



**Fifth Session - Thirty-Fifth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**(Hansard)**

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

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| NAME                       | CONSTITUENCY       | PARTY   |
|----------------------------|--------------------|---------|
| ASHTON, Steve              | Thompson           | NDP     |
| BARRETT, Becky             | Wellington         | NDP     |
| CARSTAIRS, Sharon          | River Heights      | Liberal |
| CERILLI, Marianne          | Radisson           | NDP     |
| CHOMIAK, Dave              | Kildonan           | NDP     |
| CUMMINGS, Glen, Hon.       | Ste. Rose          | PC      |
| DACQUAY, Louise            | Seine River        | PC      |
| DERKACH, Leonard, Hon.     | Roblin-Russell     | PC      |
| DEWAR, Gregory             | Selkirk            | NDP     |
| DOER, Gary                 | Concordia          | NDP     |
| DOWNEY, James, Hon.        | Arthur-Virden      | PC      |
| DRIEDGER, Albert, Hon.     | Steinbach          | PC      |
| DUCHARME, Gerry, Hon.      | Riel               | PC      |
| EDWARDS, Paul              | St. James          | Liberal |
| ENNS, Harry, Hon.          | Lakeside           | PC      |
| ERNST, Jim, Hon.           | Charleswood        | PC      |
| EVANS, Clif                | Interlake          | NDP     |
| EVANS, Leonard S.          | Brandon East       | NDP     |
| FILMON, Gary, Hon.         | Tuxedo             | PC      |
| FINDLAY, Glen, Hon.        | Springfield        | PC      |
| FRIESEN, Jean              | Wolseley           | NDP     |
| GAUDRY, Neil               | St. Boniface       | Liberal |
| GILLESHAMMER, Harold, Hon. | Minnedosa          | PC      |
| GRAY, Avis                 | Crescentwood       | Liberal |
| HELWER, Edward R.          | Gimli              | PC      |
| HICKES, George             | Point Douglas      | NDP     |
| KOWALSKI, Gary             | The Maples         | Liberal |
| LAMOUREUX, Kevin           | Inkster            | Liberal |
| LATHLIN, Oscar             | The Pas            | NDP     |
| LAURENDEAU, Marcel         | St. Norbert        | PC      |
| MACKINTOSH, Gord           | St. Johns          | NDP     |
| MALOWAY, Jim               | Elmwood            | NDP     |
| MANNES, Clayton, Hon.      | Morris             | PC      |
| MARTINDALE, Doug           | Burrows            | NDP     |
| McALPINE, Gerry            | Sturgeon Creek     | PC      |
| McCORMICK, Norma           | Osborne            | Liberal |
| 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      |
| ROBINSON, Eric             | Rupert's Island    | NDP     |
| ROCAN, Denis, Hon.         | Gladstone          | PC      |
| ROSE, Bob                  | Turtle Mountain    | PC      |
| SANTOS, Conrad             | Broadway           | NDP     |
| SCHELLENBERG, Harry        | Rossmere           | NDP     |
| STEFANSON, Eric, Hon.      | Kirkfield Park     | PC      |
| STORIE, Jerry              | Flin Flon          | NDP     |
| SVEINSON, Ben              | La Verendrye       | PC      |
| VODREY, Rosemary, Hon.     | Fort Garry         | PC      |
| WOWCHUK, Rosann            | Swan River         | NDP     |

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, July 4, 1994

The House met at 8 p.m.

### ORDERS OF THE DAY

(continued)

**Mr. Speaker:** As previously agreed, I believe the understanding is that we are doing third readings this evening. Therefore, the majority of the bills will have to be done by leave. So in order to facilitate matters, I will simply ask now, is there leave to do all the third readings that we have presently before us? There is an agreement? [agreed]

### THIRD READINGS

#### Bill 2—The Prescription Drugs Cost Assistance Amendment and Pharmaceutical Amendment Act

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), (by leave) that Bill 2, The Prescription Drugs Cost Assistance Amendment and Pharmaceutical Amendment Act (Loi modifiant la Loi sur l'aide à l'achat de médicaments sur ordonnance et la Loi sur les pharmacies), be now read a third time and passed.

**Motion presented.**

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, we have had opportunity to discuss this bill during the course of the various readings, and during committee we had the opportunity to make some suggestions and discuss the bill in general.

This bill's genesis, as I indicated in debate previously, was a unanimous agreement of all of the parties to put in place a plan such as this that will offset some of the costs to individuals who have to pay up front for their drugs initially and ties up funds for many individuals perhaps who cannot afford it, and generally we are in favour of this aspect.

We also noted caution that as we enter this new technology that we must tread warily and that we should be prepared to come back and perhaps consider changes should we find that confidentiality or other matters are perhaps at jeopardy. Notwithstanding the comments of the member for Pembina (Mr. Orchard) during committee, who indicated that this bill and this legislation would be a forerunner for all of Canada and North America, that may be, but I also have heard those words from the member for Pembina in many other aspects of health care reform, and it has come nowhere even close to achieving that.

However, we are in favour and we expedited passage of this bill at many stages, after putting our comments on the records, in order to provide for the implementation of this program that has already commenced and to ensure that the public, who feel greatly insecure these days because of some of the government's so-called health reform initiatives, notwithstanding that, notwithstanding the insecurity felt by the population in general towards the government's initiatives, this is a step forward.

As long as due diligence is paid towards the implementation of this system and as long as we have regard and are prepared to come back to deal with some of what I suspect will be some inevitable wrinkles and difficulties in the program, I think that this is good legislation and, of course, we are prepared to support it. Thank you, Mr. Speaker.

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

#### Bill 3—The Cancer Treatment and Research Foundation Amendment Act

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Culture, Heritage and Citizenship (Mr. Gilleshammer), (by leave) that Bill 3, The Cancer

Treatment and Research Foundation Amendment Act (Loi modifiant la Loi sur la Fondation de traitement du cancer et de recherche en cancérologie), be now read a third time and passed.

**Motion presented.**

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, we also have laid out at the various stages of this bill our concurrence generally with the sentiment of this, notwithstanding that there are many aspects of the government's so-called health reform that we disagree with heartily, and notwithstanding that there are many aspects of the government's so-called health reform I think that are affecting very negatively the population of this province. We have great debate on that and great disagreement with the government on many of those aspects.

Nonetheless, this particular bill in the form that is before us appears to be relatively noncontroversial. If, as I read the bill, insofar as it extends the ability of representation on the Cancer Treatment Foundation, then of course we are in favour and will see the matter and have voted in favour of this at previous stages. Notwithstanding that, we are quite concerned about other aspects of the government's approach to health reform.

In this particular area, we are looking for some leadership. I understand there is going to be some additional work done in epidemiology of the department, and it has been long in coming in terms of that particular initiative. We look forward to some leadership from this department, notwithstanding the comments of the chief medical officer who has indicated that the ability of the province to respond to a major outbreak of some kind of infectious disease or some other calamity could be in jeopardy by virtue of the government's so-called health care reform.

Notwithstanding that, Mr. Speaker, we are hopeful that perhaps finally the government is maybe getting a message and is recognizing that the public is not in concurrence, and, in fact, they are our masters in this. The public does not concur with the initiatives undertaken by the government brought in over the last several years, and I dare

say probably most of the negative is on hold until after the next provincial election.

Notwithstanding that, this particular bill, which seems to expand the membership of the committee of the Cancer Treatment Foundation and allow it, as I understand it, some administrative leeway in terms of fundraising, does not appear to impact negatively in terms of the health of the province. In that regard, we are in concurrence with that and concurrence with this bill on third reading. Thank you, Mr. Speaker.

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

**Mr. Ernst:** Mr. Speaker, we will defer Bill 4 for the time being and proceed to Bill 5.

#### **Bill 5—The Highway Traffic Amendment and Consequential Amendments Act**

**Hon. Jim Ernst (Government House Leader):** I move, seconded by the Minister of Highways and Transportation (Mr. Findlay), (by leave) that Bill 5, The Highway Traffic Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et apportant des modifications corrélatives), be now read a third time and passed.

**Motion agreed to.**

#### **Bill 7—The Crown Lands Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), (by leave) that Bill 7, The Crown Lands Amendment Act (Loi modifiant la Loi sur les terres domaniales), be now read a third time and passed.

**Motion agreed to.**

#### **Bill 8—The Fisheries Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Natural Resources (Mr. Driedger), (by leave) that Bill 8, The Fisheries Amendment Act (Loi modifiant la Loi sur la pêche), be now read a third time and passed.

**Motion agreed to.**

**Bill 9—The Convention Centre Corporation  
Amendment Act**

**Hon. Jim Ernst (Government House Leader):** By leave, Mr. Speaker, I move, seconded by the honourable Deputy Premier (Mr. Downey), that Bill 9, The Convention Centre Corporation Amendment Act (Loi modifiant la Loi sur la Corporation du Centre des congrès), be now read a third time and passed.

**Motion agreed to.**

**Bill 10—The Wildlife Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, by leave, I move, seconded by the Minister of Natural Resources (Mr. Driedger), that Bill 10, The Wildlife Amendment Act (Loi modifiant la Loi sur la conservation de la faune), be now read a third time and passed.

**Motion presented.**

\* (2010)

**Mr. Oscar Lathlin (The Pas):** Mr. Speaker, before this bill goes further, I just wanted to ask for some time so that I could add a few more remarks in the debate of the bill.

Last week during the committee meeting, we proposed to the minister that the bill be amended, and our proposed amendment would have seen the bill reference Section 35 of the Canadian Constitution. This reference to Section 35 would have placed Bill 10 in sync with or parallel the Section 35 provisions in the Canadian Constitution in relation to treaty and aboriginal rights.

Mr. Speaker, why did we suggest this amendment? I would like to explain. Because I saw this bill as an approach by the government to come through the back door in its attack on treaty and aboriginal rights. I know the minister had been under pressure from nonaboriginal people in relation to treaty and aboriginal rights. Three bills in this session were introduced by the Minister of Natural Resources (Mr. Driedger), all purporting to have enforceability, all purporting to give heavier fines, longer jail terms. Why is enforcement a problem then? Obviously, people were not following the law or those provisions in the legislation were hard to enforce. The bill seeks

to give more power to officers of the Natural Resources department.

It was during the committee hearing that I asked the minister if he was in fact coming through the back door to try to undermine Section 35, if he in fact was trying to go around Section 35 by way of introducing this legislation, Mr. Speaker.

I am also aware that through correspondence to aboriginal groups and to other nonaboriginal people that the minister does acknowledge the validity of Section 35.

The minister, at the end of the committee meeting last week, assured me that this bill will in no way weaken or diminish treaty and aboriginal rights as entrenched in Section 35. He went on record in saying that. I advised him that I would take his word, but in the event that he is faced with court action down the road dealing with treaty and aboriginal rights, I told him that I would be the first one to go to him and say to him, I told you so.

(Mr. Bob Rose, Acting Speaker, in the Chair)

On that basis, I agreed to let the bill go through. It is not a good bill, but on the minister's word, we agreed to let the bill go through.

Thank you.

(Mr. Speaker in the Chair)

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

**Bill 11—The Legislative Assembly  
Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Education (Mr. Manness), by leave, that Bill 11, The Legislative Assembly Amendment Act (Loi modifiant la Loi sur l'Assemblée législative), be now read a third time and passed.

**Motion agreed to.**

**Bill 12—The Provincial Auditor's  
Amendment Act**

**Hon. Jim Ernst (Government House Leader):** By leave, I move, seconded by the Minister of Labour (Mr. Praznik), that Bill 12, The Provincial Auditor's Amendment Act (Loi modifiant la Loi

sur le vérificateur provincial), be now read a third time and passed.

**Motion agreed to.**

**Bill 13—The Condominium Amendment Act**

**Hon. Jim Ernst (Government House Leader):** By leave, I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 13, The Condominium Amendment Act (Loi modifiant la Loi sur les condominiums), be now read a third time and passed.

**Motion agreed to.**

**Bill 14—The Real Estate Brokers Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, by leave, I move, seconded by the Minister of Highways and Transportation (Mr. Findlay), that Bill 14, The Real Estate Brokers Amendment Act (Loi modifiant la Loi sur les courtiers en immeubles), be now read a third time and passed.

**Motion agreed to.**

**Bill 15—The Law Society Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, by leave, I move, seconded by the Minister of Labour (Mr. Praznik), that Bill 15, The Law Society Amendment Act (Loi modifiant la Loi sur la Société du Barreau), be now read a third time and passed.

**Motion agreed to.**

**Bill 16—The Provincial Court Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, by leave, seconded by the Minister of Labour (Mr. Praznik), that Bill 16, The Provincial Court Amendment Act (Loi modifiant la Loi sur la Cour provinciale), be now read a third time and passed.

**Motion agreed to.**

**Bill 17—The City of Winnipeg Amendment and Consequential Amendments Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Culture, Heritage and Citizenship (Mr.

Gilleshammer), (by leave) that Bill 17, The City of Winnipeg Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Ville de Winnipeg et apportant des modifications corrélatives), be now read a third time and passed.

**Motion presented.**

\* (2020)

**Mr. Harry Schellenberg (Rossmere):** I would like to speak on Bill 17.

The priorities of the government are very evident in this bill. The government seems to be more interested in the Kenaston underpass, which cost \$30 million, Charleswood Bridge, a swimming pool in Portage la Prairie and a lot of trivial amendments. The unsafe water at Pukatawagan seems to be less important than building bridges.

Also, I just want to respond—in Estimates there seems to be no urban policies. There is no vision. There is no direction from this government as far as urban policy. What the bill has is trivial things like amendments that pertain to cutting of grass. That is one of the major planks in this bill. It is also lacking an infrastructure program, which is really needed today. Just this last rain, you watch television, people were flooded. This is what the government should be directing their attention at.

Also, it should be addressing policies like poverty. I see the Minister of Consumer and Corporate Affairs (Mr. Ernst) is listening, which I am very happy to hear. He used to be the former minister. Poverty—we should be directing to jobs, trying to get people off welfare. When I mention welfare—this came out in Estimates—the city spends over \$20 million on welfare. The province, according to the Estimates, spends over \$60 million on welfare. The federal government spends more millions on unemployment insurance.

What I am suggesting, take that money and create a few jobs. Our whole infrastructure is deteriorating. One small rain and the people of Winnipeg get flooded out. This money that we are wasting on social assistance, put it into something worthwhile. Apparently the European cities, which are very old cities, if you go to Europe you will see

their whole focus is for downtown. They have rebuilt it. People are working. Downtown is a vibrant community. People will go for walks and they will go downtown because there is safety, there is security. People have looked after the downtown. Just as the tourists, you notice that very, very quickly.

You go downtown in Winnipeg, and there are all kinds of problems. After shopping hours, there are very few people downtown. They leave. There has really been a depopulation of the core area.

**An Honourable Member:** Why?

**Mr. Schellenberg:** The gentleman asked, why are people leaving and so forth? It is a result of many years of a lack of an urban policy for our downtown. That is what it is. We have been concentrating on building more bridges, more routes, get the people out of the city it seems like. They should be focusing on downtown.

There are a few good things, I will say. The Forks is very positive. North Portage, some good things have happened there, but besides that, Winnipeg's downtown is really lacking. It is not a vibrant community because governments have not focused on downtown.

I will repeat myself again, just sort of as a lesson for the members in opposition. Look at Europe. Get some ideas from there. They are doing very well. There is a very, very dense population. You go to Europe and you will see what good urban policies can do for people. The urban policy should be designed for people, for people to work, for people to live, but we sort of have been focusing on building a few bridges, a few physical structures and that is about it.

Another thing that is lacking is the electoral reform. This has hardly been touched. About the only thing is the mayor has to have now—the candidate for mayor—250 signatures. This is not really electoral reform at all. A complete overhaul in this area is needed very much.

Here is another thing that is lacking. That is policy concerning the heritage buildings. There is no policy, no direction from the provincial government to conserve heritage buildings. City

Council has written to the Minister of Urban Affairs (Mrs. McIntosh) asking to allow tax rebates up to 50 percent and also cost-sharing grants up to 50 percent, but this government has ignored the city completely. One reason is over the years the formal channels of communication have broken down. City Council and the provincial government do not see eye to eye on many issues.

There is a heritage group here that wants to conserve buildings. If we had a policy, it could conserve our heritage. We have a very, very rich heritage. Also, it would help in creating jobs.

There is another issue that is lacking in the amendments here—[interjection] I hear a member from across saying, where does he get this from? Well, you just have to drive through the downtown and you will see with your own eyes what is happening. You do not have to do a lot of research. [interjection] People do not want to go for a walk downtown in the evening. That is the result of many years of Tory government and also City Council.

(Mr. Bob Rose, Acting Speaker, in the Chair)

**An Honourable Member:** What happens if they are the same thing?

**Mr. Schellenberg:** Well, yes, they are one bag.

There is a lack of democracy, local democracy. Some of the members across will know what I am talking about. Bill 35, Bill 78 really took away local democracy. For instance, in the core area people are faced with a lot of rooming houses, massage parlours, escort services, these sort of things. They have really no power because the local boards or local councillors do not sit on these appeal boards or boards of adjustment. These are controlled by other people that do not even live in the area. Some of the members across will know what Bill 35 did. They will know what Bill 78 did. They took away local democracy. I am continuously getting letters on this issue.

The bill does not even begin to address the problems the city faces. All it does is it is cosmetic material for a provincial election, just nice sugar coating. You get past that sugar there is very little there, very little substance. It will not address

many issues that I just mentioned here, such as poverty, crime, the welfare, depopulation. Well, it does grass cutting—big issue for them.

In reality our city is in great difficulty. In fact, I am told that our city has very close to \$1-billion debt. These projects such as the Charleswood Bridge, Kenaston underpass draws the city into more debt, because the province comes up with some money and then of course the city has to match that. That is how the city is often dragged into it.

The city finances, our city is in great trouble, and they are putting the taxes on property. Property taxes are increasing continuously, as we see the \$75 rebate was taken off about a year or so ago on every homeowner in Winnipeg. We keep putting more pressure on the property taxpayer.

As far as addressing, it is minor things, it is trivial things. What is really needed is a total overhaul of this bill that will improve the lives of people, the quality of life in this city. That is one thing it does not do. Thank you.

**The Acting Speaker (Mr. Rose):** Is it the pleasure of the House to adopt the motion? [agreed]

(Mr. Speaker in the Chair)

#### **Bill 18—The Insurance Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, by leave, seconded by the Minister of Energy and Mines (Mr. Orchard), that Bill 18, The Insurance Amendment Act (Loi modifiant la Loi sur les assurances), be now read a third time and passed.

Motion agreed to.

\* (2030)

#### **Bill 19—The Mental Health Amendment Act**

**Hon. Jim Ernst (Government House Leader):** By leave, Mr. Speaker, I move, seconded by the Minister of Education (Mr. Manness), that Bill 19, The Mental Health Amendment Act (Loi modifiant la Loi sur la santé mentale), be now read a third time and passed.

Motion presented.

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, I rise to just discuss in brief this rather small amendment, just a couple of paragraphs, a couple of pages to The Mental Health Act, an act that was overhauled recently very extensively. I can indicate that we are generally in favour of this amendment. We did pose some questions at committee, and the merits of the committee system in allowing the public to present were certainly manifested at the committee stage when there were just some excellent presentations with respect to this bill.

What was most significant with respect to the presentations made at committee regarding this bill was the suggestions from people in the community as to what is lacking in The Mental Health Act. Some of the points made, I think, are worthy of note. Some of the points made by the presenters are worthy of note with respect to what is lacking in The Mental Health Act, and that is, firstly, the fact that confidentiality in health care records is not necessarily a guarantee amongst bodies extended beyond arm's length of government and that provision must be put to ensure that these provisions are put in place.

In addition, at committee, we heard that access to records, access to patient records, is not necessarily a standard right. We certainly know that, because we have a bill on this side of the House proposing an expansion of access to records on behalf of patients and consumers. We also heard about difficulties about the protection of the privacy of consumers of Mental Health Services. I will take the Minister of Health (Mr. McCrae) at his word. At committee, what he indicated is that these areas have not been looked at extensively by the government in some of the changes that have been made to the health field, but that the government would be looking towards these changes.

Regardless of what party is in government next time around, I think that these changes should be forthcoming. Mr. Speaker, we look forward to those particular changes. Having said that, I should comment that we on this side of the House have given our cautious general concurrence with most of what the government has done in the mental



health field following the course of the government's so-called health care reform.

But there are areas that there are difficulties, even in the mental health field, where the government has probably done the best job of, frankly, a badly botched job of health care reform, but the one area they have done, on a relative scale, a relatively adequate job is in the area of mental health reform. Notwithstanding that, we see there are some major difficulties still in the mental health field. We hope that the government in its desire—in its inability to hear the voices of the public with respect to health reform as they charge along, I hope they will listen to the voices of some of the consumers, some of the advocates and some of the people in the mental health field who are concerned about some of the government changes and the lack of consultation even in this area, Mr. Speaker, that is supposedly the government's best efforts.

I am not talking about the area where the government has done absolutely nothing but cause problems, such as the home care field, home care equipment supply, the hospital system, the line-ups. The phone calls still come into our office daily from the public with grave concerns.

Notwithstanding the failures of the government in those areas of health care reform, I hope the government listens to some of the concerns raised by people who are consumers, who are advocates, who are interested participants in the mental health field, because they have some very, very sound advice.

If there is one thing that this entire process has taught us, it is that the government ought to listen more. I would hope that in the mental health field the government will listen to the claims and to the concerns raised by people, by the public with respect to its mental health reform in particular, of course, as we have said on many, many occasions to the community and the public of Manitoba in general as it respects so-called health reform.

Mr. Speaker, other than that, generally, given that we have been given assurances from the minister and legal counsel that the other amendments broaden rights and do not derogate

from rights as they apply to individuals, and we did make several suggestions to the minister of concerns raised by the Manitoba Association for Rights and Liberties, having said that, we will of course agree in the passage of this particular bill and amendment insofar as certainly the individuals who presented at the committee were in concurrence with the revisions.

We do this with a caveat, that the government listen to what the people have to say at committee, and the minister is aware of the concerns raised and we made note of them at committee, as well as the fact of concerns that are being raised by people in the mental health community in general as to some of the initiatives the government has undertaken and some of the lack of consultation and lack of implementation of some of the recommendations from the consumers as it respects mental health.

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

#### **Bill 20—The Municipal Amendment Act**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, by leave, I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 20, The Municipal Amendment Act (Loi modifiant la Loi sur les municipalités), be now read a third time and passed.

**Motion agreed to.**

\* (2040)

#### **Bill 21—The Manitoba Medical Association Dues Act**

**Hon. Jim Ernst (Government House Leader):** By leave, Mr. Speaker, I move, seconded by the honourable Deputy Premier (Mr. Downey), that Bill 21, The Manitoba Medical Association Dues Act (Loi sur la cotisation de l'Association médicale du Manitoba), be now read a third time and passed.

**Motion presented.**

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, I rise to speak on this bill. Some might dub it the Neville Chamberlain bill. It is the peace-in-our-time bill, the bill that has been introduced by

the new Minister of Health (Mr. McCrae) at a 360-degree turnabout from the previous Minister of Health. [interjection]

I know what 360 degrees means. I am glad the member for Morris (Mr. Manness) picked up on that.

**An Honourable Member:** They were singing Solidarity Forever.

**Mr. Chomiak:** That is right. The member reminds me that members opposite were singing Solidarity Forever on the second reading of this bill. Perhaps that signals a change in heart.

Mr. Speaker, this bill does symbolize much about the government's so-called health care reform. It is Bill 21 which is the MMA act, which is the imposition of the Rand Formula, the classic Rand Formula.

In fact, just to digress for a minute, I asked one of the experts that appeared at committee what that expert's opinion was with respect—

#### Point of Order

**Mr. Ernst:** Mr. Speaker, on a point of order, I am having a very difficult time hearing the member for Kildonan (Mr. Chomiak) in his speech because of the raucous behaviour of the other members of his caucus. Perhaps you could call them to order so that I could pay rapt attention to his speech.

**Mr. Speaker:** We are all having difficulty in hearing the remarks of the honourable member for Kildonan. The honourable member does not only have a right to speak, but he also has a right to be listened to.

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**Mr. Chomiak:** Mr. Speaker, I notice with great attention members opposite are paying heed to my comments.

(Mr. Jack Penner, Acting Speaker, in the Chair)

This bill does symbolize a change, this bill does symbolize something that has occurred during the government's process. There is no question that when the government found itself in grave difficulty with respect to its so-called health care reform, and they did the switch, and they did the cabinet minister switch in an attempt to salvage the

by-election victories, they went out and they are trying to sell a new policy with respect to health care reform.

This bill was an attempt by the government to say, see, we have settled with the doctors. We have an agreement with the doctors, even though we took away that right two years ago and we said it was wrong two years ago. Now it is right because we have an agreement with the doctors.

The minister has been waving that agreement much like Neville Chamberlain waved an agreement in 1939. He has been waving that agreement. Every time we ask a question in this House, the minister stands up and says, well, we have got peace with the MMA and that is part of the new health care reform policy.

We are, of course, voting in favour of this bill because we voted in favour—we brought in this legislation, Mr. Acting Speaker. We opposed the government when they tried to take it away, and now we support the government when they submit it back in.

There are some dangerous utterances coming from members opposite with respect to this bill and some of the machinations that occur around their so-called health care reform. One of them is the fact that every question that is asked, the minister stands up and says, well, the Medical Services Council is going to solve all of our problems. That is not even politically smart, but it is wrong with respect to the agreement that was entered into between the government and the MMA, and it is wrong politically to throw all of this power into a seeming new committee, because the committee does not have that power. Secondly, it should not have that power to make many of the decisions that the minister is somehow abrogating to that particular committee.

You know, we stand up on almost every issue, and the minister stands up and says, but we got the agreement with the MMA. Fine, but what else? What about the other 96 committees that are studying?

**An Honourable Member:** Ninety-six?

**Mr. Chomiak:** Ninety-six committees we are up to now, of which I think eight have reported—and the millions and millions of dollars that are paid to consultants, time and time again, by this government to do reports that stay secretive in the minister's office, that are not revealed. Bell-Wade, \$230,000, and they will not give us the report. The public paid this money. They ought to have a right to see what the conclusions of this particular consultant was, but no. Moe Lerner, another report that is on the shelf.

What is happening is that they are taking all of these 96 committees and the various reports, they are closeting them in into the minister's office and they are effectively doing damage control, political damage control, because they want to ride this through to the next election. They want to ride through to the next election and then put in place the rest of their so-called health care reform, which from the government opposite, really amounts to nothing more than a cutting and a slashing and a downsizing of medicare in tune with not only their philosophical approach, but their overall approach to government and public policy. This is wrong. This is wrong because the public of Manitoba have said that they want a high-quality health care system that provides for all, and they are not getting it—they are not getting it.

The patients who have to wait for surgery and the people that are cut off home care and the people that have to pay user fees for home care and the nurses that are laid off and the nurses that are going to the States and the doctors that are going to the States recognize that. Some people can vote with their feet by leaving the jurisdiction of this province, but a lot of the people who cannot afford it cannot do that. They are forced to live with what is becoming a—well, we said it is a two-tiered system, and there is no question, but in many, many areas we are very perilously close to the line of a second-rate health care system. It is happening in many areas.

It is not just me saying it. It is not just me saying it for political advantage. The public are saying it. The nurses are saying it. There was a radio documentary done several months ago by CJOB that talked about the health care system, and it was

about as unbiased as you can get. It was done by CJOB, Richard Cloutier. It was several hours. I got the tapes in order to listen to it, and I, who am relatively familiar with the system, was shocked by some of the conclusions. I was shocked by some of the conclusions.

Mr. Acting Speaker, when we raised questions in this Chamber about those conclusions, the minister stood up and waved the Neville Chamberlain agreement around and talked about peace in our time, did not give us any answers. I went back to some of the people who were involved in that radio show and nothing had been done. Do not take my word for it. The public knows. Every member of the public who has any contact with our health care system will tell you that it is deteriorating and it has deteriorated under this government.

Now we could argue, Mr. Acting Speaker, about the financial stresses placed on it and we recognize that. We recognized with the federal Liberals started with the offloading and the Conservatives have continued in the offloading. We can talk about that. But I do not believe and the public does not believe that this government is seriously attempting to improve the quality of the medicare health care system we have today. Rather, their attempts are to cut and slash, to mold a system that they feel is adequate for the public of Manitoba. I think that is wrong.

The government has an agreement with the MMA. The minister talks about all of these meetings he has had with nurses, Mr. Acting Speaker, but I have met very few nurses—and I have talked with hundreds—that have a very high regard for what the government is doing in health care. I think it behooves all members of this House to go and talk to nurses, front line workers, to talk to home care aides, to talk to aides and orderlies in the hospital, to talk to patients.

On the other line, aside from Neville Chamberlain and peace in our time with the MMA, is the minister saying patient care is our bottom line. If patient care was their bottom line, they would go backwards about half a dozen steps that they have taken and go forward another half a

dozen, but they are not. They are continuing slowly.

**An Honourable Member:** Only reversed one decision, and that is the MMA.

\* (2050)

**Mr. Chomiak:** The only agreement, the only goal they have achieved is this particular agreement.

The minister's new line is, patient care is the bottom line. He says it every day. He says it so often that some members on that side might even believe it, but that is not true. The public does not believe it, and we do not believe it. Their goal is to cut back the system, to mold the system that they think fits, the system that is sort of a Conservative health care model that is there for cataclysmic occurrences but the rest, well, you pay your own way.

The minister can stand up all he wants and say patient care is the bottom line. He can say that all he wants, and he can wave his MMA agreement as often as he wants, Mr. Acting Speaker, but the public does not believe it. The minister can stand up every time and answer questions and say that we are the tools or the Liberals are the tools or the public are the tools of the union bosses, but the fact is that we are reflecting public opinion.

He can stand up as much as he wants and talk about his friend Connie Curran and whomever she hires. He can do that as often as he wants, but the bottom line is that probably the biggest political and practical error made in this province in the last six years was the hiring of Connie Curran, despite the fact that we warned them. The new minister had an opportunity to cancel the contract, and he did not. In fact, he stood up one day in front of the Free Press and said, oh, I am not sure that I can defend this contract and went into cabinet and came out and said, I can defend this contract. Not only did the government have an option to cancel the contract—[interjection]

**The Acting Speaker (Mr. Penner):** Order, please. I appreciate the honourable Leader of the Opposition (Mr. Doer) wanting to confer with the members opposite, but he will get his chance. I would ask all members, please, I would like to hear the speaker. Thank you.

**Mr. Chomiak:** Thank you, Mr. Acting Speaker.

This session the government had option in the contract to cancel three-quarters of a million dollars paid for Connie Curran, and what did they do? They let the money go. They had a choice, and while they did that they still continue to pare and cut back home care. They still cut back LPNs and VONs visiting patients, but they could pay \$750 million to Connie Curran. That was wrong. [interjection] Pardon me, \$750,000, three-quarters of a million. They had a choice, so it was not just the mistake of the previous minister. It was a collective cabinet decision as a whole.

That is why we raised the issue because it was—the home care, the government now talks about a phasing in approach. The phasing in means we are going to slow down and try to get through the next election, and then we are going to go back in—if we get back in, and that is a big question mark—and they are saying we are going to go back in and it is full-bore, full-steam-ahead. We have the documentation and the flow charts to verify that, so it is no use even arguing about that.

What we are faced with in this province is a choice between a government that is full steam ahead in terms of their conception of what health care is which is a much narrower, a less helpful system and a less humane system and less assistance, which, I think, is totally contrary, completely contrary to what Manitobans have wanted in the past and want in the future. [interjection]

**Mr. Acting Speaker, the Minister of Highways (Mr. Findlay)** says I do not have a clue. [interjection] That is the problem. The members opposite have not heard anything the last two years; they went on full-bore with Connie Curran. They knew they should not use Connie Curran.

(Mr. Speaker in the Chair)

That is why this bill, the mental health bill, is the problem. That is why I put my remarks on the record, because they do not listen. They do not listen. They put their heads down; they go full-bore ahead. What the public says be damned. That is the serious political error, and that is a serious human

error. That is what is wrong with the so-called health care reform in this province.

There is no common sense; there is simply an attempt to go full-bore ahead, although we are now doing it under cover, under cover of peace in our time: with the new MMA agreement, and with dancing around and saying—Mr. Speaker, there are numerous reports, there are numerous initiatives that this government is sitting on at this very moment. They are waiting for the House to adjourn, and we know that we are going to have a series of announcements. It does not matter how long the House sits, because they will sit on their reports as long as they can, so that they do not have to face the public. If that was the case, they would today table all of those reports, and they would let us know what Level I and Level II health care cuts are that Connie Curran recommended and that they have been trying to put under the guise of somehow public consultation or recommendations of the public.

As I was saying, Mr. Speaker—it is almost comic that when we say something about health care reform, they come back with the name Michael Decker. They are so bereft of defence, they are so lacking in any intellectual arguments that justify their dismantling of the health care system. They are so lacking in intellectual defences of it that they have to come back with some kind of political rhetoric, political hype that amounts to nothing.

People talk to me, and they say, we see Question Period, and what the heck is the Minister of Health talking about? He sounds like the old Minister of Health. He does not answer the question when he comes back. People resent that, and you should not take the public for granted. You should not take for granted the intelligence of the public out there, which is why you are in trouble in health care, which is why you should start listening, and not the pretence of listening, the pretence of study. Rather, the government ought to pay attention to what is being said out there, and the government ought to go about trying to improve our health care system, to try to realistically expand community-based health care prior to throwing people out on the

streets. The government ought to be listening and not simply putting up their defensive reaction every time the question is raised in this House. A question is raised, and the government stands and says, oh, you are opposed to it. It is symbolic of a government that stopped listening. It is symbolic of a government that shut down and said: Let us cover up; let us try to get through the next election.

Having said that, I can indicate that we are in favour and we were consistent. We opposed the government when they took away this right, and we agree with the government when they bring this right back in. But they ought not to use this agreement as the example of peace in our time, because it is not peaceful out there. Physicians are still leaving this jurisdiction. Specialists and even family practitioners will be leaving. The nurses are leaving this jurisdiction. Nurses are going unhired. Patients, most of all, are feeling the effects. That is why, no matter what I say, no matter what members opposite say, in the end will tell the tale.

Every single Manitoban who has contact with our health care system knows it is not the kind of health care system that Manitobans want, and that is the final word. That is what is wrong with their health care reform plan. Having said that, I can indicate that members on this side of the House will support the reintroduction of the Rand Formula for the Manitoba Medical Association.

Thank you, Mr. Speaker.

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

**Bill 22—The Statute Law Amendment Act,  
1994**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Rural Development (Mr. Derkach), by leave, that Bill 22, The Statute Law Amendment Act, 1994 (Loi de 1994 modifiant diverses dispositions législatives), be now read a third time and passed.

**Motion agreed to.**

\* (2100)

**Bill 23—The Manitoba Historical Society  
Property Act**

**Hon. Jim Ernst (Government House Leader):** By leave, Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 23, The Manitoba Historical Society Property Act (Loi sur les biens de la Société historique du Manitoba), be now read a third time and passed.

**Motion agreed to.**

**Bill 24—The Waste Reduction and Prevention  
Amendment Act**

**Hon. Jim Ernst (Government House Leader):** By leave, Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 24, The Waste Reduction and Prevention Amendment Act (Loi modifiant la Loi sur la réduction du volume et de la production des déchets), be now read a third time and passed.

**Motion agreed to.**

**Bill 26—An Act to amend An Act to Protect  
the Health of Non-Smokers (2)**

**Hon. Jim Ernst (Government House Leader):** Mr. Speaker, I move (by leave), seconded by the Deputy Premier (Mr. Downey), that Bill 26, An Act to amend An Act to Protect the Health of Non-Smokers (2) (Loi no 2 modifiant la Loi sur la protection de la santé des non-fumeurs), be now read a third time and passed.

**Motion presented.**

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, the members of the Chamber, I am quite certain, are going to, with some certain exceptions, support this particular legislation. I just want to put on the record that one of the ironies of this piece of legislation and the history of this legislation—most members will remember that this legislation was first introduced by my Leader some few years ago, by the honourable member for Concordia (Mr. Doer).

It should not go without notice that during that time this legislation was one of the few private bills introduced by opposition members that have passed this Legislature with unanimous support, I should say, but one of the ironies is that while we

were busy protecting the health of nonsmokers in public places all over this province, one of the areas where we have failed to protect the health of nonsmokers is in this Legislature, and we will not mention who one of the principal offenders of that particular breach is.

The fact of the matter is that we have seen a fundamental change in the attitudes of Manitobans and Canadians to smoking in a span of 20 years. Mr. Speaker, I remind honourable members that changing public attitude regardless of the issue, whether it is smoking or the use of drugs, or attitudes towards alcohol consumption, attitudes towards communicable diseases, whatever, the fact of the matter is that unless Legislatures, unless governments, unless political leaders show some leadership, change simply does not happen.

I often tell people that 25 years ago if someone would have said that in a public meeting a single person smoking would have been the subject of ridicule, would have been told to leave the building, would have been chastised and ostracized by everyone in that meeting, somebody would have said, or many people would have said, I was crazy, that you are dreaming, that smokers had rights and that there was no way that they were infringing on the rights of others. Society has changed and really not much else has changed. The cigarette tobaccos and the executives of cigarette companies are still maintaining that nicotine is not addictive, that smoking is not harmful. People know better.

Mr. Speaker, while we pass this legislation, first of all, we should take this legislation seriously, and I hope this will be one of the pieces of legislation that helps to continue the process of change in terms of people's attitudes toward speaking. I certainly would not want to violate any of the privileges of members—

**Mr. Speaker:** I would like to remind the honourable member for Flin Flon of Beauséjour's Citation 71, the Speaker should be protected against reflections on his or her actions, sir. Gotcha. One for me.

**Mr. Storie:** Mr. Speaker, I have tried to be ever so careful never to reflect on any of the actions

regardless how they may or may not transgress any particular law.

Mr. Speaker, I do in all sincerity believe that this legislation is kind of a symbolic first step for this Legislature and perhaps other Legislatures in terms of helping to move along public attitude. If the Legislatures and individual members, MLAs, want to pursue this in other areas, that they should be encouraged to do so, that it should not be left to government.

This was a private member's bill. This was a bill that started with the opposition, but the government of the day and the other opposition party of the day recognized that public sentiment was changing, and we can help to change it even more by our actions here. Mr. Speaker, I will be supporting this legislation.

**Mr. Dave Chomiak (Kildonan):** The public often does not comprehend how often the members of this House come together in terms of the legislation, in terms of our actions in this House. I dare say the majority of what we do in this House is done with agreement, either unanimously or certainly the vast majority of members. This is just another example of members on all sides of the House coming together to do something that we all talk about, and that is to improve the health care in Manitoba, to prevent Manitobans, particularly younger Manitobans, from being caught in the trap of nicotine addiction, as well as providing for some measures with respect to dealing with potential difficulties that might arise in terms of future legislation, the future developments at the federal scene.

With those few comments, I can indicate that of course we are in support of the measures in this amendment. Thank you, Mr. Speaker.

**Mr. Gary Doer (Leader of the Opposition):** I would like to just make a few remarks about this bill. First of all, I would like to start by remembering the all-party consensus that we had when we introduced the first bill in the Chamber. I would like to thank the former Minister of Health for his acceptance of the proposal that we made and the fact that we were able to work together.

I thought it was rather ironic that was the only time opposition parties were moved to the front of the room, particularly when a reporter had a particular bias on this matter when this matter was before the public arena.

I think also, Mr. Speaker, that we have a bigger problem nationally on the whole issue of cigarette smoking and smoking in general. The U.S. Surgeon General's report that just came out recently indicated clearly that there is a correlation between price and youth starting to smoke. They also indicated that if youth start to smoke, there is a great chance that they will continue to smoke throughout their adult lives, therefore putting both their own health in danger and at risk and putting our health care system at pressure and at odds.

Mr. Speaker, I want to say while this bill is before us that we should remain united on being opposed to the federal government's initiative to drop the tobacco tax based on the smuggling problem in one province. I believe this is something that we all feel in this Chamber, regardless of political stripe, that dealing with the north-south smuggling problem is not solved by moving the problem east and west.

We know that there is a sensitivity to price and youth, and every one of us, when we are dealing with the bill on smoking in public places, when we are dealing with other parts of legislation, when we are dealing with excellent interventions made by the Lung Association, by the Heart Foundation, by the Cancer Society of Manitoba, by health preventative groups all across this province, should be committed to a full-scale strategy on cigarette and tobacco consumption and particularly with young people.

Some people who have had the habit for years, we know it is very difficult to change that. But for those that are young and have never started, we should all be working to stop young people from smoking. We know the advertising is geared to young people. We know that the peer pressure in public places which ties to this bill is geared primarily to peer smoking and to young people. We know that it is very important that we deal with

young people, that advertising is geared to young people.

\* (2110)

So as we pass this act by all parties together, similar to what we did in 1990—I believe it was proclaimed in 1990, it was passed in '89—I think we should continue to have a national federal-provincial initiative from this Chamber to go with the nonsmoking or the smoking in public places bill that is being passed here today, and gear all our efforts, primarily all our efforts at young people and young Manitobans dealing with this addictive consumption product.

Thank you very much, Mr. Speaker.

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

#### **Bill 27—The Highway Traffic Amendment Act**

**Hon. Donald Orchard (Deputy Government House Leader):** I move, seconded by the Minister of Highways (Mr. Findlay), (by leave) that Bill 27, The Highway Traffic Amendment Act (Loi modifiant le Code de la route), be now read a third time and passed, with leave.

**Motion agreed to.**

#### **Bill 28—The Off-Road Vehicles Amendment Act**

**Hon. Donald Orchard (Deputy Government House Leader):** I move, seconded by the Minister of Highways and Transportation (Mr. Findlay), (by leave) that Bill 28, The Off-Road Vehicles Amendment Act (Loi modifiant la Loi sur les véhicules à caractère non routier), be now read a third time and passed, with leave.

**Motion agreed to.**

#### **Bill 31—The Manitoba Employee Ownership Fund Corporation Amendment and Income Tax Amendment Act**

**Hon. Donald Orchard (Deputy Government House Leader):** I move, seconded by the Minister of Education (Mr. Manness), (by leave) that Bill 31, The Manitoba Employee Ownership Fund Corporation Amendment and Income Tax Amendment Act (Loi modifiant la Loi constituant

en corporation le Fonds de participation des travailleurs du Manitoba et la Loi de l'impôt sur le revenu), be now read a third time and passed, with leave.

**Motion agreed to.**

#### **THIRD READINGS—PUBLIC BILLS**

##### **Bill 206—The Coat of Arms, Emblems and The Manitoba Tartan Amendment Act**

**Hon. Jim Ernst (Government House Leader):** I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), (by leave) that Bill 206, The Coat of Arms, Emblems and The Manitoba Tartan Amendment Act (Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba), be now read a third time and passed.

**Motion agreed to.**

#### **THIRD READINGS—PRIVATE BILLS**

##### **Bill 300—An Act to amend an Act to continue Brandon University Foundation**

**Hon. Jim Ernst (Government House Leader):** I move, seconded by the Minister of Education (Mr. Manness), (by leave) that Bill 300, An Act to amend an Act to continue Brandon University Foundation (Loi modifiant la Loi prorogeant la Fondation de l'Université de Brandon), be now read a third time and passed.

**Motion agreed to.**

##### **Bill 301—The Misericordia General Hospital Incorporation Amendment Act**

**Hon. Jim Ernst (Government House Leader):** By leave, I move, seconded by the Minister of Urban Affairs (Mrs. McIntosh), that Bill 301, The Misericordia General Hospital Incorporation Amendment Act (Loi modifiant la Loi constituant en corporation le "Misericordia General Hospital"), be now read a third time and passed.

**Motion agreed to.**

##### **Bill 302—The Manitoba Historical Society Incorporation Act**

**Hon. Donald Orchard (Deputy Government House Leader):** By leave, I move, seconded by the member for St. Vital (Mrs. Render), that Bill



302, the Manitoba Historical Society Incorporation Act (Loi constituant la Société historique du Manitoba), be now read a third time and passed.

**Motion agreed to.**

**Hon. Jim Ernst (Government House Leader):**  
Mr. Speaker, third reading of Bill 4 will be deferred until tomorrow.

Mr. Speaker, I move, seconded by the Minister of Rural Development (Mr. Derkach), that the House now adjourn.

**Motion agreed to.**

**Mr. Speaker:** The House now adjourns and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, July 4, 1994

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