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Fourth Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

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

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## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 11, 1998

The House met at 10 a.m.

Standing Committee on Law Amendments, be concurred in.

### PRAYERS

Motion agreed to.

### ORDERS OF THE DAY

#### House Business

**Hon. James McCrae (Government House Leader):** Madam Speaker, it would be my intention this morning to proceed with report stage of the bills as listed in today's Order Paper. After we have done that, I would ask you to call certain bills, and I will hopefully have that list of bills for you by the time we are finished with these report stages.

#### REPORT STAGE

##### Bill 4—The Child and Family Services Amendment and Consequential Amendments Act

**Hon. James McCrae (Government House Leader):** On behalf of the honourable Minister of Family Services (Mrs. Mitchelson), I move, seconded by the honourable Minister of Natural Resources (Mr. Cummings), that Bill 4, The Child and Family Services Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les services à l'enfant et à la famille et modifications corrélatives), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

##### Bill 12—The Addictions Foundation Amendment Act

**Hon. James McCrae (Government House Leader):** Madam Speaker, on behalf of the Minister of Health (Mr. Praznik), I move, seconded by the honourable Minister of Natural Resources (Mr. Cummings), that Bill 12, The Addictions Foundation Amendment Act (Loi modifiant la Loi sur la Fondation manitobaine de lutte contre les dépendances), reported from the

##### Bill 14—The Executions Amendment Act

**Hon. James McCrae (Government House Leader):** Madam Speaker, on behalf of the Attorney General (Mr. Toews), I move, seconded by the Minister of Natural Resources (Mr. Cummings), that Bill 14, The Executions Amendment Act (Loi modifiant la Loi sur l'exécution des jugements), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

##### Bill 16—The Water Resources Administration Amendment and Consequential Amendments Act

**Hon. James McCrae (Government House Leader):** Madam Speaker, on behalf of the honourable Minister of Natural Resources (Mr. Cummings), I move, seconded by the Minister of Education and Training (Mrs. McIntosh), that Bill 16, The Water Resources Administration Amendment and Consequential Amendments Act (Loi modifiant la Loi sur l'aménagement hydraulique et modifications corrélatives), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

##### Bill 18—The Registry Amendment Act

**Hon. James McCrae (Government House Leader):** Madam Speaker, on behalf of the honourable Minister of Consumer and Corporate Affairs (Mr. Radcliffe), seconded by the honourable Minister of Labour (Mr. Gilleshammer), I move that Bill 18, The Registry Amendment Act (Loi modifiant la Loi sur l'enregistrement foncier), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

**Bill 21—The Communities Economic Development Fund Amendment Act**

**Hon. James McCrae (Government House Leader):** Madam Speaker, I move, on behalf of the honourable Minister of Energy and Mines (Mr. Newman), seconded by the honourable Minister of Health (Mr. Praznik), that Bill 21, The Communities Economic Development Fund Amendment Act (Loi modifiant la Loi sur le Fonds de développement économique local), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

**Bill 25—The Highway Traffic Amendment Act**

**Hon. James McCrae (Government House Leader):** Madam Speaker, on behalf of the Minister of Highways and Transportation (Mr. Findlay), I move, seconded by the honourable Minister of Natural Resources (Mr. Cummings), that Bill 25, The Highway Traffic Amendment Act (Loi modifiant le Code de la route), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

**Bill 27—The Manitoba Employee Ownership Fund Corporation Amendment Act**

**Hon. James McCrae (Government House Leader):** Madam Speaker, on behalf of the honourable Minister of Industry, Trade and Tourism (Mr. Downey), seconded by the honourable Minister of Government Services (Mr. Pitura), I move that Bill 27, The Manitoba Employee Ownership Fund Corporation Amendment Act (Loi modifiant la Loi constituant en corporation le Fonds de participation des travailleurs du Manitoba), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

**Bill 42—The Norway House Cree Nation Northern Flood Master Implementation Agreement Act**

**Hon. James McCrae (Government House Leader):** Madam Speaker, on behalf of the Minister of Energy and Mines (Mr. Newman), seconded by the honourable

Minister of Housing and Urban Affairs (Mr. Reimer), I move that Bill 42, The Norway House Cree Nation Northern Flood Master Implementation Agreement Act (Loi sur l'Accord cadre de mise en oeuvre de la nation crie de Norway House relatif à la convention sur la submersion de terres du Nord manitobain), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

**House Business**

**Mr. McCrae:** Madam Speaker, would you be so kind as to call Bill 36. Should deliberations on Bill 36 conclude at some point today or this morning and should you not hear otherwise, you might then call the bills in the order you see them on the Order Paper.

**DEBATE ON SECOND READINGS**

**Bill 36—The City of Winnipeg Amendment and Consequential Amendments Act**

**Madam Speaker:** To resume adjourned debate on second reading, on the proposed motion of the honourable Minister of Urban Affairs and Housing (Mr. Reimer), Bill 36, The City of Winnipeg Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Ville de Winnipeg et modifications corrélatives), standing in the name of the honourable member for Selkirk (Mr. Dewar).

Is there leave to permit the bill to remain standing?

**An Honourable Member:** No.

**Madam Speaker:** No? Leave has been denied.

**Mr. Tim Sale (Crescentwood):** Madam Speaker, the City of Winnipeg has a long, long history of struggle to find a way of representing those who live in its older and poorer neighbourhoods as equitably as it has represented those who live in its newer and wealthier neighbourhoods.

This struggle goes back to the 1880s, in fact, and anyone who is a student of Winnipeg's history could do a lot worse than to read Alan Artibise's excellent book

called *Winnipeg: A Social History* in which he chronicles, and mostly successfully, Madam Speaker, attempt after attempt to ensure that the majority of votes on City Council were exercised south of the Assiniboine River and, for the most part, west of the Red River but certainly south of the Assiniboine.

\* (1010)

There was a very significant attempt in the 1970s when the government of Edward Schreyer brought in The City of Winnipeg Act which amalgamated municipalities, one of which I lived in, and members opposite, many of them have lived in the former municipalities. I lived in Fort Garry. There was a great deal of controversy because, essentially, there was a fear that the new, growing municipalities surrounding the city would overwhelm the city's ability, the traditional, historic City of Winnipeg's ability to govern itself in a way that met the needs of the whole region.

Now, Madam Speaker, Conservative governments, particularly under Premier Roblin, brought into being the metro level of government in Winnipeg precisely because they saw the need for regional planning in the Capital Region. It was not called that in those days. It was called metro, but they gave metro the responsibility for regional streets, for regional parks and basically regional economic development. Metro did I think a passably good job at bringing a vision of a unified city to the point where the Schreyer government was able to abolish the two-level government and put in place a single-tier urban government.

Meyer Brownstone, who wrote the original act for the government and provided many of the studies for the government, had a vision of a lively, democratic city in which citizens had active roles in advising their elected representatives, in which elected representatives spoke for small enough areas of the city that they could actually know the needs of the residents. So our first City Council had 50 members which seemed like a large number at the time, but it was considerably fewer than the total number of elected representatives from the municipalities which had been amalgamated to form the City of Winnipeg.

The hope that Brownstone had and that many shared was that over a reasonably short period of time there would emerge a sense of urban policy that was driven by a vision of the needs of a whole city. The founders

of this movement thought that perhaps there might be over time a government and an opposition, much as there is in British parliamentary tradition and as there is in British municipalities. Not typically in American cities but certainly in British cities, it is quite common to have fairly large councils with diverse views and some cohesion around opposing views of how the city ought to develop.

It was particularly hoped that there would be a balance between the older city and the newer city of Winnipeg, so that we would not imitate what was happening—if members can cast their minds back to the 1970s in cities to the south of us, where Los Angeles was burning, Detroit was burning, Chicago was burning, Cleveland, great cities hollowed out at their core by racism, by poverty, by despair, by neglect and quite simply by the power of the suburbs of those great cities to suck development and capital out of the historic core and into the newly developed regions around them.

The hopes of those who were building the Unicity legislation were that we could avoid that American mistake and instead focus on the successes of cities that had found ways to have a balanced urban policy where the needs of all citizens, those who were poorer, those who were wealthier, those who lived in older areas, those who chose to live in newer areas, would find a balance.

But, in fact, Madam Speaker, what happened sadly was that from 1950 to 1986 the City of Winnipeg refused to revalue its property and so by successive City Councils, dominated by suburbs, dominated by developer interests, dominated by real property interests, they conferred a simply staggering subsidy on suburban development. They did so by keeping the value of the suburban lands at 1950 prices while holding the downtown at those same prices. So we had the ludicrous situation, well documented, of St. Vital shopping centre paying agricultural tax rates for its centre, while the Richardson Building, downtown in the core, paid more taxes than the whole of the St. Vital shopping centre. It was an absolutely ludicrous situation but specifically and deliberately maintained by the City Councils of the day representing people like the current Premier (Mr. Filmon), the current Finance minister, the former Urban Affairs minister, Mr.

Ducharme, and the former government House leader and various portfolios, Mr. Ernst, all who had the view of the city that it was there to serve the needs of developers and landed interests and not the whole population.

Madam Speaker, historically, that has caused the hollowing out of our city. That has prevented us from renewing our infrastructure, from emphasizing the things that would make it possible to attract new businesses, new industry, new development to the older areas of our city and not just to the newer. There is a mistaken view that suburban growth is all positive and, in effect, provides new revenue to offset the losses. Unfortunately, when it is unbalanced growth, it also brings tremendous costs: loss of tax base, the impoverishment of inner city areas, redlining, the abandonment of housing because it is simply no longer economic, the deterioration of neighbourhoods so that people, even though they might wish to live in the inner city or in older parts of the city, will be reluctant to choose to do so because they fear that their investment in a home would actually lose value, not even maintain its value.

That is the pattern that has been established, not just by the last 10 years, but by the last 80 years in this city's history, made worse since the Second World War by a persistent refusal until, ordered by Mr. Justice Sidney Schwartz to do so, the city finally moved to a market value assessment system, which finally reduced taxes in the older parts of the city and began to remove the enormous subsidy that had been quite consciously provided to suburban development.

Madam Speaker, the bill before us, unfortunately, runs the very great risk of cementing in place one half of Meyer Brownstone's vision, that is, the vision of the possibility of a strong vision of the city being an election platform—whether it is a positive vision or a negative vision, it does not matter—that a mayor and the senior committee chairs might hold. But, unfortunately, the other side of the vision has been completely lost. There is no countervailing accountability in this act. Should the new mayor have one vote, one additional vote, that office will be in a position to effectively control all of the agendas of City Council. The new act allows the senior committees of council, particularly the Executive Policy Committee, to have inordinate

amounts of power to go in camera, to go behind closed doors to make decisions out of the sight of the public. The new act removes the possibility of any mandated citizen advisory role, which is one of the historic innovations in The City of Winnipeg Act. It has had uncertain success, that is true. Largely it has had uncertain success because many councillors do not want to have citizens having scrutiny of what they are doing, and I might say particularly suburban councillors whose RAG groups have been the weakest of all of the RAG groups in the city.

Madam Speaker, this new bill puts in place an unbalanced and potentially unaccountable executive model of management for the City of Winnipeg. I think that we will regret it whether we sit on this side of the House or whether we sit on the other side of the House, because it allows for unprecedented power to be concentrated in seven hands. It allows the possibility of those seven hands disappearing from the view of the press and the public to do their business far too often. It disempowers the remaining elected officials who are reduced to the role of attending council meetings but having no effective ability to sway opinion if the mayor and the executive policy committee and one other councillor controls City Council. So we have, in effect, legislated a party system by virtue of an executive model of government, and we are abolishing the accountability that comes from having an elected loyal opposition.

Whether it is the government side of the House now or this side of the House does not matter, because tyranny of any side of the political spectrum is tyranny and is not appropriate. This legislation is bad legislation. It culminates 80 years of unfortunate struggle and development to try and put accountable democratic broad-based community support in organizing and administering our city through its elected officials. It represents a defeat for that vision, an unfortunate defeat in my view, because it will not matter which side wins. They will have far too much power, they will not be accountable, and citizens will lose whatever muted voice they still have for the resident advisory community committee structure that was put in place in the Unicity legislation of 1970.

\* (1020)

So I take a strong stand against this legislation. I believe it is not in the interest of any party here in the House. It is not in the interests of citizens of Winnipeg. It is only in the interests of a narrow business community who wants to continue to dominate our City Council through its landed and property interests to their benefit—but to the great disadvantage of the majority of residents, more and more of whom live in older areas because we are a slow growing city, more and more of whom are ready to vote against this model. It will be wrong no matter which side wins the election, because it will not matter; that side will have too much power.

Thank you for the opportunity to put these remarks on the record.

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, I have many concerns about Bill 36, but I am going to address what I see as one of the most destructive and harmful parts of the bill, and that is the elimination of community committees as a mandated constitutional part of the City of Winnipeg government.

I can talk about the community committee in my part of the city in the Lord Selkirk, West Kildonan area. The community committee is where northenders go when they have local problems. It is a town hall of the north end. Indeed, community committees are the town halls of Winnipeg's communities. This bill will get rid of our town halls.

The community committee is where northenders have gone in recent times when they are concerned about the policing presence in our neighbours. I think, for example, of the opportunity that was available to residents of north Winnipeg to bring petitions asking for increased foot patrols in the north end. I think of opportunities that were available to northenders to go to their area councillors to express concern about budget changes, particularly cutbacks affecting recreational services and libraries and bus service. At those hearings were the voices of the people who were directly affected by proposed changes.

I think back on a very proud campaign of northenders to save the St. John's Library. I recall the community committee when the northenders came out in full force and filled every seat in the community committee

chamber. There were petitions. There were pleadings from one person and organization after another.

This is an important access point for citizens to their local government. In the instances I have just cited, residents were able to not only put their view forward but to discern the position of area councillors on issues of great importance to them in their daily living. These community committees are an important part of democracy in the city and must not be eradicated. If anything, there should be a new impetus to encourage greater local input and participation, particularly since the number of councillors has recently been decreased and the area that councillors have to represent and the number of constituents has increased so much so that input by way of community committees is more important now than ever before. So not only should community committees be maintained and enhanced to encourage greater local input, but those community committees should be given greater discretion, I would argue, to make decisions affecting a greater range of subject matter. This will instead increase rather than decrease the ability of local communities to take control of their own destinies.

Madam Speaker, not only, though, have community committees provided a critical access point for neighbourhoods and individuals, but it keeps councillors accountable to the communities that elected them. I think back, for example, when the presentations were made to save the St. John's Library, the councillors had to, by virtue of them being present, account to those present and the broader community through media representatives who were there as to what their positions were when it came to library services at the St. John's branch. It was important as well that this point of contact, this kind of lobbying by citizens be done in public, and that as well the councillors were there representing the broader area, not just my particular councillor but the other two councillors for north Winnipeg, all three of whom have to be reminded and be educated about area concerns. We do not have brick walls going down the boundaries of our wards. Through the community committee that I am familiar with, the three north Winnipeg councillors are put in a position of having to make decisions affecting north Winnipeg. That is good. It is important that they understand the broader community interests of an area.

Now I ask what is the rationale then for doing away with mandated community committees? What is the problem, I ask the government? What is the fear? These are democratic institutions. They enhance democracy in Winnipeg. What compelling argument is there to diminish democracy? Because I say to the members opposite they darn well better have a good one.

You know, it is hard enough dealing with the City of Winnipeg even with the current structure of community committees. There is a labyrinth down on Main Street, quite frankly. The bureaucracy changes so often. You phone and they say phone somebody else. We know there is a very, very strong influence of developers. There is at least the perception and I would say the reality of hidden agendas at City Hall, and any structure that we can do to put light on decision making and allow for greater citizen involvement must be supported.

This bill is a blow against democracy, and if it is against democracy, we are against the bill. We are in favour of not only maintaining but enhancing community committees as an important part of democracy for the residents, the neighbourhoods and the communities of Winnipeg.

\* (1030)

So for that reason and for reasons of many of the other changes in this bill, reprehensible changes which decrease democracy, whether it is the elimination of RAGs, whether it is the in-camera votes that will be allowed, whether it is the increased powers to the mayor, this bill is not good for Winnipeggers, Madam Speaker, in our view, and we are opposed and will vote against it at every opportunity during the course of its travels through this Legislature.

**Mr. Conrad Santos (Broadway):** Madam Speaker, I would like to put a few comments on Bill 36. The points I want to touch upon include the expanded power of the mayor, the system of delegation, of already delegated functions, the disestablishment of grassroots bodies like residential advisory groups and community committees, the creation of special units

and the deviation from the purpose of good government.

Now, on the powers of the mayor, there is nothing wrong with a model where there is a strong executive, especially if it is elected by the people directly, provided he or she is held accountable. Woodrow Wilson, when he was writing as an academic before he became President of the United States, stated that there is no danger in power provided that that power is held accountable, and in our system, the power of executives is held accountable by a careful system of checks and balances.

There is no check to the power of the mayor. As an example of that power, Section 29(1) says: "There shall be an executive policy committee composed of (a) the mayor; (b) the chairpersons of the standing committees, if standing committees are established by council; and (c) any other members of council appointed by the mayor."

The mayor can rig the membership of the Executive Policy Committee because the mayor has the residuum of appointing power to any other members of council to put him into the Executive Policy Committee, those people who will be of the same view, the same philosophy, the same ideology as whoever is the mayor. Here there is some restraint, control of the Executive Policy Committee by one individual, the occupant of the office of the mayor, because that mayor is given the power of appointment of the membership of the executive body in the city level of government.

That Executive Policy Committee, which is already dominated by adherence of the mayor, itself may establish a subcommittee. The mayor shall again appoint the members of the subcommittee outside of the Executive Policy Committee. Even the chairperson of the subcommittee is an appointee of the mayor. What is the restraint and control on the power of the mayor? Where are the checks and balances built into the system, so that authority and power can be held accountable ultimately to the voters, to the people who are supposed to be the sobering residuum of authority in our democratic system?

The council may delegate its power to a committee, and the committee in turn may delegate again the power



to an employee. This is an evasion of responsibility. There is a maxim honoured in most democratic systems of government which says: potestas delegata non delegare potest; a delegated power cannot again be delegated. If it is delegated to the person or to the body or the agency, that agency or body is held accountable and responsible for the execution of the functional power. If it can evade its responsibility by delegating it to an employee, where is responsibility? Where is accountability in the system of our city government? This is dictatorial authority overflowing its boundaries, its legitimate boundary.

On the matter of special service units. According to Section 81(10), the council may establish special service units to provide commodity or service inside or outside the boundaries of the city, and any activity engaged in by special service units established is deemed to be an exercise of the powers granted under this act for the attainment of a municipal purpose.

This is a duplication and replication of what they call "special operating units" in the provincial level of government. These are autonomous bodies that are self-sufficient, independent, autonomous, can carry out its function. If council can create such a special service unit and the exercise of its function be deemed to be the exercise of power granted by the act, that is an assumption of authority and responsibility far beyond the intention of those who elected the councillors in the City Council, the people who are supposed to be governed by their elected representatives.

These are not elected bodies. These are bureaucratic people who owe no loyalty, but since they are subject to the appointing power, removable power, of the chief administrative officer as well as the mayor ultimately, where is responsibility, where is accountability here?

The note that this special service unit can enter into contracts. This means that the authority of council, as the duly legitimate elected body by the people of Winnipeg, is diluted to the extent that powers are delegated and assumed by special operating units who are not elected and who are not accountable to anyone; to that extent, the authority delegated by the people to their councillors is watered down.

It is stated that the purpose of this act is to provide good government. That is one of the stated purposes, to provide good government. Good government, in any estimation of anyone with an objective view, means a government that is responsive to the wishes of the electorate, the people of Winnipeg. Since they abolished the resident advisory committee, they abolished the community committee, they abolished all links to the grassroots of the city, Madam Speaker, where is responsiveness here? It is abolished. They are establishing a statutory dictatorship by means of this Legislature, and to the extent that they are delegating functions of council to a special operating unit, these are not accountable directly to the people. They are not even elected. Where is accountability? Where is good government here?

**An Honourable Member:** It is gone.

**Mr. Santos:** It is gone. Another definition of good government is that it is representative government. Those people, different community groups, different ethnic origins, national origins, they are free to elect their own representative to the government so that their special particular values and wishes can be understood by their own city government. By abolishing the resident advisory committee, by abolishing community committees, by abolishing all these grassroots links to the people, the designer of this system of city government is abolishing all kinds of representativeness. Therefore, the stated purpose there of providing good government is empty, because the government that it provides is not responsible, it is not accountable, it is not representative.

\* (1040)

Again, the other purpose is to provide service, facilities and other things that the people need. How can the city know what the people need if they abolish the only link by which the people can express their wishes and their desires? Is it because this is a paternalistic kind of elitist kind of government that knows everything? Without asking the people, they give them the kind of things that the people, they think, want. That is not democracy; that is dictatorship; that is tyranny.

Again, it says it will provide safe and viable communities. Communities are not safe, are not viable,

if they have no voice at all in their own city government. If we abolish all kinds of links to the grassroots, we are inverting democracy. Do we not see a pattern here? First, they decreased the number of councillors. The more elected people there are, the more the City Council will be accountable to the city voters. They decreased that into almost half. There is this institutionalized innovation started by the Schreyer government about grassroots participation, participatory democracy, and they are now cutting all kinds of establishments that make the people participate in the system of city government. All the more the suspicion is confirmed that council is run by some hidden group of people who have some vested interest in the kind of policies that the city will pass and promulgate, and that is not a secret.

By abolishing the number of council, we see the pattern there. The number of councillors have decreased, and now that there are few councillors, they gravitate all power to the group of seven members of executive policy committee, and these are appointed at the mercy, at the discretion of the mayor. Seven is a magnificent number. The Seven Wonders of the World, The Magnificent Seven—there is a movie like that—seven planets. Oh, this is the universe that they are trying to govern, these seven, and who are they? They are appointed by the mayor.

**An Honourable Member:** Seven deadly sins, Conrad.

**Mr. Santos:** Seven deadly sins also according to my colleague here who has been nominated from Osborne. Seven deadly sins.

So the power there without accountability leads to what? Lord Acton said it a long time ago: "Power tends to corrupt and absolute power corrupts absolutely." The power they are granting to the mayor will corrupt the kind of city government, and the power of the mayor will corrupt and make subservient all the employees from the top administrator, supposedly a servant of council and supposedly to implement the wishes of council, but at the fingertip of the mayor. Is this democracy? Is this what we want? This is the iron law of oligarchy operating now at the city level. That is not unusual. That had been pointed out a long time ago. Every organization, no matter how democratically established, once the elected officials have a taste of

power and they observe that power they enjoy exercising, they will appoint people like themselves to perpetuate that oligarchy. That is the death knell for democracy. Thank you, Madam Speaker.

**Ms. Diane McGifford (Osborne):** I am pleased to rise this morning and join my colleagues who have already registered our disagreement with this bill and also the reasons for that. I know that the member for Wellington (Ms. Barrett) spoke eloquently. She presented a very comprehensive discussion, and I think she described this legislation in many colourful terms. I will let the record stand and not comment on her work.

The member for Crescentwood (Mr. Sale) spoke this morning. I was very pleased to hear the historical background that he provided. He certainly pointed out the antidemocratic nature of this bill. I know the Minister of Urban Affairs (Mr. Reimer) is listening to this very carefully, and I am sure that he has much food for thought. Perhaps he will be introducing amendments. We can only hope that he has heard. The member for Crescentwood I know described this as extremely bad legislation, as legislation which served narrow interests at the expense of the vast majority of Winnipeggers, and I heartily endorse everything that the member for Crescentwood said.

Then this morning the member for St. Johns (Mr. Mackintosh) spoke. He emphasized the residents advisory groups and the importance of residents advisory groups. He talked about these groups providing citizens with the ability to take control over their communities, to have a voice in what happened in the community. I know that most of us in this Legislature recognize the importance of local and community empowerment. We know that if citizens in a community have a say in that community then they feel responsible for that community. They feel pride and ownership in that community. So the dissolution of the residents advisory groups is indeed a tragedy.

The member for St. Johns also pointed out the importance of the residents advisory groups in providing accountability. With the residents advisory groups, there is a mechanism for councillors to be accountable to their local constituents. I think we all agree on the principle of electoral accountability. The

residents advisory groups are a kind of democracy in action. I think if this government passes this bill then really what it is doing is passing an antidemocratic piece of legislation, and I would think that it does this at its own peril.

There appears to be no rationale for the dissolution of these residents advisory groups. What is the problem with a residents advisory group, and why are they being wiped out?

The member for Broadway (Mr. Santos) was the next speaker this morning, and I think he very eloquently analyzed the changes to the mayor's office. He pointed out the lack of accountability. He also chose some very colourful words to describe the changes—and very accurate words, I might add—as dictatorial, as authoritarian. He identified other flaws in the bill. He also identified the bill as instituting what he referred to as a statutory dictatorship. He talked about the elitist nature of the kind of government that this bill would introduce as certainly it is a most ignominious piece of legislation. He also pointed out that this bill would decrease the input of grassroots, something which the member for St. Johns (Mr. Mackintosh) had talked about. He pointed out that the number of councillors had already been decreased, and the dissolution of residents advisory groups and other citizens groups would certainly continue the antidemocratic process that seems to have characterized our City Hall.

Madam Speaker, this bill has been flawed from its inception. We could begin by identifying the process. The process at City Hall itself was hurried. I think that it went from initial presentation to actual fact in about three weeks. I know that no lesser a citizen than Dr. Paul Thomas has talked about the obscene haste in dealing with the Cuff report and indeed the process was obscene.

\* (1050)

Accountability—several of my colleagues have talked about the accountability issue and how this bill would concentrate power in the hands of the executive with no checks and balances. We have talked about the second vote for the mayor in the case of a tie and seen that as a very antidemocratic move. I just want to quote from a document one of my constituents submitted to me on this particular issue, on the issue of the mayor: No

other mayor in the history of Winnipeg has had such enormous power to influence the deliberations of council primarily because the best of them did not need it. Neither Bill Norrie, the consensus builder, nor the charismatic Stephen Juba needed two votes.

Some argue that this provision of the bill strengthens the office of the mayor. I think the Minister of Urban Affairs (Mr. Reimer) argues that, but all it does in reality is embolden weak mayors who lack the necessary political skills to build council majorities. The entire reshaping initiative certainly can be interpreted to be a consequence of the incumbent's inability to dominate the municipal political process in the way she would have liked. All of the changes in the bill relating to the office of the mayor, as well as in the reorg by-law, are a product of the incumbent's lack of leadership qualities, frustration with due process, intolerance towards dissent and antipathy toward labour.

Well, I think that says it all, Madam Speaker. Now, I know I do not have much time because I want to accommodate some of my colleagues who also want to put some remarks on the record this morning, but what I think is most regrettable about this bill is that while it appears to be comprehensive, that comprehensiveness is merely superficial and cosmetic as far as the degree to which it confronts the major problems facing our city today. The whole reshaping initiative is really designed to accelerate the downsizing project. The real problems in our city are related to increasing property taxes, deteriorating infrastructure, unplanned regional development and declining public social services. These issues have been ignored in Bill 36, and these are the real issues facing the city.

I might point out that these are the issues that have not been ignored by our critic for Urban Affairs, the member for Wellington (Ms. Barrett). It was about two weeks ago that the member for Wellington led a major press conference in which she announced some of our ideas about the city of Winnipeg, ideas that have nothing to do with Bill 36. She presented seven steps for renewal. I am not going to go through those steps, because I know that they are available to all members who wish to educate themselves in this way, but I do want to make the point, in closing, that the real needs of the city of Winnipeg are not addressed in Bill 36. They

have been addressed by our critic for Urban Affairs and the work that she has done. Her presentation in this Legislature speaks for itself. Thank you.

**Mr. Gary Kowalski (The Maples):** Madam Speaker, I would like to put some words on the record in regard to this bill. I understand the motivation for this bill, and the motivation is to make civic government in Winnipeg more efficient, and no one could argue that efficient government is a desirable goal, but, unfortunately, democracy is not always efficient. Democracy sometimes is a very messy business, and if anyone knows about the messiness of a democratic process in a political party, it is me, but that does not mean that an inefficient system is necessarily bad, because the most efficient government is a dictatorship. One person decides what is to be done and it is done, but that does not mean that is the best system.

So I look at this bill, and I understand the motivation, but I have some grave concerns about it. In spite of that I would still like it to go to the committee stage, because I want to hear, I understand there are a number of people from the public who wish to present on this bill. I would be very anxious to hear their comments.

This is the type of issue where, as an MLA, I am not too sure of my role. I recently did a survey in The Maples. One of the questions I asked to my constituents was: what should be the first consideration in how I vote as your MLA, my political party's position, the wishes of the majority of my constituents, or my own personal views and opinions? Overwhelmingly so far the response is the wishes of the majority of constituents. But I have a concern about that, because my view, my role as an elected official, as all of us, is not necessarily to find out which way the majority of constituents want to go, run to the front of the pack and call that leadership. Sometimes we have to inform the public, state our view, convince our constituents of the right course of action and hope that we have their support.

Why I bring that up is that some of the things in this bill, I think, would be popular with my constituents. I think my constituents would support fewer elections, so having elections every four years instead of every three years I think would be a popular viewpoint. But my concern about that is: what about accountability? If we had elections every year, for example, would the city

councillors be more accountable to the public? Yes, but the public does not want it, so to move from three years to four years might be a popular thing, but I do not believe it is necessarily the right thing to do.

A number of other things that might be popular with my constituents: giving the mayor and Executive Policy Committee more power to take decisive actions on some issues, I think, to my constituents, without more information, more knowledge, would seem the right thing to do. We have seen a number of issues where there was waffling, there was internal fighting, and important issues and initiatives were not dealt with in a decisive manner. Again, I am 100 percent for efficient government and the bureaucracy of the city government being efficient, quick to react, but the legislative process in civic government is going to be messy. As far as the mayor and the Executive Policy getting more powers, yes, the public wants decisive people to take strong action to take us into the next century. But I look back at people who have had vision, and they are usually characters. I look back to Stephen Juba; I look back to Mayor Drapeau. They were not people necessarily that you could agree with everything they have done, but they were exciting people. They were visionaries.

Listening to the comments of the member for Osborne (Ms. McGifford) about Bill Norrie and the incumbent mayor, people want a strong, decisive mayor and council, but can we legislate that? That has to be in the character of the person. It should be someone who is a consensus builder, who has strong consensus-building skills. Can we legislate that? I do not think so.

So I have grave concerns about this bill, but I will vote to send it to committee because I am very anxious to hear the public presentations on this bill. Thank you, Madam Speaker.

\* (1100)

**Mr. Kevin Lamoureux (Inkster):** I, too, want to put a few words on the record prior to Bill 36 going to committee. We have gone a long way. One can recall back prior to 1972 when we had a number of cities scattered in what we would classify today as Winnipeg, and the then Premier Ed Schreyer came up with the idea of how wonderful it would be if in fact we were to

get all these local communities, local municipalities, unite them, and we will have one great unicity in the city of Winnipeg.

Madam Speaker, if I were an MLA back then, I would have supported that particular initiative because I think that there is a great deal of benefit. Today we see a lot of satellite communities scattered around the city of Winnipeg. Once again, we look at what some of the problems are that are caused as a direct result of those satellite communities, and we come up with the concept of a Capital Region.

What I would have liked to have seen would have been a government that was going to take more of a leadership role in the development of that Capital Region, as opposed to putting as much effort into the redefining of the city of Winnipeg, and particularly how it is being administered. It is not to say that there is no need; I think that there is just a higher need in different areas of the development of the whole Capital Region, and that the government is attempting to focus its attention just strictly on one area.

Madam Speaker, when I look at it and I see how things have somewhat evolved, going to one city is, in fact, a very strong positive. We look at what this government has done with the City of Winnipeg. It reduced the number of city councillors. I believe, when it was first united, it was 29, and now we are down to 15. That was, in fact, an initiative that was supported by the then opposition, the Liberal opposition party, because, and I was there, it was articulated within caucus because it was a very divisive issue that there was the need to try to see more leadership and more good policy setting coming out of City Hall. I think the general feeling was, by reducing the number of city councillors, that we were going to see a more effective City Council. I am not convinced that that has in fact happened.

At the time, I was quite eager to support that legislation. Well, today, we have again legislation that is expected to have the same sort of an impact. It is supposed to make City Hall more efficient. It is supposed to make it more accountable. Those were the types of arguments that were being used a number of years ago. I do not necessarily believe that is, in fact, what has happened.

I thought the member for The Maples (Mr. Kowalski) had an excellent point. When you make reference to the mayor and the whole leadership issue, I think it has a lot more to do with the type of a mayor and the type of councillors that are elected as opposed to us trying to legislate. I think that we can assist through legislation, but most of the responsibility is with the electorate and the type of politicians that they elect. If you elect an individual mayor candidate, as the member for The Maples points out, that has the ability, that has the strong character and is prepared to take some chances, you are going to have a City Hall that is going to be perceived as having whatever authorities it requires because of that strong leadership.

I look at Bill 36 and it really does expand the potential strength of the mayor, where now the mayor will have two votes. Well, Madam Speaker, two votes, you have, let us say, 10 city councillors including the mayor sitting down at the table, and here is an issue that comes up. The mayor has the opportunity to cause a tie, and then if there is a tie, the mayor can break the tie. Well, I have a very difficult time with that. I do not believe that can be justified. It seems to really slap the face of some of our basic principles of democracy, that particular issue.

The mayor, you know, with the ability to appoint, whether it is EPC, the council committees, the standing committees, EPC subcommittees, Madam Speaker, more and more, what we seem to be seeing happening over at City Hall is the structure of, let us say, a parliamentary government where you have a political party that is in government. You have a leader, and that leader has a cabinet. I see that is the way which we seem to be moving or evolving towards at the local government level, because with the type of powers that we are giving, I can easily see—and we are starting to see it today—where you get clusters of opposition, and those who are painted into opposition remain in that opposition through the life expectancy of that particular mandate.

I am not convinced that is the best way to do it. I think we have had individuals, whether it is someone like a Greg Selinger, who has contributed quite handsomely to the development of the city of Winnipeg, under the way in which things are evolving,

if he happens to fall—and I use him as an example—on the wrong side of the so-called floor that we are developing at City Hall, well, he is not going to be in that inner circle.

Madam Speaker, I like to think that what has happened at the local level of government, the party style of politics has been left out to a certain degree. We have been seeing more and more that has not necessarily been the case. I do not know if this is going to assist in—or I should not say I do not know. My fear is that this legislation is going to assist in some form of party-style local politics at our municipal level, and I am not convinced that that is in the best interests of the city of Winnipeg.

I look at other issues. From three years to four years—at first glance, I think that that is something that can be very popular, especially amongst the public, because the public, at times, does not necessarily care for elections. If you say, well, instead of every three years it is going to be every four years, I think you will get most people supporting that. But I think that we do not want to take that too lightly. What I would be interested in knowing from the government is how many other municipalities across Canada have four years opposed to three years. I think that has some potential for support, even my support, but I would be interested in hearing some arguments as to why that extension is, in fact, warranted.

I think that there are some very positive things that are coming out of this legislation, Bill 36. They talk about the special service units. Those are fairly similar, from what I understand, to our special operating agencies. Those special operating agencies have played a fairly positive role for the Province of Manitoba, very strong concerns with, again, the sense of accountability. As it becomes more arm's length, how do the elected individuals—and I spoke the other day, I think it was on Monday, on special operating agencies and suggested that there should be some sort of a mechanism, formal mechanism that brings special operating agencies before committees of MLAs, both in government and in opposition. Well, that same principle should also apply for the city of Winnipeg. We cannot lose sight of the importance of retaining public accountability, and the best way to do that is to equip your elected officials

with the opportunity to be able to ensure that that accountability is, in fact, in place.

\* (1110)

Responsibility for approving construction over waterways—we can all recall an incident a couple of years back with a proposed housing development and some of the problems that that was causing. I think that there is a lot of merit to this particular amendment. Again, another positive is when we are talking about the removal of names from the tax rolls. Under the right circumstances, I think that that is, in fact, warranted and I think it is a positive.

You have the ability for the Court of Queen's Bench to hear appeals now within 30 days of filing an appeal. Again, I think that this is a positive, and hopefully it will assist things operating in a much more fair and equitable way. It talks about the chief administrative officer, the importance of having a chief administrative officer.

Madam Speaker, I had studied over at the Institute for Urban Studies, where we talked about many different models of governing for cities, and one of the more popular ones was the concept of a city manager. I think that there are ways in which we can better deliver services through our current setup, and we can learn from other models and incorporate some of the things that have been successful under those models into some sort of a hybrid that would allow those benefits that have been achieved from other models to be achieved under our model.

For example, I believe it was W5 had a report, I think it was the community in Ontario called Ajax, and it was here under, I believe it was, the city manager model where they came up with incentives for streamlining and making the local government more efficient and effective. They came up with some wonderful ideas, everything from the dog pounds, if you like—going to different houses to ensure that homes that had pets were, in fact, registering these pets; Madam Speaker, it became very much cost-efficient, did not cost the taxpayers any extra dollars; we had more pets actually being licensed—to the way in which buses were being run.

There are many good ideas that are out there, Madam Speaker. It is a question of being able to tap into those ideas and bring them into the format which we have to govern, that being our current system which I think, all in all, is fairly effective or has the ability to be just as effective as any other model, but I would ultimately argue that that has more to do with the personalities.

The government is now enabling City Hall to do away with the resident advisory groups in favour of City Hall being able to have types of public forums that it feels are, in fact, warranted, different types of mechanisms in which City Council would feel it can best address a particular issue. Well, the problem with that, of course, is, under the RAG groups, you have a formal structure in which the public can provide input. Under what is being proposed, what you could see is this cabinet-modelled City Council bringing forward suggestions on what it believes is in its best interests to get that public feedback. It just has the opportunity for more abuse.

I would think, Madam Speaker, that through the RAG groups that the opportunities could have still been there, if there was better definition as to what it is that the government was trying to specifically achieve. Maybe it is mandating, for example, some forms of public forums that would have to take place, whether it is on a quarterly basis. Something that gives more of a sense of independence to City Hall I think would have assisted in alleviating some of the concerns that people have with respect to RAG groups.

What are the resident advisory groups, in fact, being replaced with? On the surface, Madam Speaker, it would appear, with some wonderful things. But those wonderful things are all at the call, if you like, of City Council. Well, City Council is then run through a relatively small group of individuals who sit there, and we cannot dictate, nor should we necessarily dictate per se, but we are changing a model that has some flaws but has generally been working relatively well.

We are changing that model in favour of something that is quite uncertain, and we do not know how that is going to work out, Madam Speaker, in the future. I am a little bit skeptical. The reason I am skeptical, in essence, is because I believe that a lot of the problems that we are talking about today in terms of evolution of

policy from City Hall to efficiencies, those, I thought, were being addressed when we reduced the number of city councillors from 29 to 15.

Madam Speaker, to the best of my knowledge, even though it might have assisted somewhat, I do not believe it has been anywhere near as successful as it has been—or I should not say it has been—as it was being forecasted when we were making those changes, because when we were making those changes a number of years ago, people were talking about how better the system was going to be. I really do think that the member for The Maples (Mr. Kowalski) put it best when he stated, and I would reinforce that it has more to do with the type and the style of politicians that we are re-electing, that the mechanisms are in fact there. It is just a question of who are the people that are going to be using those mechanisms.

The mayor today has power and has the authority. Mayor Susan Thompson has done a lot of wonderful things for the City of Winnipeg; so did her predecessor Bill Norrie. I do not want to take anything away from those individuals and their contributions that they have made or to city councillors that sit on EPC, individuals, whether it is the Amaro Silvas or the Michael O'Shaughnessys or even individuals like John Angus—[interjection] And the member says, well, those are all Liberals. Well, the Glen Murrays and others have contributed in other ways.

Part of the concern I would have is that with these amendments, I think you are limiting the abilities of individuals that fall outside of that circle. That is what my concern is, Madam Speaker, that by passing this legislation, are we in fact going to be limiting the effectiveness of some of those city councillors who, for whatever reasons, are not involved because the future mayor chooses not to have them involved in some of those important standing committees? That is a very important concern that I have, because I understand there will be a vote on this bill prior to going to committee.

\* (1120)

I do not have any problem in seeing the bill going to the committee stage. Because I am not too sure if I am going to be able to be there for the committee meeting

itself, I will be following what takes place at the committee meetings. In the interim, my intentions are to meet with a few more individuals before we can actually take a position on this legislation, because there are some very serious concerns, some very serious questions, that still have to be answered.

I am not in the position to say either way whether or not this is a bill which ultimately will receive support in third reading. I hope that we will get some input through the committee stage that might be of some assistance. When it does come into third reading, there will be no doubt by that time, because I did not expect the bill to be passed into committee today. By that time, I am sure that we would be in a position in which we can take a very strong position on the bill. I did want to, before it went to committee, express some of the concerns that I and others have with respect to this bill. Hopefully, some of those concerns will be addressed. In terms of the bill, we are going to support the bill going into committee, and we will reserve our final position on the bill for third reading. Thank you, Madam Speaker.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 36. Is it the will of the House to adopt the motion?

**Some Honourable Members:** No.

**Madam Speaker:** No.

#### Voice Vote

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Steve Ashton (Opposition House Leader):** I am not calling quorum, Madam Speaker, but I will call for Yeas and Nays.

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

Order, please. The question before the House is second reading on the proposed motion of the honourable Minister of Urban Affairs and Housing (Mr. Reimer), Bill 36, The City of Winnipeg Amendment and Consequential Amendments Act.

#### Division

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

#### Yeas

*Cummings, Derkach, Driedger (Charleswood), Driedger (Steinbach), Dyck, Enns, Faurshou, Gilleshammer, Helwer, Kowalski, Lamoureux, McAlpine, McCrae, McIntosh, Mitchelson, Newman, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Toews, Tweed.*

#### Nays

*Ashton, Barrett, Chomiak, Dewar, Doer, Evans (Brandon East), Hickes, Jennissen, Mackintosh, Martindale, McGifford, Mihychuk, Reid, Robinson, Sale, Santos, Struthers, Wowchuk.*

**Mr. Clerk (William Remnant):** Yeas 26, Nays 18.

**Madam Speaker:** The motion is accordingly carried.

**Mr. Neil Gaudry (St. Boniface):** Madam Speaker, I was paired with the member for La Verendrye (Mr. Sveinson).

\* (1150)

#### House Business.

**Hon. James McCrae (Government House Leader):** Madam Speaker, I propose to ask you to call Bill 45, but on a matter of housekeeping, to save a little time later in the day, I would like to obtain the unanimous consent of the House notwithstanding the sequence for consideration of Estimates as outlined in Sessional Paper 142, tabled on March 24, 1998, and subsequently



amended to consider in the Chamber the Estimates of the Department of Agriculture.

This change is to apply until further notice or for the duration, whichever happens first.

**Madam Speaker:** Is there unanimous consent of the House to change the sequence for the consideration of Estimates to consider the Department of Agriculture in the Chamber and this change to apply until further notice? [agreed]

**Mr. McCrae:** Madam Speaker, I wish to obtain the unanimous consent of the House notwithstanding the sequence for consideration of Estimates as outlined in Sessional Paper 142, tabled on March 24, 1998, and subsequently amended to consider in Room 254 the Estimates of the Children and Youth Secretariat transferred from Room 255. This change is to apply also for the duration or until further notice.

**Madam Speaker:** Is there unanimous consent of the House to change the sequence for consideration of Estimates in Room 254, now to consider the Estimates of the Children and Youth Secretariat, which was transferred from Room 255, this change to apply until further notice? [agreed]

**Mr. McCrae:** You may want to celebrate the fact that this may indeed be my last announcement respecting this particular sessional paper.

Madam Speaker, I wish to obtain the unanimous consent of the House notwithstanding the sequence for consideration of Estimates as outlined in Sessional Paper 142, tabled on March 24, 1998, and subsequently amended, to consider in Room 255 the Estimates of the Department of Finance transferred from Room 254, and then, in the following orders: Canada-Manitoba Enabling Vote, Allowances for Losses and Expenditures Incurred by Crown Corporations and Other Provincial Entities, Internal Reform, Workforce Adjustment and General Salary Increases, Urban Economic Development Initiatives, Capital Initiatives, Legislative Assembly, Health and Emergency Expenditures.

Madam Speaker, these changes are to apply for the duration or, in an unlikely event, until further notice.

**Madam Speaker:** Is there unanimous consent of the House to change the sequence for the consideration of Estimates in Room 255, consider the Department of Finance, which has been transferred from Room 254, and then in the following order: Canada-Manitoba Enabling Vote—

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense? Is there unanimous consent? [agreed]

**Mr. McCrae:** Madam Speaker, would you kindly call Bill 45.

#### **Bill 45—The Manitoba Public Insurance Corporation Amendment Act**

**Madam Speaker:** To resume adjourned debate on the proposed motion of the honourable Minister responsible for the Manitoba Public Insurance Corporation (Mr. McCrae), Bill 45 (The Manitoba Public Insurance Corporation Amendment Act; Loi modifiant la Loi sur la Société d'assurance public du Manitoba), standing in the name of the honourable member for Brandon East (Mr. L. Evans).

Is there leave to permit the bill to remain standing?

**An Honourable Member:** Standing.

**Madam Speaker:** Leave? Leave has been granted.

**Mr. Steve Ashton (Thompson):** Madam Speaker, I wish to speak on this bill today, and I want to indicate that we had some information available to us at the standing committee on MPI which I think puts into context what has happened with no-fault insurance in this province.

According to MPIC and the minister, under the old system the average Manitoban would have been paying and receiving \$340 in premiums and benefits under the old program. Under no-fault, we have now seen a situation whereby it is \$140 per policy, a dramatic drop in both the amount people are paying and receiving for injury claims.

I want to put that into context, because this bill was announced by the government as its response to the PIPP report with Mr. Uskiw as the commissioner to that report. If people feel this is going to be somehow a significant enhancement, I would suggest that that be tempered with the knowledge that in fact the additional cost to Autopac is going to be between \$2 million and \$3 million. So we will have a package of coverage for injury that is going to be \$143 million instead of \$140 million, and that compares to what would have been the case before, which is \$340 million.

I want to put on the record as well because it is important to note what happened. The number of claims that are being paid out to Manitobans under bodily injury claims has dropped in half. A vast majority of those cases that have been eliminated are in the area of back injuries, soft tissue injuries. But essentially what the government did in 1992 is it took the previous system, I think it used the argument that it was somehow going to be a fairer system, but I would suggest to you, Madam Speaker, that in addition to the concept of no fault, they found a very convenient way to decrease dramatically the amount of payouts on bodily injury claims.

I want to put that in context, because this bill does not dramatically change that. This bill brings in provisions for lifetime retirement income. Claimants who are totally disabled on or after age 65 will be entitled to income replacement indemnities as a result of their disability and would collect full income replacement benefits for five years and receive a lifetime retirement income based on 70 percent of their net income.

Under existing legislation, students are not entitled to a lump sum indemnity if they miss less than a full year of school. The new legislation would pay students injured in an accident a part of their lump sum for each incomplete term or semester. There is a provision for the payment of interest on any indemnity or expense not paid within 30 days. Funeral expenses are increased from \$3,500 to \$6,000. MPI will also be required to pay the expenses of someone accompanying an accident victim to medical appointments when the person's physical or mental condition or age makes it necessary. MPI will also pay expenses directly to the

person to whom they are due, whether it be a chiropractor or physiotherapist, and MPI has a maximum of 30 days to respond to a request for a review.

I am not saying, Madam Speaker, in any way, shape or form, that those are not positive amendments. I would point out that a number of these areas were raised, in the initial bill that brought in the no-fault system, by the member for Brandon East (Mr. L. Evans). In fact, the member for Brandon East brought in 35 amendments. The government only adopted one, I believe, at that time; that was for the review. This review that took place as a result of these changes was a result of an NDP amendment.

**An Honourable Member:** Open government.

**Mr. Ashton:** Well, the minister says it is open government. At the time, they could have avoided the kind of hardship that has been caused to people in these particular circumstances by listening to us in 1992-93.

I want to indicate, too, that I will be, in my speech, when it continues, when we resume debating bills, talking about what was not in both the Uskiw report and also what was cut from the Uskiw report when it was brought in, in this form. I particularly want to stress again our strong belief that there should be an advocate, there should be a much fairer appeal system. I have put on the record our concerns. I did it in the last standing committee.

We should have the same kind of system, if we are going to have a no-fault system, that we have for Workers Compensation when it comes to claims. I point out the parallel is virtually identical. You move from a system of tort coverage—we did that in the early part of the century—to a system of coverage essentially through a no-fault system. What you end up with, unless you balance out the needs of claimants to have somebody working on their behalf, you lose the one advantage of the tort system, which is where if you can afford a lawyer, you are then in a position of having someone to provide legal advice.

I remind the minister that Autopac routinely has lawyers present at the appeal process for bodily

injuries. I think that is unfair, and I am very disappointed that this bill does not include the kind of amendments we brought out in successive bills on MPIC. MPIC claimants should have the same ability that Workers Compensation claimants have, to have somebody working on their behalf, someone that they do not have to pay for who can fight for them. Thank you, Madam Speaker.

**Madam Speaker:** Order, please. When this matter is again before the House, the honourable member for Thompson will have 34 minutes remaining, and the bill will also remain standing in the name of the honourable member for Brandon East (Mr. L. Evans).

I am leaving the Chair, with the understanding that this House will reconvene at 1:30 p.m. this afternoon.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 11, 1998

## CONTENTS

### ORDERS OF THE DAY

#### Report Stage

Bill 4, Child and Family Services Amendment and Consequential Amendments Act	4337
Bill 12, Addictions Foundation Amendment Act	4337
Bill 14, Executions Amendment Act	4337
Bill 16, Water Resources Administration Amendment and Consequential Amendments Act	4337
Bill 18, Registry Amendment Act	4337
Bill 21, Communities Economic Development Fund Amendment Act	4338
Bill 25, Highway Traffic Amendment Act	4338

Bill 27, Manitoba Employee Ownership Fund Corporation Amendment Act	4338
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Bill 42, Norway House Cree Nation Northern Flood Master Implementation Agreement Act	4338
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#### Debate on Second Readings

Bill 36, City of Winnipeg Amendment and Consequential Amendments Act	
Sale	4338
Mackintosh	4341
Santos	4342
McGifford	4344
Kowalski	4346
Lamoureux	4346

Bill 45, Manitoba Public Insurance Corporation Amendment Act	
Ashton	4351