

Fourth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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The Honourable George Hickes
Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

| Member | Constituency | Political Affiliation |
|--------------------------|---------------------|------------------------------|
| AGLUGUB, Cris | The Maples | N.D.P. |
| ALLAN, Nancy, Hon. | St. Vital | N.D.P. |
| ALTEMEYER, Rob | Wolseley | N.D.P. |
| ASHTON, Steve, Hon. | Thompson | N.D.P. |
| BJORNSON, Peter, Hon. | Gimli | N.D.P. |
| BRICK, Marilyn | St. Norbert | N.D.P. |
| CALDWELL, Drew | Brandon East | N.D.P. |
| CHOMIAK, Dave, Hon. | Kildonan | N.D.P. |
| CULLEN, Cliff | Turtle Mountain | P.C. |
| CUMMINGS, Glen | Ste. Rose | P.C. |
| DERKACH, Leonard | Russell | P.C. |
| DEWAR, Gregory | Selkirk | N.D.P. |
| DOER, Gary, Hon. | Concordia | N.D.P. |
| DRIEDGER, Myrna | Charleswood | P.C. |
| DYCK, Peter | Pembina | P.C. |
| EICHLER, Ralph | Lakeside | P.C. |
| FAURSCHOU, David | Portage la Prairie | P.C. |
| GERRARD, Jon, Hon. | River Heights | Lib. |
| GOERTZEN, Kelvin | Steinbach | P.C. |
| HAWRANIK, Gerald | Lac du Bonnet | P.C. |
| HICKES, George, Hon. | Point Douglas | N.D.P. |
| IRVIN-ROSS, Kerri | Fort Garry | N.D.P. |
| JENNISSON, Gerard | Flin Flon | N.D.P. |
| JHA, Bidhu | Radisson | N.D.P. |
| KORZENIOWSKI, Bonnie | St. James | N.D.P. |
| LAMOUREUX, Kevin | Inkster | Lib. |
| LATHLIN, Oscar, Hon. | The Pas | N.D.P. |
| LEMIEUX, Ron, Hon. | La Verendrye | N.D.P. |
| MACKINTOSH, Gord, Hon. | St. Johns | N.D.P. |
| MAGUIRE, Larry | Arthur-Virden | P.C. |
| MALOWAY, Jim | Elmwood | N.D.P. |
| MARTINDALE, Doug | Burrows | N.D.P. |
| McFADYEN, Hugh | Fort Whyte | P.C. |
| McGIFFORD, Diane, Hon. | Lord Roberts | N.D.P. |
| MELNICK, Christine, Hon. | Riel | N.D.P. |
| MITCHELSON, Bonnie | River East | P.C. |
| MURRAY, Stuart | Kirkfield Park | P.C. |
| NEVAKSHONOFF, Tom | Interlake | N.D.P. |
| OSWALD, Theresa, Hon. | Seine River | N.D.P. |
| PENNER, Jack | Emerson | P.C. |
| REID, Daryl | Transcona | N.D.P. |
| REIMER, Jack | Southdale | P.C. |
| ROBINSON, Eric, Hon. | Rupertsland | N.D.P. |
| ROCAN, Denis | Carman | P.C. |
| RONDEAU, Jim, Hon. | Assiniboia | N.D.P. |
| ROWAT, Leanne | Minnedosa | P.C. |
| SALE, Tim, Hon. | Fort Rouge | N.D.P. |
| SANTOS, Conrad | Wellington | N.D.P. |
| SCHELLENBERG, Harry | Rossmere | N.D.P. |
| SCHULER, Ron | Springfield | P.C. |
| SELINGER, Greg, Hon. | St. Boniface | N.D.P. |
| SMITH, Scott, Hon. | Brandon West | N.D.P. |
| STEFANSON, Heather | Tuxedo | P.C. |
| STRUTHERS, Stan, Hon. | Dauphin-Roblin | N.D.P. |
| SWAN, Andrew | Minto | N.D.P. |
| TAILLIEU, Mavis | Morris | P.C. |
| WOWCHUK, Rosann, Hon. | Swan River | N.D.P. |

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 6, 2006

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Funding for New Cancer Drugs

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I wish to present the following petition.

These are the reasons for this petition:

Cancer is one of the leading causes of death of Manitobans.

Families are often forced to watch their loved ones suffer the devastating consequences of this disease for long periods of time.

New drugs such as Erbitux, Avastin, Zevalin, Rituxan, Herceptin and Eloxatin have been found to work well and offer new hope to those suffering from various forms of cancer.

Unfortunately, these innovative new treatments—
[interjection]

An Honourable Member: Just stop. They gave you the wrong one.

Mr. Hawranik: I got the wrong one. Okay.

**Removal of Agriculture Positions
from Minnedosa**

Mr. Leonard Derkach (Russell): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Nine positions with the Manitoba Agriculture, Food and Rural Initiatives Crown Lands Branch are being moved out of Minnedosa.

Removal of these positions will severely impact the local economy.

Removal of these positions will be detrimental to revitalizing this rural agriculture community.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing

current technology in order to maintain these positions in their existing location.

This petition is presented by Debbie Morgan, Joan Madill, Pat Woodcock and many, many others.

Mr. Speaker: In accordance with our Rule 132(6), when petitions are read they are deemed to be received by the House.

Grandparents' Access to Grandchildren

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

It is important to recognize and respect the special relationship that exists between grandparents and grandchildren.

Maintaining an existing, healthy relationship between a grandparent and a grandchild is in the best interest of the child. Grandparents play a critical role in the social and emotional development of their grandchildren. This relationship is vital to promote the intergenerational exchange of culture and heritage, fostering a well-rounded self-identity for the child.

In the event of divorce, death of a parent or other life-changing incident, a relationship can be severed without consent of the grandparent or the grandchild. It should be a priority of the provincial government to provide grandparents with the means to obtain reasonable access to their grandchildren.

We petition the Manitoba Legislative Assembly as follows:

To urge the Minister of Family Services and Housing (Ms. Melnick) and the Premier (Mr. Doer) to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren.

This is signed by Michael Domino, Doreen Kuzminski, Ed Struch and many, many others.

* (13:35)

Crocus Investment Fund

Mr. Kevin Lamoureux (Inkster): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The government needs to uncover the whole truth as to what ultimately led to over 33,000 Crocus shareholders to lose tens of millions of dollars.

The provincial auditor's report, the Manitoba Securities Commission investigation, the RCMP investigation and the involvement of our courts, collectively, will not answer the questions that must be answered in regard to the Crocus Fund fiasco.

Manitobans need to know why the government ignored the many warnings that could have saved the Crocus Investment Fund.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier (Mr. Doer) and his NDP government to co-operate in uncovering the truth in why the government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund fiasco.

Mr. Speaker, this is signed by G. Willim, L. Stasiuk, A. Willim and many, many other fine Manitobans.

OlyWest Hog Processing Plant

Hon. Jon Gerrard (River Heights): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background for this petition is as follows:

The Manitoba government, along with the OlyWest consortium, promoted the development of a mega hog factory within the city of Winnipeg without proper consideration of rural alternatives for the site.

Concerns arising from the hog factory include noxious odours, traffic and road impact, water supply, waste water treatment, decline in property values, cost to taxpayers and proximity to the city's clean drinking water aqueduct.

Many Manitobans believe this decision represents poor judgment on behalf of the provincial government.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to immediately cancel its plans to support the construction of the OlyWest hog plant and rendering factory near any urban residential area.

Signed by Linda Yang, P. Yang, Crystal Sayese and many others.

COMMITTEE REPORTS

Standing Committee on Social and Economic Development Third Report

Ms. Marilyn Brick (Chairperson): Mr. Speaker, I wish to present the Third Report of the Standing Committee on Social and Economic Development.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Social and Economic Development presents—

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Your Standing Committee on Social and Economic Development presents the following as its Third Report.

Meetings:

Your committee met on the following occasions:

Monday, June 5, 2006, at 9 a.m.

Monday, June 5, 2006, at 6 p.m.

All meetings were held in Room 255 of the Legislative Building.

Matters under Consideration:

Bill 11 – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver

Bill 12 – The Highways and Transportation Amendment Act/Loi modifiant la Loi sur la voirie et le transport

Bill 14 – The Water Rights Amendment Act/Loi modifiant la Loi sur les droits d'utilisation de l'eau

Bill 24 – The Consumer Protection Amendment Act (Government Cheque Cashing Fees)/Loi modifiant la Loi sur la protection du consommateur (frais d'encaissement des chèques du gouvernement)

Bill 27 – The Tobacco Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du

montant des dommages et du coût des soins de santé imputables au tabac

Bill 35 – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques

Bill 300 – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba

Committee Membership:

Committee membership for the meeting on Monday, June 5, 2006, at 9 a.m.:

*Hon. Mr. Ashton
Hon. Mr. Bjornson
Ms. Brick (Chairperson)
Hon. Mr. Chomiak
Mr. Cullen
Hon. Mr. Lemieux
Mr. Martindale
Mrs. Mitchelson
Mr. Penner
Hon. Mr. Selinger
Mrs. Stefanson*

At the meeting on Monday, June 5, 2006, at 9 a.m. your committee elected Mr. Martindale as the Vice-Chairperson.

Substitutions received during committee proceedings on Monday, June 5, 2006, at 9 a.m.:

Mr. Dyck for Mrs. Stefanson

Committee membership for the meeting on Monday, June 5, 2006, at 6 p.m.:

*Hon. Mr. Ashton
Hon. Mr. Bjornson
Ms. Brick (Chairperson)
Hon. Mr. Chomiak
Mr. Cullen
Hon. Mr. Lemieux
Mr. Martindale (Vice-Chairperson)
Mrs. Mitchelson
Hon. Mr. Selinger
Mrs. Stefanson
Mrs. Taillieu*

Substitutions received during committee proceedings on Monday, June 5, 2006, at 6 p.m.:

*Mr. Penner for Mrs. Taillieu
Hon. Mr. Sale for Hon. Mr. Chomiak*

Motions:

Your committee agreed to the following motion during committee proceedings on Monday, June 5, 2006, at 6 p.m.:

THAT THIS COMMITTEE RECOMMENDS THAT THE FEES PAID WITH RESPECT TO BILL (No. 300) – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba, BE REFUNDED, LESS THE COST OF PRINTING.

Public Presentations:

Your committee heard five presentations on Bill 11 – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver, from the following individuals and organizations:

*Ian Wishart, Keystone Agricultural Producers
Gloria Desorcy, Manitoba Branch of the Consumers Association of Canada
Tom Simms, Community Education Development Association
Jennifer Lukovich, Private Citizen
Rt. Hon. Ed Schreyer, Private Citizen*

Your committee heard two presentations on Bill 12 – The Highways and Transportation Amendment Act/Loi modifiant la Loi sur la voirie et le transport, from the following individual and organization:

*Doug Chorney, Keystone Agricultural Producers
Diane Rybak, Private Citizen*

Your committee heard eight presentations on Bill 14 – The Water Rights Amendment Act/Loi modifiant la Loi sur les droits d'utilisation de l'eau, from the following individuals and organizations:

*Greg Bruce, Ducks Unlimited Canada
Doug Dobrowolski, Association of Manitoba Municipalities
Jake Buhler, Manitoba Conservation Districts Association
Ian Wishart, Keystone Agricultural Producers
Roland Chaput, Private Citizen
Richard Gregoire, Private Citizen
L. Lacoste, Private Citizen
James Wade, Dairy Farmers of Manitoba*

Your committee heard one presentation on Bill 35 – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques, from the following organization:

Brian Ardern, President, Manitoba Teachers' Society

Your committee heard one presentation on Bill 300 – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba, from the following individual:

Len Evans, Private Citizen

Written Submissions:

Your committee received one written submission on Bill 11 – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver, from the following organization:

Sara Anghel, Direct Energy

Your committee received two written submissions on Bill 35 – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques, from the following organizations:

Joyce Bateman, Board Chair, Winnipeg School Division

Hilda Froese, Garden Valley School Division

Bills Considered and Reported:

Bill 11 – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver

Your committee agreed, on division, to report this bill with the following amendments:

Your committee voted to defeat Clause 3 of the bill.

THAT Clause 7(1) of the Bill be amended by striking out "STABILIZATION AND AFFORDABLE ENERGY FUND" where it occurs in the centred heading before the Clause and in the Clause, and by substituting "AFFORDABLE ENERGY FUND", with any necessary grammatical changes.

THAT Clause 7(2) of the Bill be replaced with the following:

Purpose of the fund

7(2) The purpose of the fund is to provide support for programs and services that

(a) encourage energy efficiency and conservation;

(b) encourage the use of alternative energy sources, including earth energy;

(c) facilitate research and development of alternative energy sources and innovative energy technologies.

Energy efficiency and conservation programs and services

7(2.1) The programs and services for energy efficiency and conservation referred to in clause (2)(a) must be designed and delivered to ensure

(a) that people living in rural or northern Manitoba, those with low incomes and seniors have access to those programs and services; and

(b) that Manitoba Hydro's residential customers have access to comparable programs and services, regardless of the energy source they use to heat their homes.

THAT Clause 7(3) of the Bill be amended by striking out "in the 2005-06 fiscal year and".

THAT Clause 10 of the Bill be replaced with the following:

Coming into force

10 This Act comes into force on a day to be fixed by proclamation.

Bill 12 – The Highways and Transportation Amendment Act/Loi modifiant la Loi sur la voirie et le transport

Your committee agreed to report this bill without amendment.

Bill 14 – The Water Rights Amendment Act/Loi modifiant la Loi sur les droits d'utilisation de l'eau

Your committee agreed to report this bill without amendment.

Bill 24 – The Consumer Protection Amendment Act (Government Cheque Cashing Fees)/Loi modifiant la Loi sur la protection du consommateur (frais d'encaissement des chèques du gouvernement)

Your committee agreed to report this bill, with the following amendments:

THAT Clause 2 of the Bill be amended in the proposed section 165 by adding the following definition:

"local government body" means

(a) a municipality;

(b) a local government district;

(c) a community or incorporated community under *The Northern Affairs Act*; or

(d) a school division or school district established under *The Public Schools Act*; designated as a local government body in the regulations. (« organisme d'administration locale »)

THAT the definition "government cheque" in the proposed section 165, as set out in Clause 2 of the Bill, be amended by striking out "or" at the end of clause (b), adding "or" at the end of clause (c) and adding the following after clause (c):

(d) a local government body.

THAT Clause 2 of the Bill be amended by adding the following after the proposed clause 168(1)(b):

(b.1) designating any of the following as a local government body for the purpose of this Part:

(i) a municipality,

(ii) a local government district,

(iii) a community or incorporated community under *The Northern Affairs Act*, or

(iv) a school division or school district established under *The Public Schools Act*;

THAT the proposed subsection 169(11), as set out in Clause 2 of the Bill, be replaced with the following:

Application of Public Utilities Board Act

169(11) Part I of *The Public Utilities Board Act* applies, with necessary changes, to the making of an order under this section as if the powers and duties of the board under this section were assigned to the board under that Part, except for the following provisions:

(a) section 33 (power of board on complaints);

(b) section 34 (power to appoint counsel) as it relates to the fees and expenses of the person appointed;

(c) subsection 51(2) (time for service of order);

(d) section 52 (enforcement of order);

(e) section 56 (order as to costs) as it relates to the costs of an intervener;

(f) section 57 (fees).

Bill 27 – *The Tobacco Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du montant des dommages et du coût des soins de santé imputables au tabac*

Your committee agreed to report this bill without amendment.

Bill 35 – *The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques*

Your committee agreed to report this bill without amendment.

Bill 300 – *The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba*

Your committee agreed to report this bill without amendment.

Ms. Brick: Mr. Speaker, I move, seconded by the honourable Member for Burrows (Mr. Martindale), that the report of the committee be received.

Motion agreed to.

**Standing Committee on Legislative Affairs
Fourth Report**

Mr. Daryl Reid: (Chairperson): Mr. Speaker, I wish to present the Fourth Report of the Standing Committee on Legislative Affairs.

Madam Clerk: The Standing Committee on Legislative Affairs presents the following as its Fourth Report—

Mr. Speaker: Dispense?

An Honourable Member: Dispense.

Your Standing Committee on Legislative Affairs presents the following as its Fourth Report.

Meetings:

Your committee met on Monday, June 5, 2006, at 6 p.m. in Room 254 of the Legislative Building.

Matters under Consideration:

Bill 22 – The Elections Reform Act/Loi sur la réforme électorale

Committee Membership:

Mr. Cummings
 Mr. Dewar
 Hon. Mr. Doer
 Mr. Goertzen
 Ms. Korzeniowski
 Hon. Mr. Mackintosh
 Mr. Maloway
 Mr. McFadyen
 Mr. Reid (Chairperson)
 Mr. Schuler
 Mr. Swan

Your committee elected Ms. Korzeniowski as the Vice-Chairperson.

Public Presentations:

Your committee heard two presentations on Bill 22 – The Elections Reform Act/Loi sur la réforme électorale, from the following individuals:

Sidney Green, Private Citizen
 Roy McPhail, Private Citizen

Bills Considered and Reported:

Bill 22 – The Elections Reform Act/Loi sur la réforme électorale

Your committee agreed to report this bill, with the following amendments:

THAT Schedule A to the Bill be amended in the English version of Clause 200(3) by striking out "may" and substituting "must".

THAT Schedule B of the Bill be amended by replacing clause 6 with the following:

6 Section 6.2 is amended by striking out "or any person employed under the Chief Electoral Officer" and substituting ", the commissioner, or any person appointed or employed by the Chief Electoral Officer or the commissioner,".

THAT the proposed clause 37.4, as set out in clause 13 of Schedule B to the Bill, be replaced with the following:

Application

37.4 For certainty, nothing in sections 37.1 to 37.3 prevents a professional fundraiser, event

organizer, call centre, or other similar entity retained for fundraising purposes by a candidate, leadership contestant, constituency association or registered political party from doing one or both of the following:

(a) soliciting a contribution on behalf of the candidate, leadership contestant, constituency association or registered political party;

(b) collecting information from an individual who wishes to make a contribution and forwarding the information to the candidate, leadership contestant, constituency association or registered political party.

THAT Clause 24(1) of Schedule B to the Bill be amended

(a) by replacing the proposed clause 56(1)(c) with the following:

(c) is by a Crown agency, is in continuation of earlier publications or advertisements and is required at the time for ongoing programs of the agency.

(b) by adding "or" at the end of clause 56(1.1)(b); and

(c) by replacing clauses 56(1.1)(c) and (d) with the following:

(c) is in continuation of earlier publications or advertisements and is required at the time for ongoing programs of the government department or Crown agency.

Mr. Reid: Mr. Speaker, I move, seconded by the honourable Member for St. James (Ms. Korzeniowski), that the report of the committee be received.

Motion agreed to.

**Standing Committee on Agriculture and Food
 First Report**

Mr. Tom Nevakshonoff (Chairperson): Mr. Speaker, I wish to present the First Report of the Standing Committee on Agriculture and Food.

Madam Clerk: Your Standing Committee on Agriculture and Food presents the following as its First Report—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Your Standing Committee on Agriculture and Food presents the following as its First Report.

Meetings:

Your committee met on Monday, June 5, 2006, at 9 a.m. in Room 254 of the Legislative Building.

Matters under Consideration:

Bill 19 – The Agri-Food and Rural Development Council Act/Loi sur le Conseil du développement agroalimentaire et rural

Bill 20 – The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act/Loi modifiant la Loi sur la protection des exploitations agricoles familiales et la Loi sur la propriété agricole

Bill 30 – The Fires Prevention and Emergency Response Act/Loi sur la prévention des incendies et les interventions d'urgence

Bill 31 – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux

Committee Membership:

*Mr. Aglugub
Hon. Ms. Allan
Mr. Dewar
Mr. Eichler
Mr. Faurschou
Mr. Maguire
Mr. Nevakshonoff
Hon. Mr. Rondeau
Mr. Schellenberg
Mr. Schuler
Hon. Ms. Wowchuk*

Your committee elected Mr. Nevakshonoff as the Chairperson.

Your committee elected Mr. Aglugub as the Vice-Chairperson.

Substitutions received during committee proceedings:

Mr. Jennissen for Hon. Mr. Rondeau

Public Presentations:

Your committee heard two presentations on Bill 19 – The Agri-Food and Rural Development Council Act/Loi sur le Conseil du développement agroalimentaire et rural, from the following organizations:

David Rolfe, President, Keystone Agricultural Producers

James Wade, Dairy Farmers of Manitoba

Your committee heard two presentations on Bill 30 – The Fires Prevention and Emergency Response Act/Loi sur la prévention des incendies et les interventions d'urgence, from the following organizations:

Doug Dobrowolski, Association of Manitoba Municipalities

Don Thomson, Manitoba Fire Chiefs Association

Your committee heard five presentations on Bill 31 – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, from the following individuals and organizations:

Ken Crockatt, Manitoba Cattle Producers

David Rolfe, President, Keystone Agricultural Producers

Betty Green, Canadian Animal Health Coalition

Andrew Dickson, Private Citizen

James Wade, Dairy Farmers of Manitoba

Bills Considered and Reported:

Bill 19 – The Agri-Food and Rural Development Council Act/Loi sur le Conseil du développement agroalimentaire et rural

Your committee agreed to report this bill without amendment.

Bill 20 – The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act/Loi modifiant la Loi sur la protection des exploitations agricoles familiales et la Loi sur la propriété agricole

Your committee agreed to report this bill without amendment.

Bill 30 – The Fires Prevention and Emergency Response Act/Loi sur la prévention des incendies et les interventions d'urgence

Your committee agreed to report this bill without amendment.

Bill 31 – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux

Your committee agreed to report this bill without amendment.

Mr. Nevakshonoff: Mr. Speaker, I move, seconded by the honourable Member for Selkirk (Mr. Dewar), that the report of the committee be received.

*Motion agreed to.***Introduction of Guests**

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today the Honourable José Ramón Robledo Gómez, Secretary of Economic Promotion for the State of Jalisco, Mexico. This visitor is the guest of the honourable Minister of Intergovernmental Affairs and Trade (Mr. Smith).

On behalf of all honourable members, I welcome you here today.

I would like to draw the attention of honourable members to the public gallery where we have with us from Glenboro School 17 Grade 6 students under the direction of Mrs. Marilyn Cullen. This school is located in the constituency of the honourable Member for Turtle Mountain (Mr. Cullen).

Also in the public gallery we have from Rivers Collegiate 33 Grade 9 students under the direction of Mrs. Lesley McFadden and Mr. Jim Peirson. This school is located in the constituency of the honourable Member for Minnedosa (Mrs. Rowat).

On behalf of all honourable members, I welcome you here today.

* (13:40)

ORAL QUESTIONS**Health Care System
ER Physician Shortage**

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, ER crisis 2006 is ramping up. The shortage of ER doctors has grown from 14 to 15 in just the past two weeks. We have 350 shifts currently not staffed within our city's emergency rooms, which is up from 80 just two weeks ago. We are seeing ambulances being diverted.

Given that we have an ER crisis now in 2006 that is worse than it was in 2005, which was worse than it had been in previous years, given that Manitobans will not be able to get timely access to an emergency room when they need it, will the Premier admit that his policies are denying access to Manitobans when they most need it, in an emergency?

Hon. Gary Doer (Premier): The average patients in the hallways in the emergency rooms in 1999 were 28 patients, Mr. Speaker. Today, there is zero.

Mr. McFadyen: Well, Mr. Speaker, I just want to ask the Premier about his second most famous broken promise in health care. He promised in 1999 that he would take money out of boardrooms and put them into emergency rooms. Instead, we now know that the Winnipeg Regional Health Authority corporate bureaucracy has grown to eat up seven floors at 155 Carlton Street, which is up from six floors in 2003. The corporate bureaucracy has grown from 244 staff in 2003 to 328 corporate bureaucrats in 2005. This is in addition to staff in the Department of Health. It is a 34 percent increase in corporate bureaucracy at a time when our emergency rooms are turning people away.

Given the Premier's broken promise to end hallway medicine in six months, given now his broken promise to put emergency rooms ahead of boardrooms, will the Premier stop the spin and get to work on fixing Manitoba's health care system so that it will be there when Manitobans need it most, in an emergency?

Mr. Doer: Well, Mr. Speaker, the CIHI numbers have Manitoba below the national average on administration. The numbers members opposite usually cite include the VON nurses that went from a separate administration to inside the Winnipeg regional hospital, the Deer Lodge administration that has been reduced.

Mr. Speaker, the member opposite talks about hallway medicine. When he was principal staff to the former government, it was 28, 29, 28. Over the weekend, it was zero, one, three yesterday and zero today. Clearly, there is a difference in results in our ERs. The members opposite failed, and we are continuing to chip away to improve emergency services here in Manitoba.

Mr. McFadyen: Mr. Speaker, the Premier is wrong when he makes reference to those people that he talks about being transferred into the bureaucracy. Our numbers are based on reports coming out of his own system which indicate a 34 percent increase in corporate bureaucracy in the Winnipeg Health Authority in a two-year span. It is a dramatic increase in bureaucracy at a time when Manitobans cannot get access to emergency rooms. The emergency rooms which are the first point of entry for somebody in a crisis in our province are inaccessible. There is nobody there to help them when they need it in Winnipeg through the summer months, given their inability to fix this problem which they promised to fix seven years ago.

So now we know the story of health care over the past seven years has been that health spending has gone up dramatically across Canada. It has gone up dramatically in every province in Canada due to increased health care transfers from Ottawa. Spending in Manitoba has gone up dramatically as a result of all the extra help they are getting from Ottawa, but we have a report now from the Conference Board of Canada, a credible independent body, which says that we are dead last even though we spend the fourth most. In order to attempt to cover up their terrible record of mismanagement of taxpayers' funds, they have launched a taxpayer-funded ad campaign instead of giving Manitobans access to emergency rooms when they need them.

So, Mr. Speaker, will the Premier admit today that his policy of spending on boardrooms at the expense of emergency rooms is wrong, it is bad policy, it is hurting Manitobans? Will he reverse his policy? Will he do what is right for Manitobans and put the hundreds and millions of dollars that he is now getting from Ottawa into front-line health care instead of into bureaucracy?

* (13:45)

Mr. Doer: The member opposite was the head of policy and the chief political staff under the former government when the regional system was established. They did not have one health authority in Winnipeg; they had two health authorities, two administrative bodies. They had 13 vice-presidents in the city of Winnipeg, Mr. Speaker, and we went down from two bodies to one. Our administrative costs are below the national average according to CIHI.

Mr. Speaker, the VON nurses are front-line nurses. Home care nurses are front-line nurses. They are front-line people. When he was the principal secretary to the Premier, there were 28 patients in the hallway. There is zero today. Zero.

Secondly, a lot of times—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable First Minister has the floor.

Mr. Doer: Thank you, Mr. Speaker, and we will use the CIHI numbers as the indicator of average administrative costs.

I would point out that some of the first responses or first contacts with health care is actually not in the emergency ward. It is actually ambulances, or it

might be at the Health Links project which, by the way, was established by the former government. We have quadrupled the investments in the Health Links program.

The ambulance program, we have doubled the investment in the city of Winnipeg. We have purchased 64 new ambulances in rural Manitoba with new technology. So I would point out to the member opposite that some of the investments are being made before the emergency wards. The number of 350 is dated because there has been work on dealing with those shifts that need to be filled.

Health Care System Bureaucracy

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, our ERs are in crisis in Winnipeg because of a doctor shortage. Yet, according to a leaked document, the size of the corporate administration at the WRHA has been allowed to skyrocket.

Can the Minister of Health tell us how he could have allowed the size of the WRHA bureaucracy to grow in just two years from 244 to 328 people, which is a 34 percent increase, instead of directing that money to front-line health care?

Hon. Tim Sale (Minister of Health): Mr. Speaker, the Canadian Institute for Health Information is the body that all health authorities in Canada submit information to on the basis of the same definitions. That is the whole purpose of having CIHI in place, so that there will be comparable statistics measured in the same way and reported consistently year after year across Canada.

Our administrative costs for delivering health care in this province are below the Canadian average. The Winnipeg Regional Health Authority is at about 6.4 percent, the last numbers that were printed which is for the past fiscal year. So our numbers are consistently below the Canadian average. They are measured in a way that is consistent with other jurisdictions. We do put our money to front-line care. That is why we amalgamated two authorities into one.

* (13:50)

Mrs. Driedger: Mr. Speaker, the time before the amalgamation of the two Winnipeg Regional Health Authorities, the admin costs were \$5 million. They skyrocketed to \$16 million and then those costs got buried, and we do not know what the corporate admin cost of the WRHA is.

We have seen an increase in the bureaucracy at the WRHA by 34 percent in the last two years. The top level of the WRHA corporate bureaucracy is now made up of one CEO, six vice-presidents and now a new position of chief operating officer. According to the latest information available, these eight people are being paid \$1.6 million.

I would like to ask the minister: How could he have allowed these admin costs to grow at the cost of front-line health care?

Mr. Sale: First of all, I think the member just made the point talking about 15. We do not have 15, Mr. Speaker, but you know it is interesting.

I ask the member to just pay a little attention to this number: 1998-99 CIHI report, the administrative cost, this is their second-last year, \$112 million; 1999-2000, their last budget, \$195 million, an increase of \$83 million in one year. Most of the increase that the member is talking about took place at the end of their time in government when they did not put most of the increases in their budget in the first place.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Driedger: Mr. Speaker, the top level of the WRHA corporate bureaucracy is now made up of one CEO, six vice-presidents, a COO, 95 directors and managers, 31 co-ordinators, 63 administrative assistants, executive assistants and secretaries. Patient safety is at risk in ERs because of an ER doctor shortage and the WRHA bureaucracy has been allowed to balloon.

How can the minister possibly justify this bureaucratic growth when we have front-line health care putting patients at risk because we do not have enough doctors to provide safe care?

Mr. Sale: Mr. Speaker, I suppose this is the old tactic. If you say it often enough and loud enough, maybe some people will believe it.

The fact is that the Canadian Institute for Health Information reports on a consistent basis across this country for all provinces. Let me read the numbers for the member: Québec, 8.9 percent; P.E.I., 8.8 percent; Ontario, 6.4 percent; Newfoundland, 6.3 percent; Manitoba, 5.5 percent; Nova Scotia, 5.4 percent; B.C., 5.3 percent; Canada, 5.8 percent. We are below the national average. We are below most provinces to the east of us and we are approximately the same as the rest. That is the

national database reporting. They can cite figures as often as they want. The numbers we trust are the ones that all provinces report and CIHI sends back to us.

Health Care System Rural Emergency Services

Mr. Leonard Derkach (Russell): Mr. Speaker, while large portions of families and children are left without services, this government is content with increasing the bureaucracy within the health care system.

The summer vacation season is upon us and resort areas and the communities around Clear Lake are seeing their populations increase to as large as the city of Brandon itself. Yet, Mr. Speaker, there are no emergency services provided in that area.

I want to ask the Minister of Health whether he is prepared to fulfill his Premier's promise in ensuring that ER services are restored in the Erickson hospital so that those people in the cottage country can be served during the summer months?

Hon. Tim Sale (Minister of Health): Mr. Speaker, the RHA that is responsible for that area of the province always, in the summertime, positions extra supports for the appropriate resort areas just as the Eastman Authority does the same thing in the Lac du Bonnet area.

The Erickson hospital is currently served by a couple of doctors who provide clinic supports and other supports to that area. They have a nurse practitioner in their emergency area and the community feels that it is getting good support in terms of its health care needs at the present time. The community of Minnedosa is a fully staffed hospital approximately 20 to 25 minutes from Clear Lake.

Mr. Derkach: Let me enlighten the minister, Mr. Speaker. I was in touch with the community this morning. Their clinic has now been reduced to two to three days per week because of staff shortages. The ER is not open, a service that the Premier (Mr. Doer) said would be reopened.

As a matter of fact, the community has been told their ambulance is now going to be parked at Clear Lake in order to do blood pressures on patients and also serve some of the patients as needed. The ambulance has now become a walk-in clinic.

Is this the way the minister intends to serve the communities in that area which is cottage country for this summer?

Mr. Sale: The quality of care that is provided in our hospitals, I believe, matches that anywhere else in our country. When you have a good nurse practitioner who is able to do 80 percent of what a normal family practitioner does in a daily job, when you have two doctors providing clinics in a small community that do not have the volume to have two full-time doctors doing nothing but clinics, stewardship is also an issue.

So, Mr. Speaker, yes, we have very well-equipped ambulances, 160 of them that were not on the road when they were in government. Yes, we have better-trained care attendants, people who are trained in resuscitation, people who are trained in dealing with cardiac arrests, people who can administer drugs. I am proud of the paramedic work that is done in this province and so should he be.

* (13:55)

Mr. Derkach: We are proud of the paramedics. What we are not very proud of is the direction that is coming from this government.

Mr. Speaker, the Premier (Mr. Doer) himself promised that the ER in Erickson would be open. He did not tell the people in Erickson and the people in that cottage country, where there will be more than 40,000 people during the summer, that their services are going to be scaled down to an ambulance that is going to be treated like a walk-in clinic.

I want to ask the minister whether or not he is prepared to put resources into the Erickson facility so that ER services can be resumed in that area which has a large population of vacationers and tourists during the summer season, so that those children and those families will not live in that area at risk.

Mr. Sale: Well, Mr. Speaker, we have confidence in the regional health authority that has dealt with this same issue and these same questions over a number of years. Every year they cry wolf. They talk about how bad things are going to be. Every year the RHA positions extra resources. Every year people get the health care they need when they need it.

We have invested enormous amounts of money in the Dauphin hospital. We have invested in the Minnedosa facility. We have invested in Erickson. We have invested in ambulances. The RHA provides good quality services. They will deal with this summer's needs of the vacationers in that area just as they have in every summer past.

Federal Equalization Report Payment Increase

Mr. Gerald Hawranik (Lac du Bonnet): The Premier called the new federal report on equalization "very intelligent." The report recommends a \$69-million increase to Manitoba's equalization payments.

I ask the Minister of Finance: Did the Premier call the federal report intelligent because an increase in equalization payments is recognition by the federal government that Manitoba is falling behind?

Hon. Greg Selinger (Minister of Finance): I know the member likes a concise answer. The short answer to his question is no.

Mr. Hawranik: Mr. Speaker, after the federal report on equalization was released yesterday, the NDP caucus was buzzing with anticipation of more money from the federal government, more handouts. With another \$69 million, equalization payments will be up more than 80 percent since 1999. This is nothing to be proud of because what it means is that when we qualify for more handouts, we are falling behind other provinces.

So I ask the Minister of Finance: Why does he not spend more time building Manitoba than begging Ottawa for more handouts?

Mr. Selinger: Mr. Speaker, it is a report that has not yet been accepted by the government. The maximum increase would be less than 1 percent of our spending, so it is not exactly like we have a huge windfall here.

Secondly, equalization payments since 1999 have been relatively flat. They have been in the range of 19 percent to 20 percent, but relatively flat. The actual increases in transfer payments, the greatest percentage increases, have been per capita grants which have gone to the most populated provinces and they have seen the greatest percentage increases in transfer payments, primarily for health care. Manitoba's equalization payments have been relatively flat, but our economy has been doing very well indeed, Mr. Speaker.

Mr. Hawranik: Mr. Speaker, I note that the Minister of Finance calls an 80 percent increase since 1999 as not a windfall. Come on now. Manitoba is the only have-not province in western Canada. By qualifying for more handouts, Manitoba is falling behind other provinces.

This Minister of Finance has no incentive to become more competitive with other provinces because his course, the course that he has set for Manitoba, means that we will have more handouts.

So I ask the Minister of Finance: Why does he refuse to make Manitoba more competitive with other provinces? Why is he content to make Manitoba a have-not province?

* (14:00)

Mr. Selinger: First of all, the member, as is so often the case when he puts a case forward, is just wrong on the facts. Equalization is a program paid for by the federal government out of the taxes that all Canadians pay to the federal government. B.C. receives it, Saskatchewan receives it, Manitoba receives it. Alberta historically received it until oil and gas became such a huge part of their economy, and that is what is driving their growth right now. So he is just wrong on the facts.

In terms of dependency, Manitoba's growth in transfer payments has been among the lowest of all the provinces, as I explained in my previous answer. The greatest growth in transfer payments has been to the most populated provinces: Alberta, Ontario. That is where the growth has been. The member is just wrong on the facts. The reason the report is intelligent is because it treats all natural resources on—

Mr. Speaker: Order.

Children in Care Review Process

Mrs. Mavis Taillieu (Morris): Mr. Speaker, despite the best efforts of the Minister of Family Services and Housing to give evasive answers and table news releases that she says are terms of reference, I have obtained documents through Freedom of Information regarding the state of children in care reviews. I would like to table these documents now.

I would like to ask this minister why she is so secretive about the review process and why she will not open the reviews for public scrutiny. What is she hiding?

Hon. Christine Melnick (Minister of Family Services and Housing): Well, again the press release came out. It was released to the people of Manitoba about the two reviews. There is a number for people to call if they would like to talk to the reviewers. Anything that is made public, I do not see that as a secretive document.

The member is trying to create, through misinformation, some sense of mysticism here. When you release a document through a press release, it is not a document that is hidden from the people. We found that the member does not always read the information provided to her in Estimates. Perhaps she should focus more on reading the information she has instead of spreading apparent mistruths.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. When members bring information to the House, the Speaker takes it as factual information. I ask the member to withdraw that last word. It is about spreading mistruths.

Ms. Melnick: I will withdraw it, Mr. Speaker.

Mr. Speaker: That should take care of the matter.

Mrs. Taillieu: Well, we know that through the review process, the number given to call in is right into the department. With no whistle-blower protection, what protection would people have to call in with information from these reviews?

Mr. Speaker, although the child-in-care reviews were called on March 20, we now know, through these documents, that the actual external review only just got underway. How many children were left at risk because this minister has dragged her heels on these reviews?

Ms. Melnick: Mr. Speaker, it might be interesting for the House to know that what the member has, in fact, tabled is the press release that was released on March 20, 2006. Maybe she should read the information she tables before she tables it. She will then learn that it is not my review. It is an independent review by three professionals: one is the Children's Advocate; one is the Ombudsperson; and one is a person of great regard and great experience from northern Ontario. She should read the information that is provided to her and quit trying to undermine the child welfare system in Manitoba.

Point of Order

Mr. Speaker: Order. The honourable Member for Russell, on a point of order?

Mr. Leonard Derkach (Russell): Yes, Mr. Speaker, on a point of order.

Mr. Speaker, I heard very clearly the Premier (Mr. Doer) make reference to Bill 34 a moment ago and ask why we as the opposition do not pass the bill. Well, if you were to review the Order Paper, you

would find that the stage of this bill is now in second reading, which means that the government has a responsibility to introduce this bill in second reading.

I would ask the minister and the Premier then to bring this bill—

Mr. Speaker: Order. Points of order should be raised to point out to the Speaker a breach of a rule or a departure of the practice. The honourable member's point of order is not a point of order. It is clearly a dispute over facts.

* * *

Mrs. Taillieu: Mr. Speaker, the information I tabled includes approximately 10 pages. I guess the minister is unable to get through that many pages at once. The documents reveal that there are 105 child-in-care deaths, several that need to be reviewed by the child death review team.

I ask the minister: How many of these deaths have occurred since the review was originally called on March 20, and how many of these deaths were determined to have been preventable with appropriate intervention?

Ms. Melnick: Well, Mr. Speaker, the death of any child is a very serious situation, and it is very important to take these matters seriously. One of the things we have done, we have, in fact, looked at and you can get this in the CME report, children deaths since the early nineties. We are concerned about the deaths, but I think it is worth noting that there has been a drop of 17 percent since the 1990s to today. I think the member, who likes to play quite concerning loose and fast, I would suggest, with some of the numbers here, should be very careful when we are talking about these serious issues. These reviews are—

Mr. Speaker: Order.

Transportation Industry Status of Highway Projects

Mr. Jack Penner (Emerson): Mr. Speaker, the crumbling state of our highways in southern Manitoba is well known. After multiple requests from this side of the House to rebuild 75 highway to Emerson, the Minister of Transportation has finally announced a small first step. In order to rebuild one side of the highway for only five miles, he says he will be cutting back on other projects.

Can the minister tell this House today which projects will be cancelled this year?

Hon. Ron Lemieux (Minister of Transportation and Government Services): Mr. Speaker, the member opposite has a lot of gall. In the 1990s, they let the system run completely down and then now when we put \$21 million as a first step and it is only one step. We are going to continue working on a lot of projects besides Highway 75, I might add, northeast Perimeter, Highway No. 1 to Saskatchewan, Highway 59 south and Highway 75 that runs right by his backyard.

He knows that nothing was done in the 1990s and now he questions \$21 million as if it is just peanuts and nothing is happening. I would advise the member to move his combine out of the road because the asphalt truck is going to be coming very nearby. Move it out of the way, we are coming through. We are going to do a heck of a lot more work than they ever did, Mr. Speaker.

Mr. Penner: At the rate the minister is building highways, it will take him 20 years to get where my combine is parked.

Manitobans are wondering if the announced work will proceed. Last March the minister said he would finish twinning Highway No. 1 west to Saskatchewan by the end of 2006. This made the Premier (Mr. Doer) on CJOB state that it would be finished in 2007.

Mr. Speaker, will the minister's incompetence and budgeting for the project delay twinning of Highway No. 1 west another year?

Mr. Lemieux: I am pleased to see that the member opposite, my new critic, has finally recognized a lot of the good work that we are doing in Manitoba. It was certainly never done, even started, when they were government. I have to say, you know, since 1999, the members opposite matching apples to apples or asphalt truck to asphalt truck, put \$174 million in a pre-election budget and that was their dollars they put in.

Currently, we are putting \$257 million per year, \$83 million more per year, and he has the nerve to vote against the budget which included that kind of money. When he swaggers into the coffee shops in Morris, I will be right behind him explaining to the people of Morris and his constituency of Emerson that he voted against an unprecedented amount of money that we put into transportation. Shame.

* (14:10)

Mr. Penner: Well, Mr. Speaker, what we did vote against is incompetence. The minister's brash

incompetence is plainly evident in the impending loss of the needed highways projects that should be built this year.

I ask again: Which essential highway project will be sacrificed this year as a result of the minister's incompetence?

Mr. Lemieux: Mr. Speaker, we make commitments. We are going to live up to those commitments that we have announced and tendered those. We are going to live up to those commitments that we have tendered and we have announced. So, first step, we said we would do it in a very prudent way. I would say, No. 1, the Member for Morris (Mrs. Taillieu), move your Lexus out of the way because we are going to get to that soon.

I would say to the Member for—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for Morris, on a point of order?

Mrs. Mavis Taillieu (Morris): Yes, Mr. Speaker, on a point of order. Perhaps the Minister of Transportation would like to inform the House, as he informed me, that his wife drove a Lexus until she upgraded.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. A dispute over facts is not a point of order.

* * *

Mr. Speaker: The honourable minister, have you concluded?

Mr. Lemieux: Thank you, Mr. Speaker. I make the point that this government is making inroads with regard to making the improvements necessary in Manitoba's transportation system. We are going to continue to make those inroads every year that we are going to be government so we will continue to improve our transportation system.

I would just ask members opposite to be very supportive of all the initiatives we have taken in the province.

Minister of Family Services and Housing Removal Request

Hon. Jon Gerrard (River Heights): Mr. Speaker, on more than one occasion I have asked the government and the Minister of Family Services and Housing (Ms. Melnick) to do something about the safety of residents at 170 Hendon, a Manitoba Housing Authority property.

Today the situation at 170 Hendon is unchanged, with drugs widely available, problems with prostitution, physical and verbal assaults, residents in fear of their lives. The minister responsible says that she does not run a sin bin and, yet, this is well documented by independent media reports.

I ask the Premier, the minister herself has repeatedly failed to ensure the safety of persons at 170 Hendon. Will the Premier relieve the minister of her responsibility and replace her with somebody who can do the job properly?

Hon. Gary Doer (Premier): [*inaudible*]

Mr. Gerrard: We are talking about a minister who, from the very beginning, has had problems handling Aiyawin properly, completely failed. There has been a huge problem with the deaths of 31 children by homicide and her failure to have an adequate investigation, her failure to table a proper terms of reference.

Now, Mr. Speaker, the failure of this minister to protect the residents in the Manitoba Housing Authority that she is looking after. There is clearly a problem with the handling of this department.

I ask the Premier: Will the Premier relieve the minister of her duties and replace her with somebody who can do the job properly?

Mr. Doer: I would ask the member to be very careful with his statistics. The 31 number tied to homicides is inaccurate, and it is very unfortunate. Secondly—[*interjection*] Yes, one is too many.

Secondly, Mr. Speaker, the Aiyawin audit was clear that when the matter came to the minister, and this is one of 600 agencies in Family Services, when the matter came to the minister's attention in the operational review, she immediately dealt with it with the Auditor General. It came to the minister previously, the Housing Minister, and it was not referred to the Auditor General. I am pleased that the minister did refer it to the Auditor General.

Crocus Investment Fund Public Inquiry

Mr. Kevin Lamoureux (Inkster): For the first time ever, Mr. Speaker, in my 14 years in opposition, I have seen a government that is not going to be able to deal with 45 percent of its Estimates time. We are not going to have anything for concurrence. The government has written off 25 percent of their legislative agenda.

They are doing this for one reason and one reason alone. That reason is to protect the interests of this Premier (Mr. Doer), this government and its political friends and hacks from being uncovered in terms of their neglect with regard to the Crocus fiasco. Mr. Speaker, 33,000 Manitobans have lost tens of millions of dollars and this Premier sits on his back, on his lap and does nothing to protect the interests of those Manitobans.

My question is: Why is this Premier scared to do what is right and to do what is in the public's best interest and call for a public inquiry?

Hon. Gary Doer (Premier): Mr. Speaker, the member opposite is accountable for the bell-ringing days that he was engaged in. He will be accountable to the people of Manitoba. He is accountable for the invisible ink he used a few years ago. His priority one day is where he is sitting in a BSE crisis, and the next day it will be something else. We are acting in the public interest.

Medical Graduates Retention Strategy

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, recent media reports talked about how Canadians feel about health care, and they looked at the fact that health care is the No. 1 issue for Canadians. Retaining qualified medical graduates is an issue for every province and territory in Canada.

Can the Minister of Health please inform the House what progress has been made recently in retaining medical graduates here in Manitoba.

Hon. Tim Sale (Minister of Health): Last year I was able to tell the House that 18 out of 22 graduates of our family medicine program have decided to practise in Manitoba or continue further education in Manitoba.

I am delighted to pass on to the House the information that I received recently. In this year's class, 18 of 20 family medicine graduates, 90 percent, have decided to stay in, practise in or

train further in Manitoba, including doctors who are going to go to Ste. Rose du Lac, Dauphin, Steinbach, rural Manitoba, Seven Oaks. Various doctors are going to various parts of our province. A 90 percent retention rate, never achieved under the previous government; 80 plus percent last year, 90 percent this year. Retention is important, Mr. Speaker. We are winning that battle.

Agriculture Ministers' Conference Key Issues

Mr. Ralph Eichler (Lakeside): Mr. Speaker, the Minister of Agriculture will be attending the ministers' conference with her provincial counterparts in July. This meeting allows her the opportunity to consult with colleagues on agricultural issues important to producers.

Will the minister please outline her department plans for the Ag ministers' conference and what key issues she will be bringing forward on behalf of our Manitoba farm families?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I thank my critic for raising an agriculture issue. We are in a very busy and challenging season in the farming community, and I am pleased that he has raised an issue.

Mr. Speaker, the ministers do meet on an annual basis, and we will be meeting at the end of this month. There are many issues that will be on the ministers' table, on the agenda, issues such as the changes that the federal government has been talking about with regard to the CAIS program, supports for producers. It is one that has been on the agenda for various ministers' meetings, and I can assure the member that I will be raising that and many other issues at that table.

* (14:20)

CAIS Program Status

Mr. Ralph Eichler (Lakeside): Mr. Speaker, one of the issues concerning the Agriculture ministers will no doubt be the revision of the CAIS program, as the minister was outlining, recently announced by the federal Minister of Agriculture.

Does the minister support the elimination of the program or is she content with the amendments brought forward by the federal government?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): If I heard the member correctly, he asked whether I was in support of eliminating the program. I believe, Mr. Speaker, that

was his position sometime ago that we should end CAIS and not look at ways to revise it.

I can assure the member opposite that I would not support eliminating a program that would take away all supports from producers. I would rather work in conjunction with the producers and with the federal government to make changes as we have been making progressive changes as we have moved along with this program. We will continue to make those changes.

Mr. Eichler: Mr. Speaker, calculations under the CAIS program in its current form have allowed this NDP government to save \$42 million last year rather than dedicate that funding to help struggling farm families. She should have done it, that was her mistake.

Will the minister commit to revisiting her department's commitment under the CAIS program and provide farmers with the full funding they need and deserve?

Ms. Wowchuk: Again, the critic has absolutely inaccurate information about the funding of CAIS. I would ask him to look at the budget and the information we put out because, in fact, we doubled the amount of money that went into CAIS last spring.

So I would encourage the member to correct his information. I would ask him to look at CAIS as well because, in fact, we are not quite sure how much we will pay out because farmers have not all made their application. But, Mr. Speaker, I can assure him that we have doubled the budget for CAIS under this administration and again in this budget that he is voting against. We have put in place funding for CAIS and for other farm programs.

Mr. Speaker: Time for Oral Questions has expired.

Speaker's Ruling

Mr. Speaker: Order. I have a ruling for the House.

During debate of Bill 23, The Safer Communities and Neighbourhoods Amendment Act, on May 17, 2006, the honourable Member for Inkster (Mr. Lamoureux) raised a point of order to indicate that he had not been commenting on a presence or absence of members from the Chamber.

The Deputy Speaker took the matter under advisement in order to peruse Hansard. After having perused the record, I would note that the honourable member did not have a point of order.

Further, I must advise the honourable member that it is not appropriate to reflect on a ruling or advice given by a presiding officer. If a member disagrees with a ruling or advice offered from the Chair, the member should challenge the ruling and not debate the merits of the ruling or advice on a point of order.

I offer a caution to the honourable member about using a point of order in this manner and ask that this type of action not be repeated in the future.

MEMBERS' STATEMENTS

Erickson Hospital ER Services

Mr. Leonard Derkach (Russell): Mr. Speaker, I did not see my colleague rising and you recognized me. I want to apologize to her at the outset.

With regard to the statement, I rise today to talk about a promise that was made to the community of Erickson some four years ago. This promise that the Premier (Mr. Doer) made in his failed attempt to politically win the constituency of Minnedosa and Russell put him on a limb because he said that the ER services in the Erickson Hospital would be reinstated. He assured the people in that community that he would reinstate the ER services in that community.

Mr. Speaker, four years later, we do not see those services restored. As a matter of fact, more services have been eliminated in the area, and today we saw the most despicable act by a Minister of Health (Mr. Sale) when he stood in his place and blamed the Assiniboine Regional Health Authority for this issue. It was not the regional health authority that promised ER services. It was the Premier. It is up to his minister to deliver on the promises that he, as a Premier, makes.

Mr. Speaker, as a matter of fact, more services have been reduced in the area. Today the clinic which used to operate on a weekly basis is now only operating two days per week, on some occasions three days per week. This is an area that is now starting to receive a lot of people in that region. It is cottage country. There are something in the neighbourhood of 40,000 people who are going to be congregating in that cottage country over the course of the next four to five months. They will be there in the next month, and yet no emergency services are available to them.

Mr. Speaker, Erickson Hospital is about 12 minutes away from Clear Lake, and it would take

only that short period of time to get a patient who has been injured in an accident to an emergency service. It is incumbent upon this government to ensure that services of that nature are restored to the people who deserve them. The people in that area—

Mr. Speaker: Order.

Hi Neighbour Festival

Mr. Daryl Reid (Transcona): Last weekend, the community of Transcona held its annual Hi Neighbour Festival, and my colleague, the Member for Radisson (Mr. Jha), our M.P., Bill Blaikie, and I were pleased to attend and participate in the festival activities.

The Hi Neighbour Festival is an annual event, and for some 41 years Transcona residents have come together as neighbours. The official opening for the festival started on Friday evening with community leaders' speeches and festivities. Early Saturday morning, activities started with a pancake breakfast at the Transcona Branch No.7 Royal Canadian Legion. The breakfast was very well attended, and I would like to thank the members and the executive of the Transcona Legion for their ongoing efforts in making sure that the residents and visitors alike start the day off right with a full stomach. I would also like to thank the Transcona Legion for inviting and allowing me to participate in serving breakfast to so many folks who were attending.

After breakfast, the community residents moved to the main street of Transcona for the annual Hi Neighbour Parade. Thousands upon thousands of community residents and visitors alike lined the parade route watching the various floats and parade entries. This year, I had the opportunity to ride with the Vickar Community Chev parade entry and toss out candy, and East Winnipeg Sports Association T-shirts and hats along the parade route. My thanks to the Vickar Community Chev folks for giving me the opportunity to share the parade ride.

After the parade, community folks moved to the St. Michael's Ukrainian Catholic Church for the traditional food, hot lunch for festival goers before attending an afternoon filled with children's rides and a free music stage that showcases local talent, musicians and local business wares.

During the Hi Neighbour Festival, community residents and visitors alike come together in the true spirit of a friendly Manitoba, and greet each other with the traditional "Hi Neighbour." I am truly proud

and blessed to be part of such a great community, Mr. Speaker.

After the weekend of fine weather and much fun, the festival was capped with a display of fireworks on Sunday evening. Congratulations and sincere thanks to the festival organizers, Nancy Arksey and Patti Vickers and the entire Transcona Hi Neighbour team, for another successful, fun-filled festival weekend. We look forward to next year, Mr. Speaker. Thank you.

* (14:30)

National Hunger Awareness Day

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I am pleased to rise and recognize that today, June 6, has been declared as the first National Hunger Awareness Day worldwide. The purpose of National Hunger Awareness Day is to raise awareness about the problem of hunger in America. This day serves to raise awareness for domestic hunger relief organizations about this problem and the work that hunger relief agencies do to solve it. This worthy cause is being headed up in Winnipeg by the wonderful people downtown at Winnipeg Harvest. Their plan is to raise awareness about the issue of hunger and, more importantly, in their words "to issue a public challenge to ask why." The "why" they ask, is why do we continue to need the services that Winnipeg Harvest has to offer and why, in a world with so much abundance, there are still people that go hungry right here in our own city and province.

Mr. Speaker, this is an important question to ask and one that we often do not get a good answer for. Manitobans have seen the number of people requiring food bank services rise dramatically, and Manitoba's child poverty rate is one of the highest in the country.

Mr. Speaker, I would like thank organizations like Winnipeg Harvest and individuals like Ken Livingstone, who is cycling across Canada to raise awareness of the hunger crisis in this country, for their efforts to help solve the problem of hunger in our society. I would also like to encourage my fellow members to do all that they can so that we could end the problem of hunger in Manitoba. Thank you very much.

Flin Flon Indian-Métis Friendship Centre

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, my wife and I were privileged to attend the annual

general meeting of the Flin Flon Indian-Métis Friendship Centre last Friday, June 2, at the R.H. Channing Auditorium in Flin Flon. This meeting coincided with the 40th anniversary of the friendship centre. A large crowd helped celebrate this momentous occasion with a feast, exhibits and entertainment.

Before 1966, the friendship centre did not exist in a formal sense although Nancy Cadotte used her own home for Aboriginal people visiting town for medical or social reasons. Granny Cadotte was a revered elder whose efforts were so important to those early years when the gap between Aboriginal and non-Aboriginal cultures was much deeper and wider than it is today.

The first official friendship centre was at 51 Church Street. The centre moved several times and is now back on Church Street again. It is an impressive building containing meeting rooms, classrooms, a gift shop, a hostel and a well-known restaurant. The friendship centre now has a staff of 40 and a budget of \$1.3 million annually. Although the centre provides services to both Aboriginal and non-Aboriginal peoples, it celebrates and showcases Aboriginal culture. Some very fine programming is offered such as the Aboriginal Head Start program.

The youth centre on 2nd Avenue also comes under the auspices of the friendship centre. A liaison services worker provides clients with access to services related to health, justice and social issues. The friendship centre serves an area that encompasses nine communities in northwestern Manitoba and northeastern Saskatchewan. The centre has become an integral part of the city of Flin Flon and of the surrounding region. It has evolved into a positive force in the community and is held in the highest esteem by all the citizens in the area.

Mr. Speaker, Granny Cadotte's vision in the early 1960s of a friendship centre has become a reality. I thank all staff, volunteers, fundraisers, board members and citizens for their ongoing support of the Flin Flon Indian-Métis Friendship Centre. I am hopeful that the next 40 years will be even better than the last 40 years. Thank you.

Tabor Home

Mr. Peter Dyck (Pembina): I rise today on behalf of the senior citizens in the constituency of Pembina, a number of whom are awaiting placement in a personal care home. Morden and Winkler represent

the fastest-growing communities of rural Manitoba, and this area desperately needs a new personal care home and more personal care beds.

When I recently met with the staff of Boundary Trails Health Centre, they told me that 15 beds in the hospital are being used as personal care beds for patients awaiting long-term placement. As such, these beds are not available for hospital patients, which is naturally problematic for hospital staff that are trying to ensure they are treating as many patients as possible. Morden's 60-bed Tabor Home is currently at capacity and needs replacing. As of last month, 55 Manitoba seniors are waiting to be placed in one of those 60 beds. Tabor Home has been applying for funding to replace the old structure and to increase its capacity for several years.

In the spring of 1999, the Conservative government approved that expansion, but the members opposite have continually denied Tabor Home the necessary funding. This NDP government is denying seniors in my constituency the care they desperately need. I strongly urge the Minister of Health (Mr. Sale) to take action and to commit to replacing and expanding Tabor Home so seniors do not have to remain in hospital beds to receive care, or worse, move away from their lifelong home to get long-term care. Thank you very much.

ORDERS OF THE DAY

(Continued)

GOVERNMENT BUSINESS

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call the following Bills 25, 32, 29, then 38, 33, 28 and 34, followed by 41, 39 and 40.

Mr. Speaker: Okay, the bills will be called in this order: Bills 25, 32, 29, 38, 33, 28, 34, 41, 39 and 40.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, as the Deputy House Leader, I would like to ask the Government House Leader, during Question Period the Premier (Mr. Doer) suggested that his government was ready to debate Bill 34, the whistleblower legislation—

Mr. Speaker: Order. There should be no negotiations taking place on the floor. I would advise the two House leaders to go to one of the loges and negotiate whatever they are going to negotiate. I have the government business for the day.

DEBATE ON SECOND READINGS**Bill 25—The Consumer Protection
Amendment Act (Payday Loans)**

Mr. Speaker: I am calling Bill 25, The Consumer Protection Amendment Act (Payday Loans), standing in the name of the honourable Member for Inkster (Mr. Lamoureux), who has 10 minutes remaining.

An Honourable Member: Stand.

Mr. Speaker: Is it the will of the House for the bill to remain standing in the name of the honourable Member for Inkster?

Some Honourable Members: No.

Mr. Speaker: No, it has been denied. The honourable Member for Inkster, to speak or to lose your time.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker. The government continues in its heavy-handed fashion to use its majority to try to get its legislation through one way or another.

Mr. Speaker, it is indeed unfortunate. In fact, you know it was interesting, we had a member stand up, and as the government has prioritized Bill 25 to be the bill that has to be passed as a government priority, it is interesting to note where they have established their other priorities.

Examples of that would include, and there are two of them that come to mind. One is, in fact, Bill 34 that has been talked about, the whistle-blower legislation. Government should have been calling that bill back last week, I would ultimately argue, or earlier. Then, of course, you have bills like Bill 41, which, if the government really and truly wanted to see these pieces of legislation passed, it should have been calling these things last week. I do not have to tell the government that because they know that to be the case, given in terms of what it is that they are doing today.

Bill 25 is a bill that has a fairly significant impact on a number of communities, Mr. Speaker, on a number of people that rely very heavily on those money mart systems that we have virtually scattered throughout the province. One of the concerns, and I know because unfortunately I only have, I think, eight or nine minutes to be able to speak on this, I know that I will have another opportunity or I trust I will have another opportunity where I will be able to talk at more length about the way in which the

government is kind of pushing through some of this stuff.

It is interesting to note on Bill 25, it was only on May 24 when the government actually introduced this bill for second reading, May 24. Factor out the holidays, how many sitting days are we really talking about? How many sitting hours are we talking about, Mr. Speaker? One has to be concerned in terms of the whole process.

* (14:40)

MLAs, prior to the government mess that they have created, in the past have recognized the importance of due process and order, Mr. Speaker. It was back in June of last year where we have this agreement, and that agreement took into consideration how it is that you are going to pass through some of this legislation. Bill 25 was one of those bills. If the government would have met certain criteria and allowed for participation, we would have seen that Bill 25 would have, in fact, been out of the committee stage by now. So one has to question in terms of to what degree they are really committed to the press release that this minister has issued.

This minister, more than any other minister, and I have raised this issue in the past, loves to issue out press releases, loves to put his finger in the air and find out where those popular issues are, and then make a ministerial statement or a press release in terms of just how tough this government is, Mr. Speaker. Then we see some actions that will follow. What one has to question in terms of why it is this particular minister has been so negligent on this file, on Bill 25.

Why did it take the minister so long? If I look at it, you know, as I indicated, May 24, why did it take him so long to bring this bill, for him to introduce it in for second reading? And what arrogance for the minister then, as the Government House Leader (Mr. Mackintosh), to say, well, my bill is more important than Bill 41, more important than Bill 34. It has to be passed. It is the first thing on the agenda, Mr. Speaker.

I think members of the Chamber want to speak to other bills outside of his own personal bills. If the minister was so convinced that this is such a high priority of a bill, why did he not bring it in long ago? Why does he not approach opposition members to sit down and negotiate how it is that this bill could actually be passed through in an orderly fashion.

There are hundreds of Manitobans that use these Money Marts, that pay these fees that this minister is trying to address through payday loans, Mr. Speaker, and here we are just trying to rush things through. Do we seek to get their opinions in public through our committee structure? No. That does not meet this minister's political agenda.

The political agenda for this minister is identify an issue, bring something in that he believes there is some political gain to be had and do it in whatever way he sees fit or this government sees fit. So much for process. What ever happened to a New Democratic Party that would have argued and articulated on the importance of process? It is not good enough to say here is this bill. Sure, I only brought it in a few days ago myself, but I believe it has to be passed and it is my bill and I am going to make a priority of it. This bill is more important than other pieces of legislation that are there.

It is interesting. I had opportunity to speak to someone in regard to Bill 41. They thought that that was an important bill. I suspect that the Minister of Health (Mr. Sale) should have been talking to the Government House Leader and talk to him about how important that bill is. Where is the government on that?

Mr. Speaker, then we have the Premier today from his seat talking about well, let us pass whistleblower legislation. Where was that legislation? The government and the attitude that they have been taking could have brought it forward last week and forced us to address it back then, but the government, or this particular Government House Leader, made the determination no, no, no. That is just not a priority bill for this government.

They want to try to just pass things through in the very best way that they know how, and what they are finding, Mr. Speaker, is that they are going to get a little frustrated. They are going to sense more frustration because they are not going to be able to achieve their legislative agenda, and this is a first. They have to take responsibility. The Premier says, well, I have to be accountable for my actions. The Premier and his government and this Government House Leader have also got to be accountable for their actions and the reason why we are in this situation that we are today. They can, in fact, avoid a lot of potential embarrassment and see legislation passed.

The principle of Bill 25 is something that is positive in how it attempts to address a need that is

out there, and I think that is admirable. What we want to be able to do is we want to bring in legislation that is going to be consumer-friendly, but we want to make sure, Mr. Speaker, that we are doing it in a proper fashion. I know that there are other issues that need to be addressed in regard to consumer-related issues, and the government, I believe, needs to be open to that.

It was interesting; we were talking on Bill 11 in committee—which is another "consumer"; I believe it is not, Mr. Speaker, but the government would advocate that it is. It is to protect the poor, Bill 11, and, boy, have they got a line on that particular bill. I posed a question to a presenter, in terms of the bill as it is, would she rather see the bill pass or fail, and she had indicated fail. At least, that is from what I can recall, and this is an individual who represents consumers.

You know, there was an interesting presentation made by Tom Simms, I believe is his name, and he had talked about how the bill was going to be advantageous to the poor. Well, Mr. Speaker, there are the working poor and the poor that access or use hydro and hydro alone. They do not even have access to gas. How does that help those poor? You know, you do not build a social programming and fighting poverty and dealing with consumer protection legislation by dealing through Manitoba Hydro. You deal with it through bringing in legislation, and this could be a part of it.

I thank you for the opportunity to be able to say these few—

Mr. Speaker: Order.

Mr. Denis Rocan (Carman): Mr. Speaker, I wonder if you could canvass the House to see if there is a willingness for today to, maybe, suspend the dress code rule again, the same sort of rule that we used during committee.

Mr. Speaker: Is there an agreement to suspend the dress code for today, where we could take our jackets off and be a little more comfortable, as it is pretty warm in here? Is there agreement? *[Agreed]*

Mr. Speaker: The honourable Member for River Heights (Mr. Gerrard) was up to speak.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak on this legislation which deals with payday loans. There are some areas of this legislation which I think are fairly important to deal with. It is

legislation which provides or attempts to provide consumer protection in relationship to payday loans.

It defines lenders' restrictions, requiring payday lenders to be licensed, and imposes certain restrictions and obligations on them for the protection of borrowers, including prohibiting the lender from charging more than the maximum allowed, by an order of the Public Utilities Board as a cost of credit for the renewal extension or replacement of a loan or for the default under a loan. It prohibits the taking of security, including an assignment of wages in reference to payday loans. It requires the lender to provide the specified information to the borrower in a clear and understandable manner. It requires the lender to post signs setting out an itemized list of the cost of credit for a representative payday loan.

It also gives the borrower certain rights, with respect to payday loans, including the right to cancel the loan within 48 hours after receiving the initial advance, the right to cancel a loan if he or she was not properly notified of the 48-hour cancellation right, and the right to a refund if he or she was overcharged. The bill also imposes certain record-keeping requirements on payday lenders and enables officials to carry out inspections of the payday lenders.

* (14:50)

Now, I would like to make, first of all, before I get into the details of my concerns with this legislation, to make sure that it is clearly understood, as we understand it, that the government has put a priority on this legislation and clearly has put a much lower priority on bills like the whistle-blower bill and The Pharmaceutical Act. But, notwithstanding that, our desire that the priority might have been different, we will want to address the deficiencies in this legislation.

The first deficiencies I would suggest, Mr. Speaker, are apparent right away in the definition of what is called a payday loan. Now, a payday loan in this legislation deals with loans which are no more than \$1,500 and right away one can imagine a scenario: This legislation is passed, and all of a sudden we have lots and lots of payday loans for \$1,501. They do not fall under this legislation. They would fall under whatever legislation was governed previously, but they would be outside the terms of this legislation. In other words, what the government has done is to create a loophole which payday lenders are likely to jump right into to avoid the

legislation. I suggest that the design of this legislation has a fundamental problem that we are likely to see lots of loans for \$1,501, and that such loans can be designed quite creatively so that, when you offer to a lender a big loophole like this, the lender is likely to walk right through and render your legislation not very meaningful. It raises some issues.

Mr. Speaker, right from the start, it would have been better, and I know, as representing Point Douglas, that you have some concerns in these areas and that your constituents would be concerned about the payday loans. But let me imagine, for instance, a scenario where a lender lends \$1,501 but takes a payment back for the services provided and then actually provides some much lesser amount. So we, inevitably, and in this circumstance, have turned the good intentions of the government to cover payday loans to a situation where we could have loans for \$1,501 which will not be covered by the legislation which might, in some circumstances in reality, because of the way the money is diverted, be loans which provide to the lenders the equivalent of much less in final dollars than \$1,500. But the reality is, because the actual loan was for \$1,501, it will escape the whole legislation here.

I would suggest to the government that it look quite carefully at this clause because they may have got some wonderful legislation which could be very useful, but because there is a big loophole that payday lenders can jump through and avoid the legislation, the legislation will end up not being anywhere near as useful as it was supposed to be.

Of course, this is exactly why it is important that legislation be looked at carefully in this Chamber because, as legislators, we should be pointing out areas where there are problems before they are passed so that, when the legislation actually comes into effect, it achieves the objective that is desired. The objective here, which is a laudable one, is clearly to protect consumers, to protect people who are in many circumstances not well off so they are forced to use payday lenders instead of regular banking institutions or credit unions where there might be more standard guarantees, approaches, safeguards than in these circumstances where people are working and you have payday lenders making loans which are usurious, which are ending up charging the person who is getting the money much more than they should be.

So the first principle, then, of legislation, and I hope the Member for Minto (Mr. Swan) is paying

close attention because some of his constituents here could very well be involved, I know the Member for Minto has a bit of a legal background, but you do not want to create legislation that has got a big loophole. This one clearly has not one, but two big loopholes.

The first one, as I have pointed out, is that we are likely to see lots of loans for \$1,501, and they can be constructed in all sorts of creative ways. It is going to be very hard to bring charges against somebody for a \$1,501 loan under the payday loans act when we are dealing with an initial advance of no more than \$1,500 right in the act. So I would hope that when this comes to committee, the government will be ready with some sort of an approach that will mean that there is not a giant loophole here. I suggest to the government that they probably would have been smarter dealing with legislation which talked about loans from a more general perspective, so that it did not have to present such obvious and huge loopholes to payday lenders, so that it was not so problematic right from the start, right from the beginning of the act.

Now, I want to suggest to the members here, Mr. Speaker, and to the Member for Minto and others who may have constituents who will be using payday loans, that there is another big loophole. That big loophole defines a payday loan in its initial term as "ignoring any extension or renewal, that is no longer than 62 days." I can imagine that what we are going to see is a lot of loans with a 63-day term, because such loans will completely escape the payday loan definition and completely escape the act. Thereby, as members know, we are dealing with some fairly smart people who are lenders here. They are going to read this act, and right away, they are going to be on top of this. They are going to plan lots of loans for 63 days because that is going to very nicely completely escape the purview of the intent of this act.

So we can have the rest of the act designed perfectly, but when you have, then, payday lenders coming forward with loans which are 63 days or which are \$1,501, they have two big loopholes that they can walk right through and provide loans which are essentially payday loans but will not come under the classification of payday loans, that will escape this legislation.

So I suggest to you, Mr. Speaker, and to members here that the government should have done its due diligence. The problem that we are having in this session is that never in my six and a half years of being in this Legislature have I seen such sloppily

written legislation by this government. They do not seem to pay attention to what is actually in the bill. Their intentions may be fairly good, but their ability to write legislation that achieves their intentions, that does not give people good loopholes, is problematic.

* (15:00)

I was talking earlier today with the MLA for Emerson (Mr. Penner). The MLA for Emerson has been around for some years longer than I have, and the MLA for Emerson agreed with me that this has been one of the worst sessions from the point of view of a government producing very sloppy and poorly designed legislation. We are looking carefully at this legislation—*[interjection]* The minister, the MLA for St. Vital, should pay attention because I know that her intentions are honourable, that she has good intentions. But, if you provide to payday lenders two big loopholes that they can walk right through and avoid, then it is a big problem—*[interjection]*

Yes, well, we have a lot of problems with the kind of legislation that is being brought forward. Now I want to deal with one, not only these big loopholes, but I want to deal with the circumstances around this legislation and the role of the Public Utilities Board.

Mr. Conrad Santos, Deputy Speaker, in the Chair

In this legislation there are going to be some significant costs to government, to the Public Utilities Board, to the justice system for monitoring, for regulating payday loans. As I have pointed out, because of these loopholes, much of this work may actually be to not much avail because there are these big loopholes. But I would suggest, Mr. Deputy Speaker, that it is important not just to look at how governments can come in with the heavy hand of bureaucracy and regulation, but how governments can improve the nature of competition in the market in working in this area.

I think there is a recognition that there have been problems with the market for payday loans and that if some of the things that we could do to improve the circumstances would be as well done or better done by working to enhance the capability, to enhance the ability of the markets themselves, the board here has the ability to set a variety of facets, can set maximums for the rate formula or tariff. It can make orders which will look at operating expenses, revenue requirements of payday lenders and so on and so forth, circumstances of credit options available, a variety of other things.

One of the things that is quite clear to me is that in putting all this regulatory framework here, which is in many ways quite a reasonable thing to do, but what it is going to do is to increase the operating costs of those who are providing payday loans? So, interestingly enough, instead of working as you would hope, you know, to make credit available at lower interest rates, one facet of this may actually increase the operating costs of the payday lenders.

You may find, strangely enough, that the rate that is set as the maximum under the payday loan, PUB circumstance, therefore becomes the rate. Whereas now the rates may vary, there is competition within the market whereas there may be rates that could be lower if you had real good competition operating. Instead, what we are going to do is you could end up with the circumstance where, for some people, the payday loans will actually cost more rather than less, because you are putting a lot of extra costs and a lot of extra requirements on the payday lenders.

Now, many of these requirements are things which are sensible, good business actions, and I think that we need to accept that. We need to consider that those sensible actions are things which people who are good businesspeople should be doing anyway. So that is not what I am quibbling about, but what I am concerned about is that we will find payday lenders going to the Public Utilities Board and saying, look, because of the requirements of this act, we have got a great big administrative burden, and we are actually going to have to charge a higher rate for lending than we were before.

The objective here is not to totally limit access to credit for people, but to have a system which works well at providing that credit at the lowest possible cost for working people who need to use the cheques, their payday money, for loans and need to be able to operate because they are short of cash and need to take out a short-term loan.

I think, Mr. Deputy Speaker, that the board should be able to look not only at fixing rates, but that the board should be able to look at the competitive environment, should be able to make recommendations with respect to the market for payday loans, should be able to look at issues around why there are not particular lending institutions in particular areas. Certainly, the board, if it is going to be looking at these areas, should be able to make recommendations for actions in this respect as well.

I think that the long-run solution here is not for the government to take over the market and set prices and costs, but the long-run solution is for the government to look at ways that it can ensure that the market system is operating properly and that people are getting the highest-quality loans at the lowest-possible costs, which is really what the marketplace is all about.

I see that the MLA for Lac du Bonnet is here. He has had, I am sure, some experience with loans, and would understand about the problems with the big loopholes in the government's bill, and probably shares some of the concerns that I have in this respect. I believe that these loopholes represent some fairly sizable issues and problems that need to be addressed when this bill goes to committee, whenever it does. I believe that the government should look at the issues around the Public Utilities Board, and not just setting rates, but really looking at the long-run and how you can get the whole market system around these types of loans operating properly, so that you do not have to have government intervention in the economy anymore than absolutely necessary.

*(15:10)

Now, I want to talk for a minute about one of the other areas here: this is the general authority to inspect. It is interesting that the government feels that it needs to put a general authority to inspect under this act. As I have said already, it seems to me that it would be much more desirable to have an approach which dealt with loans, in general, rather than just loans which are under \$1,500 and for 62 days or less. If you have a broader approach to loans—I see the Member for Lac du Bonnet (Mr. Hawranik) is agreeing with me—then you actually have a better framework for the operation of the market, rather than trying to set up a big, long piece of legislation which provides a whole variety of authorities, including this authority to inspect.

Let us look at this legislation. We should have had, clearly, a cost-benefit analysis here. What is going to be the cost to government? How many inspections do we expect will occur?

We are giving, either to inspectors or police or whoever may be making these inspections, powers, but those powers presumably are meant to be used. This is going to take up time from the other operations of police to be tracking down payday lenders. Where we have circumstances where we have payday lenders who are trying to operate a

reasonable business, now have extra costs and extra concerns because they know that the police may be arriving at any time to inspect their premises, inspect their records.

Why is this not dealt with as you have other businesses dealt with? I would suggest, Mr. Deputy Speaker, that the very powers dealing with the right of entry, the general authority to inspect, records to be available for inspection, assistance to officers or authorized persons are all powers which may be, you know, very appropriate and valuable and so on to use, but the reality is that they are going to add to the burden of the jobs that the police have to do, or other inspectors, and the cost to government.

So this act, which is an act based on good intentions and perhaps with some better thought and planning, could have been a good bill, but the reality here is that it provides a lot of powers very specific to this act, may involve quite a bit of extra cost to government, quite a bit of invasion of citizens' homes, businesses, et cetera, and clearly, we need to ask the question: Was this the most appropriate way to help protect people from these awful payday lenders?

I mean, that is what this bill is saying, that the people who are payday lenders, who in many circumstances are businessmen who are trying to help people out by lending them money at high risk, that is what is happening here is concern that not all the measures are being taken which could have been taken to make sure that the market itself was working well under these circumstances.

One of the concerns here deals with immigrants who have issues around language. Surely we should have made sure that there is a look from the Public Utilities Board at questions of language and what should be done to make sure that immigrants have the information that is needed to make good decisions and good judgments, not to try to protect immigrants just with a legislation which is good-intentioned but which is focussed in a way that it may not actually work. Surely, if we can educate immigrants to deal with these types of financial issues, they are going to be in a better position, whatever they do. Clearly, there is an alternative here, which is education for immigrants.

I think it is an important question here as to whether this is a law of general application, and my friend the MLA for Lac du Bonnet may be able to look at this question now. The question here is, does this apply in First Nations communities or does it not

apply in First Nations communities? I mean, I am thinking about people. Are we protecting people who live in First Nations communities? If we have an urban reserve, do the powers of this act—is this act of general application? Will it apply to payday lenders who are living and working in urban reserves?

So I would like to be sure that we are going to get a good answer to this question, because there may be a loophole that will not protect people in First Nations communities or who go to First Nations to get loans. Is this good or bad? Certainly, we would hope that we would have at the committee stage some presentations from people in the First Nations community looking at these matters so that we can be sure that all citizens in Manitoba are protected by this law if it is going to be implemented.

So I would sum up by saying that here is a law which has, we give the NDP credit for some good intentions, but which has some real problems, at least three major loopholes—well, two major loopholes and one potential loophole. Certainly, in the approach which this law is taking, which is clearly an NDP socialist-communist approach that government has, the going to manage everything for people instead of educating people so that they can manage issues for themselves, clearly we know that that is the way this government works. We accept that, and that is one of the reasons why we do not agree with them on a variety of aspects. But we do have a right to stand up here and question the approaches that the government is taking and to do what we can to improve them so that they are going to be less detrimental or less problematic once they are actually implemented, if, as the government appears to be determined to try and implement them.

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

An Honourable Member: Question.

Mr. Deputy Speaker: The question before the House is the second reading of Bill 25, The Consumer Protection Amendment Act (Payday Loans); Loi modifiant la Loi sur la protection du consommateur (prêts de dépannage).

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

Bill 32—The Real Property Amendment Act

Mr. Deputy Speaker: To resume debate on the proposed motion of the honourable Minister of Aboriginal and Northern Affairs (Mr. Lathlin),

second reading, Bill 32, The Real Property Amendment Act; Loi modifiant la Loi sur les biens reels, standing in the name of the honourable Member for Inkster (Mr. Lamoureux).

Is there leave or unanimous consent on the part of the House to let the bill stand in the name of the honourable Member for Inkster?

Some Honourable Members: No.

Some Honourable Members: Leave.

Mr. Deputy Speaker: There being no unanimous consent, it has not been given—

Point of Order

Mr. Lamoureux: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Point of order being said?

Mr. Kevin Lamoureux (Inkster): Yes. Mr. Deputy Speaker, the point of order is that the traditions which are, in fact, rules in which this House will often operate under, I would like to think, dictate that members should be allowed to adjourn debate, they should be allowed to stand debate. Every bill, with the exception of the last few that I have witnessed, government has allowed that.

I would ask you to look at the bill summaries that are provided to us. In that you will see that the government minister introduced for second reading Bill 32 on May 31.

* (15:20)

Mr. Deputy Speaker: Order, please. There is no point of order. The House has already made a decision on this issue.

Point of Order

Mr. Deputy Speaker: A point of order being raised by the honourable Opposition House Leader.

Mr. Kelvin Goertzen (Official Opposition House Leader): I raise this point of order as a way perhaps to assist the House, as we sometimes often do to try to find a way through difficult situations, that perhaps, Mr. Deputy Speaker, you could canvass the House to see if there is leave to call forward Bill 34, the whistle-blower legislation, and we could have agreement to debate that legislation.

Mr. Deputy Speaker: The honourable member knows that that is not a point of order, that negotiations between the House leaders do not take place in the Chamber.

Mr. Chairperson: The honourable Member for Inkster, to speak.

Mr. Lamoureux: Yes, Mr. Deputy Speaker, I will take this opportunity then to speak to the bill because, once again, the government is denying me the opportunity to leave the debate in my name. So it is either talk now or not be afforded the opportunity to talk.

I respect what it is that the Member for Steinbach (Mr. Goertzen) had attempted to do there. What the Member for Steinbach was wanting to see happen was Bill 34, the whistle-blower legislation, to be debated right now. We would have provided the leave that was necessary in order to allow that debate to occur because we do believe that actions speak louder than words. When the Premier (Mr. Doer), from his seat during Question Period says, what about whistle-blower legislation, and then opposition members say, well, call the bill, once again one has got to question whether or not there is a communication link that has been broken between the Premier's office and the Government House Leader's (Mr. Mackintosh) office. That causes a great deal of concern for me personally because I like to think that if the Premier is saying something, that the Government House Leader at the very least will be listening as to what it is that the Government House Leader is saying.

I am beginning to question, Mr. Deputy Speaker, whether or not the Premier is even aware of what is taking place inside this Legislature. Now we have Bill 32, The Real Property Amendment Act, being debated, and there are members of this Chamber who want to be able to speak to this bill at a later time. At least I do, and I feel relatively comfortable in knowing, unless the Member for River Heights (Mr. Gerrard) wants to speak today, that he, too, would have liked the opportunity possibly to speak later on this bill.

Mr. Deputy Speaker, if you look at it from our perspective, you have to look at the date which this particular minister actually brought in this bill for second reading.

An Honourable Member: And when was it?

Mr. Lamoureux: That was on May 31. Let me see, what are we, about three or four days later, and the government is already trying to shut down debate on this bill and force debate. I say that because I have some pretty good evidence to show clearly that the

Premier does not support the behaviour of the Minister of Government Services.

I would like to put on the record very clear indication why I believe the Government House Leader needs to talk to the Premier of this province. Your Leader, Mr. Deputy Speaker, needs to convey to the Government House Leader that his behaviour inside this Chamber is not acceptable, and here is the reason why I say it. It was May 31, the very day that this bill was introduced for second reading. I was wanting to stand debate on Bill 30, and the government said no.

Well, I tried to do it again on a different bill, Bill 31, and, again, I was denied that opportunity. So what I did is, I thought, you know, I want to make sure that the Premier (Mr. Doer) is aware of what it is that is happening inside this Legislature. So, the following day—I was denied the leave on May 31—so then on June 1, the following day, I questioned the Premier directly. I said to the Premier, my question to the Premier was very specific: "I live up to my agreements, will the Premier live up to his agreement, this agreement, and instruct his House leader not to invoke any form of closure as we witnessed yesterday from the majority government. Will the Premier respect the agreement?"

That is the question that I posed to the Premier of our province. What do you think the response was, Mr. Deputy Speaker? For the first time, the Premier, or one of those opportunities—there was no baffle-gab coming from the Premier. He gave a short, concise answer: "Yes, Mr. Speaker." Let me repeat that because it is quick: "Yes, Mr. Speaker," is what the Premier said.

Well, when I was referring in my question, Mr. Deputy Speaker, to "any form of closure as we witnessed yesterday," what was I referring to? I was referring to this Government House Leader (Mr. Mackintosh) and this government not allowing me to stand bills in my name or adjourn debate.

So here I am today, second time, this time on The Real Property Amendment Act, attempting to stand the bill in my name. Is that responsible? Is that irresponsible? I would suggest to you, Mr. Deputy Speaker, that it is very responsible because, after all, the bill was introduced May 31 from the minister, or the Member for The Pas (Mr. Lathlin), for the very first time in second reading, May 31.

There have been other bills that have been debated, yet the government refuses to call others. Instead, the focus is that this bill—this is one of those

priority bills of the session. This bill is more important than the whistle-blower legislation, Mr. Deputy Speaker. This bill is more important than Bill 41. This is the bill that has to be debated and it has to pass the Legislature of Manitoba today or else the province will fall to its knees. That is the reason why, that is the justification that this minister has at trying to force me to address this bill today. I say shame to this government, because they do not understand what the priorities are that Manitobans have in addressing the important issues that need to be addressed.

Twice now, this Government House Leader was afforded the opportunity to have Bill 34 debated, Mr. Deputy Speaker. Does the government not even want to see this bill pass to committee stage? We would like to see Bill 34 pass to committee stage. Is it that unreasonable to say that Bill 32, which was introduced just a few days ago, could not continue to stand in my name, in favour of us being able to debate Bill 34? Well, I think that is fairly reasonable. I think if we were to canvass someone like Pat Jacobsen, she, too, would agree that it is very reasonable.

What happened to Pat Jacobsen? That is one of the reasons why we have that particular bill before us today, Mr. Deputy Speaker, because a civil servant of incredible credentials comes forward and says to the government that you need to do something, fix something. Instead, she is ratted on; her letter is advanced to Wally Fox-Decent, who happens to be her boss; and then she is gone. Well, and then government said: we have nothing to do with it. This is Workers Compensation, and so on and so on.

*(15:30)

We believe that this is important, that we should, in fact, be debating that bill, too. When was that bill, Mr. Deputy Speaker, brought in? Well, we are still waiting. The government has not even called that bill for second reading where it has been introduced. So is it really a priority?

Here, Mr. Deputy Speaker, we are talking about a bill, No. 32, which the government is forcing people to speak on, yet it has not even had the courage, the political courage to introduce Bill 34, let alone allow any sort of debate on it. We saw the impact, the impact of this government's neglect. So, when they try to force us to speak on this bill as opposed to what other bills might be out there, what are they forgetting about? They are forgetting about individuals like Pat Jacobsen and the impact of

government neglect, an uncaring government that ultimately led to this individual leaving the province of Manitoba. In a sworn affidavit, this individual indicated that over 33,000 Manitobans lost \$60 million-plus because she believes, Pat Jacobsen, a well-respected individual, believes that the government did not act on some of the things that she had brought forward.

That was not included in the original report coming from the provincial auditor directly. It came out through the provincial auditor on the Workers Compensation fiasco. Well, Mr. Deputy Speaker, so you can get a sense of why it is when we look at Bill 32 and someone like myself is sensing a little frustration because, yes, Bill 32 is important. Bill 32, and I will take right from the press release of the government the essence as to why it is Bill 32 is here today. The minister, and I quote right from the press release, which was released a little earlier this year, and it states: "The minister said the legislation is needed because the Government of Canada will not accept land transfers from the province that have certain legal restrictions. The legislation would help address this situation by clarifying the legal status of the land to be transferred to Canada. Currently, many properties take much longer than they should to be transferred due to questions regarding the status of utility easements on the land. We expect Canada will accept such transfers faster with the passage of this legislation."

You know, that is admirable; it is important. I do not want to underestimate the importance of that, Mr. Deputy Speaker. That is the primary reason. I was able to also take a look at what it is that the minister had to say when he brought it in for first reading. That is really the first opportunity we get a sense outside of the press release as to what it is that the government's intentions are with Bill 32. The minister then said, and I quote: "One important effect of the legislation is to assist the Province in meeting its obligation to transfer Crown lands to Canada for Treaty Land Entitlement, the Northern Flood Agreement and other hydro-electric impact settlement agreements."

Mr. Deputy Speaker, that is fairly significant. You know, over the years, I do not know how many speeches I have heard inside this Legislature talk about the Northern Flood Agreement and some of the delays that have been there, and some of the costs of those delays. What about hydro-electric development that is coming up and the impact that that is going to have on many of our northern

communities, in particular, many of our Aboriginal communities?

So I am not going to belittle the importance of Bill 32. I think that it is a bill that would be healthy, Mr. Deputy Speaker. What I will question is the neglect of this government, just how sloppy this government is when it comes to dealing with legislative issues. I will acknowledge how important this bill is. Why does the government not acknowledge the importance of legislation like this? *[interjection]* You know, someone advises that I should ask the Member for Lac du Bonnet (Mr. Hawranik), because he is a man of great wisdom in dealing with issues of this nature because of, no doubt, that legal background that he has. I suspect that there could be others who want to be able to speak to this bill because this bill does have an impact. *[interjection]*

Oh, I get plenty of opportunity to have discussions with the Member for Minto (Mr. Swan). I am always interested in what it is that he has to say, not only on CJOB, but also inside the Chamber, Mr. Deputy Speaker, and I would welcome from the member for Minto. You know, maybe we should lobby and see if we could have more discussions on those priority bills inside or maybe on the radio program. I think that Manitobans through CJOB could be even that much more informed of just how bad a job this government is doing in terms of its legislative agenda.

You know, I might not necessarily be the swiftest guy on the block, but I would suggest to you that the Government House Leader (Mr. Mackintosh) would be better advised to start having dialogue with representatives. *[interjection]* Oh, I cannot say whether or not he is here or not. That would be unparliamentary. So I will not go there, Mr. Deputy Speaker. But I do suggest that the Government House Leader would be well advised to start some sort of dialogue with opposition members as to what is going on, and are there some things that can be done to ensure that there is a better process because the process that we are going through today is disgraceful.

I truly believe, even the Premier (Mr. Doer) recognizes that, and that is why, when I posed the question about sacrificing the legislative agenda, he looks at the agreement that he signed off on, that he voted for, and realizes that his options really are not that great. You know, the Premier needs to reconnect that telephone line to the Government House Leader or maybe even have a face-to-face discussion on the

legislation that we find that is before us today, and see are there ways in which we can try to overcome. I say that because I truly believe that we need to ensure that there is adequate and appropriate time that passes between the government bringing in legislation from second reading to afford opportunities for members to be able to speak in a reasonable time frame to legislation. Then, ultimately, see it go to committee, and through a committee, public input, and, after public input, into the record stage, and, then, into third reading, and ultimate passage, Royal Assent, and become law.

Mr. Speaker in the Chair

* (15:40)

I think that that is an important process, and we need to respect that process. I would ultimately argue that most, if not all, members of this Legislature recognized that process last year back in June. I believe it was June 9. I look on the agreement that I do keep handy in which it does show June 9. On that agreement it sets up that process, that process which would have included this particular bill. I truly think that that is something in which it had everyone's support because we recognized how important it was. By accepting that process, what we agreed to was that a bill would be called three times, and after three times, if it was brought in at a certain point in time, the question would be put, and you did an admirable job in administering that agreement, Mr. Speaker. Then these bills went to committee. Now we will continue on, but that same process should apply to Bill 32.

Bill 32 deserves proper treatment. If we do not stand up to ensure that the process is properly followed, in the long term it is not healthy for this Chamber in the years ahead. Because that is something which all of us, hopefully, will have the opportunity to be in the government benches, in the opposition benches, and, most importantly, for Manitobans that do not have the privilege of being inside this Chamber.

That process guarantees that there is going to be diligence on legislation, on budget issues and so forth, and we need to stand up and fight for that, Mr. Speaker. You know, today I raised the issue with the Premier (Mr. Doer) that, look at the government's approach at dealing with this. We are seeing the Estimates not being called. The Estimates, No. 1, this is the government the NDP are the ones that, ultimately, and I acknowledge it was done through all-party support, but they led the reduction of

Estimates time from 240 hours down to 100 hours. Now if you look at that 100 hours, we have over 40 hours that are still on the time clock, over 40 hours. Yet, as opposed to keeping with the intent of the agreement where we should be in the Estimates, they are still trying to squeeze bills through, even though they did not meet the requirements.

The intent was that we would be dealing with Estimates at this point or debating third readings if the Estimates were dealt with, Mr. Speaker. That was the intent. Certain things, and members of the government say, well you ring the bells. Well, you also have to take responsibility for the Crocus fiasco, and the Crocus fiasco is what ultimately led to the ringing of the bells. There is an out for the government. The government knows what that out is. What do you have to do in order to get the government to do what is right, for the government to do the right thing?

As a member of an opposition, there are very few tools that we have. These are some of the tools that we are using to apply the pressure that is necessary on the government to do the right thing. That is what this is all about.

An Honourable Member: That is democracy.

Mr. Lamoureux: It is about democracy, as the Member for Carman (Mr. Rocan) talks about, Mr. Speaker. This time it is maybe not working in favour of the government—

An Honourable Member: What goes around comes around.

Mr. Lamoureux: That is right. What goes around does come around. The Government House Leader (Mr. Mackintosh) and I can recall vividly during the MTS issue that was before this Legislature, and I suspect there are a number of members that can remember the Government House Leader, then member of the opposition, jumping up and down in his spot. Then that was not good enough, he jumped out of his seat, ran around the back of the Chamber, up the aisle, Mr. Speaker. I am not too sure if he bowed to the Mace, but he ran back, hand, fist shaking in the air, threatening all sorts of allegations. I remember it well. The picture was amazing to see.

An Honourable Member: Who did that?

Mr. Lamoureux: That was the current Government House Leader. Why? Because he did not like what he was seeing inside the Chamber.

Well, Mr. Speaker, one would argue, and I would be that one to make that argument, I must say,

or at least add to that argument, that the behaviour of this government in the respecting of process and rules and tradition is no better. In fact, it is a lot worse than the previous administration.

This government's respect of the process, Mr. Speaker, as clearly shown on Bill 32, is far worse than what I witnessed before, even on the MTS issue.

I talked directly for what this bill actually does. Right from the press release itself, I quoted why this bill is an important bill, that it is a requirement that is being asked by our national government in order to ease the opportunities at resolving some of those treaty land entitlements. It talks about the Northern Flood Agreement, and when I say the Northern Flood Agreement, what I am referring to is specifically what the minister said in first reading. The minister indicated and included—and, again, I am going to report this from Hansard direct: The minister said, "One important effect of the legislation is to assist the Province in meeting its obligation to transfer Crown land to Canada for Treaty Land Entitlement, the Northern Flood Agreement and other hydro-electric impact settlement agreements."

Well, Mr. Speaker, I want to spend some time on the Northern Flood Agreement and some of the frustrations that many incurred. In fact, maybe even if I went through a chronological listing of some of the issues that the Northern Flood Agreement had to go through. If you follow the years, you will get a sense—and, hopefully, I will have enough time to go through all of them because it goes all the way back to 1975. I would welcome the opportunity to have leave so I could get it all on the record, but suffice to say, I suspect that I will run out. What I would encourage—and maybe what I will do is at the end of it—because I actually pulled this document off the Internet. What I would like to do is go through it, because I think it is very symbolic of some of the problems in many of the agreements that we achieved in the past and some of the things that have resulted from those agreements or decisions from the past and the impact that it has had on the communities and why those treaty rights are so important.

As I say, I want to emphasize the reason why I want to go through this, Mr. Speaker, and it is because the minister, himself, on first reading indicated the Northern Flood Agreement. He emphasized just how important the Northern Flood Agreement was. So I printed this out and I am going to attempt to read through it. It is fairly lengthy and I

will attempt it, but if I do not get through it all, what I will do is at the end of my comments, I will table it so that other members can read through it, or if they want, they can Google search it. But I want to highlight this because I think that members here need to get a better sense of the frustration that many of our Aboriginal communities had to ensure as a result of a government that decided to take actions, and then as a result of those actions, there was a consequence, and other things had to happen in order to resolve some of those negative consequences. Today we are still having to deal with that, and that is why, ultimately, we have this piece of legislation before us.

I am very reluctant, Mr. Speaker, because I just saw an indication that I have less than two minutes to go, and this is five pages. I am wondering if I could just have leave just to put this formally on the record.

Would it be the will of the House, Mr. Speaker, if I could have leave just to put the rest of this document on the record because I only have two minutes to go?

* (15:50)

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: No.

Mr. Speaker: Leave has been denied. The honourable Member for Inkster, to continue with his debate.

Mr. Lamoureux: Mr. Speaker, you know, it is all about the Northern Flood Agreement. What it is is just a sample of the type of frustration that our Aboriginal communities up north are having to experience. That is the reason why, I think, that government has to start listening to what is going in on inside this Chamber. Why would they not allow for the odd minute or two for me to be able to express some of that frustration about the Northern Flood Agreement?

Especially, you know, the one person that said no the loudest was the Member for Thompson (Mr. Ashton). I am not too sure. It was either him or the Government House Leader (Mr. Mackintosh). It was a toss-up on it.

All I am thinking about are our communities in northern Manitoba and just how important it is that we recognize that some of the things that we do, and that is why this particular bill, Bill 32, deals with

those treaty lands. The northern flood impact on those treaty lands is very, very significant.

What I will do is I am going to hand this off to my leader, Mr. Speaker, and then maybe he can table it after he is done, just in case he might want to refer to this issue because it is a long process, which started in 1975. Thank you.

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

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to talk about The Real Property Amendment Act, Bill 32. This bill is about the creation of easements and rights. An explanatory note: it talks about easements created for public purposes, but it is clear from the way that the act is worded that it will create potential for easements for private companies, as well as for public companies and for government.

So, clearly, although these easements may be for water, power, light, telephone, cable, telecommunications, railways, fire protection or what have you, that what we are talking about here are the interests of public service, the interests of corporations versus the interests of individuals, sometimes corporations, others who own land or who own property, and ensuring that there is an ability to provide the services through easements to individuals and corporations and so on, and to be able to serve people well and adequately.

Mr. Speaker, we do not disagree with the general principle of this bill. Indeed, we think that there may be some facets of this bill which will actually create conditions for a lower regulatory burden and so on, on these easements and make some things easier.

But I do think that there are some issues that I would like to raise with regard to this legislation. In particular, and I will get into this in more detail, the rights of governments versus the rights of individuals to make sure that there is an appropriate balance in the way easements are created, that there are appropriate mechanisms for fair compensation, or leases, to be made with respect to the landowners, so that there is, when we are dealing with government versus an individual, that the individual has a right to fair treatment as part of this process.

Although there are some rights and matters that are described within the legislation that would respect this, as the MLA for Lac du Bonnet has pointed out, when, I think it was that Highway 44 went by Garson, and there are still some matters

there in terms of compensation for the right of way, which has not been settled. So there needs to be a process which deals with these matters in a fair way, but an expeditious way, so that they do not drag on and on and on. In creating a process which is fair to all, we actually create a process whereby it is easier to get easements for useful purposes, for public purposes, but that it is also making sure that the individual citizen or a business are appropriately compensated or appropriately have appropriate either compensation or rental agreements, what have you, with respect to the easement so that there is money or other compensation flowing to individuals who have easements put on their land.

I think that there are some aspects of this bill, which should have been upgraded, as it were, in addition to what is covered in the amendments here. In the act, as I have it, one of the sections of the act deals with public utilities. Of course, this was written some time ago, so it includes MTS as one of the public corporations, and, of course, it has not been a public corporation for quite some time. So whichever side you are on on this, clearly, MTS should be treated in a way that is compatible with its current status, rather than in the same section with public corporations and with the Crown, with municipalities and with local governments, and so on.

This sort of adjustment, a careful reading, changes to the bill to upgrade it, would have been expected if the government had appropriately done its job, instead of being a little bit sloppy in the way that the amendments were presented.

The second point that I would like to make, again, around the same area. We are dealing with legislation which, hopefully, can be useful up north in areas of the constituency for the Member for Thompson (Mr. Asthon) and the Member for The Pas (Mr. Lathlin) and the Member for Rupertsland (Mr. Robinson), and also for a number of areas in southern Manitoba, even the constituency for the Member for Carman (Mr. Rocan).

I think that this bill should look, not only at mentioning municipalities and local government districts, but should, specifically, refer and ensure that there are similar rights provided for First Nations. First Nations should be treated appropriately so they can get easements when they are needed to get access to, whether it is telecommunications, drainage services, what have you, and that they are not penalized, because they are not adequately recognized under this act.

Certainly, up north, if we have a First Nations community which wants to get services to its community, it should be treated no less well than other jurisdictions or other governmental authorities. There is a principle here, that I would suggest, Mr. Speaker, is important. In today's world, I suggest that First Nations should not have been omitted. I am not sure why the government chose to omit consideration of First Nations with respect to public easement and the ability to get public easements for the delivery of public services, but I would suggest that the Member for Thompson (Mt. Ashton) should have a look at this area, and give it some consideration because I know that in the North this can be an important issue.

* (16:00)

Another area that I think is—we are talking about easements here—that there are easements provided for, with regard to drainage services. One of the problems that we have had, and we saw this with some presenters at the water rights bill the other night—I guess it was actually yesterday morning—the concern here has to do with, if we are going to manage water properly, we have to do more than just drain water. We have to be able to store water and hold it back and be able to manage water from both ends. The government's policy, and it is continued under this act, is to provide a lot of rights with respect to drainage but not nearly so many rights with respect to individuals who would like to store water and hold water back.

Clearly, in flat parts of Manitoba it is a major benefit to be able to store water and hold water back at times. We have seen this, for example, in the area around south Tobacco Creek near Miami and in this area the creation of some 26 small dams. Now, we are not talking big dams. We are talking small dams, creating small ponds, small sloughs, sometimes temporary water bodies, sometimes permanent water bodies. But this creation of 26 small dams within the watershed of the south Tobacco Creek has had a significant impact in decreasing the peak flows. It has had a significant impact on improving water quality, decreasing erosion, decreasing flooding of farmland, decreasing damage to culverts and roads.

Certainly, here is something that we should be when we are looking at legislation providing for a balance between, on the one hand drainage, on the other hand water storage behind such small dams, as an example. So we may be with easements here talking not just about drainage infrastructure, but we

are talking about water management infrastructure and creation of small water impoundments.

The people who presented yesterday were concerned along the Seine River that under this government what had happened is with this one-sided emphasis on drainage, much more water was flowing through as part of the Seine River as a result of the huge amount of drainage that has come, and after a rain the water comes much more rapidly and you end up with major problems along this section of the river.

Well, part of this is that the government has focussed on promoting drainage rather than focussed on providing legislation in all its aspects which provides a much more balanced approach with respect not only to drainage, but with respect to water storage and making sure that there is really a water management approach and not just a drainage approach. The drainage approach for one property owner may be very good, but for all property owners, we end up with problems.

Also, this focus on drainage has a significant issue with respect to phosphorus going into Lake Winnipeg. I know that the Minister of Water Stewardship (Mr. Ashton) has a lot of concerns about phosphorus. The more you drain, the faster the water flows and the more erosion you get. The more phosphorus you get because the phosphorus is tied up with the organic matter, and it ends up going into Lake Winnipeg and increasing the level and the content of phosphorus in Lake Winnipeg.

When we are looking at this act, other acts and other things that the government is doing, one of the things that we find is that the government talks one way when it talks about Lake Winnipeg, and then it acts in a different way when it actually comes to putting forward legislation. So, one of the problems with this legislation is that it greatly facilitates easements with respect to drainage programs, but it provides no facilitation in easements with respect to small water storage capabilities like, for example, those present on the south Tobacco Creek area.

So, clearly, if we want to improve things for Lake Winnipeg, if we want to improve water management generally, there should have been another amendment made to this legislation. Maybe the Minister for Water Stewardship can have a look at this when it comes to committee and see what he can do to bring some sense of balance to this legislation in order to ensure that it provides the kind

of balance that you would expect when dealing with water management issues.

To have a bill which was designed many years ago, and to have done some upgrades to the bill, which are, as far as they go, reasonable upgrades, but to not have done the full job that needed to be done, it is sad, because it may be some time before we get around once again to looking at how this legislation can be improved. It is too bad that the government did not do a better job of looking at this legislation and coming to a decision that they should look at all of it, and that they should create a piece of legislation which provides for better balance. Now this aspect, which I have been talking about in terms of balance, in terms of how this legislation works, is clearly an important one.

I now want to come back to talk for a moment about the balance with regard to the person who is getting the easement and the person who is the property owner or the landowner. It may be not a person, it may be an individual, it may be a government, whoever. It is the balance between the person, corporation, or government seeking the easement and the property owner. Clearly, one of the things that has been problematic from time to time is that there needs to be assurance that both parties are treated fairly. There also needs to be some sort of assurance that there is going to be a reasonably expeditious approach.

I think that the problems that sometimes have arisen, a delay in resolution of government's proceeding, developing easements or the equivalent of easements without having the kind of agreement that they should have had and without providing a sort of compensation or rental amounts or what have you for the use of the land, that there needs to be some assurance that there is a better balance than there has been in the past.

Certainly, with respect to this act, it is too bad that the government did not look in a little more detail at this particular aspect of the legislation. The government seems to be much more concerned with the rights of government and much less concerned about the rights of individuals and of businesses. There should have been a better balance, I suggest. I do not know where the Member for Assiniboia (Mr. Rondeau) was in terms of the rights of businesses here, but, clearly, he was not adequately at the table when this legislation was drafted. Clearly, there could have been a better approach in the revisions to this legislation which would have provided for the

kind of balance that would have been optimum ensuring that individuals and businesses have rights, as well as ensuring that governments have rights in the delivery of services and that corporations have the ability to provide services to people where they are in the public interest.

So, the kind of balance that one might have expected is not here. It is the kind of balance that we have grown used to from an NDP government which slants things in favour of government over the individual and the businessperson, and that is too bad but that is the nature. Too many people do not realize how often, when we come into this Chamber, that governments actually, that this government in particular works so hard to slant and to favour the rights of government as opposed to the rights of individuals and businesses. Clearly, as Liberals, we would seek a better balance than we have had from this government which really wants to make sure that government is all-powerful. It can do anything rather than making sure that the rights of individuals are adequately protected.

* (16:10)

I think that one of the aspects, also, which I would suggest could have been looked at here, increasingly, we are dealing with not only rights for provision of more traditional services, but we are dealing with, as an example, drainage, which is underground. We are dealing with—and maybe this should have been looked at—tile drainage. We are dealing with ground water. That they could have been looked at in the context of this bill, you know, what is required when people use property which is not theirs, or have an influence on property which belongs to others, or even to the Crown, in terms of the ground water and effects on ground water. Of course, those are not traditional areas for easements, but they are areas which we may have to start dealing with.

Certainly, tile drainage is going to be underground drainage, an increasingly important area, and certainly there are some areas of above-ground concerns where we might have concerns relative to easements, or the equivalent of easements when we get into telecommunications. We are moving from wire services to wireless services. Under what conditions does the provision of wireless services require some sort of easements? Do these sorts of services, which we tend to disregard from the point of view of easements in a traditional fashion, could we start maybe looking at this area, as

well, in terms of a right to use other people's property?

I would suggest, Mr. Speaker, that, where we are dealing with circumstances like this OlyWest hog processing and rendering plant, there may be some issues which many local property owners have. Issues of smell, issues of water, ground water and other contamination, which may affect their property and their property values. Now, under the traditional approach companies like OlyWest would have to deal with this under an environmental assessment, but would not have to worry about getting an easement in order to cause odour pollution or ground-water pollution on the neighbouring people.

Now, we hope that, if OlyWest, in fact, establishes a plant and goes through all the reviews, that there will not be such problems, but there are those concerns and they have been raised by many people. But this act is not dealing with those sorts of matters, but the issue can be raised as to whether, in fact, when we are looking at easements we need to be thinking beyond the types of easements which are now present, and whether in the future we will be looking at other areas of easements, above-ground or underground, in ways that we do not traditionally and have not traditionally looked.

So, at this point, I have laid out my concerns here that there needs to be a balance in the rights of governments and the rights of individuals in businesses, that there are aspects of this legislation which need to be upgraded, in terms of the role of MTS, the position and the rights of First Nations, the need to balance water storage with water drainage, water management, easements, and the ability and the certainty of ensuring that there is appropriate compensation, lease arrangements, where individuals' property is used.

I have had, from time to time, in where we live, near St. François Xavier, some experience in dealing with some local easements there, and it is rather important that things be clarified and established early on, so that all parties can be happy and content with the arrangement, because clearly there are significant problems where there are no agreements, and where parties are not ready to agree because they feel that maybe they can get a better deal or a different deal.

There needs to be a fair way, which is not overly costly in terms of lawyers' fees, to be able to resolve these sorts of issues in an expeditious, friendly and fair way as they possibly can be. I suggest that this bill, we will look when it goes to committee at the

presentations that are made. We hope that there will be individuals representing, for example, the First Nations communities, the northern communities. We know that the minister who has brought forward this act, the MLA for The Pas, has some particular concerns here and that he is hopeful that this bill can be of benefit to people in the North. As I said, we are ready to support this. I do not know whether it will be possible to make some of the kinds of amendments that I have suggested, as they are not directly related to the amendments which have already been proposed, but we will have a look at that and we will see if they can be included.

One of the issues, when we look at this bill and the priority that the government has put on this bill to try to get it through, compared with, for instance, The Pharmaceutical Act, clearly they have rated this bill a much higher priority than The Pharmaceutical Act. So we are dealing with this now and we are going to continue to do that and deal with it the best that we possibly can. I expect that following the discussion that we have had, that we will probably proceed to pass this bill then and to move it on in a step-wise fashion in the remaining days, to the extent that we can, of this Legislature.

The clauses here, as I have discussed at some length, are ones that we can generally agree to, but I would hope that the government would look at these aspects of balance in a little bit more detail and that hopefully at the committee stage we will look at how they can bring in some additional changes which would restore the kind of balance that I think that we need, instead of making certain changes that the government really should have gone all the way in making this act, bringing it fully up to date rather than just doing part of a job.

So, as I said, I think this not an unreasonable step, but it is too bad that the government did not go a little farther in its approach to this legislation. Thank you, Mr. Speaker.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 32, The Real Property Amendment Act.

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

Bill 29-The Degree Granting Act

Mr. Speaker: Bill 29, The Degree Granting Act, standing in the name of honourable Member for River Heights, who has 18 minutes remaining.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to talk a little bit more about The Degree Granting Act. Clearly, from our perspective as Liberals, it is important that we move forward and make sure that degrees granted by Manitoba institutions have the validity, the quality, that we associate with Manitoba. It is for this reason that we will be supporting this bill, and we expect that it will be moving forward in due course.

There are, I suggest, some concerns here that could have been looked at. I talked the other day a little bit about the problem of quite a number of institutions, I do not know where they are from, who advertise over the Internet, who send e-mails all over the place claiming that they can provide quickie degrees.

* (16:20)

Clearly, those kinds of degrees do not have the merit, do not have the validity, the quality of a degree coming from a recognized Manitoba institution where there is a tremendous amount of work and effort that goes in on behalf of the students and the faculty and the institution to make sure that the degree that is granted is a valid degree and conveys a high quality learning experience, and the capacity of the individual to do the job when that individual may be hired, or may start a business, and advertise as one of his qualifications he or she has a particular degree.

This ability in this act to be able to ensure that degrees granted by Manitoba institutions have the kind of quality and validity is an important step. I believe that this kind of legislation is present in other provinces. But I suggest that there needs to be some approaches, Mr. Speaker, which would look at these Internet-based degrees, and, if tackled a little bit more thoroughly, the issue of degrees granted by learning experiences over the Internet. We are, after all, working now in an electronic or a digital world. In this world, degrees, wherever they come from, can be very, very important. Certainly, there are some issues here about the ease with which somebody who has a valid degree can, not only use that degree, but have that degree recognized. While we want to make sure that Manitoba institutions are, really, quality institutions, we also need to be able to move forward, as much as possible, in terms of the delivery of digital courses or electronic courses over the Internet. We are, certainly, doing some of that in Manitoba, but, in some respect, we are not doing as

much as we could be, and we are not doing as much as other jurisdictions.

So here was an opportunity, and, perhaps, at the committee stage, what we will see are presenters talking about the delivery of courses over the Internet, and what needs to be done in terms of protecting Manitobans and ensuring the quality when we are talking about Internet delivery of post-secondary education courses. I would suggest that this could be an important subject to explore a little bit more at the committee stage. If the government had done a little bit more work, it could have asked questions with respect to this, which might have taken this a step forward, in terms of this legislation, and enabled it to position Manitoba a step beyond where other provinces are. Instead of just, sort of, copying other provinces' legislation, we could have taken a little bit more time to make sure that we actually positioned Manitoba right at the forefront, both in terms of assuring quality, but, also, in terms of how we look at, how we respect, and how we advance uses of education in a digital world.

There was an opportunity here which, unfortunately, I believe, was not adequately taken up. We are moving, as the Speaker well knows, the University College of the North, where we expect that there is going to be a lot more distance delivery of courses into communities. We are working in a world where we have Campus Manitoba with a lot of distance delivery of courses. It would be highly desirable, then, for courses that are delivered at Campus Manitoba sites, that we have access to the best courses from anywhere in the world, but that we, at the same time, have the assurance that the courses that were delivered to Manitobans, and are accessible easily through Campus Manitoba and northern university courses are valid, high quality and contribute to that degree.

So there are some aspects of this legislation which I do believe could have been improved. What we could have had was a government which was forward thinking, instead of a government which was more limited as we see in this legislation in its point of view.

I talked the other day about the graduates from the University of Winnipeg, the 1,019 graduates at the Spring Convocation last Sunday, and there are these graduates who clearly have the stamp of a major institution, a high-quality institution. They should be able to bear that degree and carry that

stamp of a degree from a high-quality Manitoba institution with great pride.

Mr. Speaker, I think, if we are going to move forward in developing post-secondary education around Manitoba that we need to continually emphasize approaches which will facilitate this delivery of courses, which will facilitate the ability of different post-secondary education institutions to work together, which will enable the University of Winnipeg and the University College of the North to work together in delivering high-quality programs in the North. These are the sorts of things which I think could have been addressed a little bit more in this legislation if it had really been forward thinking and not with a more limited sort of view. What we want is students, graduates of degrees in Manitoba, to be really at the forefront of global learning.

We should make sure, and this legislation specifically references the Steinbach Bible College, and this is clearly important to people in Steinbach. So it would have been smart if it had taken the next step in being forward thinking, rather than being more limited in the point of view that this legislation took. I believe that with a little bit more input, broader input from different areas of the province, that we could have had legislation which would take us those steps forward into the future world of education which is going to be new, changing, with added dimensions because of the way that the digital world is working.

Clearly, I am sad that this legislation does not adequately do that, but at the same time accept the limits of what this government wants to do, the limits of its vision. For the moment we will have to go along with a government which has this kind of limited horizon. Rather than trying to be the best in Canada, the best in the world, we accept that this government is really interested only in looking at doing about the same as other provinces. Well, I think that the opportunity to the extent that it was there may have been missed, and I am sorry about that, and regretful of that. But, nevertheless, in order to make sure that people who got degrees are well recognized, we will certainly support this.

*(16:30)

I would mention one other aspect, and that is that in today's world there is a broadening flexibility in the nature of education. There is the ability of small learning institutions to work with established post-secondary education institutions in a much more flexible way to deliver learning experiences. I think

that it is important that we tap into that creativity, that we tap into the dynamism of small education providers to make sure that they will have a dynamic role as part of the provision of post-secondary education and degrees in this province.

Clearly, we do not want to create just ivory towers which are separated from the business community, separated from small learning institutions. What we want to create is a really dynamic learning environment. This should not restrict the dynamic learning environment, should not restrict the ability for post-secondary education to work with businesses, to make sure that people in Manitoba are getting the very, very best in terms of learning experience.

So those are some of the points that I think that it is important to make when we are talking about granting of degrees, when we are talking about education of our young people, clearly, one of the most important areas that we have to be concerned about.

One of my sons, Charles, has told me that the real world of learning—and we all know this—is not just about degrees; it is about experiences and about being able to build the capacity to do things from what you learn in the real world. When it comes to working in the Legislature, it is not just about your degree; it is about how well you can analyze.

The bill, you look at the pitfalls and the problems, it is about how well you can look to the future and look at what we can do to position Manitoba right out front and ahead of the other provinces, not trying to position Manitoba just the same as the other provinces.

So we need to be able to be sure that in this context of degrees that we do not create just ivory towers, we create real-world learning environments that are going to develop young people—and the old people because we are talking about lifelong learning—in ways that they are going to be problem solvers, in ways that they are going to be creative, independent thinkers and in ways that people are really going to be able to achieve the very best that is possible.

Mr. Speaker, I believe very strongly in post-secondary education and in making sure that Manitoba achieves the very best learning environments that we possibly can here in Manitoba. This is fundamentally important and that must be our goal here: changes to this legislation or other

legislations to make sure that we are positioning our institutions, our students, in ways that will put us ahead, that will open up opportunities, that will give a real world, not just an ivory tower type of learning, so that people when they graduate and have a degree are able to go out and participate to the fullest possible in the real world.

Certainly, that is one of the things when we are talking about, for example, co-operative education, that there needs to be these kinds of relationships between post-secondary education institutions and individuals and businesses and governments in the province so that people are getting real-world experiences as part of their post-secondary education.

I think that we must never forget that that can be a very, very important element of learning. It can help people in the broader community here because it provides access to students and their creativity and industry and enthusiasm, but it also provides real learning environments for students.

So I am sad that we did not use this opportunity to take us further ahead than we are, but I do believe that we will support this because we believe that we must have a stamp of quality, a real stamp of quality on degrees coming from Manitoba.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is second reading of Bill 29, The Degree Granting Act.

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

SECOND READINGS

Bill 38—The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization)

Hon. Christine Melnick (Minister of Family Services and Housing): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 38, The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization), be now read for a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and I table that message.

Motion presented.

Ms. Melnick: Mr. Speaker, I am very pleased that the second reading of this bill is coming forward now.

The amendment to the act gives the Manitoba Housing and Renewal Corporation, the MHRC, the power to direct the profits realized through land development activities. These profits will go to a fund developed for urban housing improvement purposes.

This legislation puts into law our commitment to directing profits from suburban residential developments into creating more housing options for people with low and moderate incomes. By continuing to develop the MHRC's land banks and also redirecting profits into needy areas, such as Winnipeg's older neighbourhoods, we can further strengthen families while helping to build vibrant communities.

The fund, specifically the housing development and rehabilitation fund, will be used to support housing projects in areas of need within Winnipeg. Projects may include the development of new housing or the rehabilitation or the renovation of existing housing. The following factors will be taken into consideration in determining the areas of need: the type and quality of housing in the surrounding area, including the presence of vacant lots or dwellings; the existence of orders respecting the maintenance, health or safety of dwellings; the type and amount of rental housing; and the average age of the dwellings and the zoning. The extent of any housing renewal activity will also be taken under consideration.

Social and economic factors will include the average household income, the market value of housing, the levels of unemployment, and participation in the workforce, and crime statistics for the area. As well, there may be other factors that the corporation may deem pertinent with any proposal for housing.

The corporation is the custodian of the fund and is responsible for its administration. All suburban land development profits realized by the corporation, in respect of land owned or developed by the corporation, or by a partnership or joint venture in which the corporation is or was a participant and any interest earned thereon will be credited to the fund. In anticipation of profits to be realized, the act permits the Minister of Finance to transfer amounts to the corporation for purposes of the fund. These advanced amounts, and interest earned on these amounts, would be repaid to the Minister of Finance from suburban land development profits once these profits are realized.

Now, I want to say that we are not waiting for the legislation to come in, Mr. Speaker. We are starting to realize profits from the Royalwood development in southeast Winnipeg. We have already posted a request for proposals that was available to all profit, non-profit and other groups in Winnipeg and Manitoba who are developing housing. The deadline for this request for proposal is June 16, and the amount that we will be working with around these proposals is \$1 million, all profits that we have realized from Royalwood.

So what we are doing now, Mr. Speaker, in addition to the Affordable Housing Initiative, is working to create good, safe, affordable and low-income housing for the people of Winnipeg, and I want to say it certainly is a pleasure to be in second reading at this time. Thank you.

House Business

Mr. Speaker: The honourable Government House Leader, on House business.

Hon. Gord Mackintosh (Government House Leader): Just a couple of announcements, Mr. Speaker.

First of all, next Tuesday at 11 a.m. in the place of the government-side resolutions will be condolences. I believe there will be two of them, but we will confirm that.

* (16:40)

I would also like to announce the Standing Committee on Social and Economic Development will meet Thursday, June 8, 8:30 until 10 a.m., and 12 until 1 p.m. to deal with Consumer Protection, that is 25; 29, Degree Granting; and 32, Real Property.

Mr. Speaker: Okay, it has been announced that on Tuesday, 11 a.m., on government side will be condolences, and announced that the Standing Committee on Social and Economic Development will meet on Thursday, June 8, from 8:30 to 10 a.m., and from 12 p.m. to 1 p.m., to deal with the following bills: Bill 25, The Consumer Protection Amendment Act (Payday Loans); Bill 29, The Degree Granting Act; Bill 32, The Real Property Amendment Act. *[interjection]*

Point of Order

Mr. Speaker: The honourable Member for Inkster, on a point of order?

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, on a point of order. Can you have a standing committee meet simultaneously as the House would be sitting because Thursday morning the House actually sits?

Mr. Speaker: The House sits at 10 a.m.; 8:30 to 10 a.m. For your information, for members, on Thursday, June 8, the Standing Committee on Social and Economic Development will meet from 8:30 to 10 a.m., and from 12 p.m. to 1 p.m.

Mr. Speaker: Okay, we will move on to Bill 33, The Northern Affairs Act.

An Honourable Member: No.

Mr. Speaker: Oh, okay. We are still dealing with Bill 38.

Is the House ready for the question?

Some Honourable Members: No.

Mr. Speaker: No, the honourable Member for Inkster.

Mr. Lamoureux: Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned. *[Agreed]*

Mr. Speaker: Bill 33, The Northern Affairs Act.

Mr. Mackintosh: Mr. Speaker, while we are waiting for the ministers, perhaps, we can move to the next bill called, which is 34.

Mr. Speaker: Is it the will of the House to move on to—

Hon. Greg Selinger (Minister of Finance): Yes, I am prepared to move—

Mr. Speaker: I have to get permission of the House first.

Mr. Selinger: I am seeking leave to move—

Mr. Speaker: Order. Bill 34, The Public Interest Disclosure (Whistleblower Protection) Act.

Mr. Mackintosh: I believe you had called 33. I think we are on 28, actually, Mr. Speaker.

Mr. Speaker: We had dealt with 38, and then I called 33.

Mr. Mackintosh: Mr. Speaker, if you call 28, which was next, and then we can call 34.

Bill 28—The Manitoba Museum Amendment Act

Hon. Eric Robinson (Minister of Culture, Heritage and Tourism): Mr. Speaker, I move, seconded by the Minister of Family Services and Housing (Ms. Melnick), that Bill 28, The Manitoba Museum Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Robinson: Yes, Mr. Speaker, I am pleased to introduce the second reading of The Manitoba Museum Amendment Act. Bill 28 amends The Manitoba Museum Act that provides for the establishment of the Manitoba Museum board. The Manitoba Museum is Manitoba's largest heritage centre, unique in North America, and its combined human and natural history themes, multi-dimensional interpretation, science, astronomy and education and community programs. It continues to be a leading paid tourist attraction in our province, and is the only attraction to scale the Michelin Green Guides' three-star rating.

Changes to the act will enable the museum to reduce the size of its board and to provide the board with the flexibility to vary its size from time to time to meet the changing needs of the organization. The amendment will reduce the number of board members from 20 and empower the board to determine its size of 12, 14 or 16 members by resolution.

This amendment will further reduce the number of appointed members. The museum intends that one-half of the members be appointed and the other half be elected. Given the 50-50 ratio, there may be six, seven or eight appointed members. Other amendments modernize the provisions about the board's authority to make by-laws.

Mr. Speaker, very quickly, that is the essence of Bill 28, and I thank you for the opportunity to introduce second reading.

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

An Honourable Member: No.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

Motion agreed to.

Bill 34—The Public Interest Disclosure (Whistleblower Protection) Act

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 34, The Public Interest Disclosure (Whistleblower Protection) Act; Loi sur les divulgations faites dans l'intérêt public (protection des divulgateurs d'actes répréhensibles), be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of this bill, and I table his message. Thank you.

Motion presented.

Mr. Selinger: Yes, Mr. Speaker, briefly, this legislation adopts whistle-blower protection for those individuals that wish to disclose matters of serious wrongdoing in the public sector, and it also offers protection against reprisal for individuals who bring forward such complaints. It also offers opportunities for people outside the public service to bring forward complaints of wrongdoing, gross misconduct or serious wrongdoing, and offers them various protections as well. There is only one other province that has a similar type of legislation, the province of Nova Scotia.

This province will be covering the broader public sector. It has provisions to add other agencies such as nonprofit agencies which deliver services on behalf of government.

With those few brief remarks, Mr. Speaker, I would ask for this bill to be considered for second reading by the Legislature.

Mr. Gerald Hawranik (Lac du Bonnet): I welcome the opportunity to put a few brief remarks on the record with respect to Bill 34. I think it speaks volumes when we have the Minister of Finance and the government bringing a bill for second reading five days before the end of session. They have a majority government. They cannot get their house in order. They cannot organize themselves to ensure that they bring bills forward in proper time. It certainly is their fault. They have a majority government and they have the ability to do what they believe is important for Manitobans.

I would just like to speak quite briefly with respect to The Public Interest Disclosure (Whistleblower Protection) Act in the sense of, of course, the principle of the bill, and that is important

I think in second reading. Just looking at the bill itself, when I first received a copy of Bill 34, Mr. Speaker, I looked at the title and I said to myself, holy, well, maybe they are serious about protecting whistle-blowers. At least the title says that.

When I looked at the title, I thought, gee, obviously, it must do something to protect whistle-blowers because that is what the title says it does. But, when I cracked open the cover of the legislation and started to look at the provisions that this minister put forward in this bill, I found something otherwise.

* (16:50)

Then, when I looked at the explanatory note, I do not know how many times it says "protection" in the explanatory note, Mr. Speaker. The first page, "protection" must be said about 10 or 15 times, and I looked through many other provisions of the bill. They talk about protection, but they do not deliver.

It is not protective legislation; it is punishing legislation. What it does is not to protect whistle-blowers. What it does is it prevents whistle-blowers from coming forward, and when they come forward they are only protected in certain, minimum circumstances. They, first of all, have to make a complaint to certain people within the legislation, and that is a concern. If they go outside the terms of that legislation, if they make a complaint to someone other than the person who is specified on the legislation, they can be punished. It is as simple as that. I know the Minister of Finance (Mr. Selinger) does not agree, but I would invite him to, in fact, get a legal opinion. I would invite him to look at this legislation and take a look at it and determine exactly what it does

First of all, if you do not go to the right person with a complaint you can be punished. Secondly, if you go to the right person but with the wrong kind of complaint, you are punished as well, and that is how restrictive this legislation is. I believe that probably what it does is offer less protection to employees than they had before. I pointed it out to the minister numerous times in Question Period in particular where I drew the analogy with Pat Jacobsen. I know that the minister does not like to talk too much about Pat Jacobsen because of what his government did, and, of course, Pat Jacobsen complained directly to the Minister of Labour (Ms. Allan) with respect to the conduct of her supervisor. The Minister of Labour referred that complaint back to her supervisor. The minister said under those circum-

stances, he said on the record that, in fact, she would be protected.

Well, she would not be protected under this legislation because she did not go to the Ombudsman, she did not go to her supervisor, she did not go the specified person that is indicated in the whistle-blower legislation. She went to the minister. The minister referred the matter to her employer, to her supervisor. That is who referred the matter, and under the whistle-blower legislation there is no protection for Pat Jacobsen. She would have to know, the legislation would have had to have been passed, and she would have to know the exact provisions of the bill before she would actually be protected.

In reality, Pat Jacobsen did not go to her supervisor. It is the minister who did. Pat Jacobsen went to the minister, one would believe that if you went to a minister, if you went to a MLA with a complaint that you would be protected by the Labour Board. I think the public would believe that, but when we look at the legislation, we look into the fine details of Bill 34, we find in fact that that is not the case. It is not the case, and I would like the minister to point to me to any part of the legislation where in those circumstances Pat Jacobsen would be protected. She certainly would not.

The only kinds of reprisals, first of all, when I look at the legislation in terms of the protection by the Labour Board, no person can take a reprisal against an employee because the employee has made a disclosure. That is under section 27, and then when you think, well, a disclosure. What does that mean? Well, that is someone telling on someone else, but in reality it is defined in the act, and when it is defined in the act, the disclosure means the disclosure according to the act. So now you have got to look at what the act defines a disclosure as, and a disclosure is telling on someone else as long as it is done only to the supervisor, only to a designated officer or only to an Ombudsman. So, if you make a disclosure to someone other than the employee's supervisor, the designated officer and the Ombudsman, you are not protected for disclosure like that simply because it is not included within that legislation.

Then, when you look at the kinds of disclosures that can be made under this legislation, the kinds of wrongdoings that are what is called part of the disclosure, it only goes to things like gross mismanagement of public funds or public assets, only gross mismanagement. So, if you have a

complaint about mismanagement of funds or public assets you are not protected. It has got to be gross mismanagement, whatever that means. When I look at the legislation, when I look at the definition section within the legislation I see no definition of gross mismanagement.

It also protects if you make a complaint about law-breaking activity. Well, that would make sense, Mr. Speaker. It also protects when you make a complaint against an activity that is dangerous to the life, health or safety of persons or property. I can understand that as well, but when you include a disclosure of a wrongdoing as being protected and you only define wrongdoing within a certain limitation such as gross mismanagement, what you are doing is you are saying all of those kinds of disclosures relating, say, to mismanagement or political interference, say, for instance, or for political corruption or corruption by a government, they are not protected activities.

So, if someone has a complaint about the corruption of this government in terms of the Crocus scandal or any other scandal that is out there, whether it is Hydra House or anything else that is out there, you do not have the right to be protected when you go even to your supervisor, to your designated officer or even the Ombudsman. You have to fall strictly within the terms of that legislation to be protected by the Labour Board.

So it creates a huge problem in terms of protection. Who are you trying to protect? Are you trying to protect employees who come forward with allegations of mismanagement and so on, or are you trying to protect government? That is the question. When I look at the legislation, I believe that this government is trying to protect itself. It is not trying to protect civil servants. It is not trying to protect the general public. It is trying to protect itself, Mr. Speaker.

Those disclosures that are made to an MLA or made to ministers or made to the media—and the media, that is another issue, that only if it is an imminent risk to life, health or safety of persons or property can a disclosure be made to the media. So unless those disclosures fall within the terms and the conditions of this legislation, Mr. Speaker, if it does not fall within that strict interpretation of the law, in fact, you are not protected. You are not protected by the Labour Board.

Disclosures are not made if they are made indirectly to an employee's supervisor or designated officer or the Ombudsman. That is why I brought the example of Pat Jacobsen and her complaint to the minister, who then complained to the supervisor. But Pat Jacobsen did not complain to the supervisor; the minister did. She was fired, and even under this legislation there is no protection by the Labour Board.

I have some concerns with respect to the public disclosure provisions of Bill 34 as well. The only time that a public disclosure—and what is defined as a public disclosure in this legislation is disclosures made to the media, whether it be media in television or radio or print material. The only time that a public disclosure can be made to the media which is protected by the Labour Board is only when it relates to a matter that involves imminent risk to life, health or safety of persons or the environment.

That tells me a lot about this government, Mr. Speaker. They do not protect. They are not interested in protecting public disclosures relating to mismanagement. Even gross mismanagement is not protected. So, if an individual were to go to the media with an allegation of gross mismanagement of this government, and there have been many examples, many examples of gross mismanagement. If they went to the media, there would be no protection by the Labour Board.

If they made an allegation of law-breaking activity against any member of this NDP government, they would not be protected by the Labour Board. If they made an allegation to the media of corruption by this government, by this NDP government, they would not be protected under the provisions of this legislation by the Labour Board.

If a member of the public went forward to the media and said there has been political interference at Crocus, there has been political interference here, we believe that someone on the government side is influencing—

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Lac du Bonnet will have 19 minutes remaining.

The time being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 6, 2006

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<http://www.gov.mb.ca/legislature/hansard/index.html>