



Fourth Session - Thirty-Fifth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

42 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, July 15, 1993

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Cliff Evans (Interlake): Mr. Speaker, I beg to present the petition of Lucille Desorcy, Rachel Lachnit, Mariele Nault and others requesting the Minister of Health (Mr. Orchard) consider restoring the Children's Dental Program to the level it was prior to the 1993-94 budget.

READING AND RECEIVING PETITIONS

Mr. Speaker: I have reviewed the petition of the honourable member (Mr. Dewar). It complies with the privileges and the practices of the House and complies with the rules. Is it the will of the House to have the petition read? [agreed]

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

WHEREAS Manitoba has the highest rate of child poverty in the country; and

WHEREAS over 55,000 children depend upon the Children's Dental Program; and

WHEREAS several studies have pointed out the cost savings of preventative and treatment health care programs such as the Children's Dental Program; and

WHEREAS the Children's Dental Program has been in effect for 17 years and has been recognized as extremely cost-effective and critical for many families in isolated communities; and

WHEREAS the provincial government did not consult the users of the program or the providers before announcing plans to eliminate 44 of the 49 dentists, nurses and assistants providing this service; and

WHEREAS preventative health care is an essential component of health care reform.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr.

Orchard) consider restoring the Children's Dental Program to the level it was prior to the 1993-94 budget.

Mr. Speaker: I have reviewed the petition of the honourable member (Mr. Maloway). It complies with the privileges and the practices of the House and complies with the rules. Is it the will of the House to have the petition read? [agreed]

Mr. Clerk: The petition of the undersigned citizens of the province of Manitoba humbly sheweth that:

WHEREAS Manitoba has the highest rate of child poverty in the country; and

WHEREAS over 55,000 children depend upon the Children's Dental Program; and

WHEREAS several studies have pointed out the cost savings of preventative and treatment health care programs such as the Children's Dental Program; and

WHEREAS the Children's Dental Program has been in effect for 17 years and has been recognized as extremely cost-effective and critical for many families in isolated communities; and

WHEREAS the provincial government did not consult the users of the program or the providers before announcing plans to eliminate 44 of the 49 dentists, nurses and assistants providing this service; and

WHEREAS preventative health care is an essential component of health care reform.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Orchard) consider restoring the Children's Dental Program to the level it was prior to the 1993-94 budget.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mr. Jack Reimer (Chairperson of the Standing Committee on Economic Development): Mr. Speaker, I beg to present the Ninth Report of the Standing Committee on Economic Development.

Mr. Clerk (William Remnant): Your Standing Committee on Economic Development presents the following as its Ninth Report.

Your committee met on Tuesday, July 13, 1993, at 7 p.m. in Room 254 of the Legislative Building to consider bills referred.

Your committee heard representation on bills as follows:

Bill 30—The Vulnerable Persons Living with a Mental Disability and Consequential Amendments Act; Loi concernant les personnes vulnérables ayant une déficience mentale et apportant des modifications corrélatives à d'autres lois

Bill Martin - Canadian Mental Health Association

Allistar Gunson - Association for Community Living (Manitoba)

Theresa Ducharme - People in Equal Participation Inc. (PEP)

Rod Lauder - Private Citizen

Zana Lutfiyya - Private Citizen

Barbara Bird - River East Advocacy Coalition for the Handicapped Inc.

Roger Kiendl and Carl Stephens - St. Amant Society

Jean Smith and Debbie Doherty - Transcona-Springfield Association for Special Needs Inc.

Ann Zebrowski - Private Citizen

Bill 31—The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie

Theresa Ducharme - Private Citizen

Anna Desilets and Mary Lamont - Alliance for Life

Audrhea Lande - Private Citizen

Amanda LeRougetel - Coalition for Reproductive Choice

Lori Johnson - Morgentaler Clinic

Robbie Mahood - Private Citizen

Cynthia Byers - Private Citizen

Bill 33—The Provincial Railways and Consequential Amendments Act; Loi concernant les chemins de fer provinciaux et apportant des modifications corrélatives à d'autres lois

Don Tennant - United Transportation Union

Your committee has considered:

Bill 30—The Vulnerable Persons Living with a Mental Disability and Consequential Amendments Act; Loi concernant les personnes vulnérables ayant une déficience mentale et apportant des modifications corrélatives à d'autres lois

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

MOTION:

THAT the following be added after section 5:

Supported decision making

5.1(1) In this section, "supported decision making" refers to the process whereby a vulnerable person is enabled to make and communicate decisions with respect to personal care or his or her property and in which advice, support or assistance is provided to the vulnerable person by members of his or her support network.

Role of supported decision making

5.1(2) Supported decision making by a vulnerable person with members of his or her support network should be respected and recognized as an important means of enhancing the self-determination, independence and dignity of a vulnerable person.

MOTION:

THAT clause 16(1)(b) be amended by adding ", the person for whom support services are requested if not the applicant," after "applicant".

MOTION:

THAT section 48 be amended by striking out "and" at the end of clause (a), by renumbering clause (b) as clause (c) and by adding the following as clause (b):

(b) whether the person for whom the application is made appears to have a support network and reasonable efforts have been made to involve the support network with the person; and

MOTION:

THAT subsection 49(2) be amended by striking out "clause 48(b)" and substituting "clauses 48(b) and (c)".

MOTION:

THAT section 83 be amended by striking out "and" at the end of clause (a), by renumbering clause (b) as clause (c) and by adding the following as clause (b):

(b) whether the person for whom the application is made appears to have a support network and reasonable efforts have been made to involve the support network with the person; and

MOTION:

THAT subsection 84(2) be amended by striking out "clause 83(b)" and substituting "clauses 83(b) and (c)".

MOTION:

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

Your committee has also considered:

Bill 31—The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie

and has agreed to report the same without amendment.

Your committee has also considered:

Bill 33—The Provincial Railways and Consequential Amendments Act; Loi concernant les chemins de fer provinciaux et apportant des modifications corrélatives à d'autres lois

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

MOTION:

THAT subsection 39(1) be amended by adding "with a shipper" after "enter into a contract".

MOTION:

THAT proposed clause 46(3)(a) be amended in the English version by striking out "contained" and substituting "contain".

All of which is respectfully submitted.

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

Motion agreed to.

* * *

Mr. Bob Rose (Chairperson of the Standing Committee on Law Amendments): Mr. Speaker, I beg to present the Eighth Report of the Standing Committee on Law Amendments.

Mr. Clerk: Your Standing Committee on Law Amendments presents the following as its Eighth Report.

Your committee met on Tuesday, July 13, 1993, at 9 a.m. and 7 p.m. in Room 255 of the Legislative Building to consider bills referred.

Your committee heard representation on bills as follows:

Bill 25—The Public Schools Amendment Act (4); Loi no 4 modifiant la Loi sur les écoles publiques

David Turner - Manitoba Teachers' Society

Bill 34—The Public Schools Amendment (Francophone Schools Governance) Act; Loi modifiant la Loi sur les écoles publiques (gestion des écoles françaises)

Jean Allard - Private Citizen

David Turner - Manitoba Teachers' Society

George Wall and Gerald McConaghy - Manitoba Association of School Superintendents

Gilbert Savard - Fédération provinciale des comités de parents (FPCP)

Armand Bédard - Commission nationale des parents francophones (CNPF)

Georges Druwé - Société franco-manitobaine (SFM)

Alain Boucher - Conseil jeunesse provincial (CJP)

Estelle St-Hilaire - Association des directeurs et des directrices franco-manitobains (ADEFM)

Guy Boulianne - Educatrices et éducateurs franco-manitobains (EFM)

Philippe Le Quéré - Private Citizen

Your committee has considered:

Bill 25—The Public Schools Amendment Act (4); Loi no 4 modifiant la Loi sur les écoles publiques

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

MOTION:

THAT the proposed subsection 17(1), as set out in section 2 of the Bill, be amended by adding the following definition in alphabetical order:

"chief superintendent" means the person appointed as the chief superintendent of the northern school division; ("surintendant en chef")

MOTION:

THAT the proposed subsection 17(10), as set out in section 2 of the Bill, be amended in the part preceding clause (a) by adding "or the chief superintendent, as the case may be," after "area superintendent".

Your committee has also considered:

Bill 34—The Public Schools Amendment (Francophone Schools Governance) Act; Loi modifiant la Loi sur les écoles publiques (gestion des écoles françaises)

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

MOTION:

THAT the French version of the proposed section 21.1, as set out in section 5 of the Bill, be amended by striking out "ou qui reçoit" in clause (b) of the definition "ayant droit".

MOTION:

THAT the proposed subsection 21.15(2), as set out in section 5 of the Bill, be amended by striking out everything after "to attend" and substituting "a programme d'accueil for a period of time determined by the board".

MOTION:

THAT the proposed subsection 21.30(2), as set out in section 5 of the Bill, be amended by striking out "shared used" and substituting "transfer or shared use".

MOTION:

THAT the proposed subsection 21.36(4), as set out in section 5 of the Bill, be amended by adding "entitled" after "any other class of".

MOTION:

THAT the proposed subclause 21.43(e)(iv), as set out in section 5 of the Bill, be amended by striking out "21.37".

MOTION:

THAT the proposed section 21.47, as set out in section 5 of the Bill, be amended by renumbering it as subsection 21.47(1) and by adding the following as subsection 21.47(2):

Rights of non-designated teachers continued

21.47(2) If, before the end of the first year it provides programs under section 21.5, the francophone school board hires a non-designated teacher who has lost his or her position with a

provider school board because of the transfer of francophone programs to the francophone school board, the teacher is deemed to be a designated teacher for the purpose of 21.45, which applies with necessary modifications.

All of which is respectfully submitted.

Mr. Rose: Mr. Speaker, I move, seconded by the honourable member for St. Norbert (Mr. Laurendeau), that the report of the committee be received.

Motion agreed to.

* (1335)

ORAL QUESTION PERIOD**Home Care Program
Premier's Intervention**

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, today, I want to ask the Premier (Mr. Filmon), implore the Premier, to get involved in the home care issue to deal with rampant chaos and concern among our senior citizens and members of the disabled community.

Mr. Speaker, we continue to get all kinds of calls from individuals in different circumstances. Some have already been cut off home care.

I have here the case of a woman who is 95 years old who has not had a bath for two weeks, another woman whose spouse is totally disabled and has not been able to get any home care supplies for six weeks. The lists go on and on. These are individuals with no bank accounts, as the Premier has led us to believe, people with no relatives in the province of Manitoba.

I would implore the Premier, today, to please take charge of the Home Care Program and ensure that a rational, compassionate system is in place so that seniors in our province and members of the disabled community can live in their homes and in their communities with dignity.

Hon. Donald Orchard (Minister of Health): Mr. Speaker, all members of the House, all members of the media, will recall last week when this member said she was getting dozens and hundreds of calls about home care.

I challenged my honourable friend to give me the list that day. That day she delivered one name. In indicating that I had received one name after accusations that there were dozens and hundreds,

the member for Kildonan, from his seat, said they were getting thousands of calls.

Point of Order

Mr. Dave Chomiak (Kildonan): On a point of order, Mr. Speaker, I believe the minister misquoted me. The thousands was the minister's quote that I was quoting back to him, and he said thousands were cut off.

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

* * *

Mr. Orchard: Mr. Speaker, this is exactly what happens when you have a desperate opposition party wanting to create fear amongst the people of Manitoba. They did this four years ago. They tabled in the House two weeks ago the same letter they tabled four years ago on the same issue. That is how much they try to reinvent the issue. They hope that reporters are new and they will not remember the same issue they raised last year.

Now, with that one name that we have from the member for St. Johns, we believe we have resolved that problem, Sir, and that individual, I believe, is satisfied with the circumstances of care provision.

Mr. Speaker, today, we have names or allegations of circumstances of individuals. If my honourable friend the member for St. Johns is so concerned about those people, why does she continuously refuse to give me the names so I can help them?

Ms. Wasylcia-Lels: Mr. Speaker, the member for Kildonan (Mr. Chomiak) sent over a number of letters yesterday. I have sent over a number to the minister today. Those seniors, not fearful of the vindictive actions of this government, are coming forward and giving their names, and we are getting them to this government as fast as possible.

Let me ask the Premier (Mr. Filmon) about the situation facing one individual, and I would like these letters to go over to the Premier so that he can see these are real people. This woman, who has not had incontinent supplies for two months, would the Premier agree to her request made to me yesterday to call her? Her number is right on the top letter. Call her. Walk one hour in her shoes where she has to live without incontinent pads, has

to live with feeling depressed because she is worried about being offensive in terms of body odour and worried about safety—

Mr. Speaker: Order, please.

Mr. Orchard: Mr. Speaker, this is exactly the kind of theatre my honourable friend engages in to advance her federal campaign, nothing more, nothing less. If my honourable friend was concerned about—

* (1340)

Point of Order

Mr. Jerry Storie (Flin Flon): On a point of order, Mr. Speaker, the minister, every time he stands, attempts to impugn the motives of members on this side in asking legitimate questions.

Mr. Speaker, this is not theatre. The woman the member for St. Johns refers to is a real person with real concerns that are not being addressed.

It is a legitimate question to the Premier (Mr. Filmon), and the Minister of Health is out of order in impugning the motives of the member for St. Johns.

Mr. Speaker: Order, please. The honourable Minister of Health, on the same point of order?

Mr. Orchard: No, I want to continue to answer my questions.

Mr. Speaker: The honourable member for Flin Flon does not have a point of order, but I would caution, again, the honourable Minister of Health, to pick your words very, very carefully. You are very close there.

* * *

Mr. Speaker: The honourable Minister of Health, to finish his response.

Mr. Orchard: Mr. Speaker, I want to give you a flavour of the kinds of complaints the member for St. Johns brings to this House.

Last week, when she delivered one name, after considerable pressure from me in the view of the cameras, we checked with the minister who had allegedly phoned the member for St. Johns, and the minister told my staff he was not happy with this becoming a political issue. He was regretful it was raised in that fashion in the House, when, in fact, we believe we have that circumstance now being suitably resolved for that individual.

Now, Mr. Speaker, today, my honourable friend—and I have just received from my office these letters dated July 15, some four of them, and I will go through them. But would it not advance the dignity of resolving these individuals' problems if my honourable friend, instead of playing theatre on television, would give staff a chance to review these and provide equitable answers and/or solutions?

Ms. Wasylycia-Lels: The minister makes our point. Manitobans should not have to go to their MLA to get some action because they want to live in their homes and receive home care.

Criteria

Ms. Judy Wasylycia-Lels (St. Johns): Let me ask the minister, since he does not want to deal with the human consequences of their drastic cutbacks, let me ask him about another organization that has come forward expressing concern about the cuts to Home Care, the concerned group of physiotherapists—

Mr. Speaker: Order, please. The honourable member for St. Johns, kindly put your question now, please.

Ms. Wasylycia-Lels: Yes, Mr. Speaker. In the time available, which is not much, I will try to ask a question about the concerned group of physiotherapists who have also expressed concern for some guidelines and direction from this government on how they are changing Home Care.

Would the Premier (Mr. Filmon) tell us exactly what the criteria are for a person being able to obtain home care services in the province of Manitoba? Some are being told there will be a means test. Some are being told to sell their homes. Some are being told it will be based on their physical or mental ailment. Some are being told they should go and hire—

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

Hon. Donald Orchard (Minister of Health): Mr. Speaker, that is exactly some of the difficulty we have with this issue, because without any individual's circumstance being attached, my honourable friend now alleges that my staff are saying, sell your home.

My Speaker, if that circumstance, as alleged by the member for St. Johns, is accurate, I would like to know the individual who was so told that.

Furthermore, I will tell my honourable friend, if a member of my staff indicated that to a consumer of Continuing Care in the province, that staff member would be disciplined because that is inaccurate.

Now, Mr. Speaker, my honourable friend keeps bringing these unidentified individuals up in the alarmist fashion she does, but when she brings people's circumstances to us, we resolve them, and we will continue to do that.

Now, Mr. Speaker, my honourable friend has one of two options. Last week—it was exactly seven days ago that I was promised dozens, hundreds, and from his seat, thousands of names from the member for Kildonan (Mr. Chomiak), and by today, I have received five, and four of them were today.

I do not know how my honourable friend can live with herself, having those thousands of people live in the discomfort she alleges, and she does nothing to pass their names on.

* (1345)

Home Care Program Budget—Winnipeg Region

Mr. Dave Chomiak (Kildonan): Mr. Speaker, most of what the minister says is utter pap and nonsense. By blaming everyone, the minister fails to answer the questions.

Let us deal with what the minister said. He has cut \$3 million from the Home Care budget, to homemaking services. He has said thousands of people will be cut off, and he is saying no names are coming to his attention. These people are afraid to contact the office directly.

My question to the minister is: In addition to the \$3-million cutback, in addition to raising nursing home fees by 74 percent, in addition to cutting off thousands of people, will the minister also confirm or not confirm that the Home Care budget for the city of Winnipeg region is down from \$31 million last year to \$29 million this year?

Will he confirm that, and is that not another reason why these people are concerned about—

Mr. Speaker: Order, please.

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I will confirm that figure if and when I am able to put sense to that number, but I will give my honourable friend—because my honourable friend does not have good information 99 percent of the time.

My honourable friend has before him information given in the Estimates process. It would have been very informative if the member for St. Johns (Ms. Wasylycia-Leis) would read those Estimates, and I have repeated these time and time again. Home care assistant attendant hours are up by an average of 11 percent per month this year over last. Registered nursing is up 9.5 percent in hours purchased. I mean, that is almost 10 percent more services purchased this year over last year. That is in the city of Winnipeg and that is in rural Manitoba.

But, Mr. Speaker, what is changing is that narrow focus of housecleaning and laundry which is now being universally applied across the province. There will be, particularly in Winnipeg, some individuals who will be purchasing those services, just as they have outside of Winnipeg, in north-end Winnipeg and in Brandon since 1985 under a policy of the NDP.

Now, Mr. Speaker, I want to tell my honourable friend the member for Kildonan that the Home Care Program and the assessment of need is the same as it was in 1985, the same as it was prior. It is important that one knows there will be no individual who will be forced to an institution because of any changes in the assessment of their home care.

Staff Meetings

Mr. Dave Chomiak (Kildonan): Mr. Speaker, since the minister is saying he is going to try to find those figures about the reduction, I would like to ask him another specific question.

Will he confirm that the meeting scheduled for July 12, 13 and 14 with all of the Home Care support workers—the letters we tabled last week that were going out saying their jobs are basically being privatized—are those meetings on hold and when are they being rescheduled, or are they being cancelled totally?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, as we speak, meetings are going on with employees of the Home Care Program, because there are a lot of mixed messages going out, compliments of many sources.

There is a lot of concern out there. Our phones ring with those concerns, and when we explain the program, as I have done consistently in this House, in Estimates, since the budget came down on April 6, the individuals are not as concerned, because they get the impression from the questions of the

member for Kildonan and the member for St. Johns (Mr. Wasylycia-Leis) that the entire Home Care Program is being cut and reduced and dropped.

That is not accurate, Sir. I know it suits the political agenda of the NDP in opposition to make that fear campaign rampant across the province. They tried it four years ago. They are trying it again today, but they will not acknowledge that care services like bathing, dressing, other therapies and nursing services are increasing again this year and increasing substantially.

* (1350)

Public Reassurance

Mr. Dave Chomiak (Kildonan): Mr. Speaker, we know the budget in the Winnipeg region for Home Care has been reduced, and we know \$3 million has been cut from the homemaking services.

What assurances can the minister give tonight to the disabled groups who are getting together to combat these cuts? What assurances can the minister give that their services will not be cut off, despite the fact that \$3 million has been cut from the homemaking services and the Winnipeg budget will be down by \$2 million?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I might table a news release dated April 16, 1993, for the member for Kildonan and the member for St. Johns (Ms. Wasylycia-Leis) who are NDP in opposition. This is from the government of Saskatchewan explaining how their Home Care fees are increasing this year. That is while this province is increasing its own Home Care budget, providing significantly more services.

To answer the question of the physically handicapped, on a radio program this week, I had the opportunity to deal with the issue with one Mr. Burns, a young gentleman who is accessing home care services. In the course of the discussion with Mr. Burns, I asked him if he remembered the last time the NDP raised this issue and had the physically handicapped of Manitoba worried about loss of home care. He said, yes, I do remember that from four years ago. I said, well, think about it, Mr. Burns. In the four years, with all the dire predictions that were made then and repeated today by the NDP, did your services change? He said, no, they did not.

Mr. Speaker, that answer applies today as it did four years ago.

Health Care System Reform Premier's Intervention

Mr. Paul Edwards (Leader of the Second Opposition): Mr. Speaker, yesterday, the Minister of Health dismissed the concerns and the complaints of the Manitoba Medical Association by saying they were the rantings of a union leader.

Mr. Speaker, today, we have another two groups joining the chorus of people who are saying they can no longer work with the Department of Health and with the Minister of Health, the Manitoba League for the Physically Handicapped and the Manitoba Society of Seniors, hardly people who qualify as union leaders or people with an axe to grind with the Minister of Health. They have joined this chorus as people who are saying that health care reform, if it is going to work, cannot work under the current administration.

Mr. Speaker, my question for the Premier (Mr. Filmon): Given that we now have representative groups from virtually all of the professional groups that are participating in the health care sector, as well as patients' groups, people who represent people who are actually seeking services from the health care sector, and seeing as they are now saying things like they now feel anxiety, stress and panic, which is what the Society of Seniors said today, is it not time for the Premier to step in and salvage what he can of this health care action plan and put someone else in charge who can work with the people in the community?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, the salvaging of health care reform would be the continued presence in this House of the former member for The Maples who understood health care reform, supported it. The sudden departure of him has brought about this sudden change in attitude by the Liberal Party.

Mr. Speaker, I want to deal with the issue of fear as raised by the MMA yesterday. In a concluding paragraph, Dr. Goldstine as president of the physicians' union, said: Meanwhile, the human costs escalate as waiting lists grow longer and services deteriorate.

Mr. Speaker, I took that accusation by the president of the doctors' union very seriously, and I had the figures developed for April and May of 1992. My honourable friend the Liberal Leader will acknowledge that was before the reform document

came down, before downsizing at our two teaching hospitals.

I compared surgical caseloads in the city of Winnipeg in our five community hospitals and our two teaching hospitals from April and May last year to April and May this year. Mr. Speaker, the number of surgical procedures has increased modestly year over year for that two-month period, not as presented, unfactually, by the president of the doctors' union.

Mr. Edwards: Mr. Speaker, the minister continues to flail and defend himself.

An Honourable Member: Flail?

Mr. Edwards: He does.

Mr. Speaker, the Minister of Health misses the point. The point is, today, 14 months into his action plan for health care reform, the ship is sinking, and it is sinking because the key participants—and according to the document he put out, which is correct, he needs those key participants. He says he must have their co-operation.

He does not have their co-operation. It cannot work as long as this minister is in place because the fact is, Mr. Speaker, they do not trust him, and they do not want to work with him on this.

My question for the Premier (Mr. Filmon): Will he see the writing on the wall and step in and salvage what he can of health care reform and make it work, Mr. Speaker?

* (1355)

Mr. Orchard: Mr. Speaker, I am very interested and intrigued with my honourable friend the new Liberal Leader's saying I am flailing at the issue when I present facts—facts—from April and May of 1992 at our major acute care hospitals on the surgical procedures done in April, May 1992, prior to reform, compared to April and May '93, after the reform and presumably when all of these dire things have happened, according to the president of the doctors' union. When surgeries are up, my honourable friend the Liberal Leader says, well, that is flailing at the issue.

Mr. Speaker, some people would call that presentation of fact. I do not expect my honourable friend to use that fact, because it will not fit his political agenda, but surely you must acknowledge that when information presented is not accurate, no matter who is presenting it, whether it be a

physician, a president of a union, it ought to be corrected. We have done that.

Now, Mr. Speaker, on the other issue of physicians not co-operating or not being consulted with health care reform, I regret to say that the statement and the allegation made by the president of the doctors' union is not correct, and in saying that, he is, in effect, saying the many, many physicians in Manitoba who have worked in their free time to help us develop programs of change, to analyze the issues, that their input, because it does not have the blessing of the MMA, is not valuable. They find that offensive and so do I.

Mr. Edwards: Mr. Speaker, not only did the Fraser forum indicate last week that this province has the longest line-up for access to specialists, but let me tell you about another fact, and this is the key fact for health care reform.

The key fact is, the Society of Seniors, not union leaders ranting and negotiating with the Minister of Health, the Society of Seniors, representatives of the people trying to use the health care system, and the League for the Physically Handicapped—this is the fact. The fact is, they say their members now feel anxiety, stress and panic that they will be unable to cope or maintain a healthy and safe life-style. They say that when the proposed changes to the health care system were announced, they felt the goal was a good thing. They felt they were going to be able to age in place with dignity and independence, and they now feel anxiety, stress and panic.

That is the fact. The fact is health care reform cannot work when the community feels that way about this minister, Mr. Speaker.

My question for the Premier (Mr. Filmon): When is he going to step in and put in place a minister who can build a co-operative, consensus-building approach toward health care reform? This minister may have many strengths, but that—

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

Mr. Orchard: Mr. Speaker, it is almost as if I wrote the questions for the Liberal Leader, because it allows me to put fact again on the record.

Manitobans would naturally be fearful when they see news reporting which would indicate that referrals in Manitoba going slow is an indicator that our system is not working and base that on this report from The Fraser Institute, because if you go

to the last three pages of this report from The Fraser Institute, the headline and subheadline could have read, Sir, waiting times for surgery in Manitoba decrease by 11 percent, 1991 over 1992, a decrease of 1.3 weeks on average in Manitoba, the greatest rate of decrease in the five provinces compared.

One also could have read in this news article that the number of people on waiting lists for surgery in Manitoba dropped by the greatest amount of any province surveyed, 1991 over 1992, a drop, Sir, of 11 percent compared to an increase in British Columbia of 6 percent, people on the waiting list, 32 percent in Liberal New Brunswick, 54 percent in Liberal Newfoundland and 4 percent in Conservative Nova Scotia.

Home Care Program Rural Services

Mr. Gregory Dewar (Selkirk): Mr. Speaker, my questions are for the Minister of Health.

In a meeting held on June 30 regarding the government's cuts to Home Care, the minister's assistant talked about the strong family and neighbourhood support network in rural Manitoba, claiming that people who had been receiving home care could now simply rely upon family and friends to cook their meals, do their laundry and clean their homes.

My question is, will the minister tell the House today how he expects people in rural Manitoba, many of whom have no families and neither can afford nor find private services in their own home communities, how are they supposed to live with dignity and independence in their homes after their home care is cut off?

* (1400)

Hon. Donald Orchard (Minister of Health): I appreciate my honourable friend's read question. Let me tell my honourable friend that Manitobans in Selkirk under Howard Pawley and the NDP had their housecleaning and laundry paid for by themselves. They were, in my honourable friend's language, cut off from home care under Howard Pawley as the Premier and the MLA for the area.

That was under a policy that Howard Pawley, the member for Concordia (Mr. Doer), the member for St. Johns (Ms. Wasylycia-Leis), the member for Flin Flon (Mr. Storie), the member for Brandon East

(Mr. Leonard Evans), the member for Dauphin (Mr. Plohman) approved at the cabinet table.

Now, if one concluded my honourable friend's questions, and I might say not necessarily based on a great deal of knowledge, if my honourable friend followed the logic of the last questioner, he would say Howard Pawley gutted the Home Care Program.

Mr. Dewar: Mr. Speaker, it was the Schreyer NDP government that established the Home Care Program in the first place.

In some cases, individuals who are receiving home care have no other contact with the outside world. Why has this minister jeopardized the safety of many seniors who have no family and depend on Home Care workers, not simply for their meals or laundry but also as a contact to the outside world?

Mr. Orchard: The circumstances my honourable friend describes, where they exist, those individuals generally get more home care services either through home care attendants, nursing services or overnight stays to keep them safely in their home.

Those individuals benefit from the changes in the program because they get more care, not less care. That is what the program has been doing since the policy change by the NDP, because of Support Services to Seniors brought in by the Pawley government in 1984 and first implemented in 1985.

Mr. Speaker, my honourable friend again refers to broad circumstances, no individuals' names attached, because no individual names are so attached or could be attached because those individuals, as he described, if those are accurate living circumstances, they are the individuals that services increase for, not decrease for.

Cost Analysis Tabling Request

Mr. Gregory Dewar (Selkirk): The minister knows the services he is cutting have allowed individuals to live independently in their homes and that cutting those services will mean that people now will have to move into more costly institutional care.

Will he table in the House today the cost-benefit studies he is using in making these decisions to cut these programs?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I have a great deal of difficulty

re-explaining the answer to the member for Selkirk now, who I believe has sat in every Question Period, heard the answer.

I want my honourable friend from Selkirk to understand that this year, home care attendant services are going to increase by 11 percent in hours purchased this year over last year. That means there will be 11 percent more hours of service to help seniors get up in the morning and get dressed, to help seniors be bathed, to help seniors live independently, because some of their personal care needs are going to be looked after with 11 percent more hours this year than last year.

Last year, the figure for increase in home care attendants was something like 15 percent. Mr. Speaker, this year's budget allows for almost 10 percent more registered nursing hours to provide medical needs in the home in the Home Care Program—more support, not less support as my honourable friend alleges. My honourable friend does not base his questions on fact.

Asessippi Provincial Park Ski Hill Proposal

Ms. Marianne Cerilli (Radisson): Mr. Speaker, the proposal for a ski hill in Asessippi Park will destroy critical nesting habitat for Neotropical birds, some of which are declining in Manitoba at over 3 percent a year, with overall declines of over 80 percent of some species since the '60s.

My question is for the Minister of Natural Resources. As the minister responsible for wildlife protection, does he not see an obligation to protect this area which is also in a park, and has there been any consideration or recommendation from his wildlife branch to preserve this natural heritage?

Hon. Harry Enns (Minister of Natural Resources): Mr. Speaker, my department has been involved in the siting of a potentially exciting new development in that part of the province, the Russell-Roblin area.

They have also worked with the proponents, who I believe have done the right thing in getting reasonably good professional advice as to the wildlife habitat that would be impacted by that development.

These kinds of recommendations will be passed on, as you would expect, by my officials in my department to the Department of Environment for

consideration with respect to the application before it.

Ms. CerlIII: Mr. Speaker, will this government consider the economic and tourism opportunity of preserving this site and promoting it as a bird-watching area, which is one of the fastest growing recreational opportunities and pastimes in the country?

Will they make that consideration rather than wiping out this important habitat for wildlife?

Mr. Enns: Mr. Speaker, I believe precisely that this is the kind of consideration that will be taken. They will take into consideration the many thousands of acres that are just five, six miles away, that take up our national park, the Riding Mountain National Park, undisturbed habitat.

I invite the honourable member to come and visit that beautiful part of Manitoba, the Assiniboine Valley, where the shoreline of Lake of the Prairies stretches some 40, 50 miles well into Saskatchewan, uninterrupted habitat for these particular birds and others.

Again, that is not for me to say. These are the kinds of comments that will be passed on to the Department of Environment for consideration with respect to the application that is currently before that department.

Ms. CerlIII: Has there been a feasibility study done on the economic viability of the proposed ski hill, given that other ski hills in the area and in the province are having financial difficulty? Is this a viable operation?

Mr. Enns: With every respect to the honourable member, it is not the function of my department to carry out feasibility studies on a part of different proposals that are made from time to time.

My understanding is that the people involved, the good people of Russell and the surrounding community who have been working on this proposal for the last three years will be doing precisely this kind of study.

Certainly, if they are hoping to access some public funding that may be available through the Western Diversification Program, that would be a requirement, Mr. Speaker.

Barley Industry Malting Barley Premiums

Mr. Speaker: The honourable Minister of Agriculture, responding to a question taken as notice on your behalf.

Hon. Glen Findlay (Minister of Agriculture): I would like to respond to a question taken as notice yesterday by my Premier (Mr. Filmon), a question from the member for Swan River (Ms. Wowchuk) about malting barley premiums.

Mr. Speaker, I would like to make that member aware that back in the period '85-89, the malting barley premium that the Wheat Board had for all farmers in western Canada was \$84.82 a tonne. In 1990, the premium was \$62 a tonne. In 1991, it was \$39 a tonne. In 1992, it was \$24 a tonne. Those were the premiums. Obviously, the premium has shrunk from \$84 to \$24, a reduction of \$60 a tonne.

The member worried yesterday about a further reduction of \$30 a tonne, and it is a legitimate question.

But I want to ask her, she has been elected since 1990. Why did she not ask this question in previous years? I have asked the Wheat Board. I have written to them asking, specifically, why is the premium going down?

Let me read, Mr. Speaker. This is relevant. This is very relevant. This has occurred primarily because the Wheat Board has gradually reduced the price it charges for malting barley in the domestic market due largely to impending changes, to restrictions on U.S. beer imports and the result of recent GATT negotiations.

Mr. Speaker, the spread between feed and malting barley is also dictated by market forces and largely driven by the amount and quality of malting barley. The premium in Canada and the premium in the United States is exactly the same right now. I do not know why the Wheat Board says they are going to reduce it more. Obviously, the farmers want a chance to sell for themselves because the Wheat Board has reduced the premium by \$60 a tonne—

Mr. Speaker: Order, please.

* (1410)

Multiculturalism Cabinet Committee Meeting Schedule

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the Minister responsible for Multiculturalism.

Over the past couple of years, we have seen many different documents, whether it is the Multicultural Secretariat, the multicultural policy, multicultural education. This government gives wonderful lip service to multiculturalism.

Unfortunately, Mr. Speaker, when it comes to action, that is the problem. When it comes to action, this government does not do a thing.

I have a couple of questions I would like to ask the minister. The first one would be, she talks about this cabinet committee dealing with multiculturalism. On this cabinet committee you have the Premier (Mr. Filmon), Ministers of Native Affairs (Mr. Downey), Family Services (Mr. Gilleshammer), Justice (Mr. McCrae), Labour (Mr. Praznik), Industry, Trade and Tourism (Mr. Stefanson), the Minister of Education and Training (Mrs. Vodrey), the Minister of Health (Mr. Orchard) and the Minister of Housing (Mr. Ernst).

Can the minister tell us how often this committee actually met during '92-93, and if, in fact, she could table the minutes?

Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism): Mr. Speaker, indeed, when there is an initiative that is ongoing that deals with our multicultural community in the province of Manitoba, our cabinet committee does get together and meet from time to time on issues.

I indicated in the Estimates process—and, really, it is unfortunate we did not get to spend much more time in the Estimates process. I know that several years ago we spent some 33 hours on the Department of Culture. The majority of that time was spent on multiculturalism, and we were able to have a good exchange at that time.

It is unfortunate there was not a little more planning around the Estimates process, so, indeed, the member could have placed those questions on multiculturalism and received a full answer.

Mr. Lamoureux: Mr. Speaker, a relatively simple question to the minister is: In the annual report, '91-92, my question was, how many times did, in fact, this particular committee actually meet?—the argument, of course, being this government is

doing nothing more than giving lip service to multiculturalism in this province.

Antiracism Strategy MLA Cross-Cultural Training

Mr. Kevin Lamoureux (Inkster): Another question to the minister deals with the question of racism, something that is actually multicultural, something which this minister can do.

A recommendation that came forward suggested to this minister that this minister needs to have a cross-cultural awareness day for elected officials.

Why is this minister refusing to provide that cultural experience for all members of this Chamber?

Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism): Yes, there was a recommendation that came forward from the Manitoba Intercultural Council that it would be very beneficial for that kind of activity to occur.

Subsequent to that recommendation that they made, the Manitoba Intercultural Council held a cross-cultural awareness day for all members of the Legislature, all elected officials throughout the province of Manitoba. That was a very beneficial conference where some members of the Liberal Party, some members of the New Democratic Party and some members of our government attended.

We had a very good discussion, and I think we have made major commitments in the area of antiracism. The community knows. Even though the opposition does not understand or does not know, I know there are many members of the community who do understand and do know that this government has made a major commitment.

Mr. Lamoureux: The minister applauds the Manitoba Intercultural Council, while at the same time she has withdrawn all the funding for the Manitoba Intercultural Council. If that is not hypocrisy, Mr. Speaker, I do not know what is.

English as a Second Language Program Funding

Mr. Kevin Lamoureux (Inkster): My question to the minister is, why does she not do something that is good for the multicultural community? Dismantle the Multiculturalism Secretariat and put the money to use, whether it is English as a second language

training, credentialled, fighting racism. Do something useful in that division. [interjection]

Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism): Quiet, please. I am sure the member for Inkster asked the question because he would like to hear the answer.

One of the issues that we did have some time to discuss in some detail, of course, was our funding for adult English second language training.

The member for Inkster did, in Estimates, condemn our government because we were not placing our priorities in the right place. Well, there were many, many difficult decisions that had to be made through the budget process, but our adult English second language program was the one program within my department I was able to maintain the funding for and fight for funding for, because we do understand as a government how important it is for those who cannot speak English to get the kind of training they need, so they can integrate in a full way into our Manitoba community.

Farming Industry Stress-Related Problems

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, in an internal report released on farm-related health problems by the Senate Agriculture Committee, there is an indication that money-related problems are the most important problems facing farmers. It is causing health problems.

I want to ask the Minister of Agriculture how he can stand in this House and talk about falling grain prices and support things like the change to the continental barley market, change in the method of payment, when these issues are going to increase farm problems and cause far more problems for farmers in Manitoba and increase health problems.

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, I have given these figures to this member many times: Over the latter 1980s, \$365-million-a-year net income in the farm community. It dropped to 150 in 1990-91, and through income programs like GRIP and NISA, we have raised that back up to \$350 million a year. That is a substantive increase. That puts proper money in the hands of farmers.

We all know grain prices are going down. Farmers understand the reality of the international marketplace, that prices have come down.

An Honourable Member: They have to diversify.

Mr. Findlay: They have to diversify, Mr. Speaker. They have to do other things—increased hog production, doubled in Manitoba. Cattle prices have never been better and the numbers are increasing. PMU has been the new growth industry in Manitoba, and that member sat idly by, while one of her members two seats over has constructively tried to destroy the industry in Manitoba.

That is what farmers need, new thinking, new opportunities—

Mr. Speaker: Order, please.

Ms. Wowchuk: Mr. Speaker, since many farm groups such as the farm women's institute, the Canadian mental health institute, recognize the stress that farmers are under and have asked for a stress line to be put in rural Manitoba to offer supports for farmers since all services are being cut out there, is this Minister of Agriculture going to support a stress line in rural Manitoba as other provinces have done?

Mr. Findlay: Farmers are under stress. Yes, they are under stress. Everybody in society is under stress because there is economic uncertainty in the future. Farmers need to get on with doing things. They need to adapt to change and that creates stress, but you can reduce stress by increasing incomes and creating jobs in rural Manitoba, for their youth.

I can tell you, the thousand jobs of the PMU industry which that party wants to destroy, selectively and continually—I do not know what other industry they are going to attack to hurt Manitoba, rural Manitobans, and that member, as one of their rural members, will not stand up and speak up for farmers in her caucus.

Mr. Speaker: Time for Oral Questions has expired.

Committee Changes

Ms. Becky Barrett (Wellington): Mr. Speaker, I move, seconded by the member for Wolseley (Ms. Friesen), that the composition of the Standing Committee on Law Amendments be amended as follows: Radisson (Ms. Cerilli) for Broadway (Mr. Santos); Transcona (Mr. Reid) for Dauphin (Mr. Plohman), for the meeting at 7 p.m., Thursday, July 15.

Motion agreed to.

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Law Amendments be amended as follows: the member for Ste. Rose (Mr. Cummings) for the member for Riel (Mr. Ducharme); the member for Brandon West (Mr. McCrae) for the member for Gimli (Mr. Helwer); the member for Steinbach (Mr. Driedger) for the member for Lac du Bonnet (Mr. Praznik); and the member for Pembina (Mr. Orchard) for the member for Fort Garry (Mrs. Vodrey).

Motion agreed to.

Nonpolitical Statement

Mr. Speaker: Does the honourable member for St. Norbert have leave to make a nonpolitical statement? [agreed]

Mr. Marcel Laurendeau (St. Norbert): Mr. Speaker, I am honoured to rise before the House today to salute the many Manitobans who are currently volunteering to host the Pan American Junior Track and Field Championships in Winnipeg this weekend. As well, I would like to welcome visiting athletes, coaches and managers to our province.

As has been reported through the media, this is the most prestigious track and field meet held in Manitoba since the 1967 Pan American Games. The event has attracted a record number of entries from more than 20 Pan American countries. The level of competition is world-calibre, and several world records are expected to be broken. These athletes will be the Olympic stars of Atlanta in 1996.

The successful hosting of this event is important in order to demonstrate the hosting abilities of our province and to develop a friendship with our fellow Pan American countries. A favourable impression at this time will bode well for Winnipeg's bid for the 1999 Pan American Games, which will be decided in March 1994.

I would ask all members to join me in recognizing the dedicated volunteers who have served the organization committee for this event. This promises to be a festival of sport and culture which is bound to once again put Winnipeg and Manitoba on the map as a great host for international events.

Thank you, Mr. Speaker.

ORDERS OF THE DAY

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would ask if you could please call Bill 37, and we will have further House business when we have completed this.

DEBATE ON SECOND READINGS

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

Mr. Speaker: On the proposed motion of the honourable Minister responsible for the Manitoba Public Insurance Corporation (Mr. Cummings), Bill 37, The Manitoba Public Insurance Corporation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Société d'assurance publique du Manitoba et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable member for Burrows (Mr. Martindale). Stand?

An Honourable Member: No.

Mr. Speaker: No. Leave is denied.

Mr. Steve Ashton (Thompson): I just want to thank the member for Burrows, who adjourned this matter on behalf of myself.

Mr. Speaker, I just want to add a number of comments to the debate, because I think this is a debate that is going to be very much characterized by discussion in committee. I think that is something that is appropriate on what is a very significant shift in policy for the Manitoba Public Insurance Corporation.

Mr. Speaker, I want to indicate that we anticipate some pretty detailed discussion in committee. We also plan on bringing in an extensive series of amendments, and for that reason, we will be making our final comments today on the bill and passing it through to committee. We look forward to some fairly open-ended discussion in the committee.

I say that because—and I will get into this in a bit more detail in a minute—I think the question here is not so much the principle of the bill. The question here are the details, the fairness of the new Autopac system that is being constructed by the provincial government.

Mr. Speaker, I want to begin by echoing the statements made earlier by our critic, the member

for Brandon East (Mr. Leonard Evans), who indicated we very much support the principle of no-fault insurance. That should come as no surprise. We appointed the Kopstein commission, for example, that recommended no-fault insurance. We brought in a whole series of petitions. In fact, we had petitions as recently as this past year. We made it very clear once again that the solution to some of the problems facing the Manitoba Public Insurance Corporation, particularly the skyrocketing rates in terms of no-fault insurance.

I must say some of us on this side find it rather interesting that the minister is now a born-again supporter of no-fault insurance, because we remember his condemnation of the concept as recently, I believe—and the member for Brandon East can correct me—as recently as a year ago the minister was condemning no-fault insurance, saying you will never see that out of me.

Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): Searching for viable alternatives.

Mr. Ashton: Searching for viable alternatives says the minister. Perhaps it is something that he might have looked to the Kopstein report for because this minister has had that sit on his table for the last five years. I find it interesting, now, five years later, we are dealing with it.

It is interesting too, because if one looks historically, this minister was also the critic for MPIC when the Conservatives were in opposition. So it is not as if he was not unaware of the issues of Autopac rates at the time. I think it is rather interesting that now five years later, for whatever reason, the minister is now a convert to no-fault insurance. I would say there is a very clear reason why the minister and this government are bringing in no-fault insurance.

It is not a commitment to the principle per se, but it is a recognition of the skyrocketing personal injury claims that are likely to double Autopac rates within the next six, seven years at the current rate. The minister knows full well that is and has been, since about 1987, 1988, what has been driving the increases in rates. It has not been claims for vehicle damage. It has been claims for bodily injury. As I said, absolutely no doubt we support the principle of no-fault insurance.

Then what do we have to say about the specifics of this bill? Mr. Speaker, I want to deal with some of the specifics, and I want to indicate that the debate here is very much similar to what happens when you are dealing with workers compensation. That was a no-fault system that was brought in in many jurisdictions at the turn of the century, eliminated tort law for injuries in the workplace.

One set of rules, regulations and laws for workers compensation is not another set. Manitoba has a different set of laws, rules and regulations for workers compensation than other provinces and other jurisdictions have. We have seen changes within this House brought in the last number of years by this Conservative government that we have fought, Mr. Speaker, that have changed that structure. I think one has to recognize that there are some potential problems that can develop when you take a principle, which, I feel, is the right principle—I do not believe the tort system is equitable or serves the interest of the public in some terms of speedy resolution of injury claims. But it is one thing to say that you are going to take it out of the court system. It is another thing to set up a truly fair system that provides the advantages of no fault without having reductions in benefits or other rights that accrue to one under the current system. My concern in this and our concern as a party is in a number of areas. I want to deal with those.

As I said, it is very similar to the debate we run into on workers compensation. When we oppose the Conservative government's bill to roll back workers compensation benefits for injured workers, Mr. Speaker—and I was the critic at the time when we fought the bill. We fought it in committee. We fought it in debate. It was not because we do not support workers compensation. It was because we did not support the efforts of this government to limit the ability of injured workers that received compensation for injuries in the workplace and, largely for political reasons, of capping and reducing rates. It is the same thing here, and I want to deal with some of our concerns.

The appeals process, we are concerned that this government has not set up a fair appeals process. We are concerned that, when one is taking away the right of appeal under law in the tort system, we do not have a satisfactory substitute. That has a direct parallel with workers compensation. Over the years, that has been one of the concerns

expressed, and there have been various changes in terms of ensuring the proper appeal process. I would like to point out in particular the need for proper advocates in place for those who have concerns about their adjudication in terms of their claims.

Take workers compensation. One of the initiatives of the previous New Democratic Party government in this province was to bring in worker advisors that provide direct advice and assistance to workers compensation claimants and are independent of the Workers Compensation Board. Our critic, the member for Brandon East (Mr. Leonard Evans), has pointed out the need for a similar protection of the rights of the individuals in this particular case.

I know one matter of concern: not only in this particular case is there no setup of that nature, but we are finding that, once again if someone was to bring in outside advice, an outside advocate, perhaps a lawyer, once again it would be totally at their own cost, and they could face a significant financial penalty in trying to get advice on their rights, even within this system, Mr. Speaker, because there will still be certain rights in terms of justice and due process.

I want to indicate a number of concerns in terms of the onus of proof. Once again, it has a direct relationship with the Workers Compensation Board where there is at least technically supposed to be presumption in the bill that an injury or sickness or death is work related, unless proven otherwise. That can make a very big difference in those grey areas where you might have some medical advice suggesting that it is work related and some that it is not in terms of adjudicating fairly for those who, under the Workers Compensation system, have no ability to appeal to a court and have to deal directly with that body.

Mr. Speaker, it is the same thing in terms of this current bill. It can make a very big difference in terms of the onus of proof, and I believe that the onus of proof in this particular case should lie with Autopac, particularly given the removal of the right of appeal to the court system and the elimination of the tort system in terms of adjudication. Very clearly there has to be protection in place for those who have claims with Autopac.

Other questions we have raised, we will bring amendments in to deal specifically with the benefit

structure, because no-fault is one thing, but our concern in a number of specific examples is that this government may be establishing a no-benefit policy for those who, under the current system, are entitled to some benefits. I want to indicate that there are a number of areas of difficulty. One is in terms of—and we are going to seek specific answers—students, seniors, homemakers.

There are many people in society whose contribution to their families and the society is not measured by income alone, and that has been increasingly recognized, even by Statistics Canada. There was recently an international conference held in Canada on the valuation of household work, and I can say that what even statisticians are saying now is that many people are not measured by their income alone. I pointed to many homemakers; in fact, most women are contributing in a far greater way, whether they work in the workplace for income or not, than do other members of society.

* (1430)

So in fact it is not simply possible to easily measure the lost contribution, the lost value of that contribution, say, from an accident in an automobile, particularly given the fact that the payments for pain and suffering are being eliminated, which, under the tort system, might have provided a higher income base, a higher payment to claimants. In this particular case, that has been eliminated. That can potentially impact on those whose incomes are not in the range of up to \$55,000 covered under this bill.

As I said, it can affect seniors, it can affect students. What about the second-year Arts student? Who knows what potential income that student would have had? We are concerned, for example, about the potential loss to that individual. I think that is important, Mr. Speaker, and we will deal with that in committee.

Also, our critic just pointed out the 10-day period in terms of income replacement, the waiting period, once again the lack of fairness for that. Obviously, it will impact on people, and we will be raising those concerns in committee.

But let us recognize the bottom line here. This government for political reasons is bringing in this bill. Not only did they not support no-fault insurance in the past, they have not supported Autopac. The member for Brandon East (Mr.

Leonard Evans) will remember the protests on the steps of the Legislature. I remember as a teenager watching politics closely in this province. The Conservative members of the day wearing black arm bands, I believe, saying it was a black day for Manitoba, while the galleries were full of insurance agents and others who had been die-hard opponents of the bill.

It is interesting because over the years the Conservatives have been able to dismantle aspects of Manitoba Public Insurance Corporation, in particular, the general insurance division. But they have not been able to deal with Manitoba Public Insurance Corporation's main mandate, Autopac, because it is popular, because it works, because it provides far more cost-effective and fair insurance to Manitobans than any other system in place in this country.

I want to indicate that we are extremely cynical of the Conservative motives when we see a \$200,000 advertising campaign talking about, we do not want to see higher Autopac rates. We know that is the issue, we have been saying that. The Kopstein report has been saying that for five years. We know there is a strong element of politics driving this issue, but, you know, this is where some of the concerns come in.

I use the example of Autopac and I use the example of the Workers Compensation Board. When Conservative governments get elected, they tend to try and compress workers compensation rates for political reasons. They attempt to bring down the rates of workers compensation. [interjection] The member for St. Boniface (Mr. Gaudry) knows how they do it. It is by restricting the rights of injured workers, by restricting payments, by making it more difficult for people to qualify for workers compensation. That artificial political pressure on rates leads to reduced benefits.

Mr. Speaker, we have to be very careful in this case that no-fault insurance does not do the same. There are enough savings within the system by the elimination of the adjudication of the courts and legal fees that one does not have to reduce benefits significantly for Manitobans who would be injured in an automobile accident.

I suspect what is happening is that the same sort of political timing, and pressures are going to be used to reduce rates. No-fault not only should not

be, it must not be, "no-benefit." We want a fair system in this province. We can have reasonable rate increases over the next period of time. There are enough savings potentially in the system.

Quebec, I believe, if one looks there, is saving the equivalent of \$40 million to \$50 million, possibly even \$60 million depending on the calculations. There are some differences in the system over this province.

There does not have to be a headlong rush into the elimination of benefits for many Manitobans to provide fairness in terms of Autopac rates.

Mr. Speaker, that is why our position is very clear. We support the principle of this bill. We always have supported the principle of no-fault insurance, but as for its contents, as in the case of workers compensation, a workers compensation system administered by a Conservative government under Conservative legislation is not a fair system. Look at this government's record, its poor record in terms of workers compensation.

We do not want to see Manitobans who are potentially going to be injured in automobile accidents to be in the same situation now where we have a lack of fairness in a system administered by a party that does not believe in the concept to begin with.

I want to say that I think that distinguishes us, from my understanding, from the Liberal position. I look forward to the input from the member for Osborne (Mr. Alcock), who I know is listening intently to my remarks now. We will be interested to see, in terms of the Liberals, whether they support the principle or do not. My understanding is that they will be opposing this bill on second reading, because of disagreeing with the principle of no-fault insurance.

Mr. Speaker, I think that is something that is worthy of debate. I think this will be one of the better debates in this Legislature. I think this will be one of the better debates I have seen, because there are some very clear differences of principle here, no-fault or no no-fault, in the type of benefit structure that one has. There is the whole balance of that and other possible options. Other options could have been followed, although I feel the analysis of the minister is quite correct and that is that this was the preferable option.

Mr. Speaker, this opposition party, this New Democratic Party, is not going to give carte blanche

to this government on Autopac or give carte blanche to Autopac itself. Whether it be a political agenda or a corporate agenda, quite frankly, I do not trust this minister and this government to be able to implement a system that is going to be fair to Manitobans. There is too much politics, there is too much ad hockery here, and there is too much haste.

After sitting on the Kopstein report for five years, Mr. Speaker, now they are in a rush to pass this bill through. Why are they doing that? For political reasons. Are they seeking the fullest input from the members of the public?

Mr. Speaker, they announced no-fault insurance a couple of months before they had the details of the bill. The bill has been introduced now going on a couple of months. It is a very detailed bill. How many Manitobans have full and complete information on this bill? Very, very few people.

Hon. James Downey (Minister of Northern Affairs): Are you saying we should pull the bill?

Mr. Ashton: Well, the Minister of Northern Affairs said, do we think we should pull the bill. Mr. Speaker, the minister and this government could have acted four or five years ago. If they had acted earlier on in the session, this bill could have been passed through on second reading and could have been out to members of the public with far more time for access to the opinions of the public than we currently have.

We are at day 102 today, Mr. Speaker. We are already over the average sitting time. The average sitting time in this House is 90 days. I would suggest that any objective analysis might say that whether we are here for days or weeks or months in addition, we are over the average length of a session.

Mr. Speaker, I really say to the government, could they not have come up with a better system? To the Minister of Northern Affairs, we are not suggesting pulling the bill. We do not know when this government is going to be coming back into session. They have given no commitment. There is no commitment of a fall sitting, for example, which could have allowed this bill to be dealt with then. We do not want to risk putting off the discussion and debate on no-fault insurance to a later point in time. We need that discussion within the next number of months, although it did not have

to be done in the ad hoc, PR, political way it was done.

Mr. Speaker, we have a number of other speakers, actually, I know who would like to speak on this particular bill. I know the Liberal critic will be speaking, I believe, probably tomorrow. I look forward to those comments.

I think the real debate is going to be in the committee. The real debate is going to be out there with members of the public, Mr. Speaker. I will predict now that I feel most Manitobans will support no-fault insurance. That has been my contact with Manitobans. Most Manitobans do support no-fault insurance, but I can tell you, many Manitobans do not trust this government to implement it fairly. That is really the issue with this bill.

I think one of the signals, in the sense of wanting to get some level of fairness, will be in committee, because our critic I know is working on literally dozens of amendments currently and will certainly have a significant number of amendments at committee.

I think if there is an interest in fairness, this government will listen to members of the public making presentations and will listen to our amendments. Surely, in a case where there is some agreement on the principle, there can be a more constructive way of dealing with this issue.

That is what we want, Mr. Speaker. Yes, no-fault, its time has come. It cannot be ignored for any longer, but we want a fair no-fault system, and quite frankly, as it is currently structured in this current bill, there are some very severe doubts on behalf of our caucus as to whether this is a fair system.

With those comments, Mr. Speaker, I know there are perhaps a couple of other members who wish to speak, but we are quite prepared after the debate today to have the matter go to committee and hear the members of the public. Thank you.

* (1440)

Mr. Conrad Santos (Broadway): Mr. Speaker, when I insure my car under Autopac, I like to have a personalized licence plate. I like my plate to say I FORGOT. I like that because when I get into an accident under the present system and if the policeman would ask me what my licence plate is, I can tell him, I forgot.

Under the present system, Mr. Speaker, if you are an uninsured driver you have no protection, and it is not a just system, especially for the victim of the accident. Under the proposed Bill 37, we are going from a mixed system of tort with a certain portion which is no fault, into a truly no-fault system. Under the new system that we are going into with this proposal, the principle is simple and basic. Whoever is injured, the injured victim must be compensated for the injury, no questions asked. As long as he proves the injury and the damage, the person who is the victim of the accident must receive that compensation to repair the damage.

The situation under the present system is not too good for those people who are without resources. If you are without resources and you get into an accident and somebody claims that you are at fault or not at fault, this is a very difficult legal issue that has to be thrashed out in courts. The present system is adversarial in nature. One of the parties to the suit will have to prove the other is at fault. The other will have to defend he is not at fault, it is the other's fault.

Therefore, whatever resources are available to compensate the victim of the accident, part of those resources are diverted from compensating the victim to using it in the cost of the proceedings, calling in witnesses, paying advocates and lawyers, diverting the resources that should rightfully go to the victim of the accident, the injured person himself, in order to accommodate the cost of all these proceedings.

In the end, if there is any award that is made, the lawyer is of course entitled to a portion of that award for his legal services in debating the very issue of who is at fault, who is negligent and who is not, which is irrelevant actually when you look at the victim himself who should receive all the compensation that he needs in order to compensate him and repair his damage. Therefore, we are saying in principle, we have always advocated and favoured the principle of a no-fault system, because it is just as a principle that we award the compensation. Whatever limited resources there are to be, the source of that compensation should primarily go to the victim himself, the victim of the accident.

The no-fault system simplifies the procedure therefore, and the system itself, because the determination of the facts of the accident will be an administrative determination. Whoever is the

victim of the accident will present all the proof, all the evidence necessary to an administrative authority in order to determine whether or not he has been injured. That is the only question. Have you been injured? Have you been damaged? If the facts support the claim that a person has been injured, almost automatically the victim will be entitled to the compensation that is needed in order to take care of the injury that has been caused him as a result of the accident.

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

No one wants to be injured. No one actually seeks to be injured in order to get compensation because compensation is simply to repair the damage that is done to the victim. Therefore, the present tort system is unfair in the sense that if you do not have any money to fight a lawsuit, you cannot even start at the beginning to assert your claim.

Only those with resources can fight it through all the delays, the judicial proceedings, all the appeal processes, until at the end you finally end up in which you either win or lose the case. But that is limited to those people who have the necessary resources in order to assert their claim.

People who are normally ordinary citizens in the province, especially if they are at the lower level of the socioeconomic hierarchy, will have no resources to pay for a lawyer to pursue the proceedings, to pay all those needed judicial contests at every level of the judicial process, and therefore will have less right than those who have enough resources to fight any suit or case.

Under the present system it is simple. You prove that you are injured. You prove that you have been damaged. When the proof is in, the administrative authority will examine the facts, and they will award the compensation. There is no need to hire any advocate; there is no need to hire any counsel; there is no need to hire any lawyer. There is no need to share the award that you will get with any other who was not injured.

The system, therefore, will work better as a matter of principle, but it does not mean that everything is perfect, everything is acceptable, if it works unfairness to some classes of citizens. The proposed system of pure no-fault system has four fundamental principles. Let us analyze what they are.

First, it is a universal system. It applies to all Manitobans. Under the present system, if you are not a driver or an owner of a motor vehicle and therefore have no policy or coverage by the Manitoba Public Insurance Corporation, you are not covered. You have no insurance.

If you happen to be the victim, a pedestrian, and somebody runs over you, you are not insured at all, whereas under the system because you are a resident of Manitoba you will be covered, regardless of whether you are. So it is a universal system in that sense.

Again, the benefits that are given under this proposal will be fully indexed benefits.

An Honourable Member: Are you for it or against it?

Mr. Santos: I am trying to analyze the system. In principle it is a good system. You have to be objective and analytical before you make a judgment. You get all the facts. You evaluate all the facts.

The compensation is supposed to be for real economic loss. Real economic loss means your salary if you are a salaried employee. It means your worth in terms of money. If you are a self-employed person what you make for the year, that is your economic worth. One defect of the system, to my way of thinking, is that if you are a homemaker, a housewife—I use the word “homemaker” because it could be that the husband is the one who is the homemaker if it is the wife who is employed—and therefore somebody who has no employment, but is a homemaker regardless of gender, if that somebody happened to be the victim of the accident, by simple logic under the present proposal there is no economic loss because he has no salary. The homemaker has no salary. Is that really a fair system?

In our society, the children are taken care of and reared in the home. Somebody must stay in the home, especially if the children are young and need some kind of care and attention. The one member of the family who is earning the salary will be out working in some business or some employment. The one who stays in the home is the homemaker, regardless of whether it is the wife or the husband. If you really analyze that situation, I say that the homemaker is contributing economically to the support of the family even if no money is passing in his or her own hands. In other words, she has

some economic value and worth as part of the family, although he has or she has no salary.

* (1450)

Therefore, the system, in the sense that it is proposed now, is defective in that sense because it will ignore the economic value of the homemaker simply because he or she happens to have no salary. To tell you the truth, the head of the household who earns the money in terms of employment will not earn that money unless he has or she has the assistance of the homemaker, because the homemaker has full worth and value sometimes much more than the salary of people who are employed outside the home.

The economic value of the homemaker relates to the future of the children as well—to their education, to their upbringing, to their rearing. Who can claim that this is not economic value? Somehow the law has to be cognizant of this fact and must recognize the economic worth of the homemaker. It is unfortunate that in our society homemakers do not receive any kind of compensation or salary.

It used to be that we have the children's benefit, the children's cheque. The children are given cheques because they are members of the family and they are children, but the homemaker has not been recognized in our system and that is not fair to her or to him, whoever is the homemaker. Therefore, there should be some attribution of economic value to the homemaker who happened to be the victim of the accident. Somehow, a formula or a system must be devised in order to recognize that economic value which, if the homemaker should be injured or should be killed in an accident, has to be replaced.

It should be recognized as compensation for real economic loss because it is a real economic loss, although not in monetary terms. Not all economic value can be measured in monetary terms. It is only part of our institutions that people who work outside the home are paid and those who work inside the home are not paid, and that system itself, to my way of thinking, is not really fair.

The fourth principle of this proposed system is that compensation must be given regardless of fault. Fault means negligence. Negligence means you have a duty to take care and you failed in performing that duty. By the very definition, an

accident is something that happened beyond the control of people who are involved in the accident.

Let me tell you a story about a driver who hit someone. He hit the pedestrian so hard that the pedestrian was thrown six feet away, and then the driver sued the one whom he hit in the accident. What were the grounds? Leaving the scene of the accident. That should not happen at all. Compensation should be given to the victim of the accident, regardless of fault.

Fault is sometimes attributed to people who are without fault. Under the present system, many, many who are involved in an accident will say: I thought I was not at fault, and then I get a letter from MPIC saying I was 50 percent at fault, or I was 100 percent at fault, but I know that I was not at fault. So the fault there was really a misapprehension of what really happened because the adjuster in the Autopac system is merely relying on the testimony of those people who are involved in the accident. Some of those people will, of course, be promoting their own self-interests by saying things that will promote their claim, whether they are the victim or the one who was instrumental in the accident.

Therefore the present system is sometimes unfair in that it attributes fault when there is no fault, because fault is simply in the conclusion that is drawn from the set of facts that are reported by people who are involved in the accident.

This no-fault system has been in existence in Quebec. In the province of Quebec, they have a pure no-fault system which has been in operation for the last 15 years, and it has worked well, despite the fact that there is a ceiling of, I believe, \$50,000 maximum you can claim in case of an accident or death.

It is the genius of our federal system that among the sister provinces, social experiment can be undertaken in one of the provinces in order to ascertain whether a particular scheme or a particular system will work or not in the real world. Some of the social schemes may be too idealistic. They have to be tested by experience. The no-fault system has been in operation for the last 15 years in the province of Quebec; and, as far as I am aware, it has worked well, and there is not much complaint about it. Indeed, in our modern day, in the making of public policy among several political units in a federal system, every policy in one

province can, in some way or another, be said to be interdependent with the policy being pursued in the other sister provinces. Even among the levels of government, the various schemes and the various social systems and the various programs and the various social programs had to be all integrated in such a manner that they will avert injustice to any of the Canadian citizens.

Among the different political parties in charge of all this policymaking, if they differ at all among themselves, it is a difference in views. It is a conflict of views, a conflict of what the government ought to do. It is a conflict as to the means. Although there might be some congruence in the desirable ends that they want to achieve, mostly it is ideological differences as to how best the means can be designed in order to pursue some desirable social ends.

The question all the time is, if you are confronted with a problematic system, you ask, what should be done? How can we design a program that will best deal with the particular problem at hand? How can we design a system that is workable? Is this design, the program that we design, feasible? Is it practical? Is it workable? There are too many aspects of that feasibility.

First of all, you ask, is it economically feasible, is it cost effective? When you determine that economic feasibility, you ask the next question: Is it politically feasible? Can it be done politically without too much risk or hassle? Apparently, because of the priority that political parties give to the desire to be the governing party, they will have sometimes to sacrifice their ideological views. This is a good case in this particular situation of the no-fault system.

The present majority government in this province had, from the very beginning, opposed this system. It is contrary to all their conceptions of the primacy of the private sector. This is a public program that will ensure social programs. Yet they turn around because they find it politically attractive; there is no other way because the economic fact is that there is an escalating cost in the pattern of expenses in the matter of injuries. It has been escalating across the years. In the last five years there has been an increase of 160 percent in this pain-and-suffering sector of the compensation system under the present system in Manitoba.

* (1500)

Because they would like to control the cost, and because they would like to get the sympathy and vote of the general public, they turn around and espouse a system that is the very contradiction of their ideological beliefs, because it is pragmatic and practical. We only regret that it is not this political party that sponsored this, but it is the very party that opposed the system in all these years.

Life is full of golden opportunities to do what we do not want to do, and this is one of those cases where they took the opportunity to do what they disliked to do because it will mean that they will have a better prospect and probability of winning the next election.

But they are designing a system that is good in principle and yet needs some more changes and modification because the present system as it is being proposed is not fair.

As I have stated before, there are people and segments of our citizens who have economic values that are not being recognized and, in case they become the victim of an accident there is no economic loss that can be replaced. It is simply a matter of luck.

If you happen to be unemployed—your normal employment, you are regularly employed; it just so happened that your company is trying to retrench in a particular time period and you are temporarily laid off—and then you happen to get into an accident at the time you are unemployed. That means you have no economic salary. Does it mean that you have no economic value? Not necessarily so, because it is just a temporary situation.

You are an employed person. You work for a company; you work for the government. You decide that you will quit your job for a period of time so you can go full time and pursue, let us say, a program of professional training in a university. There are people who gave up their lucrative salaries in order that they may finish what they have dreamed in life, let us say to be a lawyer or to be a medical doctor. So they gave up the salary and they went full time to pursue a particular program of study.

Supposing that you get into an accident during the time that you were without any employment, but you are a full-time student. Do you have an economic value? Of course. In fact, you are trying to augment and increase that economic value and yet you have no salary. But under the present

system, because they rely solely on the fact of your salary, that will mean that you have no economic loss to be replaced. Is that a fair system? It is not.

Supposing you are a senior citizen. You have all the experience and all the training and all the skills. Then you happen to choose early retirement. A day or two after you retire formally from your employment you get into an accident. You have no salary at the time. Is there an economic loss? Of course there is, speaking strictly. But you do not have any salary. So under the present system you will have no salary to be replaced. They will say you have no economic loss.

We have a no-fault system that has worked so well in our sister province of Quebec. The question is, are we going to adopt the system in Manitoba and improve upon it? Yes, that is the best and desirable way, to adopt a good system and to improve upon it.

What are then the various factors at work, whether or not the outcome of that experience in Quebec can best be utilized in the province of Manitoba? The first question we ask: Is there a likelihood and probability that the good system of no-fault system in Quebec can be adopted in the province of Manitoba? The answer is yes, because there is power in the provincial government.

The Progressive Conservative Party is the majority party, and they have the necessary majority power to pass the legislation, regardless of its defects. So there is that factor already, power in the government of the day, to adopt a good system, and it can be done.

The next question is: Do they have the necessary technical knowledge of the details of the program design? Of course, you will say, most likely, because the Autopac corporation has been in existence in this province since the NDP introduced the system here. They must have accumulated a kind of knowledge, expertise and experience in all kinds of systems. Indeed, the people in Manitoba Public Insurance Corporation have started all kinds of possible alternative ways of cutting costs of accidents.

They look at all the various types of insurance systems. They look at the add-on system; they look at the modified system, as it is in Ontario; and then they look at the pure no-fault system. They chose the pure no-fault system because it is the

most cost effective in terms of premiums and cost of being insured in an accident.

The third question: Does the province have the resources, the money, the personnel, in order to make the system really work? The province, of course, will have the personnel, limited though it may be, and the province has the money and the resources to pay the salaries of people who will be needed to run the new system once it is adopted.

Is there technical feasibility in the sense that the new no-fault system will likely achieve its intended purpose? The intended purpose is to compensate all and any victim of accidents. No one should be without any protection; no one should be without any coverage. If that is the purpose of universality, then the purpose will be achieved, because every Manitoban will be covered. There will be no such thing as an uninsured driver anymore under the no-fault system.

The next question is, we must also consider the buyer preferences of the decision-makers. The decision-maker would rather prefer that this automobile insurance be in the hands of the private insurer. But they cannot face the reality that, if they insist on doing so, the escalation of the premiums will simply be inevitable. It will be inevitable, and therefore they have not forgotten what happened in 1986 or '88 when the previous government, because they escalated premiums, made their debacle in the election.

I am not saying that the system is not desirable. The no-fault system is desirable. What we are saying is that the way it will be implemented needs some more improvement and some more modification.

* (1510)

An Honourable Member: You are really . . . on the fence on this one.

Mr. Santos: I am not sitting on the fence. I analyze the system the way it should be.

The real question is, can we transport, hook, line and sinker, the no-fault system in Quebec to this province of Manitoba? That is the question. It depends. Is it a unique system that is culturally defined only by the province of Quebec? I believe that it is not.

It can be transported and it can be made practical and operational in the province of Manitoba. Do we have the suitable institution? Are there institutions,

offices and personnel in place that can make the system operational in this province? The answer is, of course, yes. Do we have the sufficient resources that are needed in order to make this program workable and practicable? Yes.

However, the system may work unfairness because of the fact that there are people who could be a victim of an accident who have economic value but, because they have no salary, will suffer in the sense that they cannot have any income replacement because there is no income, but they have economic value and economic worth that will not be replaced. I have cited the case of housemaker, homemaker. I have cited the case of students. I have cited the case of senior citizens who may have no salary, but, certainly, they have economic worth and economic value that need to be replaced in case they meet an accident.

Therefore, this Bill 37 needs to be amended in a number of ways in order to recognize this fact. Sometimes an attribution of economic worth has to be made in a particular case in order to prevent injustice, and a law that will not recognize the economic worth of individuals simply because they have no salaries will be an unfair and unjust law. We do not want to create laws that are not fair because we cannot in conscience say that we are promoting the public interests of this province.

Let me therefore summarize. The new system being proposed is good in principle. It seeks to compensate whoever is injured, and the compensation is mostly being concentrated in the hands of the person who is injured. There will be no diversion of that compensation because there will be no necessity for litigation. The only thing that is required for the injured person to do is to produce proof and documentation that he has been injured, and this being proved in an administrative way, there is no need for litigation that can divert those resources into other costs such as the cost of the proceeding, the cost of advocates, the cost of appeals, and other costs necessarily entailed in any law and litigious system of determination of compensation.

The tort system, as we know it today, benefits those who are the practitioners in that part of law. It is adversarial in nature. They divert some of the resources that should rightfully go to the victim. The resources go to people who are not injured, to people who have really no moral claim to those resources that should go to the party who is the

victim of the accident, rightfully, morally, legally. Only the victim of the accident should have the lion's claim to that compensation, to those resources. Nobody else in our society should make any other claim in order that the victim may be fully compensated, despite the fact, under the present proposal, only 90 percent of the salary value of the victim will be given to him for some reason or another.

However, the no-fault system is a simple down-to-earth system. There is no need for litigation or argument. It is an administrative determination on the facts. The only caveat on this matter is that the administrator may become so arrogant in the implementation of this so we have to take care of the appeal system. Under the proposal, the appeal can be made only on questions of jurisdiction or questions of law, just like a similar kind of system in the workers compensation system.

We know for a fact that sometimes the factual determination, including the medical determination in the workers compensation system, may not inure to the very best interests of the victim of the accident. Why? Because of this, again, tort system that is built in to the workers compensation system. You have to argue whether or not the accident was due to or in the course of employment. That phrase again will introduce the litigious argument or the kind of position whether it is or it is not in the course of employment. That has to be removed.

In this system, there will be no more argument: Are you at fault? Is the plaintive at fault? Is the defendant at fault? Because it will be a no-fault system. Nobody wants to be injured simply because they want to be compensated. Accidents happen because they are unforeseeable. They cannot be foreseen. They cannot be predicted. They are not welcomed by the people who are involved in an accident.

This system can be implemented in this province because we have the suitable institutions, we have the suitable processes and we have the suitable resources. There is this power in the majority government in our parliamentary system that, regardless of opposition, if the party in power, the party in government decides a new system is to be installed, it will be done because they have the political power to do it.

But political power cannot be exercised as naked political power. Political power in order to be exercised must be exercised in a legitimate manner. It must be justified by some legitimacy and morality. The morality that we are trying to inject into this system is that those people with some economic value but with no salary should be recognized as having suffered also some economic loss even if they have no salary to prove it.

I have cited the situation of the homemaker. No person will deny that the homemaker contributed to the building up of the economic value of the family even if only one of them is working outside. We have not recognized that fact, and we should recognize that situation just because it is fair and just. A law that is not fair, a law that is not just, is to that extent less than a law, because by definition a law has to be just and fair.

This is a good bill. I commend those people who are trying to implement this, although I question the timing, because the timing is, of course, part of the whole political process. This is a four-year cycle—a more or less four- or five-year cycle in every turnaround in our parliamentary system. They will time it such that when the time comes they will have the condition such that they can even reduce the premium and therefore gain the acceptance of the general population when the time of general election comes around. This is the wisdom and the genius of the party in power, which is a known fact.

I question that political opportunism. Even if it is political opportunism, if the outcome is for the good of Manitobans, that will be a good system.

However, we will fight that this be a fair system. It will be a fair and just system through the process of amendments. Thank you.

Mr. Reg Alcock (Osborne): Mr. Acting Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux), that debate be adjourned.

* (1520)

The Acting Speaker (Mr. Laurendeau): It has been moved by the honourable member for Osborne, seconded by the member for Inkster (Mr. Lamoureux), that debate now be adjourned. Agreed?

An Honourable Member: No.

The Acting Speaker (Mr. Laurendeau): No?

Hon. Darren Praznik (Deputy Government House Leader): Mr. Acting Speaker, if I may, I

understand that the member has adjourned debate, but I think there would be leave to allow the member for Elmwood to complete his remarks, and then we would go on with further House business. I think we would grant leave for that.

The Acting Speaker (Mr. Laurendeau): Is there leave to allow the honourable member for Osborne to adjourn debate on Bill 37 and then allow the honourable member for Elmwood to finish his statements on Bill 37? Is there leave? [agreed]

It has been moved by the honourable member for Osborne (Mr. Alcock), seconded by the honourable member for Inkster (Mr. Lamoureux), that debate now be adjourned. Agreed? Agreed.

Mr. Jim Maloway (Elmwood): Mr. Acting Speaker, now that we have resolved this issue, I am very pleased today to be addressing this bill. I have looked forward to this for some time.

This is an issue that I have been interested in since I was elected and actually before I was elected to the House, one of several issues that I came into this House very interested in doing something about. It is with some slight regret that I find the Conservative government taking the initiative in this area, similar I suppose to what they did in the area of The Business Practices Act. While I was not in the end absolutely happy with them watering down the business practices legislation, I still, on balance, felt that it was a progressive and appropriate thing to do at the time to bring in business practices legislation.

I am one of those who would like to see the government bring in good legislation and am prepared to support it when they do. Having said that, I would still have rather that we be the government and that we be taking initiative such as this. Life is such that we do not always have things the way we want to.

Unlike other legislative initiatives before this House such as the rentalsman's bill to allow landlords to keep the rental deposits they take and use them as their own, a bill that we affectionately refer to over here as the bail-out-Arni bill in reference to problems that Tory fundraisers have had—and another bill, the bill that requires Manitobans to get safety checks on cars is clearly written by, designed by, fomented by the car dealers' association led by Bob Kozminski, another fundraiser of the Tory party.

So unlike the bail-out-Bob bill and the bail-out-Arni bill, this bill, I would have to say, is one that is clearly thought out to be acting in the best interests of Manitobans.

I can tell you that regardless of what government was in power at this point, that government would be faced with doing the same thing this government is doing right now, because the public is not prepared to accept the escalating costs associated with the Autopac system.

We recognize that. The member for Brandon East (Mr. Leonard Evans) and other people in our caucus recognize that, that coming out of the Kopstein report of five years ago, the cornerstone of the Kopstein recommendation, was the implementation of a no-fault system. This government wiled away two or three years bringing in minor recommendations of the Kopstein commission and leaving out the very tenet, the very basic component of the Kopstein report.

To that end, our caucus spent a considerable amount of time over the last three or four years, on radio shows and in newspaper articles, and I just happen to have a few of them here, advocating the adoption of a no-fault system similar to Quebec.

In fact, I was on a radio show last year with the minister, and at that time, he was making statements about the current system being in great shape and that it was the best of all systems. As a matter of fact, in a Free Press article last year, the minister once again supported the status quo.

So it is with some element of—or as the Minister of Finance (Mr. Manness) often says, it is passing strange that the Conservative government, just a year later, after saying it would not touch the current system, would holus-bolus be introducing the very system it criticized only a year before. What happened? [interjection] The Minister of Natural Resources (Mr. Enns) said, well, we changed our minds, and, obviously, they did. The question is, what happened in that one-year period to cause them to change their minds and see the light?

Mr. Speaker, what happened is exactly what is happening in other jurisdictions across the country. The public is simply unwilling to accept double-digit increases in their car insurance rates, and as this government looked at the corporation's results, what it saw happening was, it saw a virtual doubling of the bodily injury claims that the Public Insurance

Corporation had to deal with. It saw itself, Mr. Acting Speaker, in a no-win situation where it would be bearing the brunt of the public's fury over these continuous increases. So what they did was they did a study, and the study did some comparisons and looked at several options.

They rightly opted to take the no-fault option. In fact, had they taken the no-fault option that did not allow for unlimited medical benefits and rehabilitation benefits, I think that they would be justly criticized as wanting to maximize the savings on the system of the \$68 million that such a system would allow, but they did not do that.

They were fair. Their cabinet was, I believe, fair in the way they assessed the situation, and they decided to take the \$20 million and put it into unlimited accident benefits and rehabilitation. But why did they do all of this? They could have maximized their return out of the no-fault by capping the medical payments, but they did not.

Mr. Acting Speaker, the reason they did not do it is obvious. They see a lot of political hay to be made here, and what I believe they are hoping to do is to pass this legislation through the Legislature, go back to the Public Utilities Board who have since gone—the MPIC has gone to the Public Utilities Board a couple of months ago asking for a 9 percent rate increase. What I predict they will do is that in September they will go to—the MPIC will be directed to go back to the Public Utilities Board and say, we do not need a 9 percent rate increase anymore. In fact, we want a 5 percent decrease.

That is what they are going to ask for. They are going to take the \$50 million that they expect to save on the no-fault system. They are going to take \$30 million of that, and they are going to send that back to the motorists of Manitoba through a \$50 reduction in their premiums. They are going to put the other \$20 million into the kitty at MPIC to show that the corporation is actuarially sound, and they are going to take this and run with this in election.

You know, Mr. Acting Speaker, if they pull this off, it will certainly be a feather in their cap, but what I say is that this is the reason they are doing it. They are not doing it because of any fundamental belief in the no-fault system. They are doing it for short-term political expedience and in fact, any of the negative features of the bill, any of the problems

associated with the bill are not going to show up before the next election.

* (1530)

The new system will take effect March 1 next year, and any negatives associated with, any deficiencies associated with the system will not show up perhaps for a year or so down the line, at which time this government hopes that it will be home free and well into its next term.

So that is, I believe, the political reasoning behind what they are doing. It was born out of necessity because Manitobans are not willing to accept the vast increases that are being anticipated in Autopac rates.

Now, this problem has come about over the years for a number of reasons. But one of them is, I believe, the perhaps oversupply and overabundance of new lawyers in the system. It is a known fact that there are excess numbers of doctors in society. Unlike Japan, where they have a much larger per capita number of engineers, our society produces an inadvertent number of lawyers.

So we have to do something to keep the lawyers busy, and, God knows, there is enough new areas developing in law all the time to keep the lawyers busy. But I believe that with the advent of advertising on behalf of the lawyers—I mean what we have seen in the States is an increase in the public's willingness to litigate and to sue, partially because of the public's awareness as a result of the advertising that the legal firms do on the TV.

As a matter of fact, if any of you have been in the States, you turn on the TV and you see lawyers advertising their wares to sue, sue on any basis imaginable, and sue anybody. I mean that is the general approach. I say that atmosphere of "you have a problem, sue somebody" has spilled itself over the border, and is taking hold in Canada.

I know that 20 years ago people were happy to walk away from minor car accidents. They routinely went down and signed the releases to Autopac, and it was viewed as the proper thing to do. Today you are regarded as a fool if you do something like that. Everybody manages to find a lawyer somewhere, and the next thing you know there is another suit that the corporation has to deal with.

In fact, we have seen almost an industry develop. We have seen almost an industry

develop here, where I believe it was last year we had a case where there was one fellow, Armarjæt Warraich. He was well covered in The Winnipeg Sun, but he was involved in a multitude of accidents, some of which he was not even in the car, and so I say a veritable industry has developed here, aided and abetted by a number of interest groups and just a general view of society at the present.

Whatever government was in power, we are going to have to deal with this situation. To tinker with the system, to come in with the various deductible options and other options that were threshold options that are being discussed, those were rejected by the government, I believe, for sound reasons. That is, when you have a threshold system, what you essentially have in our deductible system is that you have the lawyers attacking the threshold so that the claims become exaggerated and increased to exceed the deductible or exceed the threshold. That is the problem that Ontario is dealing with right now.

So the system that they decided to follow was the system that is in place in Quebec. It is the only system of its type in North America, but it is a stable system. It is a system that has been around for, since around 1978-79, brought in by the René Levesque government at the time, and it is a system that has stood the test the time.

I think what the corporation wanted to do was look at systems, not the systems that were just in place for one, or two or three years and modified, but they wanted to take an example of a system that had been working somewhere and had been unassailable or had worked quite well for a number of years. When they looked at Quebec, they found that the Quebec system worked very well. In fact, it worked so well that the liability rates, when inflation was considered in as a factor, actually decreased over the years, that today you would be paying less in Quebec than you would have been 10 years ago, adjusted for inflation. They also found that the Quebec plan is profitable to the extent that the government uses excess revenue to fund the province, into the general revenues.

I know that is a question that has been asked by the Liberals here, and the minister has responded that the corporation's revenues cannot be brought into general revenues. I agree with the law the way it stands, but the Liberals are drawing at all sorts of straws to put in some element of doubt about this

program. I can tell the member for Inkster (Mr. Lamoureux), who supported no-fault, supported the bill, supported no-fault during his recent leadership loss, that his Leader, the member for St. James (Mr. Edwards), any member in this House, if they want to pick holes in this bill, they can pick holes in it. In fact, any member in this House can pick holes in any bill, but you have to decide on balance whether it is a worthy bill to proceed with.

In our caucus, we have had no difficulties whatsoever accepting the principle of this bill. We will always argue that an amendment here or an amendment there will be in order or that it should be looked at at a certain point, but we do not have and never have had any fundamental disagreement with the contents of this bill and the intent of this bill.

I will tell you why. Unlike the Conservatives who have become recent born-again converts to no-fault, Mr. Acting Speaker, unlike the Conservatives who just discovered no-fault because they are approaching an election and they have a big problem with the rates, unlike these opportunistic Conservatives who we see opposite here, we have a long history in this party of supporting the concept of a no-fault system.

Back in 1973 to '75, the previous government of Ed Schreyer did a study—[interjection] The member talks about Howard Pawley. Well, let me tell you, to the member for Inkster (Mr. Lamoureux), who really supports this bill but who does not have the guts to come out and say so, is going to zip his lip and vote with his Leader because his Leader tells him so—but he knows his constituents want this bill. His constituents want no-fault, but he is going to stick with the Liberals and their River Heights lawyer friends. That is who has bought and paid for the Liberal Party. That is who is funding the Liberal Party here, but the Liberals have no history of supporting no-fault.

Where were the Liberals in the 1970s when we were doing a study on the New Zealand no-fault system, the universal accident corporation of New Zealand, when we did a white paper on the no-fault system? I want to tell you where we are headed, where we were and where we are headed on the no-fault concept.

What we wanted and what we want is a system similar to New Zealand where you have a central accident corporation, accident and sickness

corporation. You essentially collapse workers compensation. You collapse the Autopac no-fault benefits program. You collapse the private plans right now that are sold on the basis of groups or on the basis of individual sales. You collapse all of these plans into a central accident corporation, and you simply run the system in that way.

* (1540)

You take the tort out of not only auto insurance, but you further take it out of the other areas where it is involved right now, because tort is an inequitable way to be dealing with accident and sickness in any jurisdiction. When a person has an accident, when a person gets sick, it has to be dealt on the basis, on the concept, of no fault. We do not want to be running around holding people responsible, involving the legal system, involving lawyers, proving people at fault to a certain percentage here and there.

That is why, to the member for Inkster (Mr. Lamoureux)—and perhaps he knows this, perhaps he does not—the workers compensation schemes came about in Canada over the years, because employers, under the good old tort system, would not pay employees unless they were sued. Employees would be dead before they got any money from the employers, because they had to go out and retain a lawyer.

Where could a worker afford a hundred years ago to hire a lawyer to sue for an accident at work? The employer who had all the money could fight the case for years and years, and the employee could be dead before he got any money. So government stepped in, and they were probably Conservative governments and Liberal governments over the years, but they did the right thing. They stepped in and changed a system that was inequitable and a system that would not work. That is a fundamental question here.

So the provinces set up the corporations across the country, one after the other, and one can argue about whether they are efficient or not, whether the people get the proper benefits. I know when the left-leaning governments come in they loosen up the rules a bit. Then the Conservatives come in and tighten up the rules.

That is what has happened in New Zealand. The accident corporation of New Zealand—there is one in Australia; there are accident corporations in Scandinavian countries—as a matter of fact, was

brought in by a Conservative government in 1973, and then Labour came in and they loosened up the rules a bit.

When Labour comes in, they cover bungee jumpers, perhaps. Then the Conservatives come in and they shorten the rope on the bungee jumpers and maybe reduce the payments a bit. But government after government of each stripe has not changed the fundamental structure in New Zealand of the accident and sickness corporation, because the fundamental reason for the program is to take out the tort, to take the legal wrangling, to take the lawyers out of the system.

People should not be profiting from the misery of others. That is the theory behind it, that if you get sick or you have an accident, you have immediate attention and you have immediate compensation and the compensation should be adequate to solve your problem. You should not make a profit out of it, but it should be adequate compensation. So that is the reason for a no-fault system.

The tort system is an inequitable system that we have here. It depends on the lawyers. I know of a lot of cases that I have heard about over the years, but I know of cases of people where two people were involved in the same car accident, a one-mile-an-hour car accident, and both people went to a lawyer. Neither one was hurt at all, to my knowledge. The one lawyer got \$3,000; the other lawyer got \$8,000. So what was the difference? The difference was how good your lawyer was. Right. If you knew the lawyers, you could predict which one would get the best settlement. The doormat lawyer got the \$3,000, but the aggressive lawyer, the lawyer who was going to stick with it and argue that black was white and pink was yellow—that lawyer managed to get \$8,000.

So do not tell me about the legal profession being able to do the job on the tort system and get equity for the aggrieved party, because it depends on how good the lawyer is. [interjection] Well, the member for Inkster (Mr. Lamoureux) brings up a very interesting point and a point that I would have brought up myself, but he has done it for me.

He wants to talk about insurance agents in this system. Let me tell him that I should be on the side of the lawyers, because I should tell him that the insurance agents' commissions are based on premiums, and if the premiums double by the turn of the century in the next eight years, as the studies

project, the insurance agents' commissions will double, so I am arguing and voting against my self-interests. I am glad the member for Inkster brought that point up.

I do not know why the insurance agents are not lined up with the lawyers on this one. I know that one insurance agent—I do not have the article here, but it appeared in the last edition of the insurance agents' monthly, or whatever it is called—called this a socialist idea. He said that the government had lost its moorings. That person's name is George Creek; I think some of the members opposite know that. [interjection] The Labour minister says we have a big tent.

Mr. Creek is the guy who phoned me last year and proudly took credit for fixing the cap on agents' commissions. He said, oh, no, it was not the member for Riel (Mr. Ducharme) who did it. He said, it was me, I did it. He wrote an article for the paper, and he calls this socialism of the worst kind, that this government would do.

To the extent that the insurance agents co-operate with the no-fault system, they are doing so for the good of the public at large and a recognition that there has to be some common decency in society, and that you cannot go on sucking and bleeding the system forever, that there has to be some reason and some balance. I am sure they could argue their own arguments; but, as you can see, I have told you they are more than likely split on the issue.

There is a time and a place to just do the right thing. The Liberal Party may recognize this before this debate is over, because if they do not recognize it before the debate is over, they are going to recognize it in the election. The public are not going to be happy with Liberals who want to raise the Autopac rates. There are some Liberal seats that I think I have my eye on, that I may be in there doing some door knocking, reminding those voters how the Liberals sat on this issue.

So I hope that I answered the question to the satisfaction of the member for Inkster (Mr. Lamoureux), and my only regret is that he has not got the good sense to get onside with this bill and do what is right for the public.

Mr. Acting Speaker, I do want to deal with some of the areas of the bill that we do feel there should be some changes to. We have, I believe, a number of amendments that are in the can right now that

will be brought out at an appropriate time that will tighten up the bill in certain areas. We would hope the government—I do not have a lot of faith in the government accepting our amendments, but my new department there, Urban Affairs—I am critic for the Urban Affairs department, and I was quite pleasantly surprised that the Minister of Urban Affairs (Mr. Ernst) did accept an amendment to Bill 38 to ban library fees or disallow library fees. Perhaps he had it in mind all along, I do not know. It is certainly a different experience than I have had dealing with the other ministers whom I have had to deal with over the last eight years. I have not had a speck of initiative on the part of any of the other ones. This one at least showed some, but the others normally would come in and stick to their guns and just vote the way they were told and disallow all of the amendments.

So perhaps if this minister is more on the line of the Urban Affairs minister, perhaps we will be successful in getting a few amendments through the House. I would not hold my breath with most of them, however.

I see you have changed, you are a new Mr. Acting Speaker. Perhaps you could tell me how many more minutes I have. [interjection] Thank you. I am told I have 10 minutes.

* (1550)

The last speech I made on this topic was under the guise of Bill 8, The Insurance Act, and I have not had a chance to fully review all of the points I was making at that point. Some things, of course, have changed since then.

We want to deal with a number of issues on the amendment side of things that have been brought to our attention by a number of people, including the Law Society in Manitoba, and to that extent, provided it does not change, the fundamental intent of the bill—I mean, you cannot have a no-fault bill and then bring back tort through the backdoor. As long as the amendments they are proposing are designed to improve the bill, to improve on the principle of the bill, I do not see where the government should have a major problem accepting the amendments.

We have listened to representations from a number of groups and a number of people on this issue, and we have taken their interest to heart. We have amendments we will be bringing through

that, once again, hopefully, the government will accept.

Mr. Acting Speaker, the other issue, I guess, and I dealt with it briefly before, was the area of the New Zealand accident and sickness. It seems to me this bill will, in fact, cover an individual, any Manitoban. It will cover any Manitoban anywhere in North America, so if someone, a Manitoba resident, is hurt by a car accident in California on a beach somewhere or on a sidewalk somewhere or wherever, the person will be covered. This goes a long way to expanding into the universal-type program of New Zealand we spoke about.

I do not know that this government—I am positive this government would not go that far. What we would like to do, if we are successful in coming to power in the next election, is to expand on the no-fault program being brought in by this government. We would like to expand on that program, and we would like it to be a universal accident and sickness program for all Manitobans.

How that would work, what we would have is—we currently have a very inequitable system, as I pointed out with the whole argument about fault, and so regardless of fault, everyone would be covered for their accident and sickness. We would have a situation where people who are not currently covered would in fact be covered under a no-fault system.

For example, under the current system if a person is a homemaker or a person is a student, a person cannot go out and buy an accident policy on the private market with Great-West Life or Paul Revere or one of the other accident companies, because they are only interested in covering people who are earning an income—and by the way, they are interested in white-collar jobs, they are not interested in workers.

Those sorts of plans right now are quite piecemeal. The wording depends on the company, it depends on how expensive a plan you buy, and people are not really very enlightened on how those plans work.

So some people can buy these plans but other people cannot buy any plan. Those are the housewives and those are the students.

What the universal accident and sickness would do, in addition to taking the tort out of the system, is cover all the people who currently cannot be covered. It would cover the homemakers, it would

cover the students. It would cover them for all accidents, not just the accidents caused by auto insurance but any accidents that they have around the house.

It would lead to some pain on behalf of the insurance industry, but what it would do, in the interest of the public, is it would allow for the collapse of all the group plans and private plans that we have right now, on top of what we are currently collapsing.

We are currently changing, we are developing a system right now to a pure no-fault in the auto business, and what we are saying is, that is fine so far as it stands but let us look at taking it further. Let us not just stop there. Let us set up a central accident corporation. Let us collapse Workers Compensation into it. Let us collapse the no-fault auto benefits that we are talking about with this bill. Let us collapse all the group plans and the individual plans and cover everybody in the province anywhere they are on an accident basis.

That system once again was brought in by a Conservative government in New Zealand. It has been sustained and supported by labour throughout the years, and it is an issue by which governments and premiers are long remembered.

Governments and premiers are not remembered long unless they do something. There is a saying that you cannot make an omelette unless you scramble some eggs. Any Premier or any government that takes direct action, takes initiative and brings in a comprehensive system, such as a central New Zealand accident and sickness corporation, will be long remembered as a government that did something. I think the members opposite know what I mean.

So we will not give up. When this no-fault system is in place, we will be pushing for the next step in a universal program. Then we will see how socialistic this government can become.

We will see this government, Mr. Acting Speaker, reverting back to their old ways, because this government is simply an opportunistic government, a government that understands how to keep power. Certainly it understands how to keep high on those polls. It really has sort of lost its ideological moorings I think, because it wanders from one idea to the other and a Conservative theorist would have a real problem. [interjection] Now the Minister of Natural Resources (Mr. Enns) says they are driven

by ideological convention and over the long haul they may well be, but they certainly take the odd detour when it suits them. I guess most governments and most people can be accused of that situation.

Now I wanted to also point out that Manitoba is not alone in moving towards a no-fault system in the country. Quebec was the first province to do it, but we have just noticed in the last few days, I believe Nova Scotia has announced that it is moving to a no-fault system. I know that in reading the news services and so on, I see British Columbia has major problems, and it is looking at a no-fault system. I look forward to seeing what happens in B.C. My prediction is that the system that is in place in Quebec is in fact going to become a model for other provinces, and we are going to see other provinces developing.

(Mr. Speaker in the Chair)

One other interesting argument that I heard from the legal profession, I do not know whether the members opposite have heard this argument, but they are saying, perhaps we should privatize workers compensation and have a compensation system similar to the United States where the workers pay and the companies have to pay workers compensation premiums five times what they are in Canada. Can you imagine having a business and wanting to relocate to a jurisdiction, to an American state where the compensation rates are five times what they are under workers compensation in Canada?

Why is that system the way it is? It is because lawyers use that system and every time someone has an accident under a system like that, bingo, they have themselves a legal beagle who goes after the employer or whoever he is going after and that has driven compensation claims through the roof. We have liabilities. We have product liability loss in the States where the lawyers have just been running amuck. They have been running amuck in the States.

In the States where they have taken the product liability to astronomical heights, there is a case of American plane manufacturers, aircraft manufacturers, I believe somewhere in the mid-western United States, who have to go out of business. They cannot operate anymore because the lawyers have driven them there. They have just thrown up their hands and they are ready to

walk away, because the product liability rates have just gone totally high. Medical malpractice suits, we have all seen what has happened with medical malpractice.

* (1600)

I do not fault the lawyers. If I was a lawyer I would perhaps be supporting their arguments, but we have to be reasonable. Even lawyers will sit down and tell you—the reasonable lawyers among them, and there are some—that the system has gotten out of hand, that something has to be done. So it is about time; it should have been done after the Kopstein report five years ago. We would have done it. If they did not do it now, Mr. Speaker, they know that we would be doing it in six months when we become the government, so they are preempting us, and more power to them on that point. We intend to hold them accountable. We intend to make sure that they deal with the amendments that we proposed in a proper fashion. We are going to hold them accountable to make certain that people are dealt with adequately.

We are also going to keep an eye on the Liberals. We are going to keep a close eye on that diminishing, vanishing breed known as the Manitoba Liberal Party. We are going to keep an eye on them, and we are going to be helping out on this issue and make certain that they are held accountable for their actions on this bill and on this issue in the House in the next election.

Mr. Speaker, before I lose my voice here, how much time do I have?

An Honourable Member: Ten seconds.

Mr. Maloway: I have been told I have 10 seconds here, but my House leader tells me my time has just—

An Honourable Member: You are running out of material.

Mr. Maloway: Well, the member for Portage la Prairie (Mr. Pallister) tells me I am running out of material. Not at all.

Mr. Speaker: Order, please. The honourable member's time has expired.

As previously agreed, this matter will remain standing in the name of the honourable member for Osborne (Mr. Alcock).

* * *

Mr. Praznik: Mr. Speaker, I would ask if you could please call in this order, Bills 46, 43, followed by Bill 24.

Bill 46—The Criminal Injuries Compensation Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill 46, The Criminal Injuries Compensation Amendment Act; Loi modifiant la Loi sur l'indemnisation des victimes d'actes criminels, standing in the name of the honourable member for Wellington.

Ms. Becky Barrett (Wellington): Mr. Speaker, I am going to be the only member of our caucus who will speak on this piece of legislation and then we are prepared to take it to committee.

Bill 46, The Criminal Injuries Compensation Amendment Act, is a bill that we will not and cannot and should not support. Unlike some of the other legislation that this government has introduced in the House, there is from my reading of the bill and the minister's remarks on second reading, no redeeming feature to this piece of legislation.

The minister says that the purpose is to effect an adjustment to The Criminal Injuries Compensation Act and to bring it in line for fiscal '93-94 with some of the economic realities that have already resulted in the reduction of services and programs across government.

Well, Mr. Speaker, this piece of legislation certainly does do that. It certainly does adjust The Criminal Injuries Compensation Act. What this bill does, in essence, is to remove the indexing of compensation provided to victims of crime. The current legislation allows for the victims of crime to have their compensation indexed as it is indexed under The Workers Compensation Act.

I am sure that the reason this was originally put in The Criminal Injuries Compensation Act is there was a recognition that in many cases people who are victims of crimes, who are innocent victims of crimes, need to have the financial comfort to be able to live with a reasonable standard of living, just as people who are innocent victims of accidents at the worksite are compensated and adequately compensated through the idea of indexing.

That was the intention of the legislation. A very conscious decision was made by the government to parallel those compensations, because it was

seen that the situations were not different and were in fact comparable in particularly this instance.

The minister in his comments goes on to say: Clearly, this change is regrettable for current and future crime victims injured during the course of a crime, but the changes will provide a fair and comprehensive approach to cutting costs.

Well, Mr. Speaker, first of all, we agree with the minister that this change is regrettable for current and future victims of crime. We feel that "regrettable" is probably the least word that could be used and there are many more damaging words that could be used.

This is a reprehensible piece of legislation. It is a reprehensible piece of legislation because, like the government's actions since its election in 1988, it is designed to cut costs, to make changes in policy and programming that reflect not on the wealthy and the able in our society, but like other changes that this government has made, supposedly in response to economic changes and situations, changes that have affected women, children, the poor, seniors, the disabled, the aboriginal community, northerners, farmers, schools and people who work in schools, hospitals and people who work in hospitals, students who go to school, patients who are forced to use hospitals, home care, social services, services for children—the list could go on for more than even the 40 minutes I am allotted, Mr. Speaker.

This is in the same vein as all of those other changes that have been made by this government in the last five years. This is not regrettable, this is reprehensible and should not be allowed to be undertaken. It is not a commitment to a fair and equitable approach to the economic problems that face the people of Manitoba, because it is not a situation where people across the board are being asked to bear the burden and to share the pain.

No, Mr. Speaker, the only people that are going to share the pain in this piece of legislation are the people who are victims of crime. What group of people in our society bears less responsibility for what happens to them than victims of crime, I ask you. They are absolutely blameless. By definition, they are not able to access the resources under The Criminal Injuries Compensation Act. Not only are they victimized the first time, and in many cases they are extremely victimized. The people who are able to access this compensation are people who

are not victims of minor offences, these are true victims in every sense of the word. Now they are doubly victimized by the actions of this government in introducing Bill 46.

The Minister of Justice (Mr. McCrae), who talks about the zero tolerance for violence in our society, who talks about the fact that we have to ensure that women and children are protected in our society, is the same minister who introduced Bill 46. I would like to ask, and I will ask the Minister of Justice rhetorically here and face to face certainly in committee and in third reading how he can justify in his own heart of hearts and with his colleagues and with the people of Manitoba, on the one hand espousing a zero tolerance for violence, and on the other hand perpetrating an economic violence on people in this province who can least afford to pay for and who should not be asked to pay for this government's lack of economic strategy and lack of any kind of program to assist those most vulnerable in our society.

* (1610)

Mr. Speaker, I will not take any more time except to say that we on this side of the House are unalterably and unanimously and completely opposed to this dreadful, dreadful piece of legislation and hope that the Minister of Justice (Mr. McCrae) rethinks his position on this and perhaps looks at some of the recipients of the Workforce 2000 grants, like Bob Kozminski, for assistance, in adding revenue to the province of Manitoba instead of taking it from victims of crime.

Thank you, Mr. Speaker.

Mr. Paul Edwards (Leader of the Second Opposition): Mr. Speaker, I rise today to speak on Bill 46, The Criminal Injuries Compensation Amendment Act. I have raised this matter in Question Period previously with the Minister of Justice. I think honourable members in all parties will know that I and our party are opposed to this legislation.

Very simply and very quickly, the reason for that is that this bill proposes to deindex compensation payments to victims of crime. I do not know how many times and how many hours I have listened to the Minister of Justice over these years pontificate at great length, with great flourish about his commitment to the victims of crime. This action flies in the face and undercuts all of that. What he is doing is punishing the victims of crime by

withdrawing their ability to keep up with inflation in the income replacement payments they receive.

One has to understand the Criminal Injuries Compensation Board to understand this bill. The criminal injuries compensation scheme compensates victims of crime. The crime has to be proven first—nothing that was invited, through no fault of their own.

People are assaulted or injured one way or another as a result of a crime and, if the crime is proven, then they have the right to apply not for millions of dollars for pain and suffering, not for large amounts of money, extravagant sums, but for their loss of income—provable loss of income. There is no compensation for future prospect for income increases. If a person at the time of the crime is not making an income, they do not get to apply. If their income is low, they do not get paid for what it would have increased to in the future. There is none of that. All they get is what they actually lost based on what their rate of pay was at the time of the assault or of the crime. It is not a lot.

The criminal injuries compensation scheme simply incorporates the Workers Compensation Board scheme essentially. It incorporates the same standards, the same criteria, the same meat chart, if you will, in terms of dealing with how badly an injured person is or how badly injured they are and how much they stand to be compensated.

Now, it is not a lot of money. It is the bare minimum, I think, that we, as a society, owe to the blameless victims of crime, and there are many of them. We sat here in this House last week and heard from the City of Winnipeg—and I confronted the Minister of Justice (Mr. McCrae) with these—about the high increase in the rates of assault, sexual assault, and robbery, the crimes in which people get injured and get hurt and then cannot work. What about their families? What about the dependents? That was the whole purpose of this scheme, was to allow for those people to recover and be compensated for their loss of income.

Mr. Speaker, has the Premier (Mr. Filmon) deindexed the increases in salary for his staff? Is he providing for them in severance payments in the same way that he is providing for victims of crime? No, on the contrary, there are quite substantial, in many cases, lavish severance arrangements provided for. There are pension funds that are

being paid into at the rate of 12 and 13 percent as opposed to 6.5 percent in the normal civil service.

The government chooses to be kind to those in positions where they can well afford to be deindexed, but who is deindexed? It is the victims of crime. This is part of the overall package of legislation this session, and I build into that the Student Social Allowances Program. I build into that the Home Care cuts. This is part of the overall legislative agenda of this government, which pretends to be about fiscal responsibility, pretends to be about fiscal restraint. It is far more than that. The reality is that the fiscal agenda is now well and clearly a social agenda, and it is being worked out on the backs of those who can least afford to pay. The victims of crime is one of those groups.

We are not deindexing the CEOs of the Crown corporations. We are not choosing to cut in places where the public simply does not need or not require those services. We are cutting people who, through no fault of their own, have been assaulted and now cannot work. That is where the fiscal agenda is being worked out in the daily lives of Manitobans. It is a social agenda, and it is one fundamentally of privilege and elitism.

Mr. Speaker, this bill is a perhaps small but very significant sign that that is indeed the case. All of the rhetoric, five years of it in fact, from the this minister about the victims of crime, mean nothing when confronted with this type of heartless legislation.

Mr. Speaker, this legislation will be opposed by our party every step of the way. It should be. It shows the hypocrisy, the elitism of the government of the day, and it is another example, in my view, of how this government has well and clearly gone off its tracks and is now pretending to talk about the good of the community in terms of fiscal restraint, which we all agree with, but the fiscal restraint is being selectively applied to the people who this government thinks either do not count, do not matter, did not vote for them last time, will not next. It is a political agenda. It is driven by elitism. It must be opposed. I believe that in time the people of this province will oppose it because they do not believe in that. Apparently, this government does. Thank you, Mr. Speaker.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 46, The Criminal Injuries Compensation

Amendment Act; Loi modifiant la Loi sur l'indemnisation des victimes d'actes criminels.

Is it the pleasure of the House to adopt the motion? All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Speaker: On division.

Bill 43—The Manitoba Lotteries Foundation Amendment and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the honourable Minister responsible for the Manitoba Lotteries Foundation (Mrs. Mitchelson), Bill 43, The Manitoba Lotteries Foundation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Fondation manitobaine des loteries et apportant des modifications corrélatives à une autre loi, standing in the name of the honourable member for Burrows (Mr. Martindale). Stand?

Is there leave that this matter remain standing?

An Honourable Member: No.

Mr. Speaker: No. Leave has been denied.

Mr. Paul Edwards (Leader of the Second Opposition): Mr. Speaker, my comments will not be lengthy on this legislation, as well, but I do want to put a few words on the record because, while this bill appears perhaps harmless, it changes the Manitoba Lotteries Foundation to a corporation, it belies an approach of this government to lotteries which must be opposed.

That approach, I believe, is that we expand lotteries as far and as quickly and as much as we can and never, never do we consult the public. That is the agenda of the Minister responsible for Lotteries. It is an attempt to take lotteries into a very fundamental form of taxation in this province. Again, that results in being a form of taxation on the poor and middle-income Manitobans.

* (1620)

So when this government says that they are not imposing any new taxes, well, a hundred million dollars in lottery funds which are now being put into the general revenues of the government is indeed a

tax on those who choose to gamble. It is not tourism that gambling is about. Gambling is about local Manitobans spending their money and, in a sense, sending it off to the government.

Mr. Speaker, the Lotteries corporation, which it will be, was established initially to control gambling almost as a necessary evil in society. It was akin to the government controlling cigarettes, controlling alcohol, and the idea was that the profits from that would be spread amongst the community into things that we could not afford otherwise. They were sort of frills. They were to be spent on the Sports Federation or the arts and culture. That was the idea behind lotteries.

Lotteries has now become an essential part of this government's fiscal agenda. They are now diverting those lottery funds into general revenues.

The thing that distinguishes lotteries today from liquor, from cigarettes, from other such things is that our government is also, through this foundation, going to be a corporation, spending millions and millions of dollars promoting it, telling Manitobans to gamble more. Come on down, they say. Gamble more. Send your money to the government.

Now the government of this province represents the people of this province, and through them, they are promoting gambling in our society. That is unlike liquor, and that is unlike other sin taxes. That is this government directly becoming involved in promoting gambling in our society.

That is why I and the Liberal Party have said, this slide into what the government now faces, which is it having become, really, the biggest addict in the province to gambling, should be stopped.

We are not saying rip out every VLT machine at this point. What we are saying is put a moratorium on the expansion until we have had a time to have a public debate about gambling in this province. That is the only responsible thing to do. That is what the people of this province are crying out for.

I asked the minister responsible for the Manitoba Lotteries Foundation (Mrs. Mitchelson), which we own, by the way—the people of this province own that foundation—to produce the five-year plan of that foundation. They have written it. She confirmed they have got it. They update the minister all the time. Will she release it? No. That is what she told me; she would not release it.

Mr. Speaker, what is she hiding? Why can we not see the plan of the Manitoba Lotteries Foundation? What is so secret that it has to be hidden? They have a monopoly. There is no argument here that it would play into the hands of our competitors. They have a monopoly on gambling in this province. There is no competitor that could abuse that information. What is the secret?

We are the shareholders of this new corporation. We, the people of this province, created that foundation. Why do we not get a chance to see the five-year plan? What are they hiding?

The people of this province want an opportunity to stop, to consult, to understand how much gambling is going to be enough for this government. I suspect that five-year plan says, how much is enough is when the people riot at the Legislature.

Public tolerance will be the only limit on this government's addiction to gambling. They will push and push and push because there is no plan other than, let us get as much as we can, as quick as we can.

Mr. Speaker, this bill is part of that process towards the turning of lotteries and gambling in this province into an enterprise which the government is going to increasingly rely on for its general revenues.

It feeds on the poor in our society, and it is grossly irresponsible, in my view of government, to be promoting gambling, spending millions of dollars selling gambling to our own people.

What have we become as a society when our government, the government we own and we represent, is out flogging gambling to the people of this province? I do not understand it. I do not accept it, and I do not think the people of this province do. Thank you, Mr. Speaker.

Mr. Gregory Dewar (Selkirk): Mr. Speaker, it is a pleasure to rise to speak on Bill 43, The Manitoba Lotteries Foundation Amendment and Consequential Amendments Act.

I will be the only speaker on behalf of our party on this particular piece of legislation as we are anxious to send this into committee to listen to the views of Manitobans on this particular issue, something that we on this side of the House have been calling for, for a number of years now, where we feel that the

government really has, as the member for St. James (Mr. Edwards) just mentioned, no plan.

Did you have any type of a policy in terms of gaming in this province, or simply to expand and expand until the market is saturated? We are witnessing that now, whereas I believe two, maybe three years ago when we first raised the issue of video lottery terminals in this Chamber with the minister—and at the time she was very hesitant in her response. She said, well, we are reviewing it but there are no plans to move towards VLTs at this stage, not until we have a chance to further assess the impact upon our society or some other such statement, Mr. Speaker.

Then, we found out, it was no great surprise, a few months later, of course, the video lottery terminals were introduced into rural Manitoba. Again, the minister at that time made a promise that she would not expand them beyond rural Manitoba. They would be left there to help benefit the hotel industry and the profits from the video lottery terminals would be turned back to economic development in rural Manitoba.

Well, unfortunately, they betrayed Manitoba on that particular promise, where it was not too long into the process where they decided, well, we will have to expand video lottery terminals now into the city of Winnipeg. So now we have them first of all at the Assiniboia Downs, and then we have them going in, this September, on the various riverboats we have in the city.

Of course, the biggest expansion will be the wholesale expansion into the city of Winnipeg this fall where the government will be putting approximately 2,000 machines into 275 locations, I believe, within the city of Winnipeg. Initially, she promised she would not expand beyond the rural area, allowing this to be an initiative both for rural hotel owners and for the development of the rural economy. They promised then that all revenues, in this case particularly VLTs, would be returned to rural Manitoba in terms of economic development. Well, they betrayed rural Manitoba on that promise as well.

It was fairly obvious that what they did then was that they completely underestimated the revenue potential of this type of gaming initiative, and as such, they took the revenues and they are now using the revenues for the activities of the government opposite. It is unfortunate, of course,

as their economic policies have failed so miserably over the past number of years, that the only growth industry they have in this province is revenues that they receive from different gaming initiatives, Mr. Speaker.

So naturally, again, we feel that this government should pause and reflect upon where they are going with gaming initiatives, with other gaming activities here in the province. We feel that, by passing this particular piece of legislation, it would give the Lotteries corporation, as it would be called, a free hand to seek out new gaming initiatives and to expand present gaming initiatives.

There is no denying that they have been very successful in their activities, Mr. Speaker. Projected revenues for the year, say from Lotteries itself, from break-open tickets, \$46 million; from VLTs, approximately \$40 million; bingos, \$10 million; casino, \$18 million, other \$1 million. When you add them all up, it totals around \$116 million.

Now once they introduce VLTs into the city of Winnipeg, they could possibly expect another \$40 million from them as well, because it seems that from the 2,000 machines in rural Manitoba, the government realizes \$20,000 per machine in revenue. With the machines placed into Winnipeg this fall, they could possibly receive the same amount of revenues from that. It is a very good possibility that the Lotteries Foundation will be rivalling other Crown corporations such as the Liquor Commission and its revenue-making potential for the members opposite.

* (1630)

Mr. Speaker, so as such, as the minister mentioned in her opening comments, when she introduced the legislation, she said that the amendments will enable Manitoba Lotteries to assess corporate capabilities in the context of its strategic plans and to identify corporate requirements in terms of marketing, organization and information systems. She goes on to say, "These amendments are necessary to ensure Manitoba Lotteries continues to meet its goals to maximize long-term economic returns to the people of Manitoba, while maintaining a high level of business integrity and social responsibility."

Well, there is no denying that they are, as I mentioned earlier, maximizing the long-term economic goals, Mr. Speaker, as they have expanded gaming initiatives. As I mentioned, they

have the potential this year of realizing \$140 million to \$150 million in revenues for the administration.

What we are suggesting is that the government really stand back, reflect upon the actions of the Minister of Lotteries and the members opposite to really review what is going on in Manitoba in terms of gaming and gambling. It is fairly obvious that many Manitobans wish to express their views on this particular issue, one that many Manitobans have a great deal of concern about.

We are proposing that the government put a moratorium upon itself, really place it upon itself to cease further gaming initiatives and allow Manitobans to be consulted on this particular issue, go out into Manitoba, to rural Manitoba, to northern Manitoba where right now a number of their revenues are received from rural and northern Manitoba, go out there and ask the individuals in these areas what they think about the government's current plans and future plans in terms of gaming initiatives.

You would find that there would be, I imagine, mixed reviews on the government's performance so far in terms of revenues, because there is no denying again that Manitobans utilize the services offered by the Minister of Lotteries as she actively promotes the gaming activities in this province.

Mr. Speaker, we have seen again, as I mentioned, a series of broken promises by this government in terms of VLTs: only VLTs in rural Manitoba; all revenues from VLTs placed back in rural Manitoba. We are seeing them break that promise as they have broken many others. It was only a year ago, I believe, a year and a half ago that the government introduced VLTs into rural Manitoba, and it is now just this spring that they received the study on problem gambling, a study conducted by Dr. Rachel Volberg, an American consultant—

An Honourable Member: Oh, another one.

Mr. Dewar: Another American consultant. She, in her study, identified that approximately 1.3 percent of Manitobans between the ages of 18 and older can be classified as pathological gamblers. Now, the Minister of Lotteries in Lotteries Estimates mentioned that nine out of 10 Manitobans gamble. So it is simple mathematics. You get the number of about 10,000 to 15,000 Manitobans who can be identified as pathological gamblers. So what are they going to do in an attempt to deal with this very

serious problem that Manitobans face? The government has decided to bring forward a treatment program. Two thousand gamblers in Manitoba will be offered treatment under the program announced by the Minister of Health (Mr. Orchard) and the Minister responsible for Lotteries (Mrs. Mitchelson). That is only 400 per year, although it is fairly obvious there are about 15,000 Manitobans who are identified as having a problem in terms of gambling, Mr. Speaker. [interjection]

Mr. Speaker: Order, please. The honourable member for Selkirk does have the floor.

Mr. Dewar: Again, as I mentioned, the consultant identified between 10,000 and 15,000 Manitobans who have a problem with gambling and, in an attempt to deal with it, they are only going to be addressing really an incidental amount. Only 400 individuals per year will be receiving treatment. They are willing to fund the program from lottery revenues, obviously, but only \$2.5 million over the next five years. Even though they are going to be realizing over the next five years close to half a billion dollars in revenues from the lotteries, they are willing to put back only \$2.5 million to help individuals who are affected by the governments own gaming policies.

So we find that to be a rather disturbing situation, Mr. Speaker, to say the least, that the government is willing to extract millions and millions of dollars from rural Manitobans, from Manitobans from the North, and they are only willing to put back only \$2.5 million to actually treat those individuals who are held captive by the Minister of Lotteries and her policies. We are fearing that by allowing the Manitoba Lotteries Foundation to become a corporation, it would give them the opportunity to even expand further, to seek out new initiatives to expand the ones that they have now, though it is difficult to anticipate what possible gaming initiatives they could come up next.

I am certain that the creative minds of those interested in pursuing such a task will be hard at work in trying to lure even more Manitobans to get involved with the many gaming activities that the members opposite offer, Mr. Speaker. We find again not only that, but better compensation packages are required for veterans organizations in this province. As we know, many organizations are suffering out there because of the administration's gaming policies.

We are seeing break-open ticket revenues down so the government responds again only a fraction of the actual loss. We see veterans' organizations across the province that are suffering right now, and we know many of them are in the members' opposite constituencies. I know mine, they have raised a concern with me that they would be seeking a fairer compensation for their loss because of the introduction of VLTs into rural Manitoba. Many other groups feel the same way. Many nonprofit groups, charity organizations are suffering because of the government's addiction to VLTs.

I would expect and suggest that the first individual to sign up—or the first group that would be interested in signing up for the gaming treatment program would be the members opposite, the government itself, Mr. Speaker. They would be the first ones to benefit from taking a treatment program for a gaming addiction.

So, Mr. Speaker, I look forward to passing this legislation on to the committee stage, to allow Manitobans to come forward to present their views on this, although we would like to see a broader study, a broader set of hearings throughout the province to allow more Manitobans, particularly those in rural Manitoba and those in the North who contribute significant amount of revenues to the Lotteries Foundation, to give them the opportunity to express their views on this important issue.

* (1640)

So with those few comments, I will end debate on this bill and look forward to the presenters, once it reaches committee stage. Thank you.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 43, The Manitoba Lotteries Foundation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Fondation manitobaine des loteries et apportant des modifications corrélatives à une autre loi. Is it the pleasure of the House to adopt the motion? [agreed]

Bill 24—The Taxicab Amendment and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the honourable Minister of Highways and Transportation (Mr. Driedger), Bill 24, The Taxicab Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les taxis et apportant des

modifications corrélatives à d'autres lois, standing in the name of the honourable member for Transcona, who has 37 minutes remaining.

Mr. Daryl Reid (Transcona): Mr. Speaker, I appreciate the opportunity to continue my remarks today from where I had left off yesterday when I only had a few moments before the conclusion of the sitting.

I think the minister is here today and I am not sure if he is aware of one section, but I will point it out to him immediately in the legislation—and that is under Section 3 of the legislation—there is, I believe, it may have been an oversight, Mr. Speaker, in the printing of this bill, but it is not printed in both official languages. I hope that the minister will, when we go to committee, be bringing forward an amendment to that effect to reflect that there is no French language version in this bill.

Yesterday when we started talking about the bill, of course, in looking at the minister's comments when he did second reading on this bill, he started off talking about the fact there was going to be a repeal of the licensing requirements for the U-drive industry. It just seemed to be, I suppose, coincidence that the U-drive industry has some of the same supporters for the Conservative Party as with Bill 36 that we were talking about yesterday, but we will not dwell on that, Mr. Speaker.

I believe that this piece of legislation runs contrary to Conservative philosophy of this country is leaning toward a deregulated environment with respect to any types of industry. It is never more so clear under federal jurisdiction for federal transportation issues where we have seen the impact of deregulation upon the airline industry. I know the Minister of Health (Mr. Orchard), who used to be the critic for Highways and Transportation some time ago, is interested in this.

An Honourable Member: He was the minister.

Mr. Reid: Was he the minister? Must have been just a little blurb in time somewhere there. [interjection] Must have been only one map. I guess the hard-working current Minister of Highways (Mr. Driedger) obviously was more qualified to do that job so they put him in there and replaced the current Minister of Health from that.

An Honourable Member: He will be back.

Mr. Reid: Yes, of course. The current Minister of Health—

An Honourable Member: He will be there for another 10 years.

Mr. Reid: He may be. Only time will tell and the electorate of the province will make that decision for us, so we all have to assume that they are making the right judgments.

Getting back to what the impact of deregulation is, Mr. Speaker, we have seen what has happened with the airline industry in this province where we have seen employee-employee pitted against each other in this province, the airlines struggling, fighting to keep their heads above water. The railways are in a similar position. Trucking is no different. They are struggling to survive. People are trying to maintain and eke out a living in these industries through the deregulated environment.

It is becoming increasingly difficult for them to do that and yet this government brings in this Bill 24, which goes contrary to their philosophy of deregulation. They believe in deregulation and yet this bill brings in a regulatory regime that is much more restrictive than what we have seen in the taxicab industry. In that sense they are going to give, I believe, unlimited power by way of this bill to the Taxicab Board to make decisions affecting the industry.

I believe that is as a result of the taxicab industry's outspoken nature. They have not been afraid to stand up on issues that have been affecting them in the city and I believe that, Mr. Speaker, should be their right. Where matters are brought to their attention and they have issues of concern that will affect their ability to earn a living and to do their jobs, serve the public of this city to the best of their ability, I believe they have every right to raise those issues of concern with the Taxicab Board.

This present legislation, Mr. Speaker, allows decisions that are made by the Taxicab Board to be challenged in the court of a competent jurisdiction, whether it be the Court of Appeal or Court of Queen's Bench.

This is going to be changed by this legislation. The board will actually eliminate the right of the industry to challenge any decision. So if the Taxicab Board holds a hearing into industry affairs and it could take place over a period of time, the Taxicab Board does not have to allow all those who wish to make presentations or to make submissions to that hearing the right or the

opportunity to be heard but, not only that, it pre-empts or eliminates any opportunity for those industry members who are affected to challenge in any way those types of decisions and to appeal to the courts on those decisions. Well, that is what is in the legislation. It is like a notwithstanding clause.

It removes the ability of the industry to challenge in the courts. We have consulted with the industry members on this. We have consulted with their legal counsel on this, and this is what they have told us. This is what they have said, contrary to what the Minister of Highways and Transportation (Mr. Driedger) is saying—

Hon. Albert Driedger (Minister of Highways and Transportation): I met with them yesterday.

Mr. Reid: Well, it is unfortunate that the minister did not take to consult with the industry prior to bringing in this piece of legislation. They had to wait several months after he had introduced it for second reading.

In fact, I think it was back in the end of April that he did second reading on this bill, and if the minister has resolved a lot of these issues, I suppose we will find that out when this bill goes to committee, when the members of the public will have the opportunity to come forward and make their presentations to members of the committee.

Not all of the bill is bad. There are portions of the bill that are good and in effect as there is with lots of legislation, whether it be private members' bills or bills from the government. There are portions of those bills that can be effective and be to the betterment of our society. That is no different in this piece of legislation. There are sections that are good.

When the Taxicab Board has to have show-cause hearings, this piece of legislation indicates that they will now have to notify members of the industry who are asked to appear before that show-cause hearing, will be given notice, and that notice must be sent by registered mail and there would be a period of time before any action can be taken. That in fact, I believe, is a change, and that will allow sufficient notice to be given to members of the industry.

In the bill, there are also provisions dealing with those that are part of the industry and operating the vehicles, not necessarily the owners, Mr. Speaker, but the drivers. [interjection] No, I am never stuck. I have talked to the industry members on this on

several occasions. In fact, we have had several meetings on this, consulted with them. They have told us their concerns. We have raised questions in this House with the minister. The minister said, I believe his words were, tchekai, tchekai, wait until we get to second reading on this, and he would explain but never did really explain or give us an answer to the questions we did ask in Question Period.

An Honourable Member: That is unusual for him. He is usually pretty forthright—

Mr. Reid: That is true. This is one of the more responsible ministers of the government, and I have great respect for his abilities. I do not want the minister to get a swelled head, but I am sure that most members of this House respect his abilities and his forthright nature with his answers to his questions in this House, and we appreciate that.

Also, this minister is one of the few ministers in this House who comes forward with a sheet that explains the reasons for the changes that he is bringing forward in his legislation.

* (1650)

An Honourable Member: That is because he has got a slow critic.

Mr. Reid: That may be the case. In some cases, I am slow. I recognize that fact, but I must say—and I do not mind putting that on the record. That is being honest and forthright with members.

I am sure that if the honourable members opposite were as forthright with comments about themselves, members of the public might respect them for the same opportunities, if they were going to be forthright like that, but of course, they like to think maybe they are better than most other people, that they do not have any deficiencies or shortcomings.

Well, I will not dwell on that, Mr. Speaker. That is another matter that the public will deal with.

An Honourable Member: The arrogance of power.

Mr. Reid: I suppose it is the arrogance of power as my colleague the member for Burrows (Mr. Martindale) says.

With this legislation, the minister has indicated in his explanatory sheet that the Taxicab Board did not have the opportunity to impose financial penalties upon any members of the taxicab

industry who were found guilty of infractions of The Taxicab Act.

Mr. Speaker, in that sense, there are some good points about that section where the minister gives the Taxicab Board the opportunity to impose financial penalties on people who are responsible for the infractions of that act, instead of penalizing those who are not responsible. In some cases, it could be the drivers, or vice versa, it could be the drivers creating the infraction and not the owner of the vehicles. So in that sense the Taxicab Board will have the opportunity to take some actions with respect to any penalties that it may choose to apply.

I hope that the Taxicab Board—and the minister has said that he has great confidence in his chairman of that board—and that chairman will do the fair thing when they impose any penalties that they think or deem necessary, and that they will treat people in a fair and equitable manner, anyone who may come before them.

Where there are hearings for contraventions of the act, “. . . the board has reason to believe that the holder of a licence or permit has . . . acted in a manner that is contrary to the public interest in relation to the taxicab industry.”

That is a pretty broad statement for any legislation to say. I hope that, when we get to committee stage, the minister will describe for us what the intent of that section is, because of its broad-based powers.

It also says that the board “. . . may hold a hearing into the matter” or any matters, and that is discretionary power that is given to the board.

If the licensee disputes, for example, any claims of an inspector, and wants to challenge because they think that the decisions that were made were unfair and unreasonable, there is no appeal mechanism that I can see in this legislation, because that appeal mechanism, which was the courts, has been taken away from the industry.

If the minister is prepared to look at amendments to this legislation when we move to committee that may allow for an appeal mechanism to be in there, it may be a way to improve this legislation that might make it more acceptable to the members of the industry. Now, if that appeal mechanism is in there, I am sure we would look favourably towards some mechanism that would provide that opportunity for those members of the industry who

might find that some of the decisions that are made would be unfair.

In this bill, one of the sections allows the board to apply terms or conditions or suspend or cancel licences, and impose penalties up to \$1,000, I believe it is, plus associated costs including investigations.

Mr. Speaker, this can be pretty broad-ranging. I am not sure what the intent is, or if there will be any reasonable limitations that will be in place, and that will prevent members of the industry who may have to appear before the board to pay for exorbitant costs for any type of investigation that the board might undertake to further its case.

I think that there should, either in this act or in the regulations, put some reasonable limitations on any cost that might be associated with any of those investigations with respect to any hearings that might take place.

Also, one section in this piece of legislation, since we are talking about the principle of the legislation, allows for the decisions that are made by the board, from my understanding of the legislation, to be filed in the courts. In essence, it gives the power for the board to then, with failure to pay any fines that might have been levied or imposed by the board on members of the industry, seize any property or assets that might be held by those individuals so fined. So it does not give protection. There is no appeal mechanism for that, but it gives great powers to the board to seize any assets of individuals who have been levied fines.

My understanding of this bill is that this is only challengeable on a question of jurisdiction or law which is very limited in its scope and will make it very difficult for any member of the industry so wishing to challenge those decisions to find any grounds that they would be able to challenge them on since the broad-based powers are given to the board under Sections 18, 19(1)(e) and (f).

Another section in here allows the Taxicab Board to suspend the licence, it says, for protection of the public, but does not fix a reasonable amount of time for a hearing to take place. Now, I know that members of the board would act in a fair manner in hopefully all cases, but we do not know what can happen in the future. I think, Mr. Speaker, that there should be some reasonable time limits put on hearings to be held where licences are suspended by the board. I think that is a reasonable request to

be made, and I think there should be an amendment to this legislation to that effect to ensure that that reasonable period is affixed.

Also, I always thought that there was a presumption of innocence which would apply and that you would think that the Charter of Rights would apply to situations like this, but that does not seem to be the case with this legislation. It also says that it may be possible, from my understanding of the industry, to suspend the licence of an individual for infractions that may occur away from work. I know I have had members of the industry contact me in this regard.

There was a case in the city which I believe is still under investigation by the City of Winnipeg Police and quite possibly the Taxicab Board, with respect to a member of the taxicab industry that was involved in I believe it was a murder within the city, Mr. Speaker.

Now, that is a very serious matter. If that is the case, one has to wonder how far this legislation will go in allowing licences to be suspended for infractions that occur away from work. Does that mean that if an individual has some other difficulties that the board can then take the actions necessary to suspend the licence and the right to earn a living?

We have also heard and I would hope that there would be some way that the board could tighten up the abilities of members of the industry, the drivers who are working in these jobs where there is non-payment of fares.

Now, I see that there is some opportunity there, but I do not know if it is going to go far enough to allow for collection of the nonfares for people who leave the vehicles and do not pay for the trip that they have been provided by that cab.

Now, I am not sure how this legislation is going to allow for the collection of that and how the board or the minister proposes to give the board the opportunity to go after people who refuse to pay their fares.

How does a taxicab driver identify the people? He only has a destination to which the people go and a description, I suppose, that he can give to the board or to the police. I am not sure how the minister proposes to collect nonpayment of fares.

* (1700)

Of course, the members of the industry will now be responsible for the cost for the inspection of their vehicles by way of Bill 36. Their vehicles, the taxicab vehicles, had to be inspected on a twice yearly basis, which I believe is a good provision and provides for the safe operation of taxicab vehicles in the city. But at the same time—

Mr. Speaker: Order, please. The hour being 5 p.m.—

House Business

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, on House business, I think you may find—

Mr. Speaker: Order, please. I cannot hear a word you are saying.

Mr. Praznik: I am sorry, Mr. Speaker. I did not realize you were not able to hear me.

Mr. Speaker, I believe there are some committee changes to be made.

I believe also that you will find that there is a will to allow the member for Transcona to continue with his remarks prior to private members' hour, and I believe there may be a will, following his remarks, to call it six o'clock.

Mr. Speaker: Is it the will of the House to waive private members' hour? That will settle it very easily. [agreed]

* * *

Mr. Reid: Mr. Speaker, I thank the members for the opportunity to continue my remarks—my colleagues I am referring to.

To continue my remarks, the members of the industry who have their vehicles inspected are now going to have to pay, as the minister has indicated, upwards of \$40 twice a year to have their vehicles safety inspected, further adding to their costs in an already depressed market, Mr. Speaker.

Another section of this legislation causes great concern to members of the industry and in particular the owners, Mr. Speaker, and their legal counsel. The minister says he has consulted with them just only yesterday, so I hope that they have resolved this issue. If not, I am sure we will hear about it in the committee when the bill gets there.

That is the section that deals with the board's ability to preclude any advocate or any presenter

from making any presentations to any board hearings.

That will effectively limit the members of the public, and in a sense members of the industry, from acting as either advocates for themselves or for representing their own interests to the board. The board can prevent them from making those presentations to any hearings that take place, whether they be show-cause hearings or other hearings.

I believe, Mr. Speaker, this will be intimidating to anyone wishing to present to a hearing, in the sense that they are going to have to show some kind of cause or reason why that obviously would then have to be acceptable to the board and that not everyone would have standing or status at any of those hearings. That will, I believe, seriously curtail or limit any of the industry representatives from making representation to any of the board hearings.

Under one section, Mr. Speaker, it says that the board can make any rules and may reject any intervener without hearing any reasons. Now, that, to me, is a pretty unlimited power to give any kind of a board. I think that there should be in that case, as well, some kind of an appeal mechanism so that if people feel they have not been given the opportunity to be heard, that they should have some appeal mechanism that they can have their concerns addressed. I know we will be looking at that opportunity to have that appeal mechanism when we move to committee in the way of amendments.

Another section that I find unusual and that is Section 19, where it says it will allow a meeting to start with a quorum and a quorum will be three members, Mr. Speaker.

I know the board itself has had some difficulty getting members of the various community interests that are involved in the board hearings to attend some of the meetings, but this bill says that a meeting now can start with a quorum of three but does not have to conclude its hearings when that quorum is broken. It may in fact continue even moments after the meeting starts. If a member of that body conducting the hearing leaves and they are down to two members, which is less than a quorum, that meeting will then be allowed to continue and to make decisions.

I am not sure how that is going to be in the best interest of the public and how that is going to be in the best interest of the members of the industry. I think that if a meeting starts, it would only be fair and reasonable to ask that the quorum be continued, and that those sitting in on those hearings should have the opportunity to present their concerns to the complete quorum, and that the quorum itself should decide and it should be not less than the quorum making those decisions.

Apparently this has been challenged before, and members of the industry have indicated that there has been a successful court challenge where a quorum has disappeared, that the meetings should cease at that point and should be reconvened at another time.

The taxicab industry is comprised of over a thousand drivers and I believe there are close to 450 owners, if I am not mistaken, in the industry, and this industry contributes, I believe, \$32 million to the economy of the city of Winnipeg. That is a significant undertaking for an industry that is on the front lines, I believe, of dealing with members of the public and including members of the public that may come from outside of the province.

In that sense they are our first public relations representatives, and they put on for us the greetings for anyone coming to the city of Winnipeg, whether it be by way of bus into the province or by airlines or by some other means. The taxicab industry is our representative in greeting the public, the new public members who come to visit our province, Mr. Speaker.

I think it is only reasonable to say that the board should treat this industry in a fair and impartial manner. When I asked questions of the Minister of Highways (Mr. Driedger) earlier when this bill came forward, it was with respect to a ruling that had been made by Judge Monnin where he had indicated in 1991 where a study was conducted by the Taxicab Board and it was going to give the members of the taxicab industry the opportunity to have some kind of a fund set up to allow them to have some equity come about as a result of their jobs because there was no pension plan.

That was one of the recommendations that was never implemented in this taxicab industry. Judge Monnin had ruled that this study that had made recommendations, the minister and his department, through the Taxicab Board, should

have implemented all of those recommendations, not just cherry-picked the ones they thought were for their convenience.

I call on the minister, you know, if he wants to put on the appearance at least of giving some fair opportunity to members of the taxicab industry, to look at implementing a program that would give members of the industry the opportunity to have some security for the future. That is what that fund would have established for them, to go back and to review the decisions of that study to look at giving members of the industry that sense of future security.

Now the minister, when he made his statements here to us in the House, said that the board was only presently at a 50 percent cost recovery. That seems to go contrary to the statement that his department put out on May 29 of last year, where he said that the board was already at a 60 percent cost recovery. So there is a 10 percent discrepancy there.

I have not checked into this too much. I will be asking the minister some questions on this when we get to committee, but I would be interested to know in what position other boards that we have in the province, what position they are at cost recovery as well, or is it only the Taxicab Board and its administrative costs that we are looking to be cost recovery? If that is the case, it seems to single out or discriminate against a certain segment of our society. It does not leave a perception of fairness if we are only looking to do cost recovery on that portion.

Now, if the government is sincere about that, they should look at doing cost recovery on other sectors as well. If they want to leave the perception at least—I am not saying the minister should do this, but if the minister wants to leave the perception of fairness, they should make it an overall plan to leave that perception of fairness. I do not see that that is happening in any detail.

The minister said that there is going to be some changes in the fee structure that can be anticipated after this legislation is passed. I suppose members of the industry should brace themselves for more fees coming along. The minister has told me in Estimates that he will not be releasing that information to us. We would have to find out on our time, on our own efforts. I think he was concerned that we would make an attack on his department's

effort by way of Question Period and that. Quite possibly, he is right.

One item that has been brought to my attention that the Minister of Highways and Transportation (Mr. Driedger) may not be aware of—but it was brought to my attention as recently as yesterday, and this, I believe, could impact upon the taxicab industry if the alleged comments that were made to me are indeed accurate.

I have been told that there is a certain courier company within the city here that has taken one or more of their vehicles and is currently allowing those vehicles to be hired out for compensation. I think that goes contrary to The Taxicab Act.

If the minister is interested in that, I will draw that to the minister's attention after I have concluded my remarks here so that he might be aware of how this is impacting upon the taxicab industry and that there may be people in contravention of The Taxicab Act.

* (1710)

The minister has said that this bill will give some broader powers, fee-making powers to the Taxicab Board and, in general, give broader powers. I think that is an understatement. I think this will give tremendously more powers to the Taxicab Board, and I am not sure that the Taxicab Board needs all of those powers to deal with the concerns of the industry and the concerns of the members of the public. I think that we saw what happened when the Taxicab Board had powers in dealing with matters such as Tuxedo Taxi.

I know we raised this with the minister during the Estimates. He was a bit defensive what happened with Tuxedo Taxi. Looking at what happened with that industry and what we have been told by members of the taxi industry, I can see why he is somewhat defensive.

I believe the Taxicab Board could have taken better care and control over decisions that they had made with respect to that particular decision.

Now, they may have their reasons which they have not made me aware of, why they made those specific decisions. It is my understanding that they made many of those decisions behind closed doors, and members of the public did not have the opportunity to either hear the reasons why or to take part in any of the decisions that were made with respect to Tuxedo Taxi. That is the type of action that I think creates a sense within the taxicab

industry that there are things that are being done contrary and without consultation with the industry members.

I think that, if we want to address those concerns and to have some co-operation between the Taxicab Board and the members of the industry, they should be done in a consultative manner, and that they should hold those hearings, where possible, in hopefully all cases, with the members of the public able to hear any of the decisions or discussions that are taking place. That is not currently occurring, and I think that is something that should be addressed.

I think in fairness, unless the minister has worked out some kind of special arrangements with the taxicab industry in his discussions, he said, with them yesterday, that this legislation is probably not in the best interests of the industry at the current time.

I think the minister should seriously look at either drastically amending the bill that we have before us to provide a few mechanisms to members of the industry, to give them opportunity to have their voices heard, or you should look at withdrawing this bill.

With that, Mr. Speaker, we look forward to this legislation going through to committee. Any members of the public that may be interested in coming forward to make presentations, we look forward to hearing their comments and their concerns and, of course, any recommendations they may have by way of this legislation, whether it be by amendment or withdrawal of this bill.

Thank you for the opportunity to address my remarks today.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 24, The Taxicab Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les taxis et apportant des modifications corrélatives à d'autres—[interjection]

Is the House not ready for the question?

An Honourable Member: No.

Mr. Speaker: No? Okay. Who is speaking? Oh, I am sorry, the honourable member for St. Johns.

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, I move, seconded by the honourable member for Thompson (Mr. Ashton), that debate be adjourned.

Motion agreed to.

Committee Change

Mr. Jack Reimer (Niakwa): Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Law Amendments be amended as follows: Lac du Bonnet (Mr. Praznik) for Pembina (Mr. Orchard).

Motion agreed to.

* * *

Mr. Speaker: Is it the will of the House to call it six o'clock?

Some Honourable Members: Six o'clock.

Mr. Speaker: The hour being 6 p.m., this House now adjourns and stands adjourned until 10 a.m. tomorrow (Friday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, July 15, 1993

CONTENTS

ROUTINE PROCEEDINGS

Presenting Petitions

Children's Dental Program
C. Evans 5579

Reading and Receiving Petitions

Children's Dental Program
Dewar 5579
Maloway 5579

Presenting Reports by Standing and Special Committees

Economic Development, 9th Report
Reimer 5579

Law Amendments, 8th Report
Rose 5581

Oral Questions

Home Care Program
Wasylycia-Leis; Orchard; Chomiak 5582

Health Care System Reform
Edwards; Orchard 5586

Home Care Program
Dewar; Orchard 5587

Mississippi Provincial Park
Cerilli; Enns 5588

Barley Industry
Findlay 5589

Multiculturalism
Lamoureux; Mitchelson 5590

Antiracism Strategy
Lamoureux; Mitchelson 5590

English as a Second Language
Lamoureux; Mitchelson 5590

Farming Industry
Wowchuk; Findlay 5591

Nonpolitical Statement

Pan American Junior Track and
Field Championships
Laurendeau 5592

ORDERS OF THE DAY

Debate on Second Readings

Bill 37, Manitoba Public Insurance
Corporation Amendment and
Consequential Amendments Act
Ashton 5592
Santos 5596
Maloway 5603

Bill 46, Criminal Injuries
Compensation Amendment Act
Barrett 5610
Edwards 5611

Bill 43, Manitoba Lotteries Foundation
Amendment and Consequential
Amendments Act
Edwards 5612
Dewar 5613

Bill 24, Taxicab Amendment and
Consequential Amendments Act
Reid 5616