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Fourth Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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**VOL. XLII No. 100 - 1:30 p.m., TUESDAY, JULY 13, 1993**

**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, Cliff	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
MALOWAY, Jim	Elmwood	NDP
MANNESSE, 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

Tuesday, July 13, 1993

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Mr. Jim Maloway (Elmwood):** Mr. Speaker, I beg to present the petition of Jaik Josephson, Janis Bermel, Don Sullivan and others requesting the Minister of Family Services (Mr. Gilleshammer) consider restoring funding of the Student Social Allowances Program.

### READING AND RECEIVING PETITIONS

**Mr. Speaker:** I have reviewed the petition of the honourable member (Mr. Plohman). 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. Martindale). 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 1,000 young adults are currently attempting to get off welfare and upgrade their education through the Student Social Allowances Program; and

WHEREAS Winnipeg already has the highest number of people on welfare in decades; and

WHEREAS the provincial government has already changed social assistance rules resulting in increased welfare costs for the City of Winnipeg; and

WHEREAS the provincial government is now proposing to eliminate the Student Social Allowances Program; and

WHEREAS eliminating the Student Social Allowances Program will result in more than a thousand young people being forced onto city welfare with no means of getting further full-time education, resulting in more long-term costs for city taxpayers.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding of the Student Social Allowances Program.

**Mr. Speaker:** I have reviewed the petition of the honourable member (Ms. Cerilli). 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 1,000 young adults are currently attempting to get off welfare and upgrade their education through the Student Social Allowances Program; and

WHEREAS Winnipeg already has the highest number of people on welfare in decades; and

WHEREAS the provincial government has already changed social assistance rules resulting in increased welfare costs for the City of Winnipeg; and

WHEREAS the provincial government is now proposing to eliminate the Student Social Allowances Program; and

WHEREAS eliminating the Student Social Allowances Program will result in more than a thousand young people being forced onto city welfare with no means of getting further full-time education, resulting in more long-term costs for city taxpayers.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding of the Student Social Allowances Program.

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mrs. Louise Dacquay (Chairperson of Committees):** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for La Verendrye (Mr. Sveinson), that the report of the committee be received.

**Motion agreed to.**

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

**Mr. Clerk (William Remnant):** Your Standing Committee on Law Amendments presents the following as its Seventh Report.

Your committee met on Wednesday, July 7, 1993, at 7 p.m. and Friday, July 9, 1993, at 1:30 p.m. in Room 255 of the Legislative Building to consider bills referred.

Your committee heard representation on bills as follows:

Bill 29—The Minors Intoxicating Substances Control Act; Loi sur le contrôle des substances intoxicantes et les mineurs

Peter Sim - Manitoba Association for Rights and Liberties

Barry Hammond - Private Citizen

Debie Spence - Norquay Parent Council

Wayne Helgason - Private Citizen

Bill Rumley - Private Citizen

Jack Eyer - Private Citizen

John Rodgers - Main Street Project

James Boyd - Pritchard Drop-In Centre

Tim Henderson - Private Citizen

Donna Glover - Aboriginal Council of Winnipeg Inc.

Written Submissions:

Ian Goldstine - Manitoba Medical Association

William W. Draper - Winnipeg Chamber of Commerce

Your committee has considered:

Bill 29—The Minors Intoxicating Substances Control Act; Loi sur le contrôle des substances intoxicantes et les mineurs

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

**MOTION:**

THAT subsection 7(2) be amended by adding “, other than a term of imprisonment” after “determine”.

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.**

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of honourable members to the gallery,

where we have with us this afternoon from the Adult English Secondary Language Centre 45 students under the direction of Ms. Gail Ross and Ms. Dolores Kimak. This school is located in the constituency of the honourable member for Burrows (Mr. Martindale).

On behalf of all honourable members, I would like to welcome you here this afternoon.

\* (1335)

## ORAL QUESTION PERIOD

### Provincial Parks Endangered Spaces Policy

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, in August of 1990, the Premier promised to enact the endangered spaces promise of 12 percent as proposed by the Brundtland Commission and accepted by the United Nations.

The Premier made that promise in the tall grass prairie of Manitoba during the election campaign, and we awaited the new parks policy and the new parks legislation with some anticipation to see the strategy that would be developed by the provincial government in regard to the promise made by the Premier.

I would like to ask the Premier: How is the promise of the 12 percent endangered spaces incorporated in government policy, given the vagueness of the policies in the parks act before this Chamber today?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I am not sure the question is in order given that this is a matter that will be called for debate today.

I appreciate the member's concern, a concern he did not have when he was in office, of course, because we are operating under a parks act that does allow for multipurpose use of parklands throughout Manitoba and that was never addressed by the New Democrats in office.

Yes, we are committed to achieve that 12 percent, and, yes, we have made commitments and announcements made earlier this year by the Minister of Natural Resources (Mr. Enns) that will contribute toward that achievement of 12 percent, and, yes, it is our understanding that under the new parks act, those areas that are designated for very restrictive use will contribute toward that 12 percent, and we will indeed be able to achieve that target.

**Mr. Doer:** Mr. Speaker, the policy, as articulated in the act, is to allow the minister to make those designations.

Mr. Speaker, provinces are coming forward with specific commitments, specific areas and specific designations to achieve the 12 percent promise, something that is not contained within the parks act or in any other specific document that has been tabled in this Chamber to achieve the Premier's promise.

Mr. Speaker, Manitoba now is in last place for lands preserved pursuant to the Brundtland Commission report and the endangered spaces, at 1.6 percent. Our reserved lands are much better, but reserved lands is talk and preserved land is action.

I would like to ask the Premier: When is he going to table the specific reserved lands and preserved lands, which really will achieve the 12 percent promise that he made to the people of Manitoba, that promise which we do not see contained anywhere in the parks act?

**Mr. Filmon:** We are committed, Mr. Speaker. I repeat, we will attain that target.

**Mr. Doer:** Mr. Speaker, in the preamble of the act, the government speaks to its policy of preserving spaces, but in the act itself, there is no such designation. B.C. just announced on June 15 how they would get from 8 percent to 12 percent. Many other provinces are announcing it. New Brunswick has not. Other provinces have not.

When will the Premier give us the promise of the 12 percent and the specific action plan to get there?—because, Mr. Speaker, surely, with an act that allows just the minister to designate in a whimsical way all kinds of different designations at all kinds of different times, we need the specific promise to be fulfilled at the 12 percent the Premier promised, so we will know what is set aside as endangered spaces and what, in fact, over and above that will be used for multiple use, of the resources of Manitoba.

\* (1340)

**Mr. Filmon:** Mr. Speaker, the only people who treated this in a whimsical way were New Democrats who, when in office, took the logging out of one park and put it into another. That was their idea of protecting these lands. They are the same people who allowed for mineral extraction, who allowed for petroleum extraction, who allowed for

all sorts of things in their parks and now are saying that, all of a sudden, they are born again and they are somehow going to do things differently.

We need no advice from New Democrats who ranked 10 out of 10 in terms of the provinces for protection of the environment. That is not the kind of advice we are looking for.

Yes, Mr. Speaker, we are committed to achieving that 12 percent, and we will achieve that 12 percent with the policies we are implementing.

### Ostomy Program User Fees

**Mr. Doug Martindale (Burrows):** Mr. Speaker, all users of ostomy supplies in Manitoba have received a letter, I presume authorized by the Minister of Health, requiring a client contribution of 50 percent of the cost, up to \$300, plus the goods and services tax.

Unfortunately, the Minister of Health does not have the honesty to call it a user fee or a tax. He uses a euphemism and calls it a client contribution.

I would like to ask the Minister of Health why he sent out this letter signed by his assistant deputy minister which is causing such confusion and anger amongst users of ostomy supplies, and why is he—

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

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, the change in policy where we are asking the users of the ostomy program to contribute up to 50 percent of costs maximizing \$600—in other words, up to a maximum of \$300 per year on a 50-50 cost-sharing basis—was part of the budget and subsequent announcement on April 7.

It was the subject of a number of questions in the House in April, May and June. It was the subject of questions in Estimates, and because its implementation date was July 1, the clients were so informed of that change in policy.

No one, and I in particular have not attempted in any way, shape or form to avoid the issue of bringing in this new charge to the consumers of ostomy supplies, which brings us in line with most other provinces in Canada in terms of the contribution users make toward their ostomy supply and maintains the central focus of the economic purchasing power of the Province of Manitoba to

maintain and contain the costs of the program to Manitobans.

**Mr. Martindale:** Unfortunately, the minister does not know why he is creating confusion.

Could the minister tell us why this letter was sent out to social assistance recipients, since we have been told by the Minister of Family Services' (Mr. Gilleshammer) staff and people in his department that they do not have to pay?

Why did the Minister of Health send this letter out to all users, and why did he send them out to social assistance recipients if they do not have to pay?

**Mr. Orchard:** Mr. Speaker, I will take that question as notice, but I suspect that on the list of ostomates in Manitoba, there is not an annotation beside it—welfare recipient, nonwelfare recipient. Hence all members of the program were sent.

If my honourable friend is suggesting we so label Manitobans in all records of government, I will take that under advice, but I will choose to ignore that advice, Sir.

**Mr. Martindale:** I would like to ask the Minister of Health or the Minister of Family Services (Mr. Gilleshammer) if they would consult with each other and organize themselves and send out a letter to correct this situation, so people have accurate information?

Since the Minister of Family Services seems to know what he is doing and the Minister of Health does not, will he send out a letter and correct the situation and end the confusion?

**Mr. Orchard:** Mr. Speaker, there is no confusion other than the fact the New Democrats appear to be saying that all people on social assistance ought to be so noted and so labelled throughout the entire provision of government services.

That is a new policy proposal and probably the only policy suggestion we have received this session from New Democrats, but I do not think it appropriate that we label for all government programs welfare recipients, as suggested by the member for Burrows.

\* (1345)

### Provincial Parks Logging Activity

**Mr. Paul Edwards (Leader of the Second Opposition):** Mr. Speaker, last night in the Estimates for the Department of Natural

Resources, the Minister of Natural Resources (Mr. Enns) revealed that 3 percent of available forests in Manitoba are within provincial park boundaries. He also indicated that 6 percent of the logging in the province occurs within those park boundaries.

My question, Mr. Speaker, for the Premier: Why are provincial parks being used for logging at the rate of two times the provincial average?

**Hon. Gary Filmon (Premier):** Mr. Speaker, what the member has to appreciate is that logging rights were awarded before the establishment of provincial parks in many cases. So that is an historic anomaly that takes place.

The question was whether or not the park boundaries should be drawn to avoid those logging allocations that were made historically, or whether or not, because of the geographic nature of the area, they should all be included because they represented that kind of geographic area that was intended to be in provincial parks.

Mr. Speaker, the member opposite will be able to have that kind of situation addressed by the new parks act, which allows for the designation of areas for particular uses, and he will have an opportunity to argue or debate whether or not the proper designation is given under the new act, but I repeat for him, historically those logging and timber rights were allocated before the parks boundaries were established in many cases.

**Mr. Edwards:** Mr. Speaker, in fact, in the new parks act the minister and this Premier are seeking to enshrine logging within provincial parks boundaries as a matter of law in this province. It is already, and this minister is trying to continue that tradition.

The Province of Manitoba owns and controls 90 percent of the available forests in this province, Mr. Speaker. They own and control the forestry industry. They can control the forestry industry in this province.

My question for the Premier: Why, given their control over this industry and the fact that logging is occurring at two times the provincial average rate within provincial parks, is this government unwilling to live with the recommendation of the Clean Environment Commission of February 1992, which told the province that commercial forestry activity in all provincial parks should be phased out?

**Mr. Filmon:** Mr. Speaker, I find it interesting that, as a lawyer, this individual opposite would like to

strip away the pre-existing rights the company that operates in the Pine Falls area has had for decades, and with no compensation, just simply strip their rights and throw out of work hundreds and hundreds of people in that Pine Falls area.

Mr. Speaker, that is the Liberal view of how this province ought to be operated and developed, and I am sure the people of Pine Falls will be very interested to know that he has absolutely no interest in their continued economic operation and that all he wants to do is throw them out of work and close down an operation that has existed there for more than half a century.

**Mr. Edwards:** The Premier is—I do not accept any of what he says, and he knows it is true, what I said earlier.

Mr. Speaker, the Clean Environment Commission did not recommend expropriating without compensation. They recommended phasing out forestry logging in provincial parks. No new licences in provincial parks, that is what they recommended. This government is attempting to enshrine the right to grant licences in provincial parks in the new provincial parks act.

Why are they unwilling to commit to the recommendation that this practice of logging at two times the provincial average in provincial parks should be phased out, Mr. Speaker?

**Mr. Filmon:** Mr. Speaker, we are setting aside by virtue of this act significant tracts of land for permanent protection—permanent protection. This act grants no new licences for logging.

\* (1350)

### Year of the Family Secretariat Budget Allocation

**Mr. George Hickes (Point Douglas):** Mr. Speaker, yesterday, along with other members of this Legislature, I received a set of these glossy leaflets and material from the International Year of the Family Secretariat. The irony of the Minister of Family Services devoting resources to such a secretariat days after he eliminated funding for student social allowances, foster families, MAPO and a host of other organizations makes this government look even more hypocritical.

My question for the Minister of Family Services is: How much will this public relations secretariat spend this coming year?

**Hon. Harold Gillieshammer (Minister of Family Services):** We are very pleased to join the international community to celebrate the International Year of the Family with a very small secretariat. We had a chance to debate this in Estimates, and it is in the budgetary allocation that was debated by many members who spent some 30 hours during the Estimates process. The member can easily check that within the budget book.

This is an international celebration of the Year of the Family in 1994, and I am pleased Manitoba is going to be taking part in it.

**Mr. Hickes:** Mr. Speaker, as usual, we never got an answer. We are still waiting nearly three years later for the last MLA project to release their project on drug abuse.

Will the minister release the full budget for the program and tell the House how this compares to the provincial support for the International Year of Indigenous Peoples?

**Mr. Gillieshammer:** Mr. Speaker, as I have indicated, this is part of the budget for the Department of Family Services that we spent many, many hours debating within the Estimates process, and his seatmate there was there for some 30 hours, and I remember one or two questions on the Year of the Family. The member can easily check the budget Estimates booklet to get that information.

I am disappointed that members of the New Democratic Party are opposed to the Year of the Family. It appears not prepared to participate in the celebrations of the Year of the Family in 1994.

**Mr. Hickes:** The most positive way this government can support families is to reinstate the funding they have cut to families.

Mr. Speaker, since the government eliminated funding to the Assembly of Manitoba Chiefs, the MKO, NCI, friendship centres, MAPO and other organizations this year, does this mean there will be further cuts to foster families, daycares and other community services next year to pay for this secretariat?

**Mr. Gillieshammer:** The member shows a rather limited understanding of the Department of Family Services, and I would point out to him we have had increases in the Family Services budget far beyond what other departments have received over the last five years.

I am very pleased to say that almost all areas of our department have shown tremendous increases to look after the many services that Family Services is responsible for.

I know attempts have been made to provide information for the NDP caucus, and I do hope you will avail yourself of the opportunity to learn more about the Year of the Family.

### Youth Unemployment Rate Reduction Strategy

**Mr. Leonard Evans (Brandon East):** I have a question for the Premier regarding our serious unemployment situation in this province.

The recent labour force survey shows a very sharp rise in youth unemployment in Manitoba in June compared with June of 1992. In fact, we went up a full 3.7 percentage points, from 13.8 up to 17.5.

This is the highest in western Canada, the worst unemployment situation for youth in western Canada, significantly higher than Saskatchewan which was only at 11.6, 5.9 points lower than Manitoba. In particular, Mr. Speaker, I note that young men, young male youth, have a rate of unemployment of 20.7 percent, which is one out five, which is indeed very serious.

So my question to the Premier is: How much longer will the youth and students in this province have to wait for this government to recognize the seriousness of the problem of youth unemployment?

\* (1355)

**Hon. Gary Filmon (Premier):** Mr. Speaker, I find it interesting that the member did not come with a question like this during the last six months when we were amongst the lowest, if not the lowest level of unemployment for the youth in Canada. He waits to selectively pick figures that will be as negative as he can possibly make it.

Mr. Speaker, if he has any real credibility, if he has any real desire to see jobs created in this province, why does he not speak to his member for Radisson who is trying to kill a thousand jobs in Brandon and western Manitoba by going out and lobbying against and arguing against the expansion of the Ayerst plant in Brandon?

Why does he not tell her to stop sending around petitions, to stop sending around letters to



everybody encouraging them to stop the Ayerst expansion in Brandon, if he really has any credibility or desire to see jobs in this province?

### Point of Order

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, on a point of order, I would ask you to have the Premier clarify his remarks. It is not correct that I sent out petitions on this issue, and I would ask him to remove that remark from the record.

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

\* \* \*

**Mr. Leonard Evans:** Mr. Speaker, unfortunately, the youth of Manitoba will find no comfort in this nonanswer we got from the Premier of Manitoba. There is nothing in there for the students or for the youth of this province.

Mr. Speaker, will this government consider setting up a summit meeting to look at solutions to the question of chronic unemployment in this province?

We had 55,000 people unemployed in June. That is significantly higher than the levels we achieved in the 1980s, and even the G-7 leaders have agreed to address the problem of—

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

**Mr. Filmon:** Mr. Speaker, indeed, this government is doing everything it can to ensure there is a sound climate for economic development and investment in job creation in this province, and tomorrow I will table the material being circulated by the member for Radisson (Ms. Cerilli) that says: Call Marianne at 945-whatever-her-number-is in the Legislature if you want to join in the opposition to the expansion of the Ayerst laboratories in Brandon.

I will place it on the table and show what hypocrisy exists within this New Democratic Party when there is a potential for a thousand jobs in rural Manitoba and on the farms of Manitoba that is being attempted to be destroyed by the member for Radisson, and this member sits there and accepts it blindly, Mr. Speaker—hypocrisy.

**Mr. Leonard Evans:** It is regrettable that the Premier of this province has no solution to youth unemployment in this province, no solution

whatsoever—thousands of young men and women out of work.

### Social Assistance Employment Creation Strategy

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I have a supplementary question for the Minister of Urban Affairs (Mr. Ernst). Would the Minister of Urban Affairs advise the House whether any progress has been made in his discussions with the City of Winnipeg to establish an employment program for welfare recipients in the city of Winnipeg?

I ask that because Winnipeg's unemployment rate at 11.6 percent in June was the worst in western Canada.

**Hon. Gary Filmon (Premier):** In response to the preamble of the member for Brandon East, I can tell him he lacks the courage to be able to talk to the rest of his caucus who are antidevelopment, anti-investment and anti-industry in this province.

That is what will kill jobs more quickly than anything else in the history of this province. That is what the New Democrats stand for, and he has no credibility asking a question about job creation in this province.

### Point of Order

**Mr. Leonard Evans:** On a point of order, on behalf of welfare recipients and the unemployed in the city of Winnipeg, I asked a specific question to the Minister of Urban Affairs, and I think those people deserve an answer from the minister.

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

\* (1400)

### Midwifery Obstetrics Committee Mandate

**Ms. Avls Gray (Crescentwood):** Mr. Speaker, the Minister of Health made it clear there are two criteria that were important to him regarding the implementation of midwifery services. One criteria was that midwifery, as a birthing choice, would not be an add-on cost to the health care system.

Now we are also awaiting Dr. Manning's obstetrical report which is independent of any discussion about midwifery.

Can the minister tell this House why the committee he set up to study obstetrical services

would not include as part of its mandate a discussion of midwifery services?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, the issue of midwifery has been before government and before independent study with advice from professional groups prior to the establishment of the obstetrics committee chaired by Dr. Manning that is mandated to give us advice on the configuration of hospital-based obstetrical care.

Mr. Speaker, there is nothing in the mandate of either committee which precludes midwifery, which precludes changes to the delivery of obstetric services in the city of Winnipeg.

It is an entirely open question, Sir, and we are seeking advice on both issues with solutions hopefully to emanate which will make sense to the women of Manitoba.

### Policy Co-ordination

**Ms. Avis Gray (Crescentwood):** Mr. Speaker, with a supplementary question to the minister: Can he then tell us, with the two independent committees that are now functioning, what mechanism is in place to ensure that recommendations from the obstetrical report and recommendations that are now being worked on by the midwifery implementation committee, that there will be a co-ordination of those and we will see some real reform in health care?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I can simply give my honourable friend the assurance that there will be real reform in obstetrics by giving her my commitment, as I have over the last five years, to making change to the health care system which will positively benefit the recipients of needed care in the province of Manitoba.

Obstetrics, midwifery and the ability to offer choice to the women of Manitoba in terms of their birthing options is yet another reform this government will progressively bring before Manitobans.

### Policy Implementation

**Ms. Avis Gray (Crescentwood):** Mr. Speaker, with a supplementary question to the Minister of Health: Can the minister today give us a time frame as to when we might see some concrete recommendations from the obstetrical committee

and some legislation and a plan as to how midwifery services will be incorporated into part of a community-based health care system? Could he present a time frame?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, it would be my expectation that over the summer months, the final reports from the respective committees will be received, reviewed and recommendations acceptable to the women of Manitoba made therefrom.

Should that process lead to, for instance, the passage of midwifery legislation, I would simply put the call today to my honourable friend the member from the Liberal Party, and, of course, my honourable friends from the New Democrats, to give speedy passage to any legislation that might flow from midwifery, in particular, at the next sitting of this Legislature because, obviously, I would suspect it is a little too late, even if we had legislation drafted to present and pass same on midwifery in this session.

### Midwifery Legislation

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, we heard exactly the same words from the Minister of Health over a year ago on April 28, 1992, when he said: I would hope that my honourable friend will encourage members of the opposition to ensure speedy passage once the working group has reported.

Mr. Speaker, the minister has had on his desk the report of the Working Group on Midwifery for over six months now. I think he has had ample time to come forward with recommendations and legislation.

So I would like to ask the Minister of Health today: Since we are all willing to co-operate, where is the legislation on midwifery?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I indicated in an answer to a previous question, prior to my honourable friend's question, it would be the anticipation that the next session would see the presentation of that legislation.

### Working Group on Midwifery Report Tabling Request

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, could I ask the minister, quite simply, since he has had this report for over six months, a

report that followed an Advisory Network report on midwifery and the Advisory Council on the Status of Women's Report on Midwifery, if he would table in the House today a copy of the working group's report on midwifery?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, as soon as the session is over, because there are time constraints that do not make meetings with women's groups easy to schedule, it is my intention to hold a meeting with women's groups and to share an up-to-date—although I will not have received the final report of Dr. Manning, but to share with women's groups an up-to-date review of midwifery and other obstetrical issues.

That meeting is in the process of being arranged, and the women's groups that are interested are quite anxious to have that meeting.

The simple answer is, legislation is not drafted because there has not been a decision as to what the legislation ought to incorporate. With advice from women's groups in Manitoba, I expect to settle some issues that have come up during the consultation process so we can proceed with legislation next session that will receive quick passage and be appropriate for Manitoba circumstances.

**Ms. Wasylycia-Lels:** My question, Mr. Speaker, to the Minister of Health is, what has this minister got to hide? Why is he not willing to table this final report from the Working Group on Midwifery, so we can all see what this group is recommending and so the women of Manitoba can have some confidence that this government is taking their concerns about midwifery seriously?

**Mr. Orchard:** Mr. Speaker, I am not hiding anything except my frustration with the silliness of the questions from time to time.

My honourable friend will have her opportunity to review the report when I table it. I just hope my honourable friend has some comments, contrary to other reports that have been tabled for her and, all of a sudden, when she has the report, there is abject silence from same person.

### Natural Gas—Rural Service Report Release

**Mr. Clif Evans (Interlake):** Mr. Speaker, a year ago, the Interlake Development Corporation launched a major initiative to bring natural gas to the Interlake region. At the time, the Minister of

Industry (Mr. Stefanson) promised that the province would announce a policy to assist in the delivery of natural gas service that fall. A year later, we are still waiting.

When will the government release the long-awaited report and policy on natural gas?

**Hon. Leonard Derkach (Minister of Rural Development):** Mr. Speaker, in the Estimates debate last evening on Rural Development, I explained to the member for Interlake that it is true we have staff from the Department of Energy and Mines and from my department working on a report for the extension of rural gas services to communities where it is feasible to do that.

I met with the Interlake Development Corporation last week, Mr. Speaker. In that meeting, we discussed the whole issue of the extension of natural gas services to the community of Arborg, where there is a potential industry looking at the possibility of locating in that community.

Mr. Speaker, we are working aggressively to seek out communities where there is a possibility and where it is affordable to be able to extend natural gas service to those communities.

**Mr. Clif Evans:** Mr. Speaker, people in Teulon and in Arborg and the Interlake Development Corporation, yes, were informed. They were also informed that a pipeline from the Stonewall line would not be feasible, and thus in that area, they would not be able to receive natural gas.

Why does the minister not simply release the report? When will the report be out?

**Mr. Derkach:** Mr. Speaker, there is not a specific report on the extension of natural gas to Arborg. As the member knows, Arborg is just one of many communities in this province that would like to see the extension of natural gas services to their community.

There are alternative ways of providing that service, as well. Staff from my department and the Department of Energy and Mines, along with the utility, are looking at ways in which we can extend those services in the most affordable and cost-effective way.

\* (1410)

### Video Lottery Terminal Revenues

**Mr. Clif Evans (Interlake):** Mr. Speaker, will this minister and this government commit VLT

revenues toward the study and toward the commitment to bring natural gas into rural areas that will lead to increased exports and jobs in these areas, such as forest products and processed food?

**Hon. Leonard Derkach (Minister of Rural Development):** Mr. Speaker, the member across the way should know that in order for us to be able to extend natural gas services to all communities in Manitoba, it would be an extremely expensive way if government were to pay for it all.

There has to be a commitment made by the communities that want this service to ensure that people within that community are going to hook up to the natural gas service. Additionally, we have to ensure that it is affordable to extend those services to those communities. We certainly are not going to be able to do it where it does not make any sense and is not affordable at this time.

### Manitoba Lotteries Foundation Five-Year Plan

**Mr. Paul Edwards (Leader of the Second Opposition):** Mr. Speaker, my question is for the Minister responsible for the Manitoba Lotteries Foundation.

Can the minister tell us whether or not the Manitoba Lotteries Foundation has in place a five-year plan governing lotteries and their expansion in the province of Manitoba?

**Hon. Bonnie Mitchelson (Minister charged with the administration of The Manitoba Lotteries Foundation Act):** Mr. Speaker, I believe we did deal with this issue when the Manitoba Lotteries Foundation was before committee a couple of weeks ago.

I indicated at that time that on a regular basis, the Manitoba Lotteries Foundation does present to government a five-year plan. That plan is updated just like any five-year plan. The City of Winnipeg's five-year plan is updated on a regular basis.

It is up to the Lotteries Foundation to make the recommendations. As government accepts or rejects the recommendations and implements new initiatives, those initiatives become public information through announcement.

**Mr. Edwards:** Mr. Speaker, will the minister table for the members of this House and members of the public the current five-year plan of the Manitoba Lotteries Foundation?

**Mrs. Mitchelson:** Mr. Speaker, as I have indicated, the Manitoba Lotteries Foundation does present a plan to government. Government, in all instances, does not accept all of the recommendations that are made by the Manitoba Lotteries Foundation. That is a process that is ongoing.

As we accept recommendations and as we look at expansion, those announcements are made, and those announcements will be made in due course. That is a process that is internal to government, and government ultimately has to make the final decision.

Ultimately, the people of Manitoba will determine whether or not they believe this government is doing the right thing.

### Introduction of Alcohol

**Mr. Paul Edwards (Leader of the Second Opposition):** The problem is, Mr. Speaker, the people of Manitoba have no knowledge of what the plans of the foundation are, and it is owned by the people of this province. I do not know what the secret is. They have a monopoly on gambling in this province, and I am very concerned that the public does not have access to the five-year plan.

Can the minister tell members of this House whether or not that five-year plan includes plans for the introduction of alcohol into casinos and bingo palaces? Will the minister confirm whether or not that is part of the plan and what this government's intentions are with respect to that expansion of the role of alcohol and gambling in this province?

**Hon. Bonnie Mitchelson (Minister charged with the administration of The Manitoba Lotteries Foundation Act):** Mr. Speaker, there is nothing in any plan anywhere that would introduce alcohol into our gaming facilities in the province of Manitoba.

### Dauphin Sign Shop Employee Management

**Mr. John Plohma (Dauphin):** Mr. Speaker, the Minister of Highways has contributed with his colleagues to the economic decline of the Dauphin and Parkland areas with the closing of the Dauphin Sign Shop from the Highways department, which I asked about a couple of weeks ago in this House, and the minister seemed to indicate he was hopeful that all the employees would simply retire.

I want to ask the minister a specific question with regard to the continued operation of the sign shop once it has been sold.

I want to ask the minister if he is serious about giving the employees a realistic opportunity to continue the operation of the sign shop in Dauphin and what support and encouragement he has given to assist in the transition to employee management of that sign shop.

**Hon. Albert Driedger (Minister of Highways and Transportation):** Well, Mr. Speaker, first, some of the preamble was totally wrong. I did not indicate to the House that I wished the employees would retire. The member should go and read the answers I gave at that time.

Mr. Speaker, we are in the process of developing a proposal call, and it has been advertised, I believe, at the present time. We are asking for responses, at which time we will meet again with those people who respond, before we come up with a final proposal call, in terms of how we are going to do it so that we can address some of those concerns.

In the interim, the position still stands. We have many inquiries that have been made about people who are interested in the sign shop. The answer still stands the same way as I gave it last time, that the employees basically can avail themselves of the Crocus Fund, that my staff are prepared to be able to work with them to see whether they can come forward with a proposal.

Whoever is going to be the successful bidder, ultimately the decision will not be mine alone. It will be made by the government of the province at the time we see the proposals come forward.

**Mr. Plohman:** Mr. Speaker, the Crocus Fund is not even available for them at this particular time.

If the minister is indeed serious, why has he not even met with the employees directly to discuss a transition to employee ownership? Why has he insisted on requiring them to post a \$10,000 bond in order to submit a proposal, as open right now? Why will he not cancel that proposal call and give the employees a first opportunity through discussions at the present time, immediately?

**Mr. Driedger:** Mr. Speaker, first of all, the proposal call has not officially gone out. We have advertised. Responses are coming in. We will meet with all the respondents, and at that time, we will develop a proposal call based on the

information of those who have interest in it. That is how we will develop the proposal call which will then go out officially.

The issue of the \$10,000 bond in the case of the employees, I am going to go back and check with the employees exactly how we have established that.

**Mr. Speaker:** The time for Oral Questions has expired.

### Introduction of Guests

**Mr. Speaker:** Prior to recognizing the honourable member for Point Douglas with his committee changes, I would like to draw the attention of honourable members to the gallery to my left, where I see we have Mrs. Charlotte Oleson, the former MLA for Gladstone.

On behalf of all honourable members, I would like to welcome you here this afternoon.

### Committee Changes

**Mr. George Hlckes (Point Douglas):** I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Law Amendments be amended as follows: Broadway (Mr. Santos) for Flin Flon (Mr. Storie), for July 13, Tuesday, 7 p.m.

**Motion agreed to.**

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I move, seconded by the member for Portage la Prairie (Mr. Pallister), that the composition of the Standing Committee on Economic Development be amended as follows: the member for Emerson (Mr. Penner) for the member for Riel (Mr. Ducharme).

**Motion agreed to.**

**Mr. Speaker:** That is all the committee changes? Okay.

### ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, would you call the four following bills in this order: 41, 37, 40 and 44, and I will give further instructions to come.

### DEBATE ON SECOND READINGS

#### Bill 41—The Provincial Parks and Consequential Amendments Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr.

Enns), Bill 41, The Provincial Parks and Consequential Amendments Act; Loi concernant les parcs provinciaux et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable member for Swan River (Ms. Wowchuk).

Is there leave that this matter remain standing?

**Some Honourable Members:** No.

**Mr. Speaker:** No. Okay, leave is denied.

Also standing in the name of the honourable member for Flin Flon, who has 18 minutes remaining.

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, we have a number of speakers lined up on Bill 41, and I have to say, express some regret at the government House leader's insistence that the member for Swan River (Ms. Wowchuk) not be allowed to have this bill standing in her name.

I think the government House leader and the government should be aware, to some extent at least, of the circumstances that face the member for Swan River's constituency. The member for Swan River is today in her constituency, in fact, meeting with a number of groups that are affected by the flood situation, and denying her leave, I think, the government may want to reflect on that at some point. I do not want to digress too far. I know that the government House leader knows this issue will be raised again.

Having said that, I want to continue my remarks on Bill 41, particularly on the heels of the answers from the First Minister (Mr. Filmon) today with respect to the protection of our natural resources.

As my Leader pointed out today, the reputation of this government when it comes to setting aside lands to meet our collective commitment to the preservation of 12 percent of our natural heritage for posterity, leaves this province looking like an abject failure.

In terms of progress toward meeting that goal, we have the worst record in the country. The members opposite are often trumpeting a report that was presented by the Wildlife Foundation some years ago rating the previous government on its performance. This is a denunciation of the current government's commitment, a 1990 provincial election commitment, to move towards a set-aside of some 12 percent for natural preserves in the province of Manitoba.

So what we had hoped, and many Manitobans had hoped, and those who have been involved in this debate had hoped, is that the bill before us would have done more in terms of providing some information about where the province is going, providing some information about what classes, what areas of the province might be designated initially at least in terms of those set-asides.

\* (1420)

We had also hoped that the government could have seen its way clear to provide for a format for making those decisions which would have left less discretion on the part of the government and encouraged and, in fact, allowed for greater participation on behalf of Manitobans, on behalf of those with expertise in the area and with a great deal of concern.

Instead, Mr. Speaker, what we have is a bill which, in effect, gives the government and the minister carte blanche in many respects to do as he sees fit. I know this minister certainly has been supportive of the principles enunciated by the Brundtland Commission for set-aside. I know the minister himself may in fact wish to move the government in that direction. The unfortunate fact of the matter, as we indicated in the House today, is that we failed, that there has been no progress to date, or very little progress to date, in meeting our objectives.

Mr. Speaker, what are we to make of Bill 41? We are here discussing the principle of Bill 41, and in principle we would like to think that this is a measure that is going to take us toward our objective. I think it is becoming increasingly clear, and from the First Minister's comments today, abundantly clear that the government has no plan. The Department of Natural Resources has no plan. The most obvious intent of Bill 41 is not to do what we all hoped it would do, and what the government and the Premier committed to do in 1990, but quite the reverse.

The object of this bill is to give the government, particularly the Minister of Natural Resources (Mr. Enns), more flexibility when it comes to dealing with commercial activity in parks. For the first time in this legislation, there is recognition, stated recognition, that one of the goals of our provincial park system can be and should be economic development, the use of our resources.

Mr. Speaker, there is use of our resource, and there is use of our resource. We all recognize that there is commercial activity within park systems already. We had attempted, and the provincial park plans have attempted to define what areas are to be used in what way, whether intensive, extensive uses, recreational uses, et cetera. The difficulty here is that where the wording of the bill and the inclusion of the new section which governs economic activity make it more likely that the government is going to receive pressure from communities and from resource users, from forestry companies and mining companies, to expand the exemptions, to allow more and more intrusive kinds of activities.

So, Mr. Speaker, that is where we have some concern. Clearly, we want to balance the need for economic development in the province, generally, with our desire to set aside additional natural resource space for protection.

Mr. Speaker, what we do need to do is ensure that there is a balance, and that the balance does not simply lie with the government, because as I mentioned last time, the government is under increasing pressure, certainly in times of economic uncertainty, in times when jobs are disappearing by the hundreds to amend their original plans to do what they otherwise might not have done.

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

So, Mr. Acting Speaker, I can only reference the situation in my community. Since this government was elected, we have seen three communities jeopardized. We have seen thousands of miners lose their jobs, more than a thousand miners in the last few years alone. We understand that the people in those communities, the municipalities, the towns that rely on mining have a desperate interest in finding new ore and becoming more profitable and continuing their viability. That also is a legitimate goal.

What we are concerned about is that the government seems to have lost the balance. Certainly, when the Grass River Provincial Park plan was developed, mining companies expressed concern. Prospectors expressed concern, but there was a recognition at that time of the dual interests of the people of Manitoba when it comes to our natural resources.

Mr. Acting Speaker, clearly the other area of concern, particularly amongst many in the province, is the area of forestry and the use of our forest resources within provincial parks. That is clearly going to be an ongoing debate. In many circumstances, as the Premier (Mr. Filmon) pointed out earlier, the use of those resources predates the establishment of our park system. In fact, the issue at Pine Falls may in fact be a good example of that kind of a process. What we have to do now is ensure that if we are going to allow the harvesting of our forests within areas that are currently or are about to be, or should be designated as provincial park areas, that we understand what we are contributing to.

Therein lies another problem, the question of how we are going to assess when we elect commercial activity take place, the potential for problems that it may create. I do not think the minister, I do not think anybody in the Chamber wants to encourage, allow, facilitate the development of our resources whether it is forestry or mining or quarrying or any other activity, hotelling, whatever, cottage lots subdivision, if we can show the consequences are going to be detrimental that we are going to create more and more problems.

Mr. Acting Speaker, the other side of the equation, the other side of this bill, and again it is an interesting amalgam of problems. We have, on the one hand, a need to establish a consistent park policy, park development plan, a public process, and on the other hand, we have the introduction in this legislation, really what many are going to consider a tax grab. Particularly, when it comes to permanent residents within provincial parks, the government is giving itself the power to impose a levy in lieu of taxes.

This is not something new, and in fact many of the people, certainly in the part of the province that I represent, have expressed a willingness to contribute to the municipal tax base in the area.

The difficulty is that what the province is actually doing is making sure that the government is the benefactor of this legislation and not the municipality.

Now the Minister of Natural Resources (Mr. Enns) may be able to assure me when he closes debate that that is not the intention of the government. Certainly, if that is the case, then that

takes away one of the main objections that I have to this legislation as it now stands, because in my community, in Flin Flon, going back to the early 1980s, this issue was being pursued by the municipal governments themselves.

The City of Flin Flon had raised the issue initially as a result of a concern over the erosion of the municipal tax base, as people increasingly moved to lakefront property in subdivisions, in both Crown subdivisions and in terms of the provincial park, the Bakers Narrows Provincial Park. So that is another area of concern that the government, in addressing what has been a long-standing issue as far as the municipalities are concerned, obviously has not listened very closely to the municipalities when it developed its solutions. I think that is an irritation that exists across the province.

I have spoken to our mayor in the city of Flin Flon about this. I have spoken to a number of councillors who expressed concern over which direction the government may take and whether there is going to be any flexibility on this issue to allow the municipalities to achieve some benefit here and to recoup some of the costs they may have lost as a result of the movement of people into adjacent cottaging areas.

\* (1430)

Mr. Acting Speaker, I have already talked at some length about the service fee that is going to be imposed. Again, the bottom line is that the legislation as it is written is going to create a lot of uncertainty among cottagers. That is going to happen because the government is allowing itself not only to have full cost recovery, but it is allowing itself to, on an annual basis, impose additional costs based on the experience in a given park district. I had raised the issue of flooding or fire emergencies of one sort or another in a given park district that then could be passed on immediately and directly to the cottagers without any regard to their ability to pay, without any regard to, I guess, their individual financial circumstances. It certainly is going to leave open, on an annual basis, the question of what the service fee may or may not be.

I do not expect that to happen very often. I am quite certain that it will not. There are not that many emergencies in our provincial parks, in our cottaging areas, but it leaves open the possibility that we may have to address that, Mr. Acting Speaker.

I am going to be interested to listen to the minister's comments in closing debate when we come to that. I know that a number of other members have concerns that they want to raise in terms of this legislation, and I am going to be listening with interest to the literally hundreds of people who are lining up to speak at committee. I have mentioned that I have received a copy of the lists already, and we are approaching 200 as far as I can see. It is certainly possible that we will exceed that unless the minister is able to clarify some of the intentions and some of the implications of this bill in second reading.

With that, Mr. Acting Speaker, I want to thank you for the opportunity of putting my remarks on the record.

**Mr. Gary Doer (Leader of the Opposition):** Mr. Acting Speaker, I would like to speak for a few minutes on Bill 41. I think it is a very important bill before the Chamber. I was looking forward to reading the bill. I sort of recall some reticence on behalf of the minister, I think, when he was introducing it. I think the word "reluctant" was used in his statement about introducing this bill in this House.

I was extremely disappointed when I saw The Provincial Parks Act in its detail. I know that this is a very difficult issue. Nobody in this House should pretend that this is not a difficult issue to deal with. We see all around us, we see the challenges that are before us in terms of jobs, resources, endangered spaces, endangered species and provincial parks, federal parks, or national parks.

That is the case in the United States. These are very difficult issues. You see Bill Clinton just recently in the middle of controversy in dealing with endangered spaces in the United States, trying to respond to the Brundtland Commission Report.

Originally, George Bush would not even commit the United States government to many of the recommendations that were passed in the United Nations, and it took a change in administration to commit themselves to a different course of action and have the United States sign the document at the Rio sustainable development summit.

We see in B.C., daily on our nightly newscasts, some of the challenges dealing with the challenges of land use policies. So nobody in this House in debating this bill is pretending for a moment that these issues are simple and they are some kind of



absolute black and white solutions to very multiple and complex challenges for our land use and our parks. I want to say that at the outset.

Mr. Acting Speaker, I recall the 12 percent endangered spaces announcement of the Premier (Mr. Filmon). It was made some three years ago. It was an announcement that all of us agreed to. It came from the United Nations report, the Brundtland Commission Report, chaired by a very eminent former prime minister of Denmark.

This report had a number of challenges. It did not address all challenges. It did not address, for example, the challenges of chemicals with the agricultural land use, because that was too controversial. But there was a tremendous degree of agreement and consensus between the developed countries, the underdeveloped countries, the Third World countries, if you will, on a number of specific steps that must be taken in our world, in our universe, so to speak, to deal with our specific challenges on the environment endangered spaces and endangered species.

The former minister of the environment co-chaired with industry the Canadian response; Mr. Gerard Lecuyer co-chaired the response. I believe the other chair was from Alcan, if I am not mistaken, or Noranda, I cannot exactly remember who it was. But there was an industry and government representative to provide Canada's response to the Brundtland Report, and that was again forwarded to the United Nations.

There was consensus all across this country from business, labour, environment, government, that 12 percent would be the endangered spaces provision.

That would be the threshold for setting aside spaces in different ecosystems across our country and across our province that we would preserve from resource extraction and development.

Mr. Acting Speaker, we watched with some interest after the government had received a majority how it would implement its various promises and how it would implement the specific promise of 12 percent. They received a tremendous credit. I remember the articles in one of the newspapers; the Blue Party turns green, that was the lead sentence in the dealing with the Premier's election promise.

That was followed by an advertising campaign where the Premier was paddling in a canoe,

extolling the virtues of the Conservatives on the environment. They probably think that is a very unique idea over there, do they not? They are very proud of this advertising campaign. You can see the joy on their faces on that advertising campaign.

You should know, Mr. Acting Speaker, where that ad came from. The Minister of Industry, Trade and Tourism (Mr. Stefanson) would know. He should know. He is dealing with the same advertising agency now. It is getting lucrative contracts for tourism from the government. He would know that this advertising campaign of having a person in a canoe paddling around is not unique to Manitoba. This was not the first time it was done. It was actually the Conservatives in Ontario; they actually were the first ones to use this campaign.

I would refer members opposite to a book called *Sultans of Sleaze*. It is a book. It is not my title. I am not referring to honourable members opposite. It is a book called *Sultans of Sleaze*, and I happen to have a copy of a certain advertising section: Public opinion polls conducted by the Ontario government in the 1980s revealed the people of the province felt strongly about the increasing pollution of the Ontario environment as well as the larger ecosystem. In a move characteristic of former companies, like oil companies, the government put out a series of ads featuring vignettes of Ontario wilderness areas while an actor is sitting in a canoe addressing the TV audience saying, I am an engineer, and I work all over the world. Ontario is the cleanest place that I know.

**An Honourable Member:** What do you call him again?

**Mr. Doer:** An engineer.

**An Honourable Member:** What about the sleaze?

**Mr. Doer:** *Sultans of Sleaze* is the book. I would refer the member. This is on page 132 of the same book.

But this strategy in the short term worked and in the long term failed because, Mr. Acting Speaker, people over time judge the government by its actual record, and this strategy, even though it was slick and clever at the time, failed the government of Ontario and the Conservatives of Ontario because they saw again directly in front of them the first-hand evidence of environmental degradation.

We were very optimistic about the Premier's promise in the 1990 election. I say that this act, I believe today, before us today, is a betrayal of the Premier's very own promise in the 1990 election, and, I dare say, that is therefore a betrayal of the mandate that the Progressive Conservative Party of Manitoba received from the people of this province in 1990. The Premier promised a strategy on the 12 percent, and in the parks bill that is before us today, in the preamble of the bill, they speak to this promise of Endangered Spaces, but they do not have any strategy whatsoever after.

The government deals with their promise of Endangered Spaces in the preamble of the bill. It does not deal with it in the operative sections in the bill. "WHEREAS the provincial parks are special places that play an important role . . . ."

\* (1440)

**An Honourable Member:** As provided in the bill and as duly designated by the minister, 80 percent of the 3.5 million acres of our parks will be in the Endangered Spaces Program.

**Mr. Doer:** So the minister says that he or she or whoever that person will be will ensure that that promise will be protected. Mr. Acting Speaker, the whole purpose of the Endangered Spaces Program was to set aside a set of ecosystems across the province in a specific plan and keep it clear of political decision making from any political party at any particular time.

It was to set aside the land in the 12 ecosystems in such a way that whimsical decisions could not be made by anyone of any political party that may hold the office of Natural Resources. It is meant to be not a whimsical decision-making policy. It is meant to be a firm commitment beyond partisan politics to the world and to the people of this province.

We do not see that. We do not see this in this bill. We do not see it at all in this bill. It allows for parks to be designated and redesignated and counterdesignated. It allows for things to be changed ad hoc in the bill, and it allows the Minister of Natural Resources, therefore, to have the delegated responsibility that was given by the Premier to the world community.

Mr. Acting Speaker, they could have done better. We thought after three years that they would have done better. We thought after three years that they would have a strategy to take us to 1994, '95, '96,

and to the year 2000, which is ultimately the promise of the Premier.

I would refer the members opposite to the pledge just made recently in British Columbia a year and a half after the government was elected. We are talking on to the sixth year after the group opposite has been elected, where they designate how they are going to go from 6 percent to 8 percent, where they are at now, and how they are going to go to 12 percent in specific systems, a protected area strategy for B.C., seven new provincial parks, expansion of six existing parks.

Mr. Acting Speaker, they are going to designate these parks and set aside these areas, and that is why they are leading the country and achieving the 12 percent reserve spots and preserve spots, which is the keyword because there is a difference. As I said today in Question Period, there is a fundamental difference between reserving some land, which is talk about doing it, and preserving land, which is action that is consistent with the Premier's promise and, I would hope, consistent with all members in this House.

So that is the first part of this act that we are critical of. As I say, just think how much less controversy we would have in our province if there was 12 percent set aside in the strategy in this park today, and then the multiple use for logging and other activity would be over and above that threshold. So we take away the legitimate fears of working people in some of those situations that feel threatened between the absolute yeses and the absolute noes of this debate.

Think how more secure the people of Pine Falls would be. They have a lot of other challenges with the community takeover and with the whole issue of restructuring and modernization, environmental licensing, et cetera. They have more work to do with the band that is adjacent to the community that does not support continuation of an unfair licensing situation, Mr. Acting Speaker, because they should not be the recipients of pollutants and recipients of lack of enforcement through negligence on behalf of the people.

How much easier would it be? It would not be without problems. But if we were to say to the people in this province who are concerned about having our endangered spaces set aside: Here is the endangered spaces strategy, this is how it is going to work, this is how the 12 ecosystems will be

impacted, and here is the other set of parks that will be over and above those 12 percent, here are the other areas that will have multiple use for logging, mining and mineral extraction, I would suggest to members opposite that rather than having all this controversy that we see now—and every province is having it—you would have a strategy to deal with this challenge. Because it is a challenge.

I want to repeat, I do not believe for one moment this is easy to deal with. When we are dealing with provincial land use we have another consideration besides the parks and jobs and that set-aside policy. We also have the whole issue of aboriginal land use and the whole aboriginal policies of land entitlement. Where is this anticipated in this act? Where is the strategy to deal with aboriginal land entitlement? Where is the strategy to deal with land entitlement negotiations with the federal government, which I hope is going on?

Again, I believe the government should have come forward with a parks act, and if it was going to have multiple use, that would be on top of the 12 percent and together with the strategy dealing with aboriginal land claims across the province. Then we would have a comprehensive land use strategy.

I admit, that is not easy to achieve, but after three years of majority government and moving on to six years of a combination of minority and majority government, Mr. Acting Speaker—and, you know, allegedly we are leading Canada in this area in terms of the International Sustainable Development centre being located here in Manitoba, surely we can provide the international leadership through the Premier's promise in the Premier's own province where the International Sustainable Development centre is located to achieve the land use policies that are so essential in Manitoba and so lacking in the bill we see before us today called The Provincial Parks and Consequential Amendments Act.

The second concern I want to raise is the whole issue of the taxation policy that is contained within the act. I was quite surprised to see that in the act. I guess if you want everybody against you on a bill, that is the way you do it. You do not do anything on the parks side. What you do is provide a taxation on the cottage side and then you can succeed in getting everybody against you.

It is maybe a curious strategy. Maybe nobody will talk about the unemployment rate or the

education system or the health care system. I do not know whether it was deliberate or not. Well, let us find a way where everybody can be against the bill. I know, says somebody in cabinet, let us pass on that taxation policy to the cottage owners. Oh, well, we better not have the money go to the municipalities; it will make sense. Let us just grab it ourselves so we get the municipalities against us. Oh, that is a great idea, we will have everybody against this bill.

Oh, what a wonderful idea. We will have people wanting endangered spaces set aside against the bill because it does not have it. You will have cottage owners in the parks that would normally be with the government on multiple use against the bill because of the whimsical taxation policy, and then you have, of course, municipalities that expected some contributions from the provincial government saying, hold it, we provide the services, and we are not going to get the revenue.

Now, if you want to even make it worse, let us not provide any fair market value for assessment, let us not provide any fair market value for services, let us not provide any fair market value for how you will assess a person's property or assess fees, and then let us not have any appeal process except to the minister.

That is the legislation before us. Now, I do not know whether that was why the minister said "reluctantly" when he tabled this bill. I will have to go back to Hansard, because I thought I heard him say "reluctant." If he did not say it, I apologize ahead of time. But I thought I heard the word "reluctant." I reluctantly introduce this bill on first reading, I think I heard him say.

But, Mr. Acting Speaker, that is why I want to put my apology in. I will never complain—I never explain, I guess, is the minister's—[interjection] Yes. So he is going to fight people on the landing strips, on the beaches, in the forests and in the cottages and, yes, he will, in his Churchillian best, be out there with this bill.

\* (1450)

But, Mr. Acting Speaker, it is not good policy. People's contributing in provincial parks to services they receive, particularly education services and municipal services, makes sense. Nobody is going to be popular doing it. But this bill, in the way in which it approaches this with, again, in such an ad hoc, whimsical, ministerial-down approach, is not

consistent with, again, good land use policy and not consistent with the parks act that would provide partnership and fairness for those people that are located in those parks.

Those people have all made major financial investments, and we should treat people that make major financial investments in the parks the same way we treat people that make major financial investments anywhere else in our society. Those are families; those are ambitions; those are livelihoods; those are economic decisions people have made. We should treat them not as statistics on a briefing note paper or pieces of spreadsheets dealing with legislation. We should treat them with the same kind of respect we would treat any other citizen of this province and allow that to be the guiding light.

Mr. Acting Speaker, I can comment about other areas in this bill for purposes of looking at the public hearings. Again, we are concerned about the 12 percent. We are concerned about concepts in Section 8 allowing for additional additions and omissions of park boundaries and the ability to change categories so dramatically.

What happens if the next time around we have a Minister of Natural Resources that does not have the great respect for our history, does not have the great respect for canoeing on Seal or Hay River, does not enjoy, perhaps, the wilderness and the rivers the same way the minister opposite does?

What if it somebody who wants to build Disneyland on some of these rivers? I know the Minister of Highways (Mr. Driedger) and the Minister of Natural Resources (Mr. Enns) have traversed some of these waterways, and I respect that.

But it should not depend on the personalities of the people who come and go. It should depend on much more specific areas of designations and not allow omissions, deletions and additions to be done in such an ad hoc way. Tomorrow it could be somebody else. It could be somebody that wants to build some massive project, an aluminum plant on the Hay River.

How would the minister feel 20 years from now, if he finally retires, sitting in his rocking chair, knowing that he had an opportunity to change an act and preserve in an act something as beautiful and wonderful, but he missed that opportunity? Rivers that he once paddled will now have

aluminum plants located on it and have various other developments that distort our beauty and our opportunities.

Mr. Acting Speaker, the bill has, as I say, a number of major weaknesses. I do not know why the government brought the bill in. I mean the real question is, after the Clean Environment Commission had reported on Nopiming and reported on the Manigotagan River system, the government chose, by ministerial fiat, to do whatever they felt was necessary in the public interest after all, notwithstanding the Clean Environment Commission. So what redeeming factor is in this bill?

Is it just public relations? Is it back to the Premier (Mr. Filmon) in the canoe, just a public relations campaign? Is it only the perception that we are going to do something? What in this bill is being proposed that is not there now for the government to propose all kinds of different classifications? In fact, the Premier, I think in his answer in questions today, said, they could do whatever they want now. So they can do whatever they want in this bill.

What is the difference? The only difference really is that the appearance is that there is a "new" park lands act and the cottage taxation without any consideration for the municipalities and the communities of this province.

Mr. Acting Speaker, we are opposed to this act. We are disappointed in this act. We recognize the difficult challenges between a "multiple-use users of land" land use policy and the desire to fulfill the 12 percent. We know that jobs can exist with Endangered Spaces. We know that logging can exist in this province, and we can fulfill our commitment to Endangered Spaces.

I mention the Atikaki experience, where Abitibi-Price reluctantly had to go along with the new cutting licence, but Atikaki was protected. Now there were cutting rights given to Abitibi-Price so that the jobs would be maintained and —[interjection]

Mr. Acting Speaker, the Minister of Labour (Mr. Praznik) some day will have to look at the promises they have made on the 12 percent because the Premier (Mr. Filmon) has committed himself to 12 percent of Endangered Spaces, and until he resolves his promise and his commitment to the international community, there will always be this controversy going on between communities like

Pine Falls and the rest of the province. I suggest that if we are to—[interjection]

Nobody has got a lockup of commitment to jobs in that area anymore than anybody else in this Legislature. We have met with members of Pine Falls and workers in that community, and I think they would be better protected—I suggest to you they would be better protected and the woods resource would be better protected by having a 12 percent set-aside policy as the threshold and having the multiple-use ability of this parks land to be beyond that 12 percent threshold. That would be consistent—[interjection]

Mr. Acting Speaker, the Minister of Labour (Mr. Praznik) does not understand the commitment his Premier (Mr. Filmon) made. The 12 percent is for 12 separate ecosystems in the province of Manitoba. It is not to take all the area in the area—[interjection]

The Minister of Labour is asking questions he should be asking the Premier. It is the Premier's promise of 12 percent. It is a promise that was agreed to by the other two parties, and we believe that the government must provide the threshold of 12 percent before it can proceed with a parks act that allows for multiple use with no designation whatsoever. We believe that jobs and endangered spaces are consistent with sustainable development. We do not see sustainable development in this bill, and we do not see the reason to pass this bill. We see no comfort for jobs, and we see no comfort for the promise that was made on endangered spaces by the Premier.

Thank you very, very much and we look forward to the public presentations and the debate that I am sure will continue with many other critics in this Chamber.

**The Acting Speaker (Mr. Laurendeau):** Is the House ready for the question?

**Mr. Oscar Lathlin (The Pas):** Mr. Acting Speaker, I welcome the opportunity to once again be able to rise in this House this afternoon to speak on Bill 41, The Provincial Parks and Consequential Amendments Act. This bill, right at the outset I will say is both flawed and too encompassing. It tries to cover too many areas all in one swoop. This bill, as members of this Assembly will know, had been promised by the minister for almost a year now, and this bill was supposed to be the cure for all of the trouble spots, that is, to address logging, to address

the 12 percent campaign of the Premiers, the wilderness park development, selling of parks and so on.

The 12 percent issue, the integrity of provincial parks and the question of fairness to those people who reside casually or have leases or in some cases own land in parks will be our main concern. We can say again that the bill is not addressing the issues that we think it was intended to address. We will not be supporting it, as our Leader has said. We have quite a few concerns about it. There are some serious defects that the bill has, and we will be seeking amendments as we go along in the debate of this bill.

\* (1500)

As I say, this bill replaces the fiasco of last year when this same government brought in Bill 21, I believe it was. For that particular bill last year, who did the government consult with? Who did they consult with before they introduced Bill 21? They consulted no one, absolutely no one. We asked this minister and his colleagues on a number of occasions last year why they did not see the need to consult with people prior to bringing in that particular bill.

Well, Mr. Acting Speaker, as usual, no answers were forthcoming, so instead we were subjected to listen to the minister and his colleagues go on and on about Bill 21, and then, lo and behold, on a Friday morning, the minister quietly withdrew Bill 21 at second reading.

I raise this issue because as of last Friday, there were over 170 people registered to speak at the public hearing. People have registered to come and present their views and concerns at the public hearing because, as I said, this bill is flawed. It has a lot of deficiencies in it.

A good number of those over 170 registrants come from The Pas as well as from Flin Flon. If the minister is indeed sincere when he says—he told me during Estimates of Natural Resources that, and I believe him when he says he values input from people. He likes to listen to people for their advice and their input, so I am sure he will listen to my advice and request on behalf of the people from The Pas and Flin Flon to have the hearings process be carried out either in The Pas and Flin Flon, but preferably in The Pas, instead of just conducting hearings here in Winnipeg. This would enable the minister to really listen and hear the people, as he

claims he prefers to do as he goes about performing his work as a minister of the Crown.

Mr. Acting Speaker, why are there already so many people registered to speak out on this bill? Well, it is very simple, you see, because once again with Bill 41, this government is targeting cottagers for major tax increases. The issue of fees for services for cottagers and new taxes on private landowners is obviously contentious. Landowners may soon be paying \$500 a year plus other expenses the government does not have to justify.

(Mr. Speaker in the Chair)

This bill as it is currently written does not allow for the democratic process to work in that people are going to be asked to pay for fees, people are going to be asked to pay for taxes, and where will this money go after those fees and those taxes are paid, Mr. Speaker?

As far as we can tell, the fees and those tax revenues will come directly to the provincial government coffers, thereby bypassing a very important democratic process and, of course, I am referring to when you pay taxes you have elected people who are held accountable to the community.

In addition to that, when you pay taxes like that, we have to have some sort of an appeal mechanism. Currently, the way the bill is written, there are no provisions for people who reside in a park either as cottagers or as landowners in those parks; there is no vehicle that I can see that would allow them some appeal protection, Mr. Speaker.

Not surprisingly, then, cottagers wonder, and rightfully so, just who will protect their interests and why they should trust this government. Certainly, when we look at the track record of this government, there is very little reason to be optimistic or to be trusting. The issue of fees in parks was to be addressed, but, as I said before, the bill was removed at the last minute by the minister after much public outcry. This current bill contains much of the same information that is contained in the original bill that was withdrawn.

The cottagers that I met in The Pas some two weeks ago now and other people that I meet as I travel around are, of course, concerned over the intentions of this minister and his colleagues. In fact, those who will be able to make it to the hearings—and I think the minister will probably get even more advice if he listens to my suggestion

and request that he hold hearings in The Pas and Flin Flon as well, because I know those people who will be coming to the hearings will be offering the minister all kinds of options, all kinds of alternatives and some good advice.

The question is, of course, whether the minister will actually listen and hear what those people will have to say at those hearings. In fact, municipal governments are also concerned that those funds that will be raised from the fees and the taxation will go directly to the provincial consolidated revenue and that municipalities will not receive their share of the proceeds.

This has been a long-standing issue, I know, for our community in The Pas. I think, once and for all, I was kind of hoping that this bill would settle a lot of those issues that have been just festering when it comes to municipal services and people living in the parks.

\* (1510)

Mr. Speaker, all parks, according to this bill, will be operated on a sustainable basis so that the money put into parks will be recovered through direct fees. This issue is of grave concern to a lot of people who own cottages in northern Manitoba, particularly in the Flin Flon, The Pas and Thompson areas. It will also be a major problem for cottage owners in other communities, not just those three communities that I just mentioned.

The intent of the bill, as I said, was to clear up the land use policy issue in parks as well as developing a framework for the development of future parks. This, of course, stems from the Clean Environment Commission report on the Abitibi logging in Nopiming.

There is nothing in this bill that pertains to the Endangered Spaces 12 percent campaign that was carried on by the First Minister (Mr. Filmon). The government has not lived up to any of those commitments that were made to that program. There were a lot of expectations, I guess, that were left unfulfilled by this bill and if it passes will continue to be left unfulfilled.

In fact, Mr. Speaker, it appears that the promise of the 12 percent protected spaces was simply a photo opportunity for the Premier when he was travelling around on the canoe for a television ad. Perhaps the Premier, as he was paddling down the river on his canoe, was referring to the 12 percent

of something else. He certainly was not referring to endangered spaces.

Certainly, since the election, the commitment of this government to protecting the environment has been hazy at best. The government is given powers in the bill to ensure land is available for parks through expropriation, but it is unclear what will be done to resolve other issues such as aboriginal land claims, as in the Nopiming park area where the Sagkeeng First Nation has claimed an area that is being logged as we are speaking here today.

Unless progress is made on this and other claims, it would be pointless to redefine park boundaries. As well, there was a desire to put the classification and land use category schemes into the act instead of regulations as currently exists, Mr. Speaker.

Probably the two most contentious issues that people have in terms of defining what the purpose of provincial parks would be that purpose that deals with the multiuse of parks, including economic development; the other one, of course, is the different categories that the minister is proposing to include in the bill, one being the natural regions.

Unfortunately, the natural regions do not make a whole lot of sense as far as the environment is concerned because, as you go through the other parts of the bill, subsequent parts of the bill, other clauses will nullify or negate whatever might have been gained by the categorization of the different parks.

The minister says that this bill reflects—not only the Minister of Natural Resources (Mr. Enns), but we heard the First Minister (Mr. Filmon) this afternoon saying in this House that this Bill 41 reflects the 12 percent campaign, and he is quite sure that through this bill he is going to attain or achieve the objective of 12 percent protection. We believe, Mr. Speaker, that this is not the case. There is no mention, as I said, of the campaign, of the Manitoba government's responsibility to the production of endangered spaces, plants and animals.

The other concern that I have with this particular bill is—as I said, the classification of a certain park is not as important as the land use category which is designated. There is the chance that special interest groups will be able to put enormous pressure on governments, on the minister, to add

or remove areas to parks as the development of certain resources becomes more or less feasible.

I guess, in coming to a close, I would also say that the enforcement of this legislation will present the government, I am afraid, with enormous difficulties because for the past three years this government has been cutting back on the Department of Natural Resources. During Estimates last night, the Minister of Natural Resources admitted that his department had been affected quite dramatically by the budget cuts. However, he says, I support the government in its fiscal measures; but, he admitted, I am left with a department that over the last five years has received \$20 million less in this department.

So I wonder, with those kinds of cuts to this department, whether the minister can say with any degree of certainty whether the enforcement will be able to be carried out in the parks. It is hard to believe that if areas of parks are to be protected, that staffing will be adequate to ensure those areas are protected, Mr. Speaker. The enforcement aspects of the bill, as I said, are strong, but how will it be carried out when the minister has really nobody left in his department to enforce this legislation?

The other area I wanted to mention was the idea of having public parks. Parks belong to all people, to all citizens of Manitoba, and I guess the question I have is, are parks supposed to pay for themselves entirely? Is that why the government wants to phase in a cost recovery system for parks, as this bill suggests?

\* (1520)

We believe that eventually this government is going to be saying to the people of Manitoba that in order for you to enjoy the beauty of the parks, in order for you to be able to go camping or go paddling down rivers and lakes and so on, and do what it is you do in provincial parks, you are going to have to pay for it every time you want to do that.

So, Mr. Speaker, I want to close there now, and, as I said, I am grateful for having been given the opportunity to speak on this bill, and, again, I repeat we have some pretty serious concerns on the bill, and we will be looking to see if we can change some of the areas that are presenting a lot of difficulties for us.

Thank you for listening to me.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Point Douglas (Mr. Hickee), that debate be adjourned.

**Motion agreed to.**

### **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 Transcona (Mr. Reid).

**Some Honourable Members:** Stand.

**Mr. Speaker:** Stand? Is there leave that this matter remain standing?

**Some Honourable Members:** No.

**Mr. Speaker:** No? Leave is denied.

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I rise to support the principle of Bill 37, which will bring about a major restructuring and reorganization of the Manitoba Public Insurance Corporation. It is a bill that has been a long time in coming, and although we may have some specific concerns about details of the bill, generally I am rising at this point to state that the New Democratic Party, the official opposition, is in support of the introduction of a no-fault automobile insurance program in the province of Manitoba.

As some of you may recall, this was the major recommendation of Judge Kopstein when he issued his report in 1988. I must say I still cannot believe that the government and the minister have changed their position on it, because every time we raised the issue in the House or in committee, urging the minister and the government to move in this direction, we got a negative response—in effect, we are not able to proceed with it or we have too many questions, too many problems, and therefore we will not proceed with the no-fault scheme.

As a matter of fact, I suppose I could quote Hansard back to the minister, even of last year's legislative committee on Public Utilities when we

had the review of last year's MPIC annual report. That was in 1992, and the minister, in so many words, said, you know, over my dead body. He did not use those words particularly, but that was the intent. No way would he introduce a no-fault scheme. However, we are pleased he has seen the light and has proceeded to introduce Bill 37.

In some ways, we wish we had a little bit more time for this because it would be good to have had more public input, although I realize Judge Kopstein did get input from members of the public, but it would have been good to have more public input. I am sure there will be representation made before the committee of the Legislature that will be dealing with this matter in second reading.

I think it is important for us to remember the key philosophy, if I can use that, outlined in Judge Kopstein's report. This is very important. We are debating a very essential piece of legislation, Mr. Speaker, that is going to affect the general population of Manitoba. The member for Brandon West (Mr. McCrae) is talking about another item that is essential. Yes, it is, but we have before this Legislature at this time Bill 37.

Mr. Speaker, I wanted to touch a bit on Judge Kopstein's philosophy which is the basis really for this particular bill, because what Judge Kopstein did, in effect, was to reject the tort system as a means for settling these matters. He says in so many words that the tort system is simply not an appropriate method.

As a matter of fact, I could quote from page 92 of his report, where he states: The tort system is no longer an appropriate method of determining who shall be, and who shall not be, entitled to adequate compensation for bodily injuries sustained in a motor vehicle accident.

He rejects the tort system because it operates on a standard that does not recognize a normal human mistake. In other words, what Judge Kopstein said, and those others who support a no-fault system, is that accidents are inevitable, and an accident is just that—an accident. Ordinarily, usually careful drivers will often be found at fault because they did make a mistake quite innocently: a momentarily loss of concentration; or something that caused them to not see a particular red light, let us say the sun shining, the setting sun shining in the person's eyes, and accidentally went through a red light; commotion in a car; accidentally turning



the wrong way on a one-way street and so on. These happen to all of us.

All of us have made mistakes in driving our automobile, even though we are usually very, very careful, ordinarily careful, but nevertheless we do make mistakes. Under the present system, the fact is, though, that if you have made the mistake and, therefore, have been found at fault, in the present scheme we have, you have very, very minimal compensation, totally inadequate compensation for the at-fault driver, who is not a criminal type necessarily, who is usually an ordinary Manitoban who has made a mistake.

\* (1530)

Judge Kopstein recognizes that, and I am quoting Judge Kopstein where he says: Accident insurance which discriminates between those entitled to adequate compensation and those not so entitled on the basis of luck is not insurance; it is a game of chance with high stakes.

This is page 90 of position paper No. 2. He stated that the application of the concept of negligence or fault is fundamentally inequitable because, firstly, it can fail to compensate at all some who are entirely innocent of negligence.

The innocent party is often not compensated. That can happen because he or she may happen to, unfortunately, be involved in an accident with someone who has no insurance or who has inadequate insurance and, therefore, simply does not get compensated at all, or at least not to an acceptable level.

Also, he points out that it does not compensate those ordinarily careful drivers who, through momentary lapses, are negligent.

Mr. Speaker, I say that all parties in this Legislature should have no difficulty in proving the principle of no-fault insurance. Overall, it increases protection for Manitobans who have serious accidents, including those, as I said, who make a mistake in driving but, because they are at fault, have very minimal protection at present.

The tort system that we now use is based on the idea that the negligent driver must be penalized somehow and must pay the cost of injury. Normally, that cost of injury is through the third-party public liability insurance section of the present Autopac policy, but the fact is that the no-fault system that is envisaged in this bill is based on this premise that most accidents are

simply that, accidents, and that it is futile to penalize the wrongdoers.

Now, obviously, there are wrongdoers who break other laws. They may be drinking; they may be under the influence of drugs; or they may have broken provisions of The Highway Traffic Act. There are laws to deal with such people. I am not suggesting they are not dealt with with full justice, and I am not suggesting that for one moment.

In terms of compensation, particularly for loss of income and particularly for the protection of the family, the security of the family, it is simply that the system we have now is not adequate.

What I am saying, Mr. Speaker, is that because accidents do happen and often just because of a momentary loss of judgment or a momentary loss of concentration, that 50 percent of those drivers who are involved in an accident are found at fault. So half of Manitobans—I am perhaps simplifying here; I am putting aside those accidents where there is shared responsibility—but let us say we are dealing with people who are either at fault or not at fault. Basically, therefore, you are dealing with half of the population of this province, half the population involved in accidents and who are deemed to be at fault and, therefore, are receiving inadequate assistance if injured somehow at the present time. I am talking about bodily injury.

I just want to go on, of course, and then make obvious observation that we already have a no-fault system for vehicles. Forgetting about the deductible, which is really a minor amount, we virtually have a no-fault system for vehicles. We have a limited no-fault system for bodily injury, but what this bill does is bring forward and improve and enhance the no-fault bodily injury portion of the average Autopac policy. This is what I understand it to do.

In doing so, Mr. Speaker, we are making a major change in how we settle these matters. We are eliminating the tort system where you, unfortunately, tend to be very, very involved in very lengthy procedures, very lengthy litigation, and sometimes it takes four, five, six years for a settlement. In the meantime, the injured party may be suffering a great deal, or the family may suffer a great deal. There are horror stories of people who, even though they are innocent and are entitled to compensation, do not get that compensation soon enough; therefore, there is a great deal of suffering

on the part of the family. So we have a system now that is very, very tardy in dealing with settlement, and many years of delay in settlement.

Of course, there is another phenomenon we must mention. For those cases that go to court and even those that do not go to court where legal personnel or the legal profession is involved, it is normal for a 30 percent fee, a contingency fee to be levied by the law firm. In other words, if you were, let us say, awarded \$100,000, to use a round figure, by the court for an injury, normally 30 percent of that \$100,000 would go to the law firm, so that you end up with a net amount of only \$70,000.

Those are real costs, and I am not arguing whether any specific lawyer is worthy of that or not. I am just saying that is the way the system is, and the fact is, therefore, that it is contributing to the cost of operating an automobile insurance program in this province. So the system I see in this bill will avoid these unpredictable, lengthy and expensive delays. Instead it is going to provide compensation to anyone injured in a motor vehicle accident. As such, Mr. Speaker, it resembles a social benefit plan.

I regard this as an extension of social security for the people of Manitoba. I think it is an important step in enhancing social security for the citizens of this province. I do not know whether the minister realizes this or not, but my understanding is any Manitoban who is deemed to be a Manitoba citizen will be covered anywhere in North America if he or she is involved in a motor vehicle accident, even as a pedestrian and even if that person does not have Autopac insurance. So you are an ordinary citizen of Manitoba. You have no car, let us say. You have no automobile insurance, yet you are somewhere in the United States and you are hit by an automobile. Nevertheless, you are covered under this Bill 37, which I think is excellent and is an extension of security, in effect, for our people.

Also, Mr. Speaker, I see other elements of this that enhance social security. I say that it extends social security because those individuals who were not able to seek compensation through the courts, for whatever reason, will have an automatic payment made to them. Also, I recognize that people will no longer be able to seek compensation through the courts for their own particular case, and this is a deficiency of the bill. In other words, it does not allow for tailor-made compensation that a

court settlement can do, taking in all the particular circumstances of a particular accident.

What we have here, we are trading that off for a generalized improvement in compensation for people. So while some people will not get what they want, I think it is still wrong to continue a system for those who can find someone else at fault and get compensated. As I said, we all make mistakes at some time, and if you are found to be at fault, you are out of luck. Further, if you are at fault and you injure yourself, then certainly you cannot expect to be compensated adequately and this is wrong. This is what Judge Kopstein has stated in his report, and I agree with his observation.

So, in effect, what this bill does, this no-fault system that has been set up, it reduces the risk and fits well into the social justice goals I think we all share, where we would want to ensure we have adequate social security for the citizens of Manitoba.

I look upon this bill also, Mr. Speaker, as a step in the direction of a universal sickness and accident program similar to the one they have in New Zealand which is all-encompassing and virtually would not require any separate insurance for automobiles or would not require a workers compensation system or whatever. If you had a universal sickness and accident program that would be all-encompassing, you would take care of all these individual problems in a more universal way and perhaps a fairer way. I do note that they have such a system, and successfully operating, in New Zealand.

\* (1540)

Now, I appreciate the fact that the minister and the Manitoba Public Insurance Corporation have studied alternative plans, because alternatives have been proposed by others in the community. There have been proposals of having a threshold type of a system where you still go to court but you eliminate a lot of claims because you put up a threshold.

(Madam Deputy Speaker in the Chair)

Madam Deputy Speaker, that was rejected for a number of reasons. One of the reasons was that the threshold tends to erode over time. In other words, people may tend to exaggerate their claims or may find that they should be asking more rather than less in order to get above the threshold.

That system has been rejected, for that reason particularly. There may be some other reasons as well. You can have a verbal threshold as well. The problem with the verbal threshold, and Judge Kopstein refers to this in his report, is that it leads to even more litigation than we have at the present, arguing before the courts as to exactly how bad the injury was and whether it was sufficient that there should be consideration for compensation and so on. That was rejected as well as being unsatisfactory.

There is another system that has been looked at and that is a deductible system. It could be either a pure or a noneconomic deductible. By noneconomic deductible, I am referring to deductibles for pain and suffering, which is deemed to be of a noneconomic category.

So my understanding is that MPIC studied various alternative plans and finally recommended this system, which was in Bill 37, as being the fairest and most cost-efficient. I note, by the most cost-efficient they are also able to provide a greater level of benefits than would have been possible either through a threshold system or a deductible system. So that is something that is worthy of note, Madam Deputy Speaker.

I want to state, if I have not already, that I appreciate that there can be some drawbacks in a no-fault system, and I guess I did mention this earlier, that the no-fault system is designed to accommodate all claimants as efficiently as possible, but it is not geared to individual circumstances of the claimant. Although the schedule of compensation established may seem to be fair and general, it will inevitably fail to take into account all of the individual differences in claims.

Of course, there is no compensation in the program for pain and suffering, and many people may be very unhappy about that, but it is very difficult to draw the line in pain and suffering. Either you have compensation for pain or suffering or you do not. This, of course, is where a lot of the litigation comes in, to what extent is the pain real and to what extent is a person suffering.

At any rate, I note that there is a proposal put forward by the legal rights network for a no-fault deductible plan, and it has been looked at by various people. What they are proposing is a deductible applied only to noneconomic loss.

Without going into all of the details and giving you examples, I would simply say, it tends not to be satisfactory because the deductible system tends to erode over time, and you have to continually adjust the deductible. Furthermore, it continues the existing adversarial tort system which Judge Kopstein rejected as being adequate for the settlement of Autopac bodily injury claims.

So, Madam Deputy Speaker, just to recapitulate on some of this, the principle of the proposal considered by MPIC and the deductible scheme put forward by organizations such as LERN and others who talk about a deductible scheme was rejected because they deemed it would not be equitable to all claimants because some claimants would have more serious injuries than others and could suffer a greater loss of compensation than those with relatively minimum claims. As I said, the level of claims tends to build up to offset the deductible. Also, it has been observed, and I think in some analysis done by MPIC, this kind of a system does not provide the same generous level of compensation for the at-fault driver that Bill 37 proposes.

Having said that, Madam Deputy Speaker, I want to make it clear we would like to have more time, rather than less, to discuss it and to involve the maximum amount of public input for suggestions and recommendations.

While we support the principle of the bill, there are elements of the bill we would like to see changed. We want to offer these proposals, offer these amendments, in a positive way. I want to see the bill improved. I want to see the bill approved. I do not want to see it dragged down. I do not want to see it watered down. I want to see it strengthened. [interjection] Yes, I would consider them to be friendly amendments, although it depends on your interpretation perhaps. It depends on your interpretation maybe or your understanding of what may be friendly.

Just to use one example, Madam Deputy Speaker, there is a requirement that there be a waiting period for income replacement. I believe the bill says 10 days, a 10-day waiting period for income replacement. Frankly, I consider this to be far too long. This should be reduced to a few days. You could even argue it should be reduced to zero, but surely it should not be that long. You should not have to wait that long for some income replacement. There are other amendments we

would like to propose, as well, that full disclosure be required at all stages, including the claims adjustment review and appeal.

We also wonder whether there should not be some kind of an advocacy system set up similar to that which exists with the Workers Compensation Board setup, where you have an advocate program to help claimants who wish to appeal to the appeal commission.

As the minister has explained, people who are not satisfied with the decision of the adjuster can go to an internal review mechanism, but if they do not like the internal review mechanism's findings, they can then go to an independent appeal body, which I understand is going to be responsible to the Minister of Consumer and Corporate Affairs (Mrs. McIntosh).

Nevertheless, we are concerned that some clients may not be in a position to put forward their appeal to the extent that they should be able to. Therefore, we should give some consideration to an advocacy program.

Then there is the whole question of establishment of the appeal commission. How do you establish an appeal commission that is truly independent and is made up of professional people who can use their best judgment and use their wisdom to adjudicate on appeals? It is a matter of finding good people, and then the question is, well, how do you find those good people, and how do you go about appointing them? Should they be appointed as recommended in the bill, or should there be some other method?

Another suggestion is perhaps there should be a statement of purpose or interpretive clause in the bill focusing on the provision of compensation regardless of fault. This was a suggestion made by the Legal Aid Manitoba people, the public interest section of Legal Aid Manitoba, and that is something worthy of consideration as well, that the benefit—[interjection] Okay, well, so be it, but as I said, these are meant to be positive suggestions.

\* (1550)

Another one is there should be a clause inserted stating that the benefit of the doubt should favour the claimant and not the corporation. You should think about that one for a moment.

Another area that is probably more controversial is with regard to appeals. The legislation now limits appeals to the court. It does not state which court.

It does not state whether it is the appeal court or the Queen's Bench court. It just says appeals to court. It is limited to appeals of law only, and I note, Madam Deputy Speaker, that Judge Kopstein, in his report, recommended an appeal procedure both on fact and law. Therefore, that should be considered as well, that we should allow an appeal to the court.

I would imagine that a lot of these courts would be more involved; if they got into matters of fact, they would likely relate to issues such as whether Autopac's rating of impairment was appropriate within the categories permitted or whether the discontinuation of disability benefits on a finding of fact that the claimant had recovered was justified, or the whole question of pre-existing conditions. You can think back to the Workers Compensation system and all the complaints that I think all of us have received as individual MLAs. [interjection] No, as I understand it, you cannot appeal to the court from here. However, this is something that we should consider, and we, therefore, want to put this forward. We are likely to put this forward by way of amendment.

There was another suggestion made by Legal Aid Manitoba that we should have an amendment in the bill. It would be a statutory requirement for a review by the Public Utilities Board in—I think, they said three years—three years' time where it would receive representation and do an assessment of how this new system was working, how it had been working and what suggestions might be coming forward to improve it, change it in some way or other. That is something, I think, that is quite reasonable, and that is something that perhaps should be put in the bill. I think it does show that the government is quite prepared to review the whole system after three years' experience.

I think it could be argued, well, the minister will get a report every year from MPIC, and I think the Minister of Consumer Affairs (Mrs. McIntosh) will be getting a report on the appeals commission as well. So perhaps there can be debate here and governments can make changes anytime anyway, I am sure. You do not have to wait for three years.

Nevertheless, if you knew that you were going to have this major review in three years, it may be good for MPIC and for all of us to know that we will take a serious look at the setup at that period of time.

There is some concern also about the treatment of senior citizens, whether we should not have amendments to accommodate people who may work past 65. Now, I believe there is some misunderstanding on this because I believe you do get compensated if you are working beyond 65.

Let us say you are a physician working at the age of 75, and you had an accident and you are entitled to income replacement within the guidelines. Then you would get 100 percent for the first year, but then it would scale down, I believe, 25 percent a year over a period of three years, which is the case for everyone. So maybe that is not as great a concern as some people first envisaged.

There has also been some expression of concern about opportunities for pension building by people who would normally be self-employed and young earners who somehow or other are prevented from being back at their work and are losing on that score as well. So we should consider those aspects as well.

There is a question about section 177 about the chair being able to make a decision if there is disagreement. Maybe that is just a matter of interpreting the wording, and maybe it is a misunderstanding on that.

The whole question of clarifying the legislation's intent, perhaps there should be something beefed up in the preamble.

I have given some examples of some types of amendments I think we should be looking at. There are, indeed, many others that could be considered.

Madam Deputy Speaker, could you tell me how much time I have left?

**Madam Deputy Speaker:** The honourable member has seven minutes remaining.

**Mr. Leonard Evans:** I was going to state that—at one point I was going to ask for unlimited time as the designated spokesman for the opposition, but I would not tend to go on for many hours. I may go a bit over the time limit.

At any rate there are people who are indicating to us—Manitobans who have looked at the bill and have raised some concerns as to the fairness of it. So I think that is the challenge to this House.

I would hope that there would be unanimity on the agreement on changing the system to the no-fault program that is outlined in Bill 37, but that

having agreed to this principle and moving it on to committee, we then seriously look at some changes that will improve the legislation.

There is a great deal of concern, I know, on the part of some, whether the indemnities proposed for students, both at the secondary level and the post-secondary level, are too low. There is concern about that.

There is concern about definitions of incapability, definitions of regular employment. People are concerned about other phrases in the legislation with regard to income replacement sections. These are legitimate concerns, Madam Deputy Speaker.

If, for example, a person is temporarily laid off of work and may be getting CPP disability benefits, does laid off for any reason apply? This may be a rather technical thing, but my understanding is that the corporation will deduct CPP disability from the amount but would not necessarily deduct other forms of disability insurance, particularly that which was bought privately. They would be allowed to add on.

Although, I understand it is possible that the private insurer may take care of that. In other words, if a person did earn an income of about \$55,000 and decided to take out additional insurance, it is quite possible that the private insurer, the insurance company, may deduct from the policy payment the amount that the victim was getting from Autopac. Autopac would not do that, but it is possible—[interjection]

Well, I do not know but I was told—because, you see, this was the concern—we are going to deduct CPP disability from your income replacement, but we will not deduct the private insurance.

I can see the argument for not deducting the private insurance because the person has gone out and he has bought that insurance, and that is it. But I was given a response that, well, even though you might do that, you may find that some insurance companies, at least some, may decide that they would deduct the Autopac payment from whatever was deemed to be payable from the private insurance scheme.

There have been concerns also—some people have told me, well, why set a \$55,000 limit. Madam Deputy Speaker, \$55,000 incorporates 90 percent of the people of Manitoba, 90 percent of the wage earners of Manitoba. Nevertheless, there are

some people who are just above it, some people who are technical tradesmen, professional people and so on. Why should we have any limit whatsoever? Why should we not say, we will compensate for 90 percent of your net income whether you are making \$55,000, \$30,000, \$60,000, \$70,000, \$80,000 or whatever amount? That would be much fairer.

\* (1600)

There are great concerns about staff in the corporation having a great deal of power over deciding matters of whether or not you are able to go back to work, just as there are these concerns now with the Workers Compensation Board. There is the whole question of vocational rehabilitation. Should this be a mandatory right? As Bill 37 now stands, it provides a discretionary approach which is completely controlled by MPIC.

Madam Deputy Speaker, there are many, many other questions we have and many, many other suggestions we would therefore have to amend the bill. I know it is not appropriate for me to go into the details at the second reading stage. I know we are discussing it in principle, but I am trying to make the point that the New Democratic Party wants to ensure that we have as fair a system as possible. We want to ensure that Manitobans are treated fairly.

I think and I hope that if we follow the experience in the province of Quebec, which this is a copy of—it is my understanding this is a fairly close copy of the Quebec plan—that most people tend to be satisfied with that. It has been operating now for 12 or 13 years, and it has proven to be successful in terms of satisfying people for their compensation claims and also successful in holding down costs.

Let us face it, Madam Deputy Speaker, without this type of major change, I am convinced that Manitobans are going to continue to look at very dramatic increases in their Autopac premiums. The people of Manitoba do not want continued dramatic increases in their Autopac premiums. As we all hear about this—

**Madam Deputy Speaker:** Order, please. The honourable member's time has expired.

#### Point of Order

**Mr. Leonard Evans:** On a point of order, about 10 minutes ago I was indicating that I was the designated speaker.

**Madam Deputy Speaker:** Order, please. I have been informed that the custom of the House is that the Leader of each of the parties assigns who the designated speaker will be in writing to the Speaker in advance of when the bill is being dealt with. I have no notification or anything in writing on my desk.

**Mr. Steve Ashton (Opposition House Leader):** Madam Deputy Speaker, you are quite correct in terms of the rules, but the member did ask for leave and previously it had been agreed. I would ask perhaps if we might just ask again if there might be leave for five minutes.

**Madam Deputy Speaker:** Is there leave of the House to permit the honourable member for Brandon East to have an additional five minutes to complete his remarks? [agreed]

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**Mr. Leonard Evans:** Madam Deputy Speaker, well, as I said, obviously one of the driving motivations of this bill is the fact that it has not been possible to contain rapidly escalating Autopac costs as reflected in rapidly escalating Autopac premiums. The fact is that Autopac is not a profit-making organization. The rates that it charges reflects the cost of operating the system. While there have been costs escalating across the continent because of rising costs of autobody repairs and bodily injury claims, especially bodily injury claims, the fact is that those costs have been reflected in ever increasing premiums.

The people of this province wanted some action. They wanted the government to get a handle on this. In 1988, the previous government tried to get a handle on it by appointing Judge Kopstein. Judge Kopstein came down with this report, and he made many excellent recommendations. Many of them have been implemented. The No. 1 key recommendation had to be this recommendation of eliminating the tort system and bringing in a no-fault system because it was simply more just. That I think was his prime reason, that it was a more just system than the present tort system that we have, that it would treat more people of Manitoba fairly and increase the social security of Manitobans, the breadwinners in the families.

So that was the key rationale, but, also, he did point out that there would be a considerable saving to the motoring public, there would be considerable saving to Autopac in the millions of dollars. There

have been various numbers reported, \$40 million, \$50 million, \$60 million depending on how you do it, so there would be a considerable saving and then that saving, a good chunk of that, could be used for improving the general benefits for people whether they are at fault or not at fault.

Regardless of the motivation, Madam Deputy Speaker, we are pleased that the minister has brought this bill forward for consideration. It is our intention to expedite it as much as possible, but as I say, I want to repeat again, we want to make sure that the bill is as fair as possibly can be, and for that reason we will be bringing forward a number of amendments. I would hope that in due course the government would give them due consideration and may even find their way to supporting, if not all, certainly some of them.

As I say, we are making those recommendations in a positive spirit to try to make the bill even stronger and fairer to the people of Manitoba.

**Mr. Nell Gaudry (St. Boniface):** I move, seconded by the member for Inkster (Mr. Lamoureux), that debate be adjourned.

**Motion agreed to.**

#### **Bill 40—The Legal Aid Services Society of Manitoba Amendment and Crown Attorneys Amendment Act**

**Madam Deputy Speaker:** To resume debate on second reading, Bill 40 (The Legal Aid Services Society of Manitoba Amendment and Crown Attorneys Amendment Act; Loi modifiant la Loi sur la Société d'aide juridique du Manitoba et la Loi sur les procureurs de la Couronne), on the proposed motion of the honourable Minister of Justice (Mr. McCrae), standing in the name of the honourable member for Wellington (Ms. Barrett).

Is there leave to permit the bill to remain standing?

**An Honourable Member:** No.

**Madam Deputy Speaker:** No?

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**Mr. Steve Ashton (Opposition House Leader):** I would just like to ask the acting government House leader if we could have leave to call Bill 44 first.

**Hon. Darren Praznik (Deputy Government House Leader):** Yes.

**Madam Deputy Speaker:** Is there agreement to call Bill 44? [agreed]

#### **Bill 44—The Alcoholism Foundation Amendment and Consequential Amendments Act**

**Madam Deputy Speaker:** To resume debate on second reading on Bill 44 (The Alcoholism Foundation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Fondation manitobaine de lutte contre l'alcoolisme et apportant des modifications corrélatives à une autre loi), on the proposed motion of the honourable Minister of Health (Mr. Orchard), standing in the name of the honourable member for Burrows (Mr. Martindale). Is there leave to permit the bill to remain standing?

**Hon. Darren Praznik (Deputy Government House Leader):** Madam Deputy Speaker, if I understand the intention of the opposition House leader, if what he is requesting is leave to allow the member for Point Douglas (Mr. Hickes) to speak and then the member for Burrows (Mr. Martindale) to speak, we would grant leave for that but not to leave the bill standing in his name for another day.

**Madam Deputy Speaker:** Order, please. It is my understanding that we cannot give leave conditionally. We either give leave or deny leave. What is the will of the House? Is there leave of the House to permit the honourable member for Point Douglas to speak first, followed by the honourable member for Burrows? [agreed]

Okay, leave has been granted.

**Mr. George Hickes (Point Douglas):** Madam Deputy Speaker, we just want to add a few remarks on this bill before we pass it into committee, because on surface it is only a very minor change where they are changing the wording of The Alcoholism Foundation Act to amend it to read Addictions Foundation.

\* (1610)

If this is a way of dealing with the problem we have with solvent abuse addiction, I do not think it has been that well thought out. There is nothing in the bill that states that there will be additional support programs and proper training for the individuals that now have the experience to deal with alcohol addiction but do not have the experience of dealing with solvent abuse problems, because they are so different. When you have an alcohol problem, it is not as detrimental to one's brain cells as is the sniffing of solvents. It is a

whole new area that has to be investigated and looked into very, very closely.

When you look at the issues pertaining to northern Manitoba, where the communities have been asking for a northern solvent abuse treatment centre, and if this is a way of addressing that, I think it has to be looked at very closely, because for one thing, when you talk about the staff that are there now, they are dealing with mostly alcohol-related problems that pertain to the individuals that are seeking that kind of help.

If you check any alcohol treatment centre in Manitoba, you will know that there is already a waiting period, there is already a waiting list. On top of that, if you are going to be asking those centres and the staff to take on additional problems, when you ask for the staff to start looking at treating solvent abusers, I do not know, we are going to create a lot of problems that will not be addressed by this bill.

So I hope it is only a name change. If there is going to be added responsibility to the centres dealing with solvent abuse, I hope the government will put proper dollars in place for proper training and for additional staff to deliver the appropriate training.

When you look at Alcoholism Foundation centres across Manitoba, most are operated under a 21-day and a 29-day program. What normally happens is, when an individual goes to the treatment centre, you are in for a seven- to 10-day detoxification program, and then you go into treatment. When you look at what happens after you leave the treatment program and into your own home community, there are not too many communities in all of Manitoba that do not have a support program in place through the Alcoholics Anonymous program.

When you leave a treatment centre because you feel so secure and you are so protected and then you are back into the environment where you had the problem and a lot of the issues pertaining to abusing alcohol, you need that strong support from fellow Alcoholics Anonymous members to help you to overcome some of the real rough times, because it takes a minimum of at least two years working and going to meetings in order to get a real grasp of what the program is all about. Without the real grasp of the program, it is hard to make the changes in your life and your lifestyle in order,

hopefully, to become a better citizen and, hopefully, to be in a position to contribute something to the community and the province you live in. It takes a minimum of at least two years to get an understanding of that.

When you are in a treatment centre for, well, they vary from 21 to 29 days, what it is giving you is a new way of life that is totally foreign to most individuals who go into a treatment program. You have to make so many adjustments that you have to be willing to make when you leave that centre. When I talk about that, it is a whole new way of life, a whole new circle of friends. A lot of your friends that you had previously because of your weakness at that stage, you really cannot associate with them until you become stronger to handle the—I am not sure exactly what word I am looking for here—but to handle the attractiveness of all the fun times that you experienced or you thought you were having at that time. It takes such a long period of time.

The reason I am saying that is because if you look across Manitoba right now at the programs that the Alcoholism Foundation have set up throughout the province of Manitoba, it is extremely valuable and such a good program. It has changed so many people's lives and the families of those individuals that it would be—well, it would be criminal to water it down to such an extent that the staff are so spread out and so stressed out trying to deal with an addiction that they are so foreign to and will not be able to give the proper support and the help to the families that they will do no justice.

If you look at, I would say 99 percent of your counsellors in the Alcoholism Foundation programs are struggling alcoholics themselves that have recovered and now are wanting to give back something of their own self back to the mainstream of society. If you ever have been in a treatment centre, when you talk to the counsellors they always relate what you are trying to say to their own life experiences, and it is so valuable when you are trying to get an understanding of what step that you are trying to relate and trying to understand.

They explain it in everyday language. They do not use big fancy words and they say, well, this is what happened to me. That way you are able to relate and understand what that step is trying to say and for you to understand what that step means to you to help you overcome the problem that you are facing. It is a problem that never goes away, Madam Deputy Speaker. As long as you draw a



breath of fresh air and as long as you are alive, you are faced with that problem. I would not say everyday, but you are faced with it. You never know when it will creep up on you and if you do not have a good understanding and the strength, it is very, very easy to fall back. So I hope this is not going to be the answer or supposed to be the answer to the problem we face with solvent abuse.

By adding addictions, this addictions foundation, it could be easy for the government to say, well, we have addressed the problem of solvent abuse by the foundation's being able to work with the solvent abuse people. If that is the case, I hope the government will put in the proper support systems, proper training programs, but not to try and have the counsellors that are working in those centres to be counsellors to all addictions and all the programs that we are facing.

\* (1620)

Few will know the real impact and real effects that pertain to solvent abuse. They will have more of the expertise in the alcoholism area, and if that is the case, if that is how the government is going to address solvent abuse problems, that is one way of doing it without having to build additional centres. If that is the route that they are choosing to do, I would encourage them to look at proper treatment and proper training programs to make this new additional staff have the tools to do the job in a proper fashion, because it is such a serious issue and it affects the whole family. If anyone has lived with or has a family member that has or has had any addiction problems, they will know what I say, because it is sad to see the individual, but it is even sadder to see the negative impact it has on immediate family members.

When you see a person who is recovering and is willing to work towards addressing their addictions and to see the immediate and long-lasting impact it has on family members and close friends as they develop over the years, it is very rewarding and nice to see, and you will see that a lot of those individuals will contribute greatly to society, to their families, and very rarely you will see those individuals get into any kind of problems

Well, I should not say problems, but to get into problems with the law and stuff like that, because a lot of times when those individuals had those kinds of problems with the law and stuff they were inebriated or under the influence of whatever,

whether it was drugs or alcohol or what have you. Once that is removed and the proper support system is in place, a lot of times those individuals surge forward and they make a complete turnaround, and they do eventually gain respect in their communities and with their communities and within their own family settings.

We all know that solvent abuse is a very serious problem now. It is even growing worse and worse. I listened to all the briefs that were presented on Bill 29, and a lot of the individuals that were coming forward describing the frustrations, the anxieties, the hurt and hardship that they had seen as workers, and even some as past solvent-abuse sniffers.

The individuals that talked about that said that they had to overcome it on their own. Some of the individuals who are now working at—one individual, in particular, anyway—was working at a youth centre and said: I feel so sorry, and I feel so much for the youth that come in here under the sniff, because I know what they are doing because I did to myself.

That is the real strength of the Alcoholism Foundation, that they are able to pass on their experiences and their knowledge. It is amazing to see how much they really care about the people that they are trying to work with.

Madam Deputy Speaker, just in my closing remarks, I would just like to caution the government that, again, if this is going to be tied in with the solvent abuse program, I hope they think it out very carefully and make sure that they consult with the people, consult with the workers and the staff at the Alcoholism Foundation centres across Manitoba and discuss with the staff the appropriate way of incorporating solvent abuse addiction to narcotics and alcohol abuse.

I mentioned, and I will have to mention it again, that it is a totally, totally different set of circumstances. Without the proper funding and the proper training in place, you are going to burn out, and you are going to be losing so many excellent staff that have been there for years and are so committed to their great interest and great knowledge in the alcoholism field. You will burn them out, and you will lose too many excellent counsellors that we have had that have helped thousands of people across Manitoba.

So I hope this is not just a change of words to say that the government is seriously addressing solvent abuse. I was sorry to see some amendments that did not go through in Bill 29, because there were some amendments that came forward from the presenters that were very valuable, that were dealing specifically with making it tougher for individuals to sell solvent abuse to individuals.

The punishment of youth of abuse, instead of treatment, they kept saying that there needs to be adequate treatment, not punishment. We heard that from every presenter, I was there, over and over again. I was sorry to see that those amendments did not come forward.

So I look forward to seeing what this change will do. I hope it is looking at solving the problem that we face today with solvent abuse because, as I said, the foundation, the way it is set up, offers so many valuable programs and has changed so many lives of Manitobans to become better citizens for the province that we all live in. With those remarks, I thank you for the time.

**Mr. Doug Martindale (Burrows):** Madam Deputy Speaker, the government House leader (Mr. Manness) will be pleased to know that I am the last speaker on Bill 44, The Alcoholism Foundation Amendment and Consequential Amendments Act, and then we are prepared to pass it to a committee.

Alcoholism and the treatment of alcoholism is something that I have some small knowledge of, having been a fifth-step counsellor for people who belong to AA, and I always viewed it as a privilege and an honour to listen to those individuals who came to my office in my capacity as a minister to unburden themselves and to confess all the things that they had done to hurt themselves and their families as part of their 12-step program. It was really very, very interesting and educational, in addition to being an honour and a privilege to listen to those individuals confide in me as someone that they trusted to keep confidences. I am going to talk a little bit later about the Confidentiality clause of this bill.

\* (1630)

I also helped two new groups, an AA group and an AI-Anon group, to get started in a church that I was minister of. They were very appreciative of that, and they invited me to their open meetings. If anyone has not been to an AA open meeting or an AI-Anon open meeting, I would recommend that

they do so, because it is very beneficial to hear the stories that people tell and to see people supporting one another in the fellowship of AA. They put a lot of emphasis and stress on the fellowship of AA so that they as individuals are able to continue as abstinent individuals and to provide support to others who are abstinent.

The first summer that I came to Winnipeg I took a course from the Alcoholism Foundation in Manitoba on alcoholism and native people. The leader of that course was Mr. Earl Duncan, and it was quite fascinating to be part of that course. I believe there were 10 students, of whom seven were native and three were nonnative; and, of that group, eight out of 10 called themselves alcoholics. They were dry alcoholics, but nonetheless they still called themselves alcoholics.

I still run into those people from time to time. One of them is on the staff at the Native Alcoholism Council. One is an elder that I see in the community from time to time, and it is good to keep in touch with those people. It was a very educational course to be in a classroom for eight hours a day for a week, and to learn a lot about the disease of alcoholism, and to learn about its treatment, particularly as it applied to aboriginal people. I hope that they are still teaching that course for people in the community, particularly for educators and people in social services and police forces, et cetera. In fact, it was quite similar to a course that I took at the Calder foundation in Saskatoon, which is an institution for treatment and education.

The name change is actually a good one. We support the change in name from the Alcoholism Foundation to the Addictions Foundation because, as we know, there is more than one kind of addiction in our society. We have heard the member for Point Douglas (Mr. Hickes) talk about the need for solvent treatment, and I would like to speak briefly to that. We also know that there are many, many drugs that people become addicted to, which the Alcoholism Foundation is already helping people with through their drug treatment programs.

But I guess the latest kind of addiction that our society is forced to deal with is addiction to gambling. I assume that the minister responsible for the Lotteries Foundation has had some input and say in this bill so that until now, the Alcoholism Foundation, and becoming the "addictions

foundation," will help with the treatment of people who are addicted to gambling.

Certainly, the minister has indicated she is going to put some money into this, and I presume that is where the money is going to go. I have been doing a little reading on this; for example, I have read *The Treatment of Problem and Pathological Gambling in New Brunswick: Approaches to Establishing Services*.

This is a study by Rachel Volberg. I believe the same consultant that the minister responsible for the Lotteries corporation in Manitoba used to study gambling addiction in Manitoba.

The statistics and the definitions of the different kinds of people who are addicted are really quite interesting, because in the New Brunswick study, they discerned from doing surveys that problem and pathological gamblers make up 6 percent of the population. Of that, pathological gamblers are 4.5 percent.

So if you apply those stats to Manitoba—and I am sure that the stats are probably similar; they are no doubt at least in the ballpark—and if you round off the number of residents of Manitoba, if you assume for a minute that there are only a million people in Manitoba, and I believe there are more, 6 percent would be 60,000 people.

Well, if 60,000 people are either problem or pathological gamblers, then our society indeed has a very serious problem that the minister responsible for the Lotteries corporation must address and must put some resources into. Similarly, if 4.5 percent are pathological gamblers, then that is 45,000 Manitobans who are pathological gamblers.

This is a very, very serious problem indeed, because we know that when people have an addiction, and particularly in the case of gambling addiction which, like drug addiction and similar to alcohol addiction, requires the spending of a lot of money to support one's habit or one's addiction. So we may have 45,000 or 60,000 people there with a very serious problem, who are going to lie and who are going to cheat and who are going to steal in order to support their particular habit.

We already have a very serious problem in our society with people who do not want to obey the laws of this province and who want to commit break-and-enters and things like that. Now we have a new group in society who are, of course,

being enticed by government advertising to spend more money in the bingo palaces and in gambling of all kinds. The opportunity is becoming more and more available and, with it, the social consequences.

**Hon. Donald Orchard (Minister of Health):** Would you shut them down?

**Mr. Martindale:** Well, the Minister of Health asks if I would shut them down. I am not in government; that would be the government's decision.

I would say that probably, for better or for worse, we are stuck with the existing situation. The question is: Are we going to expand them or are we going to put a halt to expansion? This government has chosen to greatly expand the opportunities, and the result is that they are going to greatly expand the number of people who are problem and pathological gamblers.

#### Point of Order

**Mr. Orchard:** Madam Deputy Speaker, I wonder if the member for Burrows (Mr. Martindale) might want to comment on some of his confreres from other provinces and their approach to opposition.

**Ms. Becky Barrett (Wellington):** Madam Deputy Speaker, I would suggest that the Deputy Speaker might want to call the Minister of Health (Mr. Orchard) to order, because we are discussing a very important issue that he has some professional interest or should have some professional interest in, and he might learn something if he listens quietly in his seat.

**Madam Deputy Speaker:** Order, please. The honourable Minister of Health nor the honourable member for Wellington had a point of order.

\* \* \*

**Mr. Martindale:** Madam Deputy Speaker, if the Minister of Health wants to do something, perhaps he could do something with the task force on drugs whose final report from the Minister of Education (Mrs. Vodrey), who is chair of that task force, is sitting on his desk, has been sitting on his desk for at least a couple of years, and this minister is not doing anything with it.

We would be pleased if the minister would release this report and make it public. We are still wondering what it says. We are wondering if this government is ever going to act on it, if they are ever going to do anything about it. We can only

speculate as to why they are not doing anything. Perhaps it is because in their original press release they wanted to declare a war on drugs, and then the committee members went around and had public hearings. I attended one of those public hearings at the Freight House. My recollection is, the people who made presentations to that task force said that the most serious problem in their community was alcohol, not drugs.

I can only speculate, because the Minister of Health will not release his task force on drugs report, but perhaps that is what they heard around the whole province, that alcohol addiction was the most serious problem everywhere, and since they could not build a case for a war on drugs, the Minister of Health is sitting on the report. He is suppressing the report. He will not make it public.

They start off with great fanfare, and they do a good thing. They appoint a task force and they have public hearings, which was a good thing. Many people came forward and presented briefs to this task force. I am sure the task force were diligent in their job and wrote a good report, but we will never know. We will never know whether it is a good report or a bad report or what they recommended to the government, if anything, or if the government plans to take action and do anything about the task force report on drugs, because they have never made it public.

This government has blown an opportunity to do something good probably because it did not fit their preconceived agenda. Perhaps it was just an election promise that they had to fulfill in a token kind of way. The Minister of Health does not even want to defend his lack of action in this area.

We also know that another area that this government could be taking some action on is setting up a treatment facility in northern Manitoba for victims, for individuals who have a problem with solvent abuse. We know there is treatment available at the St. Norbert centre and at Sagkeeng First Nation.

In fact, we heard an excellent presentation by one of the solvent abuse councillors at the committee stage of the sniff bill of the Minister of Justice (Mr. McCrae), a young man by the name of Tim Henderson that I knew. He used to be an employee on our staff, and he made an excellent presentation. He talked about the fact that many young people from northern Manitoba have to go

down south to Sagkeeng First Nation to get treatment, and he recommended that there be a treatment centre in northern Manitoba. The Minister of Health does not seem to be taking any action on making this a reality.

**An Honourable Member:** Tell the truth, Blackjack.

\* (1640)

**Mr. Martindale:** Well, we would be happy to have the minister speak on this bill and put on the record what action he is taking to bring about a treatment facility in northern Manitoba.

Since I am not going to be speaking very long, Madam Deputy Speaker, I would like to talk about the confidentiality aspect of this bill. I know we cannot refer to clause by clause because we are speaking in principle, but this would seem to me to be a positive addition to this bill or to the act itself, because confidentiality is very, very important to anyone in any helping profession, particularly to people in a treatment facility. People who are involved in education or treatment may in the course of their work or by being on the board or an employee of any kind of the soon-to-be-called Addictions Foundation—confidential information about people there either there for an educational course or a treatment program, and it is very, very important that people do keep confidences. So I think it is a good idea to put that in the act. Certainly it should encourage the staff to follow, what I assume, is already written policies about confidentiality, and hopefully it will assist the public in reaching out and getting treatment.

I remember when I was at the Calder Centre [phonetic] at an educational program, we were told that women who abuse drugs on average abuse drugs for 11 or 12 years before they seek treatment. So anything that inhibits people from seeking treatment needs to be removed, and anything which encourages people to seek treatment should be put in place. I would hope that a confidentiality policy which is put in the act is the kind of thing that would encourage people to seek treatment and seek help.

We know that there is a problem. A lot of people are going out of province to seek help. Maybe that is the reason. Maybe they are afraid that if they seek treatment in Winnipeg or somewhere in Manitoba that somehow people in the community

will find out that they have sought treatment, and so they go to Minnesota or they go somewhere else.

Just recently, I was talking to parents whose daughter went to Yorkton, Saskatchewan, for treatment. I did not know they had a treatment facility there, and I was quite surprised that people had to go out of province for addictions treatment. So maybe there is a need to improve facilities here in Manitoba. I do not know enough to recommend that, but we would hope that people could stay in their own province to get treatment.

The final part of the bill has to do with immunity from prosecution for anyone engaged in good faith in the performance of their duties. This would seem also to be a worthwhile thing to add, so that people who are involved in either education or training do not feel that what they say or the advice that they give is in any way inhibiting them or is jeopardizing their job because someone might choose to sue them.

So with those few remarks, Madam Deputy Speaker, we are prepared to see this bill pass today. Thank you.

(Mr. Speaker in the Chair)

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, we too would like to see this bill pass into committee at this point in time, so I will be the only speaker coming from our caucus.

I wanted just to comment somewhat briefly in terms of what it is that the bill is going to be doing. The most obvious, of course, is in fact the name change, thereby also having changes in terms of the mandate which is going to be expanded to include other addictions. It has been pointed out in terms of drug and solvent abuse and, more recently, from the Minister of Lotteries (Mrs. Mitchelson), the Minister of Health (Mr. Orchard) with respect to the addiction and problems with gambling.

I think that each and every one of us could probably go through a number of examples dealing with addiction to alcohol and, no doubt, a significant number of individuals that have been involved with the antisniff legislation that has been introduced and supported first from the New Democratic Party, which all three political parties did in fact support the initial bill and the legislation that we now have before us. So it has brought in a sense of awareness or that much more of a sense of

awareness up inside this Chamber. At least I believe it has, Mr. Speaker.

The third issue which I had made reference to is the one of gambling, and gambling is something that I have had ample opportunity over the last year, year and a half, to talk a considerable amount about. I think that is, in fact, going to be a growing problem, and it is good to see in one sense that the government has finally acknowledged that there is going to be a problem with that.

Hopefully, with the broadening of the mandate of the Alcoholism Foundation, we will see the resources that are going to be necessary in order to deal with the many different addictions that are out there. I think the member for Point Douglas (Mr. Hickes) when he was commenting in terms of exhaustion of counsellors and so forth—and by increasing the mandate, you are definitely going to have a significant increase in demand. Hopefully, as I say, the government will see fit to ensure that that demand is, in fact, going to be met, for the simple reason that this foundation and organizations, support groups that are out there, are of benefit to society and, in fact, can save the taxpayer future dollars.

Another aspect is dealing with the confidentiality provision, which, again, I think, goes without saying, at least in part, that you need to have that confidentiality in order to get, in many cases, to the root of the problems, and that confidentiality must be respected.

The third part of it does protect the employees of the foundation itself, which, again, is something that we do support because the employees are put into a position of trust, and individuals at times do make mistakes. As long as you have employees of the foundation following the regulations and laws and doing what they can in good faith to maintain the integrity of the organization and the question of confidence and so forth, I think it is the most that we can ask from any given employee.

Mr. Speaker, with those very few words, we are quite prepared to see this bill go to committee.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 44, The Alcoholism Foundation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Fondation manitobaine de lutte contre l'alcoolisme et apportant des modifications corrélatives à une autre loi.

Is it the pleasure of the House to adopt the motion? [agreed]

**Bill 40—The Legal Aid Services Society of Manitoba Amendment and Crown Attorneys Amendment Act**

**Mr. Speaker:** As previously agreed, we will go back to Bill 40.

On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill 40, The Legal Aid Services Society of Manitoba Amendment and Crown Attorneys Amendment Act; *Loi modifiant la Loi sur la Société d'aide juridique du Manitoba et la Loi sur les procureurs de la Couronne*, standing in the name of the honourable member for Wellington (Ms. Barrett).

**Ms. Becky Barrett (Wellington):** Mr. Speaker, I am going to be the only speaker on this bill, and then we will be prepared to pass it through to committee.

Mr. Speaker, Bill 40 provides for the use of paralegals in certain designated communities in the province of Manitoba to act instead of Legal Aid lawyers or Crown attorneys. In many ways, this appears to be a reasonable piece of legislation. There does appear to be some reasonable thinking that has gone into this piece of legislation.

We do, however, have some concerns which I will try and elaborate on in the brief period of time I have left to me. We know in the province of Manitoba, given the size of the province, the geographical range of the province and the fact that the population is so heavily concentrated in one major urban centre with a couple of other smaller urban centres, and then the remainder of the population spread throughout some very remote communities, that services are often not provided to the level to which people should be entitled.

This is very clearly evidenced in the justice system with the lack of adequate resources, both in the Crown attorney's point of view and from the defence attorney's situation.

This bill, as I stated before, attempts to alleviate at least one of these problems, and, that is, individuals having access to legal counsel and the justice system without having to deal specifically with lawyers in both defence and prosecution areas.

\* (1650)

Currently, the legislation requires that both the prosecution and defence services must be undertaken only by lawyers. Bill 40 allows the Lieutenant-Governor, and by that I take to mean cabinet under Order-in-Council, to designate certain communities as being eligible to have both defence services and prosecutorial services provided by paralegals instead of lawyers.

In the case of the Legal Aid or defence services the paralegal would have to be under the general direction and supervision of a Legal Aid lawyer or a solicitor. In the case of the Crown attorney paralegal, the paralegal would have to be under the direction and supervision of an official Crown attorney, but they would actually be able to provide the direct services—the paralegals would.

As the minister in his remarks on second reading stated, this legislation was prepared following consultation with Legal Aid Manitoba, the Manitoba Association of Crown Attorneys, and the Law Society of Manitoba.

I do know that Legal Aid Manitoba has been asking for this kind of change for some time. The reality is, from their perspective, that well-trained, culturally appropriate and sensitive paralegals from the community or the area would potentially and, maybe, in many actual circumstances, provide better services to the designated communities than they currently receive.

The potential there is for—and I think perhaps the critical concept is "culturally appropriate." In these designated areas, if you can get a paralegal under the supervision of a lawyer to provide direct legal services, then you are more likely to have services that understand the situation and the local conditions more than when you have to rely on Crown attorneys or Legal Aid lawyers who have huge caseloads and enormous distances to travel and virtually no time to prepare for their cases. We all, certainly on this side of the House, know of examples where the legal system, certainly through no fault of the individuals involved, has broken down just because the resources are not there. So potentially, this piece of legislation could provide some very positive services to these designated communities.

The other general area of the legal system has been lobbied or has been consulted with, according to the minister. However, according to my consultations with the Assembly of Manitoba

Chiefs, the First Nations have been virtually ignored in this consultative process. That is something that concerns us greatly. The First Nations feel that this legislation might open up situations in remote and reserve communities and provide for more community involvement. They see this as a potentially very positive thing.

However, there are some serious problems with the legislation as it—or questions about the legislation that we hope to have answered in committee and maybe in third reading. First of all, whatever the positive benefits might be achieved by Bill 40, it still is tinkering. It does not deal with the systemic problems of the justice system in the province of Manitoba, particularly as it relates to remote and northern communities and to the aboriginal justice system. I certainly do not have the time nor the inclination at this point to deal in detail with those concerns. They have been raised eloquently by my caucus colleagues, most particularly the member for The Pas (Mr. Lathlin). I wish they had been heard as eloquently as they were stated.

One of the potential problems that was raised both by Legal Aid and by the First Nations was that there was the possibility of setting up a two-tier system. I think that needs to be looked at and monitored very closely in implementing this legislation. Any time when you have professionals, a situation where people who are not trained fully as professionals doing the job that professionals have done, and you have that parasystem in place only in certain designated communities, you run the possibility of a two-tier system being provided. I do not mean for a moment to say that will happen. I just think it is something that needs to be monitored and monitored very effectively as the legislation is implemented.

The other concern that was raised or one of the other concerns that was raised is that the legislation, at least at this point, is not clear on the qualifications of these paralegals. It is very loose in that context. I am sure that regulations will address this situation, but again, since we do not have the regulations, it is incumbent upon us to raise these issues as a concern.

I guess the question that I have, or several questions that I have, is the Lieutenant-Governor, by that I assume the cabinet, decides—[interjection] I take the admonition of the Minister of Natural Resources (Mr. Enns) to heart.

As someone who was not born in this country and for whom the British pronunciation is still many times unfamiliar, I appreciate that the Lieutenant-Governor, by which I understand to mean the cabinet, will make the determination as to which communities are designated. I would have preferred the minister, in his remarks, to be a little clearer in what kinds of communities will be so designated and think that this is an important issue that needs to be clarified.

Again it is not clear to us as to just how much training and how much supervision these paralegals will be required to undergo, so we are very concerned, Mr. Speaker, about these issues.

I would like to state that while we are prepared to support, with these reservations, in principle Bill 40, I do hope that the Minister of Justice (Mr. McCrae) in committee will be able to give us the answer to some of these, I believe, fairly legitimate concerns. I would reiterate for the record our very serious concerns that Bill 40 is not addressing the major issues that need to be addressed in the justice system, particularly as it relates to the aboriginal community and remote and northern communities. It is, as I stated earlier, merely tinkering.

While we do certainly support in principle this piece of legislation, we wish that the Minister of Justice (Mr. McCrae) would have spent a little more time in negotiating and consulting with the aboriginal community and dealing with the major systemic issues that face the province of Manitoba instead of bringing in just a piece of legislation such as this. While it is marginally better than what is currently in place, it certainly does not answer the major important basic issues that face the province of Manitoba.

With those remarks, Mr. Speaker, we are prepared to allow this piece of legislation to go to committee.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would like to put a few remarks on the record with respect to this particular bill but would also like to be able to see the bill pass into committee. So if in fact we do approach five o'clock, I would ask if there would be leave to allow me to put those remarks on the record so we can accommodate the government.

**Mr. Speaker:** Order, please. Is it the will of the House to waive private members' hour? Agreed?

No, leave is denied. Leave has been denied for private members' hour.

**An Honourable Member:** Give us 10 minutes.

**Mr. Speaker:** Is there leave now to allow the honourable member for Inkster (Mr. Lamoureux) 10 minutes to finish his remarks on Bill 40?

\* (1700)

**Ms. Judy Wasylycia-Lels (St. Johns):** It is my understanding that the member would like just a few minutes to conclude debate on this. We would be happy to give him leave for that and then proceed into private members' hour.

**Mr. Speaker:** That is what I am asking. Is there leave of the House to allow the honourable member for Inkster (Mr. Lamoureux) 10 minutes to conclude his remarks on Bill 40, and then we will move into private members' hour at 5:10 p.m.? Is that agreed? [agreed]

**Mr. Lamoureux:** Mr. Speaker, Bill 40 does cause a great deal of concern for our caucus, and there are a number of reasons as to why. You know there is a lot of concern with respect to what it is that the government is in fact attempting to do.

In particular, you know the member for Wellington (Ms. Barrett) made reference to the two-tiered system or the establishment of a two-tiered system, and I think that is a valid concern. The moment that you start moving more and more towards paralegals, Mr. Speaker, the greater the likelihood, if it is not done properly, of establishing a two-tier system, those individuals that can afford to get a lawyer and those individuals that are unable to get a lawyer. That is, I believe, something that this government has not necessarily been taking into account that, yes, it would be very opportunist of a government to take an antilawyer stand on a number of different issues and so forth. But let us not get overly aggressive on saying that everything that a lawyer does is a negative thing, and the concern, as I say, at least in part is the fact that I do not believe or the Crown does not believe that the government is hearing from both sides on this.

I know that we will be having some comments in the committee stage, and I know that we will definitely in all likelihood be having someone speak against it while we are in third reading on this particular bill, but did want to see, Mr. Speaker, at least the bill go to committee at this stage. Thank you.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 40, The Legal Aid Services Society of Manitoba Amendment and Crown Attorneys Amendment Act, Loi modifiant la Loi sur la Société d'aide juridique du Manitoba et la Loi sur les procureurs de la Couronne. Is it the will of the House to adopt the motion? [agreed]

## PRIVATE MEMBERS' BUSINESS

**Mr. Speaker:** Now, the hour being a little bit after 5 p.m., time for Private Members' Business.

## DEBATE ON SECOND READINGS— PUBLIC BILLS

### Bill 200—The Child and Family Services Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for Wellington (Ms. Barrett), Bill 200 (The Child and Family Services Amendment Act; Loi modifiant la Loi sur les services à l'enfant et à la famille), standing in the name of the honourable Minister of Family Services (Mr. Gilleshammer). Stand?

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

Also standing in the name of the honourable member for Interlake (Mr. Clif Evans), who has one minute remaining. Stand? Is there leave that that matter remain standing? Leave? [agreed]

### Bill 202—The Residential Tenancies Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for Burrows (Mr. Martindale), Bill 202 (The Residential Tenancies Amendment Act; Loi modifiant la Loi sur la location à usage d'habitation), standing in the name of the honourable member for Portage la Prairie (Mr. Pallister). Stand?

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

### Bill 203—The Health Care Records Act

**Mr. Speaker:** On the proposed motion of the honourable member for St. Johns (Ms. Wasylycia-Lels), Bill 203 (The Health Care Records Act; Loi sur les dossiers médicaux),



standing in the name of the honourable member for Emerson (Mr. Penner). Stand?

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

### **Bill 205—The Ombudsman Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable member for Kildonan (Mr. Chomiak), Bill 205 (The Ombudsman Amendment Act; Loi modifiant la Loi sur l'ombudsman), standing in the name of the honourable member for Niakwa (Mr. Reimer).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand? Is there leave that that matter remain standing? Leave? [agreed]

### **Bill 208—The Workers Compensation Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable member for Transcona (Mr. Reid), Bill 208 (The Workers Compensation Amendment Act; Loi modifiant la Loi sur les accidents du travail), standing in the name of the honourable member for Niakwa (Mr. Reimer). Stand?

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

### **Bill 209—The Public Health Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable member for St. Johns (Ms. Wasylycia-Leis), Bill 209 (The Public Health Amendment Act; Loi modifiant la Loi sur la santé publique), standing in the name of the honourable member for St. Norbert (Mr. Laurendeau). Stand?

Is there leave? [agreed]

### **Bill 212—The Dauphin Memorial Community Centre Board Repeal Act**

**Mr. Speaker:** On the proposed motion of the honourable member for Dauphin (Mr. Plohman), Bill 212 (The Dauphin Memorial Community Centre Board Repeal Act; Loi abrogeant la Loi sur le Conseil du Centre commémoratif de Dauphin), standing in the name of the honourable member for Gimli (Mr. Helwer). Stand?

Is there leave? [agreed]

### **Bill 216—An Act to amend An Act to Protect the Health of Non-Smokers**

**Mr. Speaker:** On the proposed motion of the honourable Leader of the Second Opposition (Mr. Edwards), Bill 216 (An Act to amend An Act to Protect the Health of Non-Smokers; Loi modifiant la Loi sur la protection de la santé des non-fumeurs), standing in the name of the honourable member for Gimli (Mr. Helwer). Stand?

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

## **SECOND READINGS—PUBLIC BILLS**

### **Bill 210—The Plain Language Act**

**Ms. Judy Wasylycia-Leis (St. Johns):** Mr. Speaker, I move, seconded by the member for Wolseley (Ms. Friesen), that Bill 210, The Plain Language Act; Loi sur la langue courante, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Ms. Wasylycia-Leis:** Mr. Speaker, I am very pleased with this opportunity to at long last be able to begin the debate on a piece of legislation that has been in the works for some time, The Plain Language Act.

Mr. Speaker, I bring this bill forward to this Chamber with the hope that it will be taken seriously by all members in this Chamber and that it will be considered in the time remaining for this legislative session. It is a bill that would do a great deal towards enhancing equal access of all members in our society to our legal, judicial and political systems. It is not a new idea. It is not unique. It is not unusual. It has a long history.

The movement to establish plain language has been with us since the mid-'70s. It has been a major force in the United States where a good number of states have actually brought in legislation to entrench plain language in different facets of their life. In some cases, it pertains specifically to consumer contracts. In some cases, it is broadened to deal with legislation. In other cases, it pertains to any information that a government provides to individuals in terms of understanding government programs and policies.

The movement is less pronounced and is not as strong here in this country, in Canada. It is still at the initial stages, but it is being considered a very

serious matter throughout all parts of Canada with many legislatures having looked at ways to provide for plain language in different facets of a person's life and with many organizations such as the Law Society and the Bar Association of Canada looking at taking a leading role in this whole area.

Before I get into the broad principles of this bill, let me first indicate the roots of this bill and give credit where credit is due. I want to indicate that this bill, this idea, came from just an ordinary constituent in the constituency of St. Johns, a person who may be familiar to some members across the way for his persistent pursuit of justice when it came to consumer affairs. That person, unfortunately, died before he had a chance to see this idea come to fruition. I want to pay tribute to him—his name is Mr. Bill Benson—and dedicate the work that has been done in this area in Manitoba to Mr. Benson.

Mr. Bill Benson actually gave me the determination to pursue this matter after he read an article, and this is giving again credit where credit is due, to a lawyer here in Winnipeg, Mr. Charles Phelan, who wrote an article a number of years ago, I believe in 1989, for the Manitoba Motor League. That article spurred Mr. Benson to call me, and we then began a long process of researching the area and trying to draft legislation.

\* (1710)

It has been a difficult process because, in fact, we felt it was absolutely imperative that to bring forward such a bill, it itself must be written in plain language as much as possible. So the bill before members today, Bill 210, may not be perfect, may not be in absolutely clear and plain language. It is in our estimation an attempt at what such laws could be, could look like, and we hope it is a model for other legislation and government regulations in the future.

Mr. Speaker, those are the roots of this particular bill. Of course, as I said, there has been a movement across Canada and there are many others who are responsible for spurring this movement and giving momentum to the idea.

Why do we need plain language? Why do we need this piece of legislation? Well, Mr. Speaker, every facet of life is affected by plain language or the absence of it. We know that whether we are dealing with consumer contracts, or statutes or regulations or procedurals or manuals or tax forms

or technical journals or educational materials or many other documents, they are often very dense, often very unreadable, packed with legalese and written in jargon or elevated prose, and for many, many people very difficult to understand, very difficult to know what contractual arrangements they are entering into and very difficult to know their rights.

The absence, in our view, of plain language creates a fear of the system and I think deters many from pursuing their rights, so it is our view that plain language is necessary to help achieve equal access for all Canadians to our justice and legal systems. So we present legislation that is innovative, we believe, and also would be a forerunner for legislation of its kind in Canada.

This bill, this proposed law for Manitoba, calls for action both in terms of consumer contracts and in terms of government programs, whether that is legislation or regulations or manuals or procedures or what have you, so it is far reaching but presented, we hope, in a way that is manageable and not too difficult to implement.

It is curious to follow the remarks of the member for Inkster (Mr. Lamoureux) when he was speaking on the bill that we just referred to committee and his comments about lawyers suggesting that not all lawyers were bad, or wrong. Often when we are dealing with plain language we think of the source of the problem, or the access of plain language being tied to lawyers, and, in fact, it has often been said, behind any kind of complicated language you will often find a lawyer.

I think I could add to that and say, and the Minister of Health (Mr. Orchard). It is awfully hard to figure out exactly what he is saying and what to make of what I call the gobbledegook. But the point of this whole bill is, of course, not to attack anyone on a personal basis, but to make a case for plain language.

It is absolutely clear in our view that if we are serious as legislators in terms of acting responsibly to our constituents and making life a little easier in an otherwise very complex and complicated world, then the place to start is in the very language, in the very tools that people have to access programs and understand their rights and privileges in our society today. This is a starting place if we are serious about responding widely and concretely to the concerns of individuals in our society today.

There is no question that increasingly consumers in our society are forced to turn to hiring professional help in order to understand their rights and pursue their obligations in cases where that need not have been the case if plain language had been the rule of thumb. There are increasingly individuals who come to us as legislators looking for help to understand what kind of arrangement they entered into, what it means when they did not understand the fine print, did not know what something meant and now are faced with horrific problems, costly problems, as a result of that misunderstanding.

They have to turn in those cases to professional advisers, to lawyers, to people in the legal field, and that, as we all know, costs money. It costs money to get that kind of professional help, to hire lawyers just for the purpose of understanding what a contract means or what a piece of legislation means or what a government document means. That is a denial of a basic right in our society, the right to access programs that are put in place for all members of our society, so it seems to me that if we are at all concerned about equality and pursuing justice and fairness, then the place to start is with plain language.

I mentioned earlier that this would be an innovative, unique piece of legislation in all of Canada if we were to adopt it. There have been other attempts made in Canada, but nothing quite like the bill that we have before us today. There is in—and I want to reference very briefly—Alberta, provisions through The Financial Consumers Act, which have made a big difference in terms of one part of the problem, and that is consumer contracts. That legislation clearly spells out what plain language is and what is required in terms of documents, and states very clearly that application forms for consumers who wish to invest, agreements setting out terms of conditions of financial products and so on, must be in readily understandable language and form. Other attempts have been made, for example in Ontario there is a plain language program as part of the Worker Advisor office.

There are some bits and pieces of plain language being included in different government documents—

**Hon. Donald Orchard (Minister of Health):** Yes, I will give you some plain language, Judy, from Paul Crane [phonetic], from Bill Pashak, from Les

Campbell, plain language about NDPers not being able to tell the truth.

**Ms. Wasylycia-Lels:** Mr. Speaker, I just hope that the members across the way will take this bill for what it is, which is a serious attempt to get at a pretty serious problem in our society today. While the Minister of Health (Mr. Orchard) might have other political issues to pursue using the overall topic of plain language, this bill is not on politics and it is not about who is telling the truth and what different jurisdictions are doing.

This is about plain language in consumer contracts, in laws, in regulations, in manuals, in application forms, in everything that affects and impinges on individual lives in our society today. It is an attempt, Mr. Speaker, to in fact make life a little easier for our constituents and for the consumers of this province. It is workable. It can be up and running in short order with some co-operation in this Chamber in short order.

I know that our history in terms of agreement on private members' bills is not that great. It has been mixed, and there have been some different developments happening around private members' bills that do not always give us reason to believe that this bill may have a future. I hope that the government and the members of the Liberal caucus will look at it seriously and give it some thought and perhaps get it on to committee today so that we can have a chance to hear from some consumers and sort out some of the problems they might have with the bill and get on with making it law so that all citizens in our society will not fear the system, so that they will feel that they have full and equal access to our justice and legal systems and pursue their rights and carry out their obligations.

\* (1720)

I would commend, notwithstanding this bill, to the government some initiatives that they might consider in addition to this legislation. There are steps that can be taken now if there is a will. One document actually came out of Alberta, I guess, as a part of the overall effort to entrench plain language in terms of consumer contracts, and it is a document called: Writing in Government, Make it Plain Language. This booklet can help you write in plain language so that you can communicate with your readers in a clear, straightforward way. So I commend this to all members, particularly the Minister of Health (Mr. Orchard), and urge

everyone to join us in this very important piece of legislation.

**Mr. Orchard:** Mr. Speaker, I think that plain language is certainly appropriate and never more called for in this great nation of ours and this great province of ours. Sir, that is what the citizens of this country are calling from, not necessarily in the legal contracts and the fine print that one has to go through when one signs on the dotted line for different things, but I think that Manitobans and Canadians are demanding plain language from New Democrats, from Liberals, from Progressive Conservatives.

I harken, my extensive research has brought me to an article which is in the Maclean's magazine of July 12 of 1993. The cover article is fairly plain language. It says: "So Long, Solidarity." In plain language, what Maclean's is addressing is the philosophical dilemma that the socialist movement in Canada finds itself in today at the helm of governing New Democrats in Ontario under Premier Bob Rae, governing New Democrats in British Columbia under Premier Harcourt and governing New Democrats in Saskatchewan under Premier Romanow.

What is in this article, Sir, is some very plain language. For instance, on page 14, a chap by the name of Peter Cassidy, who is alleged to be "a loyal NDP foot soldier for 28 of his 43 years, epitomizes the party's malaise." Here is what Peter Cassidy describes Bob Rae's agenda in government as, in plain language. Cassidy calls Rae's "corporate, right-wing agenda" as what in plain language Bob Rae is doing to the people of Ontario.

In plain language, New Democrats used to talk about solidarity, the brotherhood of togetherness in the union movement, the workers paradise, the new utopia of plain language where the workers would be shoulder to shoulder and they would push the agenda and they would stop this ruthless capitalist agenda, but when in government in Ontario, Premier Bob Rae is said by Peter Cassidy, "a loyal NDP foot soldier for 28 of his 43 years" as having a corporate right-wing agenda. Premier Bob Rae, the NDP in Ontario, has a corporate right-wing agenda. Now, that is in plain language and that is not some right-wing think tank like the Fraser Institute making that statement. That is a 28-year foot soldier of some 43 years of age named Peter Cassidy.

Plain language continues in this article, Sir.

**Hon. Harry Enns (Minister of Natural Resources):** . . . understand the significance of him. Cassidy is a foot soldier, not a general driving the jeep.

**Mr. Orchard:** This is the real people. My honourable friend the member for Lakeside (Mr. Enns) says, this is plain language not from a general, not from a plotter, not from a back-room strategist of the NDP, but rather from one of their foot soldiers that goes door to door carrying the message of the NDP, the salvation of socialism, if you will. In plain language he does not say the New Democrats do in government what they claim they could do when they are in opposition.

One of my colleagues, and I have to attribute this to my good friend, cabinet minister and colleague the member for Assiniboia (Mrs. McIntosh). She said that the New Democrats when they present issues in this House, particularly those who were once elected, say that they were a government that could have, would have, should have, but did not. I think that probably describes it in as short terms and as plain a language as one can get.

I want to go to page 16 of this report from July 12 Maclean's magazine, and I know that it will be required reading for a lot of people. The headline here is "Down and out in Alberta," a lesson for the left. I have to refer my honourable friends to a paragraph in which "Former NDP MLA Barry Pashak, who lost his seat in Calgary Forest Lawn to the Tories, says that the party needs to radically rethink both its policies and its rhetoric."

In plain language Mr. Pashak says "If we formed a government and tried to implement all of our policy directives, we would bankrupt the government overnight."

What plainer language can you get of a defeated NDP MLA in Alberta as to what New Democrats in government would do? Mr. Pashak goes on to further say in plainer language yet, Mr. Speaker: "Many of our policies are completely unreal—they reflect special interest groups."

How much plainer can the language be from a New Democrat defeated in Alberta as to what the problem is with New Democrats in government in opposition all across Canada? How much plainer can the language be than Mr. Pashak saying: "Many of our policies are completely unreal—they

reflect special interest groups.”—defeated NDP MLA, Alberta?

I want to reflect on some plain language that Premier Bob Rae in Ontario was using in terms of advice that he is bringing to the governance of his province. It is alleged, Sir—and I cannot confirm this, only Bob Rae can confirm this—that the financial markets took him aside some six to seven months ago and said: Premier Rae, if you drive your deficit in Ontario to the \$17 billion that is projected you are going to do—as mused by his Finance minister, Mr. Laughren—then the money markets will cut you off and make your bonds junk bonds with associated high interest rates. You have a choice, sir. Your deficit must be below \$10 billion.

That is what is alleged to have been said by the financial markets to Premier Rae in Ontario. As a result, Premier Rae decided that \$2 billion should come, in plain language, from the civil servants of Ontario—rather plain language, \$2 billion from 950,000 public employees in the province of Ontario. In plain language of the New Democrats of Ontario, they call it the social contract.

Now, that plain language was attempted to be defined and negotiated over a period of two and a half months by one of their most skillful negotiators, a gentleman that I have a great deal of respect for, even though from time to time we may disagree philosophically. The man is a very skilled individual who was leading those negotiations for the Ontario government. He did not succeed, because in plain language the unions told Bob Rae and the NDP to stuff it. They told him that, Sir, because the union movement in Ontario is saying there is no Rae of hope in Ontario, Rae being spelled R-A-E, as in Premier Rae, not the sunshine-type ray. That is plain language in Ontario.

\* (1730)

What is it that Premier Rae is saying in plain language in the same interview in Maclean's, July 12, 1993, page 17? Rae is talking about forming partnerships to get out of the financial morass that he himself contributed significantly to in Ontario. He is saying that all of us in Ontario must get out of the culture of denial.

I think that has pretty plain implications to New Democrats across Canada. New Democrats in Ontario deny the reality of governing, and they

promise the world to any special interest group that will come along and listen to them. They advocate what they cannot do in government, what they do not do in government, what they would not do in government from the comfort of opposition. They do not do it in very plain language, Sir, because they do not plainly explain to the citizens who would listen to them where they would get the money from, what taxes they would raise, how much they would borrow and drive up the deficit or what programs they would cancel to refocus the money. They do not give that plain language explanation anywhere, but Premier Rae has a very interesting quotation. I want to share it for the record, because I think this is incredibly poignant in terms of plain language observations from Premier Rae.

Here is the quote from Premier Rae. "I was becoming increasingly frustrated with my role in opposition—you can't go through life with your hand on the horn. At some point, you've got to start contributing to doing things, and there is a terrible tendency in opposition to just oppose. Being in opposition for 60 years was bad for the New Democratic Party of this province. It created expectations that were unrealistic and it meant that there were a lot of choices—hard choices—that the party didn't have to make because we were in opposition. What passes for policies in opposition is simply the articulation of grievance. And the articulation of grievance doesn't make a program for a government."

Is that not rather plain language? The tendency to just oppose when in opposition, to articulate grievance in opposition and grievance does not make a very good program for a government. Very plain language from Premier Bob Rae in Ontario.

Now in plain language, though, the social contract was rebuffed, rejected by the labour union movement in Ontario, primarily the public sector labour union movement. Guess what happened, is happening, as we speak, in Ontario, led by that venerable leader of organized labour Bob White of the Canadian Labour Congress? Do you know what they are doing to the Ontario government of their friends in Ontario? In plain language, Sir—

**Mr. Speaker:** Order, please.

#### Point of Order

**Ms. Wasylycia-Lels:** Yes, Mr. Speaker, just on a point of order. I believe our rules call for general relevancy to the matter at hand. I just looked up

Beauchesne's. I am not an expert on this, but on page 136 there is an item about relevance and it does say "Relevance is not easy to define." There are borderline cases, but I am not sure if there is any relevance at all between the Minister of Health's comments and the matter at hand.

He seems to be talking a lot about solidarity in the NDP, and I am wondering if he could talk a bit about what kind of solidarity there might be in this Chamber for Bill 210, The Plain Language Act.

**Mr. Speaker:** On the point of order raised by the honourable member for St. Johns, the honourable member is quite correct. Beauchesne's, I believe it is 459.(1). "Relevance is not easy to define. In borderline cases the Member should be given the benefit of the doubt . . ."

I would ask the honourable Minister of Health to attempt to try and keep his remarks relevant to Bill 210, The Plain Language Act.

\* \* \*

**Mr. Orchard:** Mr. Speaker, in complying with your ruling, the intent of the Plain Language bill is to explain contracts, language that is understandable by the general public and I, quite frankly, Sir, agree with that. I am attempting to speak very plainly by quoting from other plain talkers like Bob Rae and other plain messages that come from Ontario and other jurisdictions.

Mr. Speaker, to make plain language out of what Bob White is saying about the Ontario government and their plain language social contract, guess what they are doing in Ontario? The Canadian Labour Congress and their President Bob White are filing a complaint over the Rae government's actions with the International Labour Organization, a Geneva-based agency of the United Nations. Now in plain language, that is what the labour unions did to us a year ago and now they are doing it to the New Democrats—in plain language.

I simply say, I feel sorry for the labour union movement in Ontario and in Canada, but when you make your bed with one political party as they have done and as certain special interest groups in this House have done, you tend to narrow your field of objections, you tend to narrow your field of opportunity, you tend to close opportunities and doors, but that is, in plain language, what some minority, special interest groups tend to do.

But to get back to the principles of the bill, in plain language, I want to close by quoting one other plain language advocate out of page 18 of this Maclean's article, and this is a quotation. I will read the quote first, and then we will have three guesses as to who said it.

**An Honourable Member:** Do I get the first guess?

**Mr. Orchard:** You get the first guess. This is the quotation, sir. Quote: "Unfortunately, there are a lot of armchair left-wing quarterbacks who do a lot of yakking and complaining."

"It's a little depressing. Even the strongest supporter finds it hard to get enthused any more."

That was by Les Campbell, the former adviser of Gary Doer.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House—oh, I am sorry, the honourable member for Burrows.

**Mr. Doug Martindale (Burrows):** Mr. Speaker, it is a pleasure to speak on this very serious bill sponsored by the member for St. Johns (Ms. Wasylycia-Leis), Bill 210, The Plain Language Act.

I am grateful that the Minister of Health (Mr. Orchard) put all his remarks on the record, because from time to time, constituents and members of the public make comments to us as MLAs about the kind of language that we as legislators use in drafting legislation.

I will be able to tell them that our member from St. Johns sponsored a bill, a very serious bill, in which we would hope that all members of this House would support her and pass this bill and require that our Legislature require that our bills be in plain language and that consumer contracts in this province be in plain language.

But what did the government do when they had a chance to speak on this bill? The Minister of Health stood up, on the record, and was totally irrelevant to the content of this bill, totally irrelevant to the issue of The Plain Language Act. So we will be able to tell people that we tried to change the way we write legislation here. We tried to change the way contracts are written in the province of Manitoba, and the government treated it in a totally frivolous and irrelevant manner.

The record can speak for itself. I would be quite happy to mail out this minister's remarks and show

people how seriously or, actually, the lack of seriousness with which they approach this very serious issue.

Just the other day, I was talking to one my colleagues about the flooding in the Swan River constituency. My colleague said: Will these people be able to collect on their insurance policies? I said: Well, probably not, because a flood is considered an act of God. If you read an insurance contract, most people's insurance policies would consider hail, lightning, floods and earthquakes to be an act of God, if people take the time to read insurance contracts. But probably many people have not or, if they have, they do not understand them.

Now, I know that the Minister of Government Services (Mr. Ducharme) has to read insurance policies all the time, and he understands these things, which is why people hire agents and why people hire lawyers.

It is unfortunate that people have to. I mean, in the case of an insurance agent, that is what the agent is paid for and so if you have a problem you phone the agent and the agent interprets your insurance policy. Usually these individuals are quite helpful. I have always found my insurance agent to be helpful, and I am sure the Minister of Government Services (Mr. Ducharme) over the years was helpful to his clients.

When it comes to legislation or to regulations or to many different kinds of contracts, people are forced to hire a lawyer. Why are they forced to hire a lawyer? Because when you read it, you cannot understand it. This bill would change that. This bill would say, let us write it plainly in the first place so you do not have to hire a lawyer to understand something.

\*(1740)

When I was preparing for this bill, one of my colleagues gave me a very interesting paper obtained from the legislative library called Plain Language, A global perspective, a paper presented to the annual general meeting of the Consumers' Association of Canada (Alberta) by David Elliott, 26 of April 1990.

There are some examples, and I would like to quote from page 8 of this paper. "At the first annual 'Eurospeak Awards' examples of incomprehensible documents were given. This was one prizewinner, from the Official Journal, reporting a decision of the

European Court: Article 30 of the Treaty must be interpreted as meaning that the prohibition which it lays down does not apply to national rules prohibiting retailers from opening their premises on Sunday where the restrictive effects on Community trade which may result therefrom do not exceed the effects intrinsic to rules of that kind."

There is an example of legislation that definitely was not written in plain language.

I asked myself in thinking about this bill, well, why does this happen? Why do we have statutes that are written in ways that are incomprehensible? Well, you might think that Legislative Counsel are hired to write things in such a way that if they get taken to court that they will be something that will cover the waterfront or cover every conceivable situation so that when people are having to arbitrate something, then the judge will have something to guide him or her.

In this paper that very matter is addressed in a footnote on page 6. This person disagrees with that and the reasoning is quite interesting, so I would like to read this footnote into the record as well.

In 1987, Professor David Kelly put forward this view: "The primary audience (for the drafter) is not the judiciary. The judges are breakdown experts. One should not design a law, any more a car, primarily for breakdown experts. One should design it to do its essential work, bearing in mind, of course, that breakdowns may occur. If the draftsman pays attention to that principle, he will use, as far as possible, the language understood by the practitioners in the relevant field."

I think that is a rather interesting observation that you do not need to write bills for judges to understand because their job is to break them down and make them understandable. So you should just write them in plain, simple language in the first place. I think that is what this individual is saying.

Some members here might have read a very interesting book called Plain Speaking by President Truman. I think if people have they would agree with me that he indeed was a person who spoke very plainly. It is a fascinating book. If people have not read it, I would recommend it to members. Some of the things that he said have become common sayings in our society and in the English language. I believe it was President Truman who

said, if you cannot stand the heat, get out of the kitchen, which is a very easy aphorism that everybody can remember.

I do not intend to speak very long on this bill. I think the bill commends itself. I think it is self-evident that we need to make changes in our society that would benefit everyone, in particular consumers, because we have a great many contracts that we enter into as consumers that need to be written in plain and understandable language.

Government documents, all of us know that government documents and statutes are often very difficult to understand, similarly with regulations, and that they could be written in plain English and much more understandable English. It would make it easier for us as well as the public to understand.

I get a great many of my constituents phoning me with the most basic of questions. In fact, with many of them, they could probably answer themselves, but they phone their MLA for help for a great variety of reasons.

I think this probably happens to those of us who have constituents who are illiterate or constituents who have very little education, depending on what constituency we represent. So it is understandable that they should phone us.

Quite often, what they want is an interpretation of a particular act or a particular statute, because they cannot afford a lawyer, or they do not know that they could probably get five minutes of free advice from most lawyers, and so they call us as MLAs.

Usually, it is fairly easy for someone like myself to read a particular clause and give an interpretation that I think in most cases will be accurate. But we should not have to do that. We should write things in plain language in the first place.

So I commend this bill to all honourable members, and I hope that all three parties will be able to support it. Thank you, Mr. Speaker.

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Speaker, I move, seconded by the honourable member for Niakwa (Mr. Reimer), that debate be adjourned.

**Motion agreed to.**

\* \* \*

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

**Some Honourable Members:** No.

**Mr. Speaker:** No, okay, moving right along then.

Are we proceeding with Bill 214? No? Okay.

## PROPOSED RESOLUTIONS

### Res. 43—Proclamation of Anti-Sniff Legislation

**Mr. George Hlckes (Point Douglas):** I move, seconded by the member for St. Johns (Ms. Wasylcyia-Leis), that

WHEREAS alcohol and solvent abuse is a particularly serious problem for young people, who often turn to these substances to escape from the realities of hunger, poverty, abuse, broken homes and prostitution; and

WHEREAS the seriousness of this problem was recognized by all three parties in the Legislative Assembly of Manitoba with the passage of amendments to The Liquor Control Act, which regulated the sale of cooking wines; and

WHEREAS the consumption of Lysol as an intoxicant has reached epidemic proportions in some economically disadvantaged areas of the city; and

WHEREAS this poses a serious health risk; and

WHEREAS the seriousness of this problem was recognized in 1989 with the passage of Bill 91, an amendment to The Public Health Act which sought to restrict the sale of solvents and inhalants like Lysol to young people; and

WHEREAS the Justice minister stated that "we have to have legislation like this" when the bill was passed with support on all sides of the House; and

WHEREAS the provincial government has since refused to proclaim the bill into law—

### Point of Order

**Mr. Kevin Lamoureux (Second Opposition House Leader):** Mr. Speaker, on a point of order. I would ask maybe if there is a quorum inside the Chamber. I count nine, including yourself, at this time.

**Mr. Speaker:** Order, please. I would ask all members standing to please stand so that the Clerk



can count to verify whether or not there is a quorum. All members will please rise. All members will rise.

**Mr. Clerk (William Remnant):** Mr. Laurendeau, Mr. Lamoureux, Ms. Wasylycia-Leis, Mr. Lathlin,

Ms. Friesen, Ms. Barrett, Mr. Martindale, Mr. Hickes, the Honourable Mr. Rocan.

**Mr. Speaker:** Due to the lack of a quorum, this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 13, 1993

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