



**First Session - Thirty-Sixth Legislature**

of the

**Legislative Assembly of Manitoba**

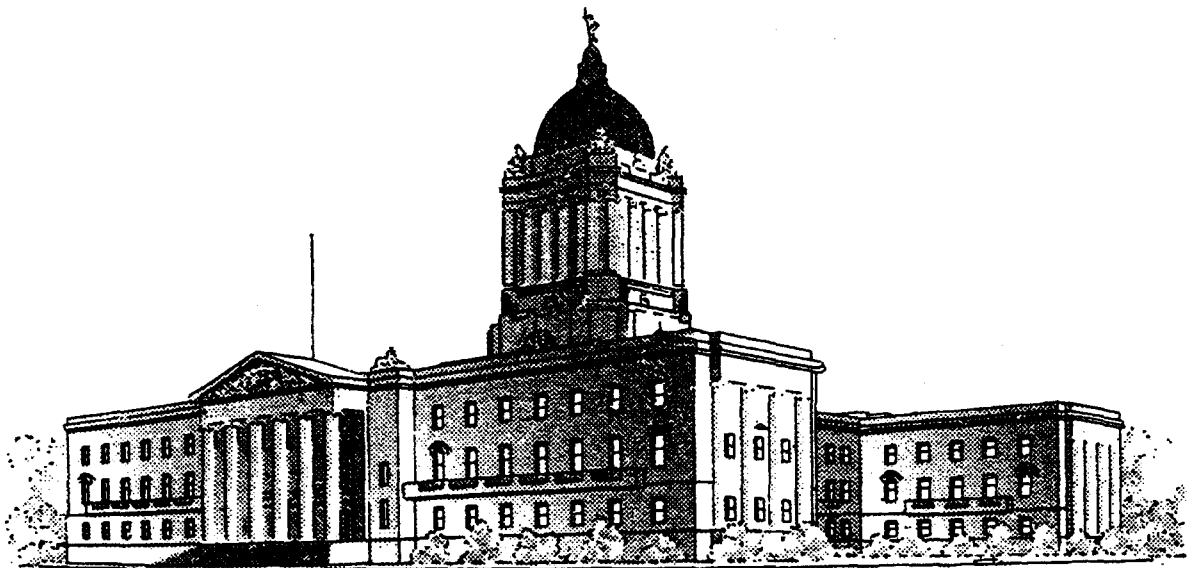
**DEBATES**

and

**PROCEEDINGS**

**(Hansard)**

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Speaker*



**Vol. XLV No. 60 - 1:30 p.m., Wednesday, November 1, 1995**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

<u>Name</u>	<u>Constituency</u>	<u>Party</u>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 1, 1995

The House met at 1:30 p.m.

*PRAYERS*

## ROUTINE PROCEEDINGS

## PRESENTING PETITIONS

**Emergency Health Care Services—  
Community Hospitals**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, I beg to present the petition of Chris Pawley, Sharon Overwater, Sergio Molina and others requesting the Legislative Assembly to request the Premier (Mr. Filmon) to consider maintaining 24-hour access to emergency health care at community hospitals, as was promised in the 1995 election.

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I beg to present the petition of Lorrie Fry, Lynn Forbes, Joey McMillan and others requesting the Legislative Assembly urge the Minister of Health (Mr. McCrae) to 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.

**Mr. Daryl Reid (Transcona):** Madam Speaker, I beg to present the petition of Don Krueger, Norm Franklin, Trevor Dysen and others requesting the Legislative Assembly to request the Premier (Mr. Filmon) to consider maintaining 24-hour access to emergency health care at community hospitals, as was promised in the 1995 election.

**Ms. Jean Friesen (Wolseley):** Madam Speaker, I beg to present the petition of Diane Stepaniuk, Archie Orlikow, Walter Drewniak and others requesting the Legislative Assembly to request the Premier (Mr. Filmon) to consider maintaining 24-hour access to emergency health care at community hospitals, as was promised in the 1995 general election.

## READING AND RECEIVING PETITIONS

**Emergency Health Care Services—  
Seven Oaks General Hospital**

**Madam Speaker:** I have reviewed the petition of the honourable member for Kildonan (Mr. Chomiak). 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:** Dispense.

**Madam Speaker:** Dispense.

*The petition of the undersigned residents of the province of Manitoba humbly sheweth*

*THAT on at least six occasions during the 1995 provincial election the Premier promised not to cut health care services; and*

*THAT following the election the Minister of Health promised that emergency services would not be reduced at community hospitals in Winnipeg; and*

*THAT the Minister of Health on October 6 announced that emergency services at these hospitals would be cut back immediately; and*

*THAT residents of the Seven Oaks Hospital vicinity depend upon emergency service at this hospital.*

*WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba go on record requesting the Premier to consider maintaining 24-hour access to emergency health care at Seven Oaks Hospital as was promised in the 1995 general election.*

**Emergency Health Care Services—  
Community Hospitals**

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

**An Honourable Member:** Yes.

*Al Harris, Manitoba Trucking Association*

**Madam Speaker:** Yes. The Clerk will read.

*Your committee has considered:*

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

*Bill 16—The Highway Traffic Amendment Act; Loi modifiant le Code de la route*

*and has agreed to report the same without amendment.*

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

*Your committee has also considered:*

THAT Manitobans deserve the greatest possible access to this care;

*Bill 31—The Highway Traffic Amendment Act (2); Loi no 2 modifiant le Code de la route*

*and has agreed to report the same without amendment.*

WHEREFORE your petitioners humbly pray that the Legislative Assembly urge the Minister responsible for Health 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.

*Your committee has also considered:*

*Bill 8—The Off-Road Vehicles Amendment Act; Loi modifiant la Loi sur les véhicules à caractère non routier*

*and has agreed to report the same without amendment.*

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

#### Standing Committee on Law Amendments Sixth Report

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

**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.**

\* (1335)

**An Honourable Member:** Dispense.

#### Standing Committee on Municipal Affairs Second Report

**Madam Speaker:** Dispense.

**Mr. Mervin Tweed (Chairperson of the Standing Committee on Municipal Affairs):** Madam Speaker, I wish to present the Second Report of the Standing Committee on Municipal Affairs.

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

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

*Your Standing Committee on Municipal Affairs presents the following as its Second Report.*

*Your committee met on Tuesday, October 31, 1995, at 10 a.m. in Room 255 of the Legislative Building to consider bills referred.*

*Your committee met on Tuesday, October 31, 1995, at 10 a.m. in Room 254 of the Legislative Building to consider bills referred.*

*Your committee heard representation on bills as follows:*

*Bill 16—The Highway Traffic Amendment Act; Loi modifiant le Code de la route*

*At that meeting, your committee heard representation of bills as follows:*

*Bill 34—The Municipal Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les municipalités et apportant des modifications corrélatives*

*Bev Sawicki, University of Manitoba, Legal Counsel  
Richard Lobdell, Private Citizen  
Greg Selinger, University of Manitoba Faculty Association  
Steve Coppinger, University of Winnipeg*

*Bill 36—The Municipal Assessment Amendment Act; Loi modifiant la Loi sur l'évaluation municipale*

*John Petrinka, Private Citizen*

*Your committee has considered:*

*Bill 34—The Municipal Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les municipalités et apportant des modifications corrélatives*

*Bill 36—The Municipal Assessment Amendment Act; Loi modifiant la Loi sur l'évaluation municipale*

*and has agreed to report the same without amendment.*

**Mr. Tweed:** Madam Speaker, I move, seconded by the honourable member for St. Vital (Mrs. Render), that the report of the committee be received.

**Motion agreed to.**

## MINISTERIAL STATEMENTS

### Contaminated Sites Remediation Act

**Hon. Glen Cummings (Minister of Environment):** Madam Speaker, I have a statement for the House, a copy of my remarks for my critics.

**An Honourable Member:** You do not have critics.

**Mr. Cummings:** They are all friends.

Madam Speaker, I am pleased to table today a discussion document on a Contaminated Sites Remediation act. I am tabling this for public consultation. This represents the consensual work of a multistakeholder advisory committee, and they brought this act to the stage where Legislative Counsel have applied legal wording to the principles and concepts developed by that committee.

Now that we have this in draft form, I would like it to go back to the committee and to others and to members of this Legislature for discussion and consideration.

The main purpose is to establish a fair and equitable system for the apportionment of liability for the remediation of contaminated sites.

In Manitoba and across this country, there are hundreds of sites where land has been contaminated by industrial and other commercial activities, in some cases, many times over the years, and it is often technically impossible to determine which of the past owners actually contaminated the land and at what time during the time that they owned it.

Manitoba led a national multistakeholder initiative under the auspices of the Canadian Council of Ministers of the Environment to develop a series of principles to be used by each government in the development of legislation in this area.

This document is designed to institute an apportionment process that avoids the litigious joint and several liability system that is presently in effect in the United States, and where up to 88 cents on the dollar goes to transaction fees and only 12 cents to the actual remediation. We hope to avoid a situation whereby innocent people are held liable because possibly their grandfather many years ago deposited a battery at a site that is now contaminated.

The designation of contaminated sites will be based on health and environmental risk. It provides for the establishment of a registry of contamination sites and it is meant to ensure appropriate public notice and information available for land transactions. This encourages voluntary and mediated cost apportionment

with a fallback to directed apportionment by the Clean Environment Commission. It discourages defaulters by instituting a system of joint and several liability for recovery of defaulted amounts.

The process is intended to provide comfort to lenders and to others in the financial community who will not be held responsible for the remediation of a contaminated site simply by virtue of the fact that they had made money available for the operation. There will be recognition to municipal corporations that they will not be responsible for the cost of remediation of contaminated sites that they have involuntarily acquired through tax sale. They will be able to assess land for contamination prior to expropriation and be exempt from liability for remediation of existing contamination where they have expropriated for certain approved reasons.

Madam Speaker, I table this Contaminated Sites Remediation act as a discussion document. I will undertake public consultation for a period of months and then return with the appropriate changes that reflect the public view and interest.

\* (1340)

**Mr. Gregory Dewar (Selkirk):** Madam Speaker, I want to begin by thanking the minister for his statement this afternoon.

On this issue, it is our position, and I hope it is the position of all members, that human health is the main concern. In the State of the Environment report it is stated that there are over 600 identified sites in Manitoba at this moment and more sites are added to that list day by day.

Contaminated sites, Madam Speaker, include both soil and ground water. We all remember the contamination of the ground water in the Rockwood-West St. Paul area from solvents from the Bristol Propellant Plant and affected residents in the area are now served by a pipeline.

The issue was resolved only after tremendous cost to the residents and to all Manitobans. It is my understanding that Bristol is only paying for 25 percent

of the \$800,000 cost of that pipeline. The rest of that money is being paid by Ottawa and by ourselves, and that does not even include the thousands more that will be necessary to do the actual cleanup.

The minister has mentioned some of the problems associated with the liability. It is difficult to date when contamination occurred. Old sites are operated under various owners and the ownership changes frequently. Responsible individuals may be deceased or corporations may now be defunct.

We support the concept, Madam Speaker, of polluter pays but the problem is that the difficulty lies in the determining of that responsibility. Of course, we encourage a voluntary settlement and perhaps as the minister has mentioned, the Clean Environment Commission could be used to render a binding decision. We have a little bit of concern about that, of course. It is a government-appointed board and sometimes the government is involved in some of the disputes.

We also suggest the government should investigate the establishment of what is a so-called super fund, which is a pool of resources established from contributors from various stakeholders in the industry to help alleviate the high cost of remediation.

Madam Speaker, these are some of our concerns and our suggestions. We look forward to the next while to review the minister's comments today, to review his discussion document. We hope the minister includes environmental groups when he is out there in the discussion period over the next two or three months. We encourage him to include those groups in that discussion. We also will be, on this side of the House, meeting with them as well. We look forward to the government tabling this legislation next session.

Thank you.

## TABLE OF REPORTS

**Madam Speaker:** I am pleased to table, this afternoon, the 1994 Annual Report of the Ombudsman with relation to Section 55, The Freedom of Information Act.

## INTRODUCTION OF BILLS

### Bill 209—The Health Reform Accountability and Consequential Amendments Act

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, I move, seconded by the member for Crescentwood (Mr. Sale), that leave be given to introduce Bill 209, The Health Reform Accountability and Consequential Amendments Act; Loi concernant l'obligation redditionnelle en matière de réforme de la santé et apportant des modifications corrélatives, and that the same be now received and read a first time.

#### Motion presented.

**Mr. Chomiak:** Madam Speaker, I am very pleased on behalf of all of my colleagues and the people of Manitoba to rise to introduce this bill to the Legislature which has been introduced on several other occasions in other sessions.

This is a new bill that will deal with health care in a new way in the province of Manitoba. For the first time it will require the Minister of Health to provide quarterly reports to the Legislature about which changes the Health department is embarking upon. For the first time it will require the Minister of Health—something new—to hold public hearings on changes that he is undertaking in the Department of Health.

For the first time, Madam Speaker, this new legislation will require health care institutions and others to hold public hearings so the public can have input and involvement in health care changes.

Finally, for the first time, this new legislation will require the Ombudsperson or Ombudsman be designated to hear complaints and act on complaints on behalf of all of those in the health care field, whether they be at institutions, at community-based care, et cetera, so allow them a voice to deal with the health care department.

I hope sincerely that all members of the House will join us in supporting this new legislation to start a new era of public accountability in health reform in Manitoba. Thank you.

**Madam Speaker:** Is it the pleasure of the House to adopt the motion? [agreed]

\* (1345)

#### Introduction of Guests

**Madam Speaker:** Prior to Oral Questions, I would like to draw honourable members' attention to the loge to my right where we have with us this afternoon the former member for Riel who served in this Legislature from 1986 to 1994.

On behalf of all honourable members, I welcome you this afternoon.

Also seated in the public gallery we have seventy-five Grade 7 students from Cecil Rhodes School under the direction of Ms. Irene Loewen and Mr. Julian Rhoda. This school is located in the constituency of the honourable member for Wellington (Ms. Barrett).

On behalf of all honourable members, I welcome you this afternoon.

## ORAL QUESTION PERIOD

### Health Care System Emergency Services

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, my question is to the Minister of Health.

We have asserted all along that the Department of Health has made the unilateral decision to close the community hospital emergency wards after ten o'clock at night.

The minister has repeatedly in the House answered that this decision was made as the product of consensus between the facilities. Of course we know that Concordia and Victoria for a period of time still remained open until the Department of Health intervened a couple of weeks ago again. We also know that the government has received other information from other facilities. Madam Speaker, John McFarlane, the director of the Grace Hospital has indicated that it is only a matter of time before lives are endangered by

the closing of the overnight situation at the emergency wards.

I would like to ask the minister, did the Grace Hospital agree with the so-called consensus that the minister has indicated here lately in the House?

**Hon. James McCrae (Minister of Health):** I would like to check on the time or the day at which Captain McFarlane is reported to have made the comments that he made. Grace Hospital was part of the consensus. I have met with the CEO there and the members of the board, and as far as I am aware, Grace Hospital remains part of the consensus.

**Mr. Doer:** Captain McFarlane made this statement on October 13, a couple of days after the minister said everything was okay, Madam Speaker.

Madam Speaker, I want to table a letter in the House that was dated October 3 from the Grace Hospital's Captain McFarlane that puts forward an alternative plan to the government. It puts forward an alternative plan to keep the emergency wards at the community hospitals open for red and amber ambulance patients in their community, a community plan that takes some of the staffing in the daytime hours and redistributes that staffing into the afternoon and evening hours.

I would like to know why the minister has rejected the plan that was submitted to his department on two occasions.

**Mr. McCrae:** As I suspected, Madam Speaker, the information the honourable Leader of the Opposition is bringing forward is somewhat—it is from some time ago, and I have since met with Captain McFarlane and representatives of the board of the Grace General Hospital.

The honourable member is incorrect in some of the things he says, but that is not new. That, unfortunately, is reality in this place.

**Mr. Doer:** The minister has said repeatedly in this Chamber that he had a so-called consensus on the decision that was being made. We have just tabled an alternative proposal from one of our hospitals that gives

the government a saving of some \$372,000 and also has doctors in emergency wards available for red and amber situations and for neonatal Code 11's, Madam Speaker, which they feel is essential for patient care in this area.

Why has the government rejected a good, common-sense plan, and why has it proceeded contrary to the consensus and contrary to the good ideas coming from community hospitals that are being provided to the Department of Health, Madam Speaker?

**Mr. McCrae:** I do not like to repeat myself, Madam Speaker, but the honourable Leader of the Opposition is way behind the times.

\* (1350)

#### **Lynn Lake, Manitoba Physician Resources**

**Mr. Gerard Jennissen (Flin Flon):** My questions are for the Minister of Health.

On May 24, I asked the minister about sufficient medical staff for Lynn Lake, and the minister said: "We are making every resource possible available to resolve those issues before they become critical."

The hospital is considering closing one day a week when it is left with only one doctor next week. I table a document to underscore the urgency of the situation, and I ask the minister will he explain why after five months he was unable to ensure adequate medical staff for Lynn Lake.

**Hon. James McCrae (Minister of Health):** Madam Speaker, it is our intention to make every effort, working with the community and members of the medical profession, to provide services in underserved areas. I would be happy to talk further with the honourable member about any further impending problems. There have been problems in the past, and, no doubt, there will be problems in the future right across this country in underserved areas. So working with department staff and others, we will be happy to direct our attention to any further problems that exist.



**Mr. Jennissen:** My supplementary question to the minister is, given the urgency of the situation in Lynn Lake, is the minister prepared to establish a higher differential payment to attract doctors to Lynn Lake as has occurred elsewhere?

**Mr. McCrae:** I would take what the honourable member says as a representation; however, I believe it is only the New Democrats that have come up with the option of placing a whole lot more money on the table. No one that I know of has come up with that suggestion other than the members of the New Democratic Party. There are other issues involved. If there are monetary issues that are truly part of this issue, that is something that we can look at as well, Madam Speaker.

#### **Mathias Colomb First Nation Health Concerns**

**Mr. Gerard Jennissen (Flin Flon):** My final supplementary to the same minister, this time relating to Pukatawagan: What action has the minister taken on Dr. Greg Hammond's report on health issues related to overcrowded housing at the Mathias Colomb First Nation at Pukatawagan?

**Hon. James McCrae (Minister of Health):** Madam Speaker, in response to concerns raised by the honourable member and others with respect to the situation at Pukatawagan, our department personnel, the Medical Officer of Health's office investigated, reported to me and urged me to urge the federal government to take its responsibility in the area, and that is what we are doing.

#### **Hog Industry Marketing System**

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, hog producers across this province are absolutely shocked and devastated that the Minister of Agriculture has made an arbitrary decision to make the move towards dual marketing when producers and processors have stated very clearly that they want single-desk selling. In fact, the minister has been so arrogant that he has told Manitoba Pork that they can rally, they can protest, they can do whatever they want, but he is going to push this through.

I want to ask the Minister of Agriculture which corporate agenda is he following. Who is being rewarded by this move by the Manitoba government? Whom is he speaking for, because he is certainly not speaking for the producers and the processors of hogs in this province?

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, I genuinely believe that all Manitobans will be rewarded with the increased level of economic activity that this decision will bring to Manitoba, that it will help the major issues that are being asked every day in this House about health and the necessary funding, that will require the necessary economic support for our universities and for our educational facilities. That is whom I am responding to.

**Ms. Wowchuk:** Madam Speaker, since Schneider's has said they prefer orderly marketing and they are quite happy to buy from Manitoba Pork—they came to Manitoba under an orderly marketing system—will the minister admit that this has nothing to do with jobs, this has nothing to do with rural people and rural communities, but all this is about is the minister pushing forward the right-wing corporate agenda, and we are going to see a further dismantling of marketing boards under this government who said nothing about this in the election?

**Mr. Enns:** Madam Speaker, by coincidence, as it happens, I was present and speaking to 500 Manitoba hog producers in the middle of the election at their annual convention in Brandon, and I was asked the specific question that the member for Swan River is asking me now.

I had the integrity, speaking on behalf of this government, that I would not speak out of both sides of my mouth and tell them that this would not happen. I told them that this decision was under consideration. We had a major report authored by Professor Clay Gilson from the Faculty of Agriculture that recommended that we make this step, and I did not choose the political expediency of trying to garner a few votes by telling them what they, in the midst of an election campaign, wished to hear. I am very proud of that, Madam Speaker, and I am proud of my Premier (Mr. Filmon) and I am proud of my government.

I know that some honourable members received the same request during that election. We indicated that this issue was under review. It has been under review, and I had the courtesy of bringing in Manitoba Pork last Monday and telling them directly, not secondhand or thirdhand, that this was the intention of government, and I am proud of that decision.

\* (1355)

**Ms. Wowchuk:** Manitoba Pork has told the minister—

**Madam Speaker:** Order, please. I would remind the honourable member for Swan River that there is to be no postamble immediately preceding a final supplementary question. Would the honourable member please pose her question now.

**Ms. Wowchuk:** Madam Speaker, since under trade agreements which this government supported, decisions made on marketing boards will be irreversible, will the minister allow producers to have a vote on the future of marketing boards rather than dictating to them that the marketing board is going to go to a dual system?

**Mr. Enns:** Firstly, let me take this occasion to genuinely thank all members who contributed in a very lively debate on an agricultural issue yesterday afternoon in this Chamber. We do not too often have the opportunity to debate the most important economic issue that drives the economies of this province.

Madam Speaker, the question of whether or not a referendum or a vote should be held, ample precedent has been set by the New Democratic Party when they were in government, when they, without referendum, without vote, forced 70 percent of the producers who did not want a single-selling desk into a monopoly single-selling desk. I am simply following that precedent.

In the final analysis—and let me make this abundantly clear through you, Madam Speaker, and to the hog producers of Manitoba—I am not dismantling the Manitoba Hog Board. If the Manitoba Hog Board continues to provide service, I encourage every hog producer to continue using it. Quite frankly, I am sure many, many of them will. They will in fact vote with

every truckload of hogs that they deliver to the facility of their choice.

### **Immigration Agreement Negotiations**

**Ms. Becky Barrett (Wellington):** Madam Speaker, on October 11 in Question Period, the Premier (Mr. Filmon) stated in the House that immigration, and I quote, "is a serious issue. It is an issue that should be an enormous benefit to the province but, obviously, is a problem because we are not able to obtain the co-operation from the federal government to assist us in solving the problem."

I would like to ask the government today how it can justify the Premier's easily spoken words with their lack of commitment, shown by the fact that at a rally last Saturday sponsored by almost 50 groups representing thousands of Manitobans, not one member of the government benches, neither a minister nor a backbencher, was there to speak out on this issue which the Premier said was of prime importance, and that is the federal government's immigration policies. Where was the government?

**Hon. Harold Gillehammer (Minister of Culture, Heritage and Citizenship):** Madam Speaker, clearly, an immigration agreement with the federal government has been a high priority with our government. There is only one gatekeeper as far as immigration is concerned and that is the federal government in Canada.

We have been trying to work with them over a long-term period to establish an immigration agreement that would allow Manitoba to have more control and more say in the levels and the numbers of immigrants that come to this province. Until very recently, we were not getting a great deal of co-operation from the federal government. In recent meetings there has been some progress. We are being patient with the federal government hoping that they are going to move on this issue in the near future.

I note that later today the federal government will be coming down with their forecast for next year. I am disappointed that their forecast last year was lower than previous years and they have not met that commitment.

\* (1400)

**Ms. Barrett:** Madam Speaker, given that it has been five and a half years since the Premier's promise in the election of 1990 to have a federal-provincial agreement on immigration, when is this government actually going to stop shifting the blame and responsibility—at which they are past masters, I might add—and take responsibility for effectively speaking out on behalf of Manitobans on this essential issue, particularly in light of no matter how many numbers the federal government comes up with today, there is a likelihood that there is going to be a decreasing number of people coming to Manitoba because of the increasing difficulties that they are facing?

**Mr. Gilleshammer:** Madam Speaker, I suspect that perhaps the honourable member maybe knows that it takes two people to come to an agreement. We have put before the federal government a number of proposals which we think reflect the wishes of Manitobans. We have put before them ideas which would increase the immigration to this province. We have put forward ideas that would help to resolve some of the labour market shortages that we have in Manitoba. All of these have been rejected.

I would remind the honourable member that the federal government, again, is that sole gatekeeper. They are the only government that can make rules and regulations which determine the numbers of immigrants that come into our country. The policy changes that they have made in recent times certainly do nothing to enhance the numbers coming to Manitoba or to Canada.

#### **Manitoba Public Insurance Corp. Rate Increase**

**Mr. Kevin Lamoureux (Inkster):** My question is for the minister responsible for MPIC.

Back on February 12 of 1988 the Premier (Mr. Filmon) made allegations that the then NDP government was politically manipulating MPIC in the setting of rates. My question to the current minister of MPIC is: This year it is 6 percent; the year of the election it was zero percent. I am wondering if the

minister can tell us why going into an election it is a zero percent increase and now, right after the election, we are facing a 6 percent increase.

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Madam Speaker, it is very simple and very obvious for those who wish to look closely at it. There in fact were a series of years when the rates of the corporation were level and contained. More recently the ability to contain those costs was very clearly sought out by this government when we moved forward with no-fault insurance.

#### **Board Membership—MLA for Emerson**

**Mr. Kevin Lamoureux (Inkster):** I really could not hear what the minister was saying, so I am going to proceed with the supplementary question, asking the minister: What role does the member for Emerson (Mr. Penner) have in being on the MPIC Board? Why does the Conservative government need to have a Conservative MLA sitting on a board that has an impact on decision of what rates are going to be?

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** There are two parts to that question. Number one, the member for Emerson has a great deal to contribute given his background, his knowledge and his capabilities, but, secondly, the member knows darn well that the rates are set by the Public Utilities Board. Wake up.

#### **Standing Committee Review**

**Mr. Kevin Lamoureux (Inkster):** The minister is right in his assertion in the sense that the Public Utilities Board sets the rates, but it is MPIC that requests the rates. MPIC requested zero percent in the year leading into the election and now it has requested 6 percent.

Can the minister responsible for MPIC indicate to this Chamber that he is prepared to do what he did when he was critic and ask for the actuaries to come before a standing committee so members of the opposition can question them directly, because we do

not have the faith in this government keeping MPIC apolitical?

**Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Madam Speaker, all of the actuarial information was made available to the Public Utilities Board. I suspect that the member is trying to avoid the question that when the NDP was in government, they would not allow the rates to go before the Public Utilities Board. We deliberately chose that forum to make sure there was no political interference.

### Aboriginal Veterans Day Government Recognition

**Mr. George Hickes (Point Douglas):** My question is to the Minister of Northern and Native Affairs.

On Monday, the minister said that he had not had any requests from aboriginal organizations concerning Aboriginal Veterans Day.

Madam Speaker, I would like to table a letter from the Aboriginal Council of Winnipeg to him last January, which the minister responded to negatively more than a month later.

Why has this minister failed to work with them to once again commemorate Aboriginal Veterans Day?

**Hon. Darren Praznik (Minister responsible for Native Affairs):** Madam Speaker, I did not say I had had no discussion. What I said to the member, if he would check Hansard, was I had indicated—he was asking me a question about a very specific request about whether or not I had received one for this November 11, and to my recollection I had not, but I am pleased to inform the member for Point Douglas, he perhaps has not been invited or was not aware, but I understand that there are a number of aboriginal veterans celebrations going on during this period.

One is a special powwow, which I understand will be taking place on November 11, I believe at the Aboriginal Centre, and I am sure he is invited to attend, as are all members of the Legislature.

**Mr. Hickes:** In Monday's Hansard, the Minister of Northern Affairs said, "and to my knowledge, I have not seen a similar request" of any kind. So I would like to ask the Minister of Government Services, when the Manitoba chapter of the National Aboriginal Veterans' Association requested use of the rotunda area of the Legislature, did he not inform the Minister of Native Affairs of this request, of which they have not received a yes or no yet?

**Hon. Brian Pallister (Minister of Government Services):** I will take that question as notice.

**Mr. Hickes:** My next question is to the Minister of Northern and Native Affairs.

Given that the Aboriginal Veterans' Association is proceeding with the commemoration of Aboriginal Veterans Day on November 8 despite the reluctance of the province and this minister, is this minister prepared to reconsider his position and have the province participate in this event, which will now be held at the Aboriginal Centre?

**Mr. Praznik:** Madam Speaker, the member for Point Douglas tables a letter in the House, he fails to read the first paragraph of this letter which is from Chief Jim Bear and it said: I would like to first thank you for assisting the aboriginal veterans in establishing their own Remembrance Day.

Madam Speaker, despite bringing only half the information to this House half of the time—we worked with the organization in establishing the day. Last year, that particular organization undertook to carry on with the celebrations in the same way. We have been most supportive of that, just as we are with all veterans association. I think, quite frankly, the member for Point Douglas is trying to make an issue where none exists.

\* (1410)

### Post-Secondary Institutions Grants in Lieu of Taxes

**Ms. Jean Friesen (Wolseley):** Madam Speaker, it is clear that this government intends to create its

legislated surplus for Bill 2 at the expense of public services which affect every Manitoban. In the case of colleges and universities, the ground has been prepared for an offload of \$22 million of grants in lieu of taxes.

I want to ask the Minister of Rural Development, will the minister table his correspondence with colleges and universities outlining the proposed change in policy and its impact on their budgets, or did he choose not to notify them of his plans?

**Hon. Leonard Derkach (Minister of Rural Development):** Madam Speaker, as the member knows very well, this bill was tabled in the House in June. I believe at that point in time, I even addressed the bill which indicated this government's position with regard to the intended legislation, but might I add that this is an approach that many taxpayers in this province believe is appropriate. Indeed, universities have always had their grants in lieu paid directly by government to municipalities.

All that we are doing with this bill is ensuring that universities and colleges in our province are accountable for the taxes that are paid on their behalf by the province in terms of grants in lieu to the municipalities.

As a matter of fact, Madam Speaker, yesterday, in the bill, the member for Wolseley did acknowledge that she did not know what the grants in lieu were for colleges and had a difficult time finding them. Indeed, through this process, not only will universities and colleges be able to annually review these types of payments on their behalf, but it will be much more clear to members of this Legislature what the grants in lieu for these facilities are.

**Ms. Friesen:** Madam Speaker, it takes one line in the annual report of this department—

**Madam Speaker:** Order, please. Would the honourable member for Wolseley please pose her supplementary question now.

**Ms. Friesen:** Madam Speaker, is the Minister of Rural Development prepared to give a guarantee to this House and to Manitoba families that this offload will

not affect the grants and budgets of community colleges and universities already under severe strain and that his government will provide support now and in the future to cover those costs?

**Mr. Derkach:** Madam Speaker, the member asked the question yesterday in committee with regard to this being an offload, and it is not an offload.

Indeed, it is a way of ensuring that universities and our colleges can be accountable for those kinds of expenditures that are made on their behalf and that they can be reviewed on an annual basis, as should be done and as is done by all departments of government.

In addition to that, it allows for the taxpayers to understand also what the true costs of the grants in lieu of taxes on behalf of universities and colleges are in our province.

Madam Speaker, that is simply opening up the process so that indeed all Manitobans will understand where their tax dollars are going to those scarce resources that we have within our province. I do not understand how the opposition could be against anything of that nature.

**Ms. Friesen:** Madam Speaker, will the minister now repeat what he just said, and will he confirm for this House that this is not, will not be and is not intended to be ever, now or in the future, an offload of \$22 million onto every community college and every university in this province?

**Mr. Derkach:** The position of the member for Wolseley is simply irresponsible in terms of the accounting of monies that are paid on behalf of universities in terms of grants in lieu of taxes. Madam Speaker, there is absolutely nothing wrong, to ask our universities and our colleges to be accountable for the expenditures that are made on their behalf. Manitoba taxpayers expect that. They expect no less.

#### Freedom of Information Spirit of the Act

**Mr. Gord Mackintosh (St. Johns):** My question is for the Deputy Premier.

We have just received the annual reports of The Freedom of Information Act from the Ombudsman which states, "It was a tough year for our office in carrying out the responsibilities . . . under The . . . Act. In some cases investigations were unnecessarily prolonged, informal resolution of complaints was difficult and misunderstandings about responsibilities under the Act were evident." To conclude, "Our experiences raised questions about the spirit of openness as envisioned by the Act and about the level of commitment to the right of an individual to access government records."

My question for the Deputy Premier is, given this damnation of the government, what plan does the government have to change the spirit of contempt for the people of Manitoba?

**Hon. James Downey (Deputy Premier):** Madam Speaker, I find it very interesting that a member of the New Democratic Party which sat on this legislation for I do not know how many years—and it took the election of a Conservative government to bring the legislation in and proclaim it, so that it could be brought into force.

They sat on it for three and a half years, Madam Speaker. It took this government to proclaim it. We have nothing to hide, and we will live up to the spirit of the act as it was introduced.

### Review

**Mr. Gord Mackintosh (St. Johns):** My question then is to the Minister of Culture, Heritage and Citizenship.

In light of that answer, would he then explain why his staff, as directed by the Standing Committee on Privileges and Elections, has failed to report by March 31, 1994, as required by law, on their comprehensive review of The Freedom of Information Act? What is taking so long if you are serious?

**Hon. Harold Gilleshammer (Minister of Culture, Heritage and Citizenship):** I can assure you and the members of the House that the review of the committee that was held on that particular issue is still continuing its work.

### Office of the Ombudsman Position Vacancy

**Mr. Gord Mackintosh (St. Johns):** My final supplementary: Given that there is no ongoing work, at least would the Deputy or the Acting Premier take some leadership and ensure that the Office of the Ombudsman, which has been vacant since January of 1994, almost two years, would he take some leadership and ensure that there is advertising for that position?

**Hon. James Downey (Deputy Premier):** Madam Speaker, I will take the question as notice.

### Louisiana-Pacific Forest Management Plan

**Mr. Stan Struthers (Dauphin):** My question is for the Minister of Environment.

Together, the oriented strand board plants at Hudson Bay and Minitonas will cause the removal of 1.7 million cubic metres of trees every year in eastern Saskatchewan and western Manitoba. The environmental process in Manitoba has been circumvented; therefore, government has no idea of what the impact on the area's ecosystem will be nor the transboundary effects of those projects.

Madam Speaker, I would like to table in the House comments by Environment Canada in regards to Louisiana-Pacific's management plan and environmental impact assessment, and I would like to ask, given the federal government's criticism of L-P's forest management plan, will this minister request a federal environmental review of the transboundary effects of the plants on this ecosystem in eastern Saskatchewan and western Manitoba, including the ill effects on migratory birds?

**Hon. Glen Cummings (Minister of Environment):** First of all, Madam Speaker, I reject the member's allegations that the environmental assessment work has been circumvented in this province.

In fact, we have the most rigid environmental assessment and licensing process in Canada because

both a forest licensing requirement and an Environment Act licensing requirement are brought to bear on the proponents.

Madam Speaker, I have a high level of confidence in the thoroughness with which the Clean Environment Commission will enter into their work with Louisiana-Pacific as they go through their forest management licence.

### Environmental Review

**Mr. Stan Struthers (Dauphin):** Will the minister, given Louisiana-Pacific's failure to provide information in its annual operating plan concerning possible fish habitat damage, request the federal Environment minister to conduct a review on the impacts of these OSB plants? If there are no problems, there should be no problem with the review either.

**Hon. Glen Cummings (Minister of Environment):** Madam Speaker, the member seems to imply that the only legitimate review of programs that have an impact on natural resources is conducted by the federal authorities. Is that the basis of his presentation? Because if that is the basis upon which he wants to have environmental licensing carried out in this province, then he is seriously mistaken.

\* (1420)

### Forest Management Plan

**Mr. Stan Struthers (Dauphin):** My next question, Madam Speaker, is to the Minister of Natural Resources.

Can the minister explain why Louisiana-Pacific's forest management plan did not include lands selected by First Nations under negotiation, not yet set aside by this government? Why does the minister and this government not use this as one of the five triggers to request a federal review?

**Hon. Albert Driedger (Minister of Natural Resources):** Madam Speaker, I do not know where the member is coming from in terms of asking the federal government to get involved. There is a process, a very

adequate process, in place here between my colleague the Minister of Environment (Mr. Cummings) with my department which basically works out a 10-year management plan, a 20-year management plan, where we deal with wildlife, we deal with fisheries, we deal with clear cut, we deal with the whole issue. This is in the public domain right now. Anybody can go and look at it, and it can be challenged and hearings take place. This is the most effective system that anybody can devise in this country, and we are very proud of it.

### Tourism Government Initiatives

**Mr. Tim Sale (Crescentwood):** Madam Speaker, today's tourist information data again shows that Manitoba continues to place second worst in Canada on the year to date. While Canada tourism overall has grown by 5.6 percent, Manitoba shrunk by 2.6 percent this year to date. Will the minister responsible for Tourism describe to this House what he is doing to address this sad situation?

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, I am not about to accept any of the comments or the figures or the facts that the member for Elmwood continues to bring to the House. The last numbers he brought forward, he tried to leave the impression that the tourism industry was in terrible condition this year versus last year.

Last year, we saw a record increase of people from the United States overnight to Manitoba. This year, he indicated, in his last question on this issue, that our overnight visits were down. Well, our overnight visits were down, but our day visits were basically the same as last year, and it is 8 percent of the tourism activity in the province of Manitoba.

The majority of the tourism activity this year because of our Homecoming Manitoba came from other parts of Canada and from within Manitoba. Our tourism industry is very healthy, despite the attitude the member for Crescentwood has put on the record.

**Mr. Sale:** Madam Speaker, I wonder if the minister can tell the House whether he has done anything at all to address the very, very negative article in the

Canadian Automobile Association magazine of September 1995 by Mr. Phelan, Q.C. in which he criticizes our failure to deal with the Edgerton and other cases at the border, the friendly Manitoba failure.

Has the minister done anything to correct the perception of Canadians created by the Canadian Automobile Association magazine that is so negative and so damaging for our province's tourist industry, Madam Speaker?

**Mr. Downey:** Madam Speaker, this government has done a lot as it relates to the encouragement of people to come to this province. We have frozen all the major taxes, including the sales tax of which we are in competition with the other provinces. We currently have the same sales tax we had when we were elected in 1988. We have removed the payroll tax off of 90 percent of the businesses in this province of which many of them are tourism operators.

We have also asked the federal government to make sure that individuals who are trying to come into Canada are fully aware of the rules and regulations that they have to live up to on the entry to Canada.

We do not believe in the movement of drugs or prohibitive product coming into this province. We do not believe in breaking federal laws. In fact, we encourage proper information and the laws to be lived up to, as I think the majority of population want.

#### **Workers Compensation Collateral Benefits**

**Mr. Daryl Reid (Transcona):** Madam Speaker, in January of 1992, this government implemented Bill 59 and amended The Workers Compensation Act, penalizing injured workers and their families in several ways. One such penalty involved deducting collateral benefits such as Canada Pension Plan disability from WCB wage-loss payments that were going to injured workers.

I want to table a copy of the Canada Pension Plan, old age security act and Pension Benefits Act for the minister's information as it applies directly to the question.

Can the minister responsible for the WCB explain why the WCB is deducting from claimants' wage-loss cheque payments, Canada Pension Plan payments of a contributor's child benefit that is supposed to be paid to the child? Why is the minister deducting that child benefit from the payments going to the injured worker, Madam Speaker?

**Hon. Vic Toews (Minister charged with the administration of The Workers Compensation Act):** Madam Speaker, once I figure out what the question is, I will ask the board for an explanation of that, and I will take it on notice.

**Mr. Reid:** Madam Speaker, can the minister explain—[interjection]

**Madam Speaker:** Order, please.

**Mr. Reid:** When the minister figures out what he is in charge of here, Madam Speaker, will he undertake to investigate this matter and to make the necessary refunds for those monies that are being illegally deducted from the injured workers of the province of Manitoba, which the Compensation Board has been deducting from these people?

**Mr. Toews:** I have indicated to this House, Madam Speaker, that I would take notice of the question and make inquiries.

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

#### **Point of Order**

**Mr. Steve Ashton (Opposition House Leader):** Madam Speaker, on a point of order with regard to timing of Question Period, throughout Question Period—and I realize it is the appropriate thing—you have not recognized members while there have been exchanges back and forth, but our caucus is quite concerned that disruptions by government members have resulted in us not being able to ask questions and that time not being added on to Question Period, and I would like to ask for a ruling on that. We certainly feel it is appropriate that the House be called to order, but if government members are the members that continue to exchange



comments across the floor, we do not feel that it is fair to deduct that from Question Period time.

I would like to ask perhaps if you could rule on that, Madam Speaker, and we certainly understand once again your role in Question Period in attempting to bring order, but we do not think that government members speaking from their seats should prevent us from asking questions.

**Madam Speaker:** Order, please. On the point of order, I believe on several occasions I have reminded all members on both sides of the House when it is difficult to maintain order and members do not stop the constant bantering back and forth when the Speaker is on her feet that indeed the clock is running. However, I will take the matter raised by the honourable member for Thompson under advisement, and I will report back to the House if necessary.

#### Speaker's Rulings

**Madam Speaker:** I have two ruling for the House.

On October 19, 1995, during Question Period, the government House leader raised a point of order claiming the words used by the honourable member for Transcona (Mr. Reid) imputed motives. The words complained about were "... since it now appears that the Minister of Labour is taking sides in this dispute."

I took the matter under advisement to peruse Hansard. Having done so, in my opinion there was no imputation of motives. Therefore, there is no point of order.

\* (1430)

\* \* \*

**Madam Speaker:** I have a second ruling for the House.

On Wednesday, October 11, I took under advisement a point of order raised by the opposition House leader (Mr. Ashton) as to whether the word "racist" used in Question Period by the honourable member for The Pas (Mr. Lathlin) was out of order.

Members will recall a ruling made earlier in this session on June 7 when two members of this House used the word and both were asked to withdraw. I would also draw to the attention of this House that previous Speakers have ruled the words "racist comments" out of order on March 1, 1993, the words "potentially racist attitudes" were ruled unparliamentary on November 1, 1990, and in 1987 the words "smacking of racism" and "almost a racist assumption" were voluntarily withdrawn by members of this Legislature.

The opposition House leader, in speaking to the point of order, made the point that the House of Commons rulings on the word where it was ruled out of order were instances when they were used in reference to a specific elected member.

Perhaps we are looking at different rulings, but I have found that on May 4, 1994, a member withdrew the phrase "the questions involved were racist," and on November 4 a member was directed to withdraw the words "fanning the flames of racism."

While some members may believe that it is acceptable to refer to a party's or a government's policies as being racist, I do not. My preference, as I stated on June 7, is that the word "racist" not be used in this House.

I accept the point made by the opposition House leader that it should be possible, for example, for a member of this Chamber to refer to apartheid in South Africa as a racist policy, and I will not rule that out of order when used in a similar context when members are speaking of governments and parties outside of this province.

However, I will rule out of order any use of the word "racist" when it is used in this House to describe members of this House, another party represented in this Legislature, or a government of this province, current or past.

I will rule it out of order if there is reference to a specific member of this Chamber or if there is a reference to the policies of a government or a political party.

Therefore, I must ask the honourable member for The Pas (Mr. Lathlin) to withdraw without modification or qualification the word which he used on October 11.

**Mr. Steve Ashton (Opposition House Leader):** I just wonder if I can ask for clarification of your ruling, Madam Speaker. Is it part of your ruling that, because the member for The Pas made reference to racist policies here in the province, that is the difficulty?

I am just wondering if, for example, we were in Quebec and we were responding to Jacques Parizeau's statement of two days ago whether under this type of ruling we would not be able to comment on those racist policies—

**Madam Speaker:** Order, please. I believe the ruling is very explicit. I would refer to paragraph 4 which defines when the word "racist" will be acceptable in this House.

**Mr. Ashton:** With all due respect, Madam Speaker, I challenge your ruling.

#### Voice Vote

**Madam Speaker:** The ruling of the Chair has been challenged. All those in favour of sustaining the ruling of the Chair, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Ashton:** Yeas and Nays, Madam Speaker.

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

The time for the ringing of the bells having expired, I would request the Sergeant-at-Arms to shut off the bells.

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

All those in favour of sustaining the ruling of the Chair, please rise.

#### Division

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

#### Yeas

*Cummings, Derkach, Downey, Driedger, Dyck, Enns, Ernst, Gaudry, Gilleshammer, Helwer, Kowalski, Lamoureux, Laurendeau, McAlpine, McCrae, McIntosh, Newman, Pallister, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Sveinson, Toews, Tweed, Vodrey.*

#### Nays

*Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Friesen, Hickes, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Reid, Robinson, Sale, Santos, Wowchuk.*

**Mr. Clerk (William Remnant):** Yeas 29, Nays 19.

\* (1540)

**Mr. Clif Evans (Interlake):** Madam Speaker, I have been paired with the Minister of Family Services (Mrs. Mitchelson). Had I not been paired, I would have voted against the ruling.

**Mr. Stan Struthers (Dauphin):** Madam Speaker, I have been paired with the Minister of Highways and Transportation (Mr. Findlay). Had I not been paired, I would have voted against the ruling.

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, I was paired with the Premier (Mr. Filmon). Had I not been paired, I would have voted against this ruling.

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, I have been paired with the Minister of Finance (Mr.

Stefanson). Had I not been paired, I would have voted against the ruling.

**Madam Speaker:** The ruling of the Chair is accordingly sustained. I am therefore requesting the honourable member for The Pas to withdraw the words complained of.

**Mr. Oscar Lathlin (The Pas):** Madam Speaker, it is not often that I have difficulty speaking in this Chamber, but today I have a lot of difficulty because of the ruling that your office has given.

Madam Speaker, I am a member of the OCN, the First Nation, Opasquia Cree Nation, a First Nations territory in The Pas.

Madam Speaker, I am also a Canadian. This is my motherland here. I do not have a motherland anywhere else, and so I think that entitles me to freedoms that are given to other Canadians, such as the freedom of speech. I feel in this case my freedom of speech has been seriously infringed.

I would also like to say that I know and recognize racism when I encounter racism. You see, I have experienced racism practically all of my life. I have experienced racism in the school, in the workplace. Indeed, I live on a reserve, a reserve that comes from what I call a racist system. I have a number that was given to me by the government. My number is 802. That is racist. My Cree language, my mother tongue, the government also tried to take that away from me. That was the first time I guess my freedom of speech was put into question.

I therefore cannot, in all good conscience, withdraw the remarks that I made. I believe there are policies of this government that I deem to be racist. I could give you examples but I will not. Thank you for listening to me anyway.

**Mr. Gord Mackintosh (St. Johns):** On a point of order.

**Madam Speaker:** Order, please. I am requesting the honourable member for The Pas to please withdraw the words complained of.

**Mr. Mackintosh:** On a point of order, Madam Speaker.

**Madam Speaker:** I am requesting the honourable member for The Pas to withdraw the words complained of.

If the honourable member does not respond in the manner I have requested, I will be compelled, regrettably, to name him.

If the honourable member for The Pas does not withdraw the words complained of, I will have no alternative and will have to name him.

If the honourable member for The Pas does not withdraw the words complained of, I, regrettably, will have no alternative and will have to name him.

I have requested, directed and instructed the member to withdraw. I, therefore, have no alternative but to name Oscar Lathlin for disregarding the authority of the Chair.

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, it gives me no pleasure to move, seconded by the honourable Minister of Environment (Mr. Cummings), that the member for The Pas (Mr. Lathlin) be suspended from the service of this House for the balance of this sitting day.

**Motion presented.**

#### Point of Order

**Mr. Mackintosh:** During the remarks of the honourable member for The Pas, the member for Portage la Prairie (Mr. Pallister) was heard to say from his seat, "this is bullshit." I wonder if you heard that and if you will rule accordingly.

\* (1550)

**Madam Speaker:** Order, please.

On the point of order, I did not hear any off-the-record comments or on-the-record comments. I was listening intently, as I think was expected of all

members, to the comments being made by the honourable member for The Pas.

I will, however, peruse Hansard and, if necessary, report back to the Chamber.

\* \* \*

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, just for clarification. Is this a motion which we would be able to address?

**Madam Speaker:** This motion is nondebatable.

**Mr. Lamoureux:** Thank you.

**Madam Speaker:** Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** No.

#### Voice Vote

**Madam Speaker:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Ashton:** Yeas and Nays, Madam Speaker.

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

\* (1650)

**Madam Speaker:** Order, please. The one hour allocated for the ringing of the bells has expired. I would ask the Sergeant-at-Arms to please close the doors.

The motion before the House is

THAT the member for The Pas be suspended from the service of this House for the remainder of the present sitting.

#### Division

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

#### YEAS

*Cummings, Derkach, Downey, Driedger, Dyck, Enns, Ernst, Gaudry, Gilleshammer, Helwer, Kowalski, Lamoureux, Laurendeau, McAlpine, McCrae, McIntosh, Newman, Pallister, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Sveinson, Toews, Tweed, Vodrey.*

#### NAYS

*Ashton, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Hickes, Jennissen, Lathlin, Mackintosh, Martindale, Mihychuk, Reid, Robinson, Santos, Struthers, Wowchuk.*

**Mr. Clerk (William Remnant):** Yeas 29, Nays 19.

**Ms. Becky Barrett (Wellington):** Madam Speaker, I have been paired with the Minister of Highways and Transportation (Mr. Findlay). Had I not been paired, I would have voted against the ruling.

**Mr. Jim Maloway (Elmwood):** Madam Speaker, I have been paired with the Minister of Finance (Mr. Stefanson). Had I not been paired, I would have voted against the ruling.

**Mr. Tim Sale (Crescentwood):** Madam Speaker, I was paired with the Minister of Family Services (Mrs. Mitchelson). Had I not been paired, I would have voted against the ruling.

**Ms. Diane McGifford (Osborne):** Madam Speaker, I have been paired with the Premier (Mr. Filmon). Had I not been paired, I would have voted against your ruling.

**Madam Speaker:** I declare the motion carried.

## MATTER OF PRIVILEGE

### Members' Freedom of Speech

**Mr. Steve Ashton (Opposition House Leader):** I rise on a matter of privilege, Madam Speaker, and in accordance with our rules and with Beuchesne, it will be followed by a substantive motion.

The matter of privilege is about a very basic, fundamental right and privilege of all members of this House, and, Madam Speaker, I do acknowledge, too, that a question of privilege ought to rarely come up in this House. In fact, Beuchesne's Citation 27 is very clear on that, and as I indicated, in keeping with Beuchesne, it will be dealt with by a motion that will give the House the power to impose a reparation or apply a remedy, and I believe it is on something that is a very serious matter.

The issue, Madam Speaker—

**Madam Speaker:** Order, please.

### Point of Order

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, on a point of order, and I have no wish to exacerbate any situation that may be present, but the matter of the motion and the carrying out of its content, I would ask for your ruling whether that should be concluded before the honourable member for Thompson (Mr. Ashton) raises his point of privilege.

**Madam Speaker:** Order, please. On the government House leader's point of order, indeed the government House leader has a point of order.

The motion was carried. I would sincerely request the honourable member for The Pas (Mr. Lathlin) to leave the Chamber.

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**Mr. Ashton:** Madam Speaker, as I indicated, I am rising on a matter of privilege, and I want to stress again that according to our rules, according to Beuchesne, it is the House that will decide this matter

once a prima facie case has been established, and I hope that the House will have the opportunity to deal with this matter, because I believe there are some very serious concerns that we need to deal with in the context of a matter of privilege related to the whole question of the right, the obligation and the freedom of members of this House when it comes to one of the most basic principles of parliament law, the freedom of speech.

I want to stress what parliamentary privilege is, because I think it is important to note, for members of this House in considering this very serious matter, exactly what we are dealing with when we are deal with the matter of privilege.

I want to quote Beuchesne's Citation 24, and I quote: Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals.

I want to stress, without which they could not discharge their functions.

I continue quoting again: Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law. The distinctive mark of a privilege is its ancillary character. The privileges of Parliaments are rights which are absolutely necessary for the members because the House cannot perform its functions without unimpeded use of the services of its Members, by each House for the protection of its members and the vindication of its own authority and dignity.

I want to stress that because, fundamentally, freedom of speech is a matter of privilege of this House. Fundamentally, without freedom of speech, we cannot not only represent our constituents, the constituents that elected us a few months ago, but we cannot carry on our responsibility to uphold the parliamentary system that has its roots back to the Magna Carta in the United Kingdom of 1215; it has its roots back to key rulings that took place in the 17th Century in the United Kingdom in terms of the House of Commons which

reinforced the right of freedom of speech of members of that House, rights which were transferred to Canada with the establishment of legislatures, first in the Colonies and later in the Legislatures of Canada after 1867 when Canada became an independent country.

\* (1700)

I want to stress just how significant this is, and I want to discuss for a moment what we are talking about. This is not a question of order; this is a question of parliamentary law.

I want to quote Citation 12 of Beauchesne, which stresses the fundamental importance of parliamentary law, and I quote: Parliamentary Law is something quite different from the ordinary Civil Law or Common Law. Parliamentary Law is based on centuries of tradition and precedents which have marked the evolution of parliamentary freedoms from the time that the first Parliaments were governed under the Divine Right of Kings to the stage of Parliamentary sovereignty which we have now acquired.

What are those principles of parliamentary law? Beauchesne's Citation 1 gives the clearest indication of what parliamentary law includes, and I quote: The principles of Canadian parliamentary law are—and I will quote a number sections from Section 1—to protect a minority and restrain the improvidence or tyranny of a majority.

The other section of Citation 1 refers to the need: To enable every Member to express opinions within limits necessary to preserve decorum and prevent an unnecessary waste of time. In other words, Madam Speaker, parliamentary law is based on one fundamental principle and that is the ability of members of this House or any Legislative Assembly, of any member, even one member, to be able to speak out freely, subject only to the rules of this House in terms of decorum.

Let us not forget, Madam Speaker, just how broadly that is defined. Freedom of speech deals with protection of members of this House against legal action for comments made on criminal or civil matters in this House. Historically, freedom of speech,

particularly with the actions of United Kingdom House of Commons in 1629, confirmed by statute in 1688, protected the members of the House of Commons at that time and for time immemorial against actions taken by the Crown because in many ways, whether it was the Magna Carta, whether it was the decision of 1629 or 1688, it was all part of a struggle by members of the then-Houses of Commons for their ability to speak out, the ability of free speech. All of those precedents were transferred to Canada through the Legislatures and were confirmed in 1867, and I would argue have been confirmed since in the Constitution of 1982.

Madam Speaker, I want to deal with the question of freedom of speech and what limitations there are on freedom of speech. I mentioned earlier that there was reference in Beauchesne to the need to preserve decorum. As members of this House will well know, there are times during which the House does intervene in terms of decorum but particularly when it comes to unparliamentary language.

I just want to quote—I do not want to get into detail—in terms of Beauchesne's Citations 488 through 492 which deal with the specific mechanics. I want to deal with the fundamental root of why there are rules in regard to unparliamentary language. It essentially relates to decorum.

I want to quote Griffith and Ryle from Parliament Functions, Practice and Procedures, which was published in 1989, which states very clearly, and I quote, that on the whole the member can speak freely, protected as he is by privilege from possible actions for defamation, subject to compliance of certain conventions and rules of the House.

Madam Speaker, I want to quote further, page 211 of Griffith and Ryle which states that the main guiding principle is that charges should not be made against members or other protected persons which question their honesty or integrity.

Erskine May has, I think, probably given the best guide in terms of how one deals with possible breaches of our rules in terms of unparliamentary language when Erskine May talks about the need for good temper, moderation of character being the basis of our

parliamentary language. You know, Speakers have consistently ruled that controversy in politics, and indeed what has even been described, as one Speaker in the British House of Commons recently has, as robust, a robust Parliament. That is part of our tradition, including, I would suggest, strong language.

You know, I want to stress just how focused our restrictions on freedom of speech are and to point to a recent decision in the British House of Commons which, I think, deals with the fundamental root of what is protected and what is not protected in terms of freedom of speech in this House, and I want to quote this. Once again, this is from Griffith and Ryle, page 211, when it references the fact, and I quote: that allegations of collective lack of integrity—the "hypocrisy of the party opposite"—have however been allowed; and the Speaker has ruled that while it may be permitted to describe a party as "racist" it would be out of order to apply that term to an individual Member.

Madam Speaker, the ruling of the British House of Commons and, I would suggest, the basic principle of every single ruling of this House in terms of unparliamentary language has been based on the fact that we have freedom of speech, subject only to the fact that we cannot make charges against individual members of this House and other protected individuals. That was confirmed as recently as 1986 in the British House of Commons.

I would note also, while it was on a different matter, the ruling by Speaker Rocan, April 1992, and this was in regard to sub judice convention, where he cited Citation 511 of Beauchesne and indicated that it is a fundamental right, ". . . which they would be hampered in their performance of their duties." This is referring to freedom of speech. "The Speaker should interfere with that freedom of speech only in exceptional cases where it is clear that to do otherwise could be harmful to specific individuals."

Madam Speaker, reinforcing centuries of tradition that references made against individuals and members indeed are subject to intervention by this House, subject to our rules in terms of unparliamentary language, but these conventions that we have, in terms of intervention on matters of unparliamentary language,

do not in any way, shape or form take away from the basic fundamental principle, the parliamentary principle of freedom of speech.

I cannot stress enough the importance of freedom of speech. Bourinot Parliamentary Procedure, page 47 of the second edition, I would quote Bourinot who indicated that among the most important privileges that members of the Legislature enjoy is freedom of speech in debate. A privilege long recognized as essential to proper discussion is confirmed as part of the law of the land.

Maingot on Parliamentary Privilege goes into some of the background. I would invite members to look at the development of both parliamentary privilege and one of its most fundamental aspects, that of freedom of speech. When it is indicated on page 2 of Parliamentary Privileges . . . and I quote, that from the time that the Legislative Assembly first established in Canada in 1758, the law accorded to it those taking part in its deliberations all the powers considered necessary for a Legislature and its members to perform their legislative work. In this way the members had freedom of speech and debate.

This was at a time when what is today Canada consisted of colonies in which there was not complete democracy in terms of representative democracy as we know it today. Yet, as early as 1758 in Canada, it was recognized.

I could quote further in terms that may go into some of the background, which I have already dealt with, the United Kingdom precedents, but I want to stress again how important the development, the right of freedom of speech is, and quote Maingot again from page 23, the same edition: that while freedom of speech was probably freedom of privacy in the beginning and conceived to protect the members from the king's wrath, the view of this privileged right or immunity since, it has been printed on sufferance to hear and report what was said in Parliament, is that freedom of speech is a privilege essential to every free council or Legislature. No one in the free world will argue to the contrary.

\* (1710)

Madam Speaker, that is why I have risen today on a matter of privilege. We do not believe that we can continue in this House without having a clear discussion by all members about some of the developments that we have seen even as recently as today. And I want to stress that I am not challenging your previous ruling in terms of the use of the word "racist" at this time. Obviously that matter was concluded certainly in regards to that particular matter.

But I raise the issue of concern here that if we do not carefully look, the need to preserve freedom of speech, in particular the ability of members to speak out, not against individual members of this House—everyone accepts that that is not acceptable—but the freedom of members of this House to speak about policies of a government or a political party, something that was just reconfirmed in the British House of Commons as recently as 1986 and is something I believe is fundamental in terms of all our traditions as a parliamentary democracy.

The words may be strong at times but I raise this as a concern. If we are restricted in our ability to comment, whether it be the word "racist" or any other word, whether it be "sexist," whether it be "ageist," "homophobic," there are so many words that are used today I think in terms of analyzing policies, programs of governments and political parties.

But I ask, where would the House of Commons in South Africa have been if they were under the restriction in South Africa in 1949 when apartheid was introduced, a racist policy, a racist set of laws, if they could not have accused the government of bringing in racist laws and of being a racist government?

I ask, Madam Speaker, to the south of us, which while not of direct lineage in terms of the parliamentary system, how anyone could have spoken out against the terrible abuses of civil rights, against slavery, against many issues that were clearly racist, if they were restricted from doing so? And I ask here in Canada, looking at the House of Commons, could not members of that House have said it was a racist policy or government was racist when there were the internment of Ukrainian-Canadians in the First World War, the removal of civil rights of Japanese Canadians in the

Second World War? Would they not have then been able to stand in the House of Commons and call those actions, based as they were on race, racist actions?

What about aboriginal people who were denied the vote in Canada until 1960? Could not a member of the House of Commons have risen in the House of Commons and called that a racist policy, to deny one segment of society the ability to have the most fundamental right of all, the right to vote? And how about in our own Legislature, where we too did not until the Campbell government allow all citizens, including First Nations citizens, the ability to vote?

Could a member of this House in the 1920s or 1930s or 1940s, before the extension of that not have said that that was a racist policy? Could members of this House not have said that prior to the introduction of suffrage for women, and recognizing that the term was probably not used in those days, but in using a term that has since come into usage, could they have not said that that was a sexist policy, to deny 52 percent of the population the ability to vote?

Madam Speaker, I would suggest that the ability of members to use that kind of language, strong language as it may be, use it not only in the context of policies but direct it towards governments, is not only something that is the duty of members of this House, it is also, I believe, the responsibility, it is the privilege of members of this House.

Now, Madam Speaker, I have talked about the evolution of the parliamentary system from the United Kingdom transferred to Canada with the Legislatures and a long, proud history of fighting for freedom of speech that resulted in members of previous Houses being subject to arrest and threats of imprisonment, threats of treason but, you know, I do not want to strictly rely on that precedent, because this province is a province with many histories.

We could talk, I believe, about the evolution and the system in France brought about by a revolution which has in many ways impacted on many developments in Canada, as well, another of our founding people. I could talk about the many Canadians who have come to Canada for the fundamental right of freedom of



speech. There are so many people in this House whose ancestors, perhaps even themselves came to this country because of the ability to practise many freedoms, but particularly the freedom of speech.

But I want to focus today, Madam Speaker, on the history of our First Nations, because in many ways the traditions of our First Nations are often not given the kind of significance, the attention that they deserve, and I found it interesting when looking at this matter, the development of parliamentary privilege, that in many ways many of the traditions of First Nations governance are very similar to the traditions that existed prior to the development of the parliamentary system.

In fact, in Britain prior to 1215, which is really one of the watersheds, the signing of the Magna Carta, there were meetings of Anglo-Saxons called witan, essentially tribal meetings by which the wisdom of the elders and community leaders was sought, Madam Speaker, without restriction by kings and nobles of the day.

Madam Speaker, that same kind of tradition is probably very evident to anyone who cares to look with our First Nations or indeed with the Metis, who developed a whole tradition of democracy originally out of the traditions of the buffalo hunt, but a tradition of democracy and freedom of speech that led to the founding of this province in 1870 by Louis Riel, by the other Metis.

That tradition has always been respectful of the right of every member of a community to freedom of speech, and I would encourage members to participate in some of the discussions I have had the ability to participate in. Madam Speaker, there are often no time limits, no particular rules. Discussions take place on a circular basis, the circle very much a part of aboriginal culture. Each and every person is listened to, whether it be the elders or the youngest members of a community, whether someone be in an official position of leadership or whether that person be just like anyone else, a member of that community. That is why, as I speak today on the question of freedom of speech, I do so not only on the basis of the parliamentary system, a system that originated in the United Kingdom that has

since been practised throughout the Commonwealth, but I do it based on some of our other traditions as well, particularly our First Nations traditions.

I want to say, Madam Speaker, that this Chamber, with its own long history, is far bigger than any of us today. This Chamber has been the subject of many a debate. This Chamber has a great deal of history, and it is a history of freedom of speech. It is, I think, important to note that in recent years the participation in this Chamber has extended to many Canadians who were not perhaps part of the dominant groups in the early years of Manitoba history, many nationalities and backgrounds.

In recent years, one of the things that I am very pleased with, Madam Speaker, is the increased participation by First Nations, by Metis, Manitobans, in the participations of this Assembly. It is a relatively recent participation, and, in that time, we have seen significant issues, national issues, such as Meech Lake, where that right of the ability to participate, the right of freedom of speech, was fundamentally protected by this Chamber.

\* (1720)

I will never forget personally speaking on a point of order that was raised on Meech Lake; the then-Speaker Rocan made an historic ruling which, as we were considering the Constitution of this country and the fate of the nation in some ways—at least, it seemed that way at the time—we stood for the procedures, for the principles of this House, in this particular case, in terms of the requirement of notice which in itself is rooted in the right of freedom of speech. That statement was a statement made by this parliamentary Chamber, but, ironically, it was, in many ways, historically a statement that was made by and with First Nations.

It was appropriate because I believe, throughout the history of Canada, since the first contact between Europeans and between aboriginal people, there has been a fundamental respect shown by aboriginal people for the traditions, whether it be of then Britain, later France, or whether it be the traditions of Canada, including our system of laws, including our parliamentary system. It is a respect, Madam Speaker,

that has survived the experience of the reserve system. It has survived the experience of treaties which have not been, even to this day, fully acknowledged and recognized in terms of the obligations that apply to those treaties. That respect survived through to the discussion of the Constitution of Canada in this Chamber in 1990, and I believe, by the participation today of First Nations members, aboriginal members, it survives to this day.

Madam Speaker, those members who are elected to this House, whether they be aboriginal, whether they be new Canadians, the many people who have come to this country, whether they be Canadians who have settled in Canada or in Manitoba for generations, we all share one thing in common when we seek election to this Chamber, and that is the ability to practise the most fundamental principle not only of parliamentary law but of democracy, that is, the freedom of speech.

Madam Speaker, I raise this matter of privilege today because I am concerned that unless this House meets—and I am going to be suggesting in my motion which I will be bringing in on behalf of all members of our caucus who feel very strongly about this that we take a step back from any new restrictions on the right of the freedom of speech and that we meet in the Standing Committee on Privileges and Elections and we meet in an open forum and that we meet with open hearts to discuss where we proceed. I can say that unless we do that—I know already there is a great deal of concern by a number of members I have spoken to about why they are in this place. That should never happen.

No matter what happens in this place, this Legislature, all members of this House, duly elected by the people of Manitoba, should always feel that they have the ability to speak out on behalf of the people who elected them. That may mean at times harsh words. That may mean at times strong words. It may involve the use of such terms as "racist, sexist," maybe other terms that may be applied, respecting the fact that we all agree that there should never be a role in this Chamber for personal attacks using those words.

There is still a role, I would suggest, not only a role, a fundamental obligation, for all of us to speak out on

those types of issues. I stress that it is fundamental that we be able to do so not only for other jurisdictions, not only for other provinces. If it is good enough for us to stand in this Chamber and say that the comments made by Jacques Parizeau were racist on the night of the referendum, which I believe they were, Madam Speaker, if a future leader of this province was to make the same comments or similar comments, I would say we would have to, under any standards of democracy and responsibility, apply the same rules that we would apply to Jacques Parizeau to this House and any actions taken by a government, any policies of a government. If we can say that the policies of a government, statements of a government in Quebec are racist, we have to have that ability to do so here.

It may be the subject of strong debate, but that is what we are here for in the same way that we have debated many issues in this House that were the subject of strong words and of debate. I remember this because I sat in this House. I mention Meech Lake when we went through the constitutional issue with the French language issue 1982-83-84. Madam Speaker, I remember the echoes coming from members of the Conservative Party then talking about freedom of speech. They rang the bells for weeks on end for what they considered to be something that was important to respect the right of freedom of speech.

Madam Speaker, there were a lot of heated moments in this House. There were a lot of strong words used, but I do not think anyone at any point in time on any side of the House ever questioned the right of all 57 members of this Legislature to speak out on that issue. That is why I am rising on this matter today. This is a fundamental privilege, the privilege, the right of freedom of speech.

We wish to have this matter dealt with by the Legislature itself, because the Legislature is the final authority in terms of matters of privilege. I would urge you to consider this to be a *prima facie* case and to put this matter to the House, and I would urge all members of the House to support the motion that I am about to move. I recognize, Madam Speaker, that it may be difficult for some members across the way to do so, but I think when they consider what is at stake and the importance, I believe, of making sure there is a place in

this House for all members, all 57 members, and there is a place in this House to raise fundamental issues including issues of racism and sexism.

I think we can all come together collectively to ensure that we do not have restrictions on our right of the freedom of speech and that is why, Madam Speaker, I move, seconded by the member for Wellington (Ms. Barrett), that the question of the freedom of speech of members of this House be referred to the Standing Committee on Privileges and Elections.

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, it is a very difficult issue that the member for Thompson (Mr. Ashton) has brought forward, the opposition House leader, and we take all matters of privilege, as all members do, very seriously. It was a very difficult ruling. There is no doubt about that, and I am hoping to be able to add some light in terms of why it is the three members of the Liberal caucus felt that it was important to support the Speaker on her ruling.

Madam Speaker, I listened very attentively to what the member for Thompson has said and, in essence, with respect to the motion itself, I would be quite supportive of a standing committee, if you like, or any group—and hopefully that group would be made up of representation from all members of this Chamber. I hope the member for Thompson and the government side would see fit to ensure that if in fact it does occur that there is representation from all three blocs, if you like, inside the Chamber.

Freedom of speech is found in Beuchesne's on page 22. I would like to cite Beuchesne's Clause 77: "Freedom of speech does not mean that Members have an unlimited or unrestrained right to speak on every issue. The rules of the House impose limits on participation of Members and it is the duty of the Speaker to restrain those who abuse the rules."

Is this a question of freedom of speech, Madam Speaker? One has to be very careful, no doubt, with words that are being used, Beuchesne's will tell you, and I am going to refer to many of those words, which are ruled as being unparliamentary. I can speak first-

hand from debates, for example, that have occurred in the past, whether it was final offer selection or other actions that our caucus, both as official opposition, as a third party and current group where allegations or thoughts were thrown off to me personally, directly, because of some of the actions that I had taken in terms of, I am going to lose my seat, or, we are out after you, you are next. Those sorts of comments. Those kinds of comments many might interpret as trying to intimidate, to limit a particular speaker from being able to say what they really want to be able to say.

What I want to focus on is the actual words, if I may, the right to use some of the words inside the Chamber. Beuchesne's is a book from which the member for Thompson (Mr. Ashton) almost on a daily basis stands up and quotes, the government quotes from and, on many occasions over the years, I, too, have quoted from. I would turn to page 144 and cite Citation 489. Since 1958, it has been ruled unparliamentary to use the following expressions: "deceive"—and there is a good, healthy list, Madam Speaker—"illegal," "irresponsible members," "lie," "lies," "mislead."

\* (1730)

Madam Speaker, it is a very lengthy list, and Beuchesne's is very clear in the sense that it is saying, it is being ruled unparliamentary to use these following expressions.

Well, Madam Speaker, I am wondering if there is anyone inside this Chamber that can stand up and tell me that they have never used a word that is classified as unparliamentary according to that particular definition. I would challenge anyone to do that.

If we look further into Beuchesne's, again, page 149, Citation 492 says: Here are a list of words in which Speakers have intervened in some way or another.

Again, it is a very lengthy list: "cheating," "corrupt," "cover-up," "distorting," "honourable lady," "liar," "lies," "manslaughter," "racist."

Madam Speaker, these are again words I would challenge—maybe every member has not used each and

every of those words that I have listed, but again I believe very firmly, because I have sat in this Chamber and I have listened to many debates over the years, that there is no one virtually almost, and there might be the odd exception, I guess, but I would challenge individual members, in particular the member for Thompson and whoever else might speak on this matter of privilege, whether or not they have ever used a word of this nature.

Well, Madam Speaker, why is it that I choose to point out those particular citations? Because I am going to refer members again to page 149 and quote Beauchesne's 491. And this is what I believe is very important for all of us to understand: The Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken. No language is, by virtue of any list, acceptable or unacceptable. A word which appears which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary.

I was present and I cannot recall verbatim exactly what occurred on that particular day, but I have experienced first-hand, because I sit between the New Democratic Party and the government, and some of the comments that I have heard in the past going back and forth, and Madam Speaker, let there be no doubt, "racist," "racism," those are very strong words, and I believe probably if you check Hansard I myself might have used them.

I think what is important is the context in which they have been said. I have seen the member for The Pas (Mr. Lathlin) hammer at his desk and point and mouth out words to the government. I have seen that. I have seen the government, the Premier himself do likewise. In fact, on one occasion, both of them withdrew their comments, as was pointed out.

It hurts me greatly to believe that I would be in favour of trying to say or to limit an individual's rights and freedoms to be able to speak and say whatever it is that they want. I would not want a member in particular, whether it is the member for Thompson or the government House leader, to stand up every time they hear me use the word "deceive," because likely I

have used it on numerous occasions. Technically, according to Beauchesne's, they could stand up and they could say, the member for Inkster has used the word "deceived."

Madam Speaker, it depends on the context in which it has been expressed. There are words that are very strong. If you say to any minister or you say to me, personally, or if you even make the infraction that I am a liar or imply that I am a liar because a caucus has made a decision and I did not stand for it or to personally attribute something to me, it hurts.

Madam Speaker, I helped develop the Liberal Party's policy. And if you say a policy is racist, well, nothing prevents you from being able to say the word "racist" or "liar" outside of this Chamber. You can say it all you want outside of the Chamber. You can say whatever it is that you want. Inside the Chamber, the rules—

**Mr. Doug Martindale (Burrows):** You can get sued for libel.

**Mr. Lamoureux:** Well, the member for Burrows says you can get sued for libel outside the Chamber. That means if you use it outside the Chamber you better make sure you are being accurate and you have your facts straight.

The point of having freedom of speech is something which we should all applaud within the Chamber but there are, through Beauchesne's, many words that are ruled as being out, as being ruled as out of order. That is why I fall back on the rule that says it depends on the context in which it is being used.

Madam Speaker, I believe that a matter of privilege, or if we were to peruse Hansard over the last number of years, there are a lot of people that potentially could have been named from this Chamber. I do not think it is a happy day for the Manitoba Legislature. I do not think that it was a positive thing that a member had to be named. This is the first time that I have experienced it in the seven-plus years that I have been here.

Madam Speaker, I do not want to send the wrong message to the public. There are some words that are

very strong. Given the context in which you put those words, if they are put and deemed put in such a fashion, that the Speaker or government or opposition members feel that they have been slighted in whatever fashion, they can stand up on a point of order and ask that those words be withdrawn.

If in fact the member concurs with that, they will stand up, and I have seen it on numerous occasions, and they will withdraw those words. Individuals felt slighted. There are those words that are very strong. If we go around as legislators and say, for example, outside in the hall, that this government is racist, this government lies, this government does this, and you know I am more than happy to point out many areas where this government has done a bad job. One might even question it in terms of being borderline racist, but I am concerned about the children that are out there, the future generations and so forth, and there has to be some sort of decorum that applies. I could be accused of not necessarily adding to decorum at times inside the Chamber, but if it is brought to my attention, I do what I can to rectify something that I have said.

In fact, Madam Speaker, I believe it was last June you and I, some might say, had a bit of a tiff. I recall myself, because the government got me so upset, saying something and heckling something over, and it was pointed out to me and I stood up to withdraw because I felt that it was not appropriate, because I have to look at it in the sense of what context was it said. I do not want to do anything, and I would not want to obligate my two caucus colleagues to do anything that is going to limit freedom of speech inside this Chamber, and I trust—and that is why I say I do not have too much of a problem with the motion.

\* (1740)

I am overwhelmed and would be pleased to be able to participate in a committee that would actually look at this issue. There are other issues that I would like to look at, and would hope that all members would take those same sorts of principled stands.

With those few words, Madam Speaker, as I have indicated our position on this particular motion, we will leave it at that. Thank you.

**Mr. Ernst:** Madam Speaker, the member for Thompson (Mr. Ashton) was very eloquent with respect to his raising this matter of privilege, and the foundation of raising that matter of privilege borders, I think, very closely on reflecting on your ruling, a matter which had been voted on by this House earlier and a matter—

### Point of Order

**Mr. Ashton:** Madam Speaker, on a point of order, the minister is making a very serious charge, and I think if he will peruse Hansard and he will recall what I said, I made it very clear that we were not in any way challenging a ruling that we had previously challenged, which was decided upon by this House and were referring to the issue of freedom of speech.

I would ask that the minister not leave that statement on the record and withdraw it. We dealt very clearly with what we thought was a matter of privilege, and we did not get into debate on a previous point of order.

**Mr. Ernst:** On the same point of order, if the member feels that somehow my statement created a problem or suggested—I said, came perilously close, I did not say it did to reflect on you really, Madam Speaker, but I am prepared to withdraw that.

**Madam Speaker:** I thank the honourable government House leader.

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**Mr. Ernst:** Madam Speaker, it has been a long day. The question of freedom of speech is vital to any democratic process, any democratic society. All of us here cherish that freedom of speech, the right to bring the views of different kinds, on a variety of issues to this House on a daily basis.

The freedom of speech in any democratic society is the foundation of that society. However, it is not a licence to say anything you want to say. It is not a licence to simply carry on certain statements from time to time, and it is actually quite significantly controlled by the very history and the very quotations that the member for Thompson (Mr. Ashton) referred to.

Madam Speaker, Beauchesne has, under Sections 485 through 490, referred to a number of issues surrounding the use of certain words with respect to debate in the House. It is not a curtailment of freedom of speech at all, because there are dozens and dozens and dozens of words and phrases cited in Beauchesne and particularly through Sections 488, 489 and 490 that refer to what may and may not be said as part of parliamentary conduct, not a question of freedom of speech, not a restriction on the freedom of speech, but in the way it is said and the words that are used.

Madam Speaker, issues can be raised, statements can be made, to obtain—the English language has many, many statements, many, many words that can be used to mean a variety of things. But history, tradition, precedent has referred to a number of words and statements and phrases that have been ruled unparliamentary by previous Speakers.

We tend to abide by those histories and traditions and precedents as the guidelines for which we operate in this Chamber and other similar Chambers under the British parliamentary system. But, Madam Speaker, because we are restricted in using certain words—now, I may feel if someone in this House makes a statement that I do not agree with and I think is totally inaccurate, I may feel that I would like to stand up and call that person a liar, but I cannot because Beauchesne says that all members are honourable members in this House, and you cannot use that kind of word.

You cannot use a number of other words, words that I find—some are a little historically out of date because not used in the vernacular any more, but nonetheless, as vernaculars change, as expressions of derision change, as new and inventive things happen over a period of time, new words need to be added to rulings of Speakers.

That is the purpose of having a Speaker in this Chamber. That is the purpose of having those historical precedents by which to follow, to give us some method, some guideline, some parameter, if you will, around which members of Legislative Assemblies and Parliaments can operate, following again Beauchesne's Citation 1, which, in part, says, to secure the transaction of public business in an orderly manner.

If we are going to conduct it in an orderly manner, then we need to have those parameters, those guidelines in order to properly address the question in this House. I do not think for a moment that the question of a particular word constitutes a question of privilege, I think, Madam Speaker, refers simply to the question of the use of certain words that are found to be unparliamentary.

We labour every single day in this House under certain restrictions. We are not free. Freedom of speech is an adject term, and I suppose if I had a dictionary I could quote from it as to what it means. But the fact of the matter is no one is restricting the use of words that are deemed to be parliamentary in any question raised in this House dealing with, in the case of, let us say, government policy.

All kinds of attacks occur here every day on government policy. Members, in Question Period, raise with ministers on this side of the House certain policies that they think are wrong, are not in the best interests, in their view, of the public. They use all kinds of terminology to deal with those issues. So no one is restricting any freedom of speech here. The question is, what words can you use in describing what you call certain individual types of actions by government, by a party or by a member?

If we are going to use words such as racism in this House—and you have ruled today that such words should not be used. Of course, with respect to individuals, the use of that word is clearly established, and I think there is no argument from the member for Thompson (Mr. Ashton) or for that matter from the member for Inkster (Mr. Lamoureux) or any other member in this House as to the propriety of the use of that word when it relates to an individual.

But at the same time, Madam Speaker, when you refer to it as a policy of the government, in my view it refers to all members on the government side. It refers to all people who are elected as members of a particular party related to the operation of a government in this province under our parliamentary system.

So it reflects, Madam Speaker, not just on one individual. It reflects on all individuals on this side of

the House, or were it that another political party had formed the government, then it would reflect on any government, and it would reflect on all the members of the government, and I find that to be highly offensive, because I have my own views as to what I believe and they do not encompass racism, and if I am collectively accused, as opposed to individually accused, then I find that offensive, and I find that, quite frankly, a breach of my privilege as a member of the House.

We have to be careful to determine what is freedom of speech and what are unparliamentary references, and we labour, as I said, under that restriction each and every day. I would love to be able to say from time to time some of the words that are prohibited in *Beauchesne* when certain activities occur in this Chamber, and I am sure every member in the House here would love to use some of the terms that are found in *Beauchesne* that are deemed to be unparliamentary.

But, Madam Speaker, if we are to be legislators, if we are to be lawmakers in this province, and that is what the people elected us to do, and that is the reason we labour in this Chamber everyday, if we are to do that, then we have to abide by laws that we make, and those laws for the use of language in this Chamber are primarily found here in this book, *Beauchesne*. That seems to be the primary reference book for the kinds of parameters that are necessary to conduct, as Citation 1 says: "... to secure the transaction of public business in an orderly manner;".

\* (1750)

Now, Madam Speaker, we deal with *Beauchesne's* Citations 488 through 490. It lists, as I said, in here dozens of words and phrases that have been found historically to not be found parliamentary and not to be used within the context of a parliamentary debate. Those words, and I could quote a number of them, some as I said earlier which are not necessarily so much in use in today's vernacular but nonetheless have been recorded over time, and that is the precedent-setting nature of the kinds of things that occur in our parliamentary system.

We find, Madam Speaker, every so often an inventive new creation, and when some of those

inventive new creations come along, it is necessary to provide for their limited or excluded use in this Chamber as the case may be, because not everything under *Beauchesne's* Sections 488 through 490 are necessarily unparliamentary. There are lists of words in there that are clearly unparliamentary, lists of phrases that are clearly unparliamentary, but on the other hand, there are lists of words and phrases that may be unparliamentary or have been ruled both parliamentary and unparliamentary.

So, Madam Speaker, as we labour in our work here in the Chamber, there are these words that from time to time fall into this category of unparliamentary and ought not to be used, and I think for a very good reason, because all members here are honourable members, and that is the premise by which we operate. They are constantly reminded of that from time to time when interjections take place that cause some trepidation amongst certain persons, but we are reminded of that on a regular basis both by yourself and previous Speakers, that all members are honourable members.

So, Madam Speaker, to refer to one honourable member or a number of honourable members in a certain manner that has been decided upon as being inappropriate, then it is appropriate to include those kinds of things under unparliamentary language, and in no way at all, no way at all, does it ever reflect on a question of freedom of speech.

The member for Wellington (Ms. Barrett) referred a moment ago from her seat to the question of policies. Well, the question of policies is quite correct. There are hundreds, hundreds of adjectives in use in the English language today which are parliamentary and which could reflect in a certain manner upon those who develop those policies or those who pass those policies and implement those policies and bring those policies forward for implementation in the public if they are not happy with them. If they are not happy with those policies, there are ways and means of describing them without reflecting upon individuals in certain ways that have been ruled inappropriate and unparliamentary.

So there is no question, Madam Speaker, that the issue that the member raises, although important and

although necessary to be dealt with from time to time by a collective of the members of the House to try and determine what may or may not be acceptable, but it has nothing to do with freedom of speech.

It has to do with what is acceptable as far as members are concerned who are all honourable. It has to do with what generally speaking in the vernacular today is referred to as being politically correct, small "p" because it does not refer to the political aspects of politics per se in the House. It has to do with what is acceptable today in society for references.

The member for Thompson (Mr. Ashton), in fact, raised a number of those kinds of words, but while he raised those kinds of words, and I would concur with what the member for Thompson said with respect to those words, the fact of the matter is, it is not a restriction of freedom of speech. It is a question of what is acceptable today in society, and those words tend to translate from society through to this Chamber and wind up as the words that are contained in Beauchesne's Sections 488 and 489 or 490, wind up on the list of other terms that are parliamentary, unparliamentary or can be considered, depending upon the context, on either kind of list.

So, Madam Speaker, today is not a happy day. No one, I think, enjoyed the proceedings that occurred this afternoon, but, at the same time, we are the lawmakers of this province. If we cannot obey the laws, how on Earth are we going to expect the public out there to obey the laws? I mean, let us face it. In a democratic process, in a democratic society, laws are only effective because the public want to obey them, not because they have to obey them.

If laws had to be enforced constantly, we would have to have one police person for every citizen to ensure the law was in fact enforced. From time to time, if the police person did not want to obey the laws, then we would have to have another police person for that police person.

So the essence of a democratic society is that we have laws because we want to obey those laws, and certainly we in this Chamber need to set that example. If we are going to create a law and expect the public to

obey that law, to go out after passing a law in this particular Chamber to say to the public, this is the law, and you are going to have to obey it because that is the collective wisdom of this House, then we ought to be the first to hold up the example, not the last. We ought not to decide that we are going to disobey the law.

The question of freedom of speech, as the member has raised in his question of privilege, I submit is not a question of privilege at all. Nonetheless, it is an important question, an important question that perhaps collectively needs to be dealt with by members of this House.

Well, I suspect, Madam Speaker, you will take this matter under advisement and consider whether the question of privilege has been found or not and whether a prima facie case has been made by the member for Thompson (Mr. Ashton). I suspect that, from at least my perspective, having listened very intently to what the member for Thompson said, that it is not a question—a prima facie case has not been made by the member for Thompson with respect to a question of privilege.

Madam Speaker, regardless of what ultimately your ruling decides, having experienced what has gone on here this day in this House, obviously, a discussion needs to take place amongst all members.

How that occurs, I am prepared to discuss with the opposition House leader (Mr. Ashton) at a little later time, once everyone has had a chance to perhaps cool out a bit. I suspect that a discussion would be a healthy thing for all members of this House.

\* (1800)

Madam Speaker, regardless, I think it is sufficiently important that I am prepared to discuss with the opposition House leader the question of calling—perhaps the committee on rules of the House might be the most appropriate committee to meet perhaps intersessionally with respect to this issue to discuss the kinds of things that we need to discuss with respect to what can be said and what should be said in the House and what should not.



That is not going to do away with the precedent, nor would quite frankly a finding that the member's matter of privilege, having it referred to the Standing Committee on Privileges and Elections, it is unlikely that that is going to change anything either in the sense that we still operate in the House.

Perhaps, Madam Speaker, there might be willingness of the House to continue for a couple more minutes and I will be finished.

**An Honourable Member:** Leave not to call it six?

**Madam Speaker:** Is there leave of the House not to see the clock so the honourable government House leader can finish his remarks?

**Mr. Ashton:** On that, there are a number of other members who wish to provide advice to you on this matter, so I am just wondering if we may—

**Mr. Ernst:** Well, Madam Speaker, in that case, then I will withdraw my request for leave and we will continue this matter tomorrow.

**Madam Speaker:** I thank all honourable members for their advice and I indeed will take this under advisement.

The hour being past 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 1, 1995

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