all, he seems to view it as a collective bargaining issue. Now, Madam Speaker, what happens to those individuals who do not have a union? What happens? Is he suggesting that everyone in the province should be a member of a union? I am a strong supporter of the labour movement, but I do not think even I would go that far. I think it is a matter of choice of the individual workers.

But let us deal with that. Let us deal with the argument of the minister. That was not dealt with by collective bargaining, according to the minister. Well, how about minimum wages, Madam Speaker? Perhaps we do not need minimum wage laws if we use the logic of the minister, because that could be dealt with through collective bargaining. Employment standards, that could be dealt with through collective bargaining. Human rights legislation, that could be dealt with through collective bargaining. Regulations in terms of sexual harassment—well, surely, the minister who is a former Minister of Labour will understand that there are certain things that it has been decided by society, by legislatures, not just here in Manitoba, that there are certain issues that are fundamental when it comes to issues affecting working people.

One of the issues that the NDP government in the 1980s said was fundamental was pay equity. We said it was not something that should only be to the benefit of those who were part of a union. We said at that time, let us make it very clear, that it would be extended first to the public sector and then would be extended to the private sector. That was very clearly stated at the beginning of the debate on pay equity.

Why did we say that, Madam Speaker? [interjection] Not to control the time for the member for River Heights (Mr. Radcliffe)—maybe the member for River Heights would have listened to the speech by the member for Osborne (Ms. McGifford), who pointed to the fact that women make less than 70 cents for every

dollar that is made by men in society, and I asked at the time that we brought in pay equity legislation, if you had pay equity legislation, would that eliminate all the inequality? It would not, but the difference would be 90 cents on the dollar, not 70 cents.

It has been well documented that women who work in female-dominated classes of employment receive less pay than men, and I have seen it myself. I have seen before where male caretakers, you know, with the word "caretaker" being used, make more than female janitorial staff, doing the same thing for the same employer, the same type of work.

Those are some of the kinds of issues that are dealt with in terms of pay equity, but we have also seen—and if anybody just looks at any of the statistics and looks at the reality of the workplace, Madam Speaker, many of the kinds of employment that are undertaken by women in female-dominated classes are traditionally undervalued in society. That is why women on average make less than 70 cents compared to men.

Now, I ask you, Madam Speaker, and I ask anybody to answer the question whether they feel that is not fundamental to society. You know, we have a Charter of Rights that guarantees equality and includes equality based on gender.

We have, I am sure, in this Legislature and in Canada as a whole made many strides towards implementing equality. But can we accept a situation in which women do not have one of the most fundamental equalities, to my mind, which is equality of treatment in the workplace, equality of treatment when it comes to probably the most fundamental aspect of working, and that is remuneration?

That is why the NDP government in the 1980s took the courageous step of being the first jurisdiction in Canada to bring in legislated pay equity in the public sector.

It is interesting to note that as is the case with many of the progressive reforms brought in by NDP governments, everything from medicare in Saskatchewan to many of the improvements that have been brought through in this province, within a matter

of years that course was followed in other jurisdictions as well.

We also said at the time that the next step was pay equity in the private sector. We believed, and we said at the time, and it has been proven.

The minister talked about Ontario. You know, there were a lot of issues discussed in the election campaign in Ontario, but one of them was not pay equity in the private sector. Never once did that become a significant issue in that province, because the interesting thing is, often some of the private employers who the minister seems to feel and others seem to feel could not implement pay equity have often the mechanisms already in place to do that.

Inco in Thompson has CWS analysis, which uses analysis of pay scales, which is very similar to the kind of system that was used by the pay equity system. One of the reasons we established pay equity in the public sector was to show that it works, was to develop the expertise.

One of the saddest things was when this government eliminated the pay equity office because, when you sit down with people, sit down with employers and employees and explain what is involved with pay equity, there are two interesting things that you find. First of all, any analysis of public opinion will show you that 80 to 90 percent of people support pay equity. When you sit down and you ask them, is this fair or unfair, they will say it is unfair that women who work in female-dominated classes of employment should be paid less than the men doing the same kind of work, the same value of work.

But the second thing is, they not only agree with it but, when you explain how it has been implemented and sit down and work through it, as has happened in not just the narrower public sector but also Crown corporations, it becomes quite a simple process of working through with the system.

* (1740)

That is why it was a shame when that office was eliminated, because there are many employers in this

province that I believe could, short of legislation, bring in this with the assistance of an experienced pay equity office established by the government, could bring it in voluntarily.

But the problem here is, I would suggest to you, if you analyze the statements made by the Minister of Labour (Mr. Toews), that this government is no different, this party is no different in government than it was in opposition. They really do not believe in the concept of pay equity at least as far as its being an important social objective. You know, in opposition, they were more clear about their agenda. I do not think they agree with pay equity, period. Despite all the window dressing of the former Minister of Labour, they do not agree with pay equity, that is not a concern for them. The bottom line is, with this government in power, this type of government, we will never see it in the private sector.

Madam Speaker, where does that leave us? It leaves us with the one and only party that has ever raised this issue in this province and other provinces raising this issue once again.

You know the sad part is that the difference between men and women in the public sector—by the way, I do not agree with the minister when he suggests that public-sector workers are overpaid compared to private-sector workers. Perhaps he would like to explain that to Highways mechanics who quit the public sector in Thompson to go work at Inco, including one person who was a supervisor and is now getting paid \$5 an hour more to go work at Inco as a first-level mechanic. Perhaps he would care to look at other people who are finding, thanks to governments such as his government and Bill 22 and Bill 70 and wage freezes over the years, that public-sector workers are not necessarily paid more than private-sector workers. I think he should be very careful of those kind of comments.

The sad part is that the biggest difference between men and women is in the private sector. The public sector, by and large, was far more equal, there was far less of a gap to bridge.

I would suggest to you, Madam Speaker, that what the Conservative government is essentially saying, by their actions on this resolution, by opposing clearly

from the minister's comments the impact of this resolution, is that it is willing to accept women receiving far less in the way of wages than they should. They do not believe in equal pay for work of equal value, which is essentially what pay equity is.

You know the sad part is this impacts in other ways. This is a province with a high level of poverty and a high level of child poverty. As the member for Osborne (Ms. McGifford) pointed out in her speech, there has been an phenomenon in the last 25 years which has been described as the feminization of poverty. It used to be the majority of people in poverty were men 25 years ago, but now the majority of people in poverty are women. We see that in this province.

I see personally many single parents, for example, single families headed by women, where I see people struggling to make ends meet. I do not know how anyone, even this Conservative government which does not have much sympathy for these type of issues, can go to people in that circumstance and say, blame your union, go get it collectively bargained, how they could justify if they perhaps, and I hope they still do, accept having legislation on employment standards, whether it be for minimum wages or basic working conditions, how they can say to the single parent, the many women who are struggling to get by, when many of the women are not being paid what they should be paid according to any sense of fairness, that they do not support moving ahead with pay equity beyond the public sector, where it has worked successfully into the private sector.

I think we can work together in this province. We are a small province with one million people. I think if we have a commitment from government, we can bring in pay equity. Yes, with some legislation involved, but largely through the co-operation of employers and employees in this province, whether they be unionized or nonunionized. I have a lot more faith, Madam Speaker, in that I think than the Conservatives opposite. They are the same ones who did not believe it would happen when we brought it in the public sector. They continue to this day to deny the fact that there is real potential to move ahead and advance the true economic equality of women, and that is a real shame because I say on this particular resolution, I fully support the

member for Osborne (Ms. McGifford). I fully support her, and our caucus does, on this resolution because we will not stop until there is nothing short of full equality for women in the province of Manitoba. That means, yes, to pay equity in the public and, yes, to pay equity in the private sector. Thank you.

Mr. Mike Radcliffe (River Heights): Madam Speaker, I rise this afternoon to speak to this resolution, because I think that there has been a lot of confusion in thought in this Chamber this afternoon on this issue.

The concept of pay equity is a tool for evaluating labour in labour negotiations. This government stands for the freedom of parties in labour negotiations without government interference. It is essential in the marketplace that parties continue to negotiate, to bargain in the labour field, without the heavy hand of government coming down upon them.

If this resolution were to be passed and if it were to be impacted on the private sector, if it were to be extended with the violence of the Crown, then undeniably the whole free flow of the marketplace would be skewed, and it would have incredible effects on the market, which would go only to defeat the very issues that the honourable members across the floor are trying to advocate.

They are trying to weave in the issues of poverty into this concept, into this system. With the greatest of respect, the whole concept of gender or equal pay for equal work—[interjection] The honourable member for Osborne (Ms. McGifford) is trying to indicate to me that women are poor. Yes, there are some women in this country who are poor, and there are some men in this country who are poor. There is poverty in this country, but the only way that we are going to remedy poverty is to allow the free flow of the marketplace to allow individuals and groups of individuals to bargain freely for wages.

The only way that we are to going to remedy poverty in this country is if we create an environment where jobs will flow out of the marketplace. We are proud to show that just in this past several weeks, we have brought, this government has brought, jobs into the Manitoba marketplace.

An Honourable Member: 14,000 more.

Mr. Radcliffe: 14,000 jobs, which is an admirable record.

However, I think that, as one is addressing the points raised in this resolution, one must look at the background which was raised. One of the speakers to this resolution was trying to imply, trying to say, or did say that one of the prior speakers was inconsistent with their application.

The honourable Minister for Northern Affairs (Mr. Praznik), who was speaking to this issue, was pointing out that there was a selective application of this concept back in 1985 when it was put into effect. There were 23 large health care facilities. This was a selective discriminatory application of this concept in to the marketplace. Why was that, Madam Speaker? Well, because it was a very complex issue. It was an issue which the government of that day, I would suggest, found itself unable to apply it across the board because it was going to have such draconian and dramatic effects on the marketplace.

If pay equity were considered and addressed as a tool, as a bargaining tool—and I believe the previous speaker said that, in fact, in his observation of the marketplace that it had been in labour negotiations—then that has some merit, that has some application. But to have the government impose it on the private sector, to have the government, the violence of the Crown, impose it today even in the public sector is totally unrealistic.

Madam Speaker, we hear every day of how government is downsizing, how the public sector is downsizing, how we are faced with fewer and fewer dollars and there are more people chasing fewer dollars and fewer jobs. Is it not better to have more people employed, have more people having the dignity of work, rather than trying to create a selective, elitist group that do not have any responsibility to the market?

* (1750)

We are looking now and the public sector people in the health field who have just taken a rollback in

wages, this is the reality that we are facing. The application of pay equity—as we heard from a previous speaker—caused only an increase in wages. There was no reciprocating downscaling in this legislation when the previous government brought this concept in to play, and this shows the true aspect of what they were trying to do. They were trying only to use it as an additional tool to crank up the inflationary wage spiral that the economy was suffering.

Madam Speaker, there is another concept which I believe must be addressed that if the government is to apply pay equity and force it on to the market, we can parallel that or we can analogize that to the economy that was in place in Soviet Russia, a centralized, top-down, arbitrary economy which becomes totally out of control, totally unrealistic, totally unrelated to the actual moving forces of the market.

We all have seen what happened to the Soviet economy. We have all seen what happened to the economy in eastern Europe. It fell through the weight of its own insurmountable top-heavy bureaucracy and if pay equity were forced in to the market by government—and that has to be the essential point—that this resolution is suggesting, then the net effect would be that we would go the way of the dodo. Our economy would go the way of the Soviet economy, and it would collapse upon itself.

Madam Speaker, this is an insidious resolution. This is a dangerous resolution. It is going against the free flow of the marketplace. One of the underlying concepts of labour bargaining is the value of seniority. Now, this concept of pay equity is at direct odds to the concept of rewarding seniority.

Madam Speaker, this concept, if it were being enforced, would not even be consistent with the actual concepts. One of the other concepts or points that I think is very significant is that the prior speakers on this point of pay equity were trying to relate it to gender inequalities. We have passed legislation, and this government strongly, vigorously endorses equality of the genders. We vigorously endorse equal pay for equal work, but we cannot have this bargaining tool, this evaluation concept forced into the private marketplace or even extended into the public

marketplace so that the effect would be to drive up the wages in the economy.

We have all been told how the federal government, the Liberal government in Ottawa, is wrenching \$220 million out of the hands of the provincial government. It is devastating.

Are we then going to have an inflationary force loose on the economy of Manitoba? This makes no sense at all and, in fact, that is why this resolution as it is framed must be defeated.

Madam Speaker, it makes no sense at all. If this resolution were adopted, it would only succeed in artificially skewing, artificially manipulating the free marketplace of Manitoba.

The real issue here that we are trying to address is poverty. If we are to address and cure or attack poverty in our province, the way to do that is to create an environment where there is stable taxation, no increase in taxes. There has to be a climate where people will want to come to Manitoba to do business, to raise a family, to work in Manitoba and, Madam Speaker, that is the only way that we are going to attack the evils of poverty.

We are not going to be able to attack the evils of poverty with artificial, top-down, artificially manipulated concepts and tools which are heavily imposed on the private workforce by government.

One of the prior speakers, Madam Speaker, addressed the issue of the concept of employees working in the public milieu rather than in the private milieu, and I can attest, having been a private employer, that it is exceedingly difficult to try and compete in this city with the public employer.

The benefits that are available to public employees, the wage level that is offered by the government of Manitoba, I can attest personally takes secretaries out of the private workforce.

I ran a small law firm, Madam Speaker, and I can tell this Assembly today that we had employees who would

come to us and say that they enjoyed working in our environment, but when they were being offered 10, 15, 20 percent higher wages in the public sector, then there was no way that we could compete, and we lost employee after employee after employee because the wages in the public sector were significantly higher. It is a monolith.

Madam Speaker, the only way that poverty is going to be defeated in this province is if there are more jobs, and the only way that there are going to be more jobs is if we can keep the taxes down, keep the type of environment where people want to do business, where people want to come to Manitoba and create opportunity, increase trade. That is why this resolution, with the greatest of respect to my honourable friend, does not address the issues to which she was making

reference in her initial address. [interjection] What would my local councillor say? I believe that the councillor for River Heights in the municipal election has addressed this issue and has addressed it very vigorously. He has been a private businessman and has been aware of the forces that really are the true forces that give play to real jobs in Manitoba and, for these reasons, I must urge this Chamber to defeat this motion.

I thank you very much for the opportunity of addressing this issue today. Thank you, Madam Speaker.

Madam Speaker: Order, please. The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Friday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, October 26, 1995

CONTENTS

ROUTINE PROCEEDINGS			
		Wood Bison—Chitek Lake Struthers; Driedger	4241
Presenting Petitions			
Emergency Health Care Services— Community Hospitals Lamoureux	4231	Repap Manitoba Inc. Struthers; Driedger	4241
Reading and Receiving Petitions		Brandon General Hospital L. Evans; McCrae	4242
Emergency Health Care Services— Community Hospitals Lamoureux	4231	Sport Manitoba Cerilli; Ernst	4242
Presenting Reports by Standing and Special Committees		Internal Trade Sale; Downey	4243
Standing Committee on Law Amendments, 4th Report Newman	4231	Nonpolitical Statements	
Ministerial Statements		Municipal and School Board Elections	
J.R. Simplot Company— Brandon Plant Expansion Derkach	4233	Filmon	4244
L. Evans	4233	Doer	4244
Oral Questions		Lamoureux	4245
Concordia Hospital Doer; McCrae	4234	Maples Garden Market IGA Opening Kowalski	4245
Health Care System Doer; McCrae	4235	Manitoba League of Persons with Disabilities Martindale	4246
Lamoureux; McCrae; Filmon	4237		
McGifford; McCrae	4238	ORDERS OF THE DAY	
The Pas Health Complex Lathlin; McCrae	4235	Debate on Second Readings	
Access Programs Friesen; McIntosh	4238	Bill 23, Health Services Insurance Amendment Act Lamoureux	4247
Louisiana-Pacific Wowchuk; Praznik	4240	Chomiak	4247
		Ashton	4252
		Bill 32, Proceedings Against the Crown Amendment Act Ashton	4258
		Sale	4258

**Private Members' Business
Second Readings—Public Bills**

**Bill 211, Limitation of Actions
Amendment Act**

McGifford 4264

Proposed Resolutions

Res. 36, Wheat and Free Trade

Pitura 4267

Wowchuk 4270

Penner 4272

Res. 37, Extension of Pay

Equity Legislation

McGifford 4275

Praznik 4279

Ashton 4281

Radcliffe 4285