

**Second Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**DEBATES**  
**and**  
**PROCEEDINGS**

**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
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DOER, Gary, Hon.	Concordia	N.D.P.
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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.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
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JHA, Bidhu	Radisson	N.D.P.
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TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Tuesday, May 20, 2008**

**The House met at 1:30 p.m.**

**MATTER OF PRIVILEGE**

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order?

**Mr. Gerald Hawranik (Official Opposition House Leader):** No, Mr. Speaker, on a matter of privilege.

**Mr. Speaker:** On a matter of privilege.

**Mr. Hawranik:** Yes, Mr. Speaker. A matter of privilege, as you know, in the House is a very serious matter because a breach of privilege, of course, infringes on our rights as MLAs and our ability to perform as members of this Legislative Assembly, and therefore it's a very serious matter.

There are two issues that have to be dealt with in a matter of privilege, two conditions that have to be met; No. 1, is the matter being raised at the earliest opportunity, Mr. Speaker, and, secondly, whether or not, in fact, there's been a breach of privileges in this House and whether a prima facie case can be made for a breach of privileges, as we enjoy them in this House.

Test No. 1, is the matter being raised at the earliest opportunity? Mr. Speaker, this privilege refers to answers given by the Minister of Family Services and Housing (Mr. Mackintosh) on Thursday, May 15, and which were reviewed in *Hansard* for that date, and, as you know, *Hansard* arrived for that date on our desks today. Therefore, I would submit that this is the earliest opportunity that I could raise this matter of privilege in the House.

Test No. 2, whether the matter raised creates a prima facie case of privilege, and I'd like to relate the facts with respect to this matter, Mr. Speaker. Firstly, when I reviewed *Hansard* on pages 2184 and 2185 of *Hansard* in answers to questions by the Leader of the Official Opposition (Mr. McFadyen) relating to the Northern Child and Family Services Authority, now, in response to those questions, the minister evaded every question by not giving an answer. The questions related to whether the minister had, in fact, been briefed with respect to certain issues in that northern authority and whether he had prior knowledge that he could share with the House.

That's the essence of the questions that were asked by the Leader of the Official Opposition, Mr. Speaker, and the minister repeatedly evaded the question and would only answer that the questions posed were serious and even referred to documents tabled by the Leader of the Official Opposition as being news to him. He indicated, basically, that he had no prior knowledge of the contents of those documents that were tabled by the Leader of the Official Opposition. The minister did not admit at the time, he did not admit to knowing about the issue, itself, and instead avoided answering the questions altogether by evading the very question.

No. 2, less than 30 minutes later, Mr. Speaker, less than 30 minutes later, after those questions were asked, the minister leaves the Chamber and in the scrum says something completely different outside this Chamber. He started to answer the questions posed by the Leader of the Official Opposition that were made in question period. He made statements like, for instance, there has been a long history of issues affecting the agency, within the agency. Then he provides a letter from Indian and Northern Affairs that he had in his possession that outlines the issues that prompted a review of the Child and Family Services Authority, the northern authority, outlining the very issues that the Leader of the Official Opposition was asking about in question period just 30 minutes earlier. That's supported by documentation, not just in the scrum after question period, but that was supported by documentation in the *Winnipeg Free Press* the next day. The very next day, documentary proof was provided in the *Winnipeg Free Press* of what was said in the scrum which directly contradicted, Mr. Speaker, the answers given by the Minister of Family Services (Mr. Mackintosh) in this House about 30 minutes prior.

Clearly, Mr. Speaker, the very next day, the *Winnipeg Free Press* reports on Saturday's edition more contradictions, and they related again to the questions posed to him by the media on Friday, a day earlier, less than 24 hours after questions were posed to him by the Leader of the Official Opposition. During that report, the minister confirms to the reporter that, in fact, his department had sent a letter to the northern authority prior to Thursday's question period, a letter regarding the very issues that were

raised in question period. That's another document which directly contradicts the answers given in question period last Thursday by the Minister of Family Services and Housing.

In summary, questions are asked in question period of the minister, No. 1, and if you check his answers, Mr. Speaker, he feigns indignation at those questions. Number 2, he evades the very questions by not giving an answer as to whether or not he was previously briefed on the matters within those questions. Thirdly, he makes out in question period that these are new allegations being raised and that these are the first he's ever heard of them. Then he goes into the hallway 30 minutes later and answers the very same questions that were posed to him in question period.

He knew the answers, Mr. Speaker. He had the information. He didn't provide them in question period. The answers he gave in question period, I would submit, were deliberately misleading and were in direct contradiction to answers given in the media scrum less than 30 minutes later.

I refer, Mr. Speaker, to your ruling on Monday, May 12, in this House, where you indicate that: "I, as the Speaker, cannot be responsible for past Speakers. I cannot be responsible for future Speakers." You again say: "Like I said, I will not be responsible for past Speakers or future Speakers. I will be responsible for my own actions, and any member who feels that they are hurt in any manner, please raise it, and I as the Speaker will deal with it."

Mr. Speaker, I take from those words that you will not necessarily be bound by precedent. We respect that, because different facts and different circumstances could give different rulings depending on the facts and the circumstances that are being presented.

I would therefore ask, Mr. Speaker, that you depart with precedent in this case, as you did on May 12, because on that same ruling you've indicated a number of Speakers had ruled with respect to—comments made outside the Assembly, the Chamber, cannot form the basis for a prima facie case of privilege. However, you departed from—on May 12, you made a ruling indicating that you will not necessarily be bound by precedent in this House, and I would ask that you do the same in this case.

This case is so blatant; this case is so clear-cut, Mr. Speaker, that it cries out for a ruling in favour of the privileges of this House being breached:

Contradictory statements, all publicly reported, reported in last Thursday's *Hansard*, as compared to 30 minutes later in the scrum and again the next day in the *Free Press*, all publicly reported from *Hansard* to the newspapers, all inconsistent. I believe that this cries for a prima facie case of privilege.

It's important that we have statements in this House, answers to questions that are accurate in this House. The ability of members of this Legislature to be able to perform their duties depends on it, Mr. Speaker. We depend entirely on the accuracy of information brought to this House because it affects things we do in question period. It affects our debate on bills, questions in committee. It also affects our ability to respond accurately to constituents.

Misleading statements may be treated as a contempt of this House and, therefore, is a matter of privilege. As a result, Mr. Speaker, I ask that you review *Hansard*. I ask that you review the *Winnipeg Free Press*, public statements made the day after and the day after that and form in your own mind the fact that there is an inaccuracy, that there is a complete contradiction. You do have the authority, as you've indicated on Monday, May 12, that you will not necessarily be responsible for past Speakers and therefore precedent doesn't necessarily bind you. As I say, we respect that, and we ask that you find a breach of privilege in this House.

So, I ask, Mr. Speaker, I move that the Minister of Family Services and Housing (Mr. Mackintosh) apologize to this House.

**Mr. Speaker:** Does the honourable member have a seconder? The honourable Member for Lac du Bonnet, do you have a seconder?

**Mr. Hawranik:** Yes, Mr. Speaker, the Leader of the Official Opposition (Mr. McFadyen) seconds.

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker—

\* (13:40)

**Mr. Speaker:** Order. I just have to remind members that before recognizing other members, remind the House that contributions at this time by honourable members are to be limited strictly to relevant comments as to whether an alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

**Mr. Chomiak:** Even though your mike wasn't transmitting, I managed to hear it. I'm not sure if all

members of the House were able to hear your comments.

**Mr. Speaker:** I was recognizing the honourable Government House Leader to respond to the matter of privilege that has been raised. Can you hear?

**Mr. Chomiak:** Now I can. It appears to be intermittent, Mr. Speaker.

**Mr. Speaker:** Can you hear this one?

**An Honourable Member:** Yes.

**Mr. Speaker:** Okay.

**Mr. Chomiak:** Yes, thank you, Mr. Speaker.

With respect to the matter of privilege, of course, there are two issues, the timeliness and the prima facie nature of the case. This is a little bit more complicated by the attempt of the member to extend your ruling of last week with respect to matters of concern like racism to be allowed to be raised in this House.

Last week you ruled in this House to all of us that if you heard a member talk in a racist fashion or heard a racist comment or a comment of that kind, you would not, in any sense or manner, allow for that and would allow the member to speak. That, in fact, was the ruling that you made with respect to members of this House. I think it was clearly understood that if members, for example, make racist statements or comments are made of that kind of a nature, members ought to be allowed to stand up in this House and comment on those matters.

That was the matter, Mr. Speaker, that you had referenced and somehow the member is, I believe, twisting that particular interpretation to somehow deal with precedent. I think you made it very clear that as far as you were concerned as Speaker, that issues like racism raised in this House ought to be heard in this House and you'd be prepared to do that. You did not say that you would overrule the precedence, for example, on privilege that we have in this House which apply apropos to this particular case. At most, the member can argue that this is a dispute over facts.

During the period of time, I had a chance to review *Hansard* comments which I will get to. I want to outline, Mr. Speaker, that, first, the member is clearly not stating a matter of privilege insofar as referring to matters and statements that are outside of the House, which you have found repeatedly and previous Speakers have found repeatedly cannot be

used as a basis for privilege. In fact, it's very clear in *Beauchesne* and it's been very clear in your rulings, in addition to failure of remiss to answer a question may not be raised as a question of privilege, if in fact, that was the allegation and, in fact that is not the allegation if one looks at the record. If one looks at the record, at best, at the very best, the member could argue it's a dispute over the facts.

I further suggest, Mr. Speaker, that we have seen the pattern in this House of failure of members opposite to raise matters in question period and attempting to deflect attention away by making matters of privilege and raising procedural matters in order to bring attention to matters that they've been able to raise appropriately during the hours and hours we have in this Chamber and in committee and in Estimates of debates.

So, I suspect, Mr. Speaker, at most you could find this a dispute over the facts, but more likely it fits in with several other very ironclad rules that have been made in *Beauchesne* that are very clear.

Now, when I look at the *Hansard*, as directed by the Member for Lac du Bonnet (Mr. Hawranik), I understand that the Leader of the Opposition (Mr. McFadyen) tabled a letter. My reading from the *Hansard*, and I quote from the Minister of Family Services (Mr. Mackintosh): "I'll report back to the House on that because it's a very important matter." Further, he says: "Any issue like this would be treated most seriously, I'm sure, by all officials in the child welfare system." and "As I said earlier, I've asked the department, as early as this morning, to provide any evidence . . . ", et cetera, Mr. Speaker.

Now, let's look at the scenario. The Leader of the Opposition tables a letter. The Member for St. Johns (Mr. Mackintosh), the minister responsible—and a dual responsibility because the federal government has been reviewing child welfare agencies of which theirs is significantly involved, as is the Province, Mr. Speaker, have looked at the functioning of some of these agencies. The Leader of the Opposition tables a letter that's a year old, and says, ah, hah, I've got you on this. Essentially, that's what the leader says. Tell me yes or no, the Leader of the Opposition says, have you seen this letter?

The minister, who has a responsibility not just to the Leader of the Opposition to answer this gotcha question but has a larger responsibility to look after both the privacy and the conduct of the Department of Child and Family Services and has a requirement to talk to officials, has a requirement to be certain

that information that's provided is appropriate, says, and I quote, Mr. Speaker, it's very clear: "I'll report back to the House on that because it's a very important matter." "Any issue like this must be treated most seriously, I'm sure by . . ." all people " . . . all officials in the child welfare system." That is what the minister said in *Hansard*.

Now, members opposite want to parse words and say that because the member went out and provided a more fulsome report—maybe there were more fulsome questions asked, I might ask, in the press scrum, Mr. Speaker. Certainly that has been the case on occasion and to provide information. The member said he would report back to the House. Should the member have stood up and provided partial information, incomplete information? We would have had another privilege. Had the member stood up and provided partial information, they would have stood up on a privilege. Had the member stood up and provided information that was inaccurate, they would have stood up and said it was a privilege. The member said, I will get back to you, it's a serious issue that requires investigation and review. Then he provided additional information when he was asked questions in the hallway, which, I might say, is not on any ruling or any rule in *Beauchesne* a question of privilege.

Now the member stands up says that somehow this is a privilege, Mr. Speaker, because he didn't provide the specific information asked by the Leader of the Opposition (Mr. McFadyen). Now, what did the Leader of the Opposition ask? Let's look at the tenor of the question. Quote: Today he's evading questions about when he was briefed on the issue. I wonder if the Premier (Mr. Doer) can respond to the question. Can he confirm he was briefed some nine months ago?

It's along the line, are we getting actually to the heart of the issue which is the child and family? No, it has become a political game. Were you briefed? Was the Premier briefed? It wasn't even a question about the impact on the children or the child by the Leader of the Opposition. It was a gotcha question, Mr. Speaker. The minister went outside and he provided—and his response. Let's look at his response: I'll report back to the House on this because it's a very important matter. "Any issue like this would be treated most seriously, I'm sure, by all officials . . ." I've asked the department to provide evidence.

Now, Mr. Speaker, what position is the minister in when the Leader of the Opposition stands up and says, gotcha; when were you briefed on this memo that I've tabled that's a year older? This is clearly a dispute over the facts. It's clearly an attempt by members opposite to raise the political profile of an issue and make political an issue that is extremely important. We have arm's-length agencies in this province that provide services, over a thousand from Child and Family Services that provide services to children.

There have been some severe problems, Mr. Speaker. The minister initiated reviews of these agencies, and reviews are coming in. The work is ongoing. There are difficulties. There are problems. For the Leader of the Opposition to stand up and say, I gotcha, here's a memo, and they expect the member to stand up and say, what? What is the member supposed to say other than, I'll take a look at it. We are reviewing these matters. We've taken action where we can take action. I have to check with my officials to see.

\* (13:50)

What proper response would you expect from a minister who's responsible for millions of dollars and, more important, lives, instead of playing what appears to me to be a political Ping-Pong match that the Leader of the Opposition (Mr. McFadyen) went into by virtue of the very question. I'll refer back to the leader's question.

You know, the members want purity in question period. Look at the preamble. Look at the preamble to the member's question. The minister evaded questions yesterday. It turns out that apparently the advertising is going ahead. Today, he's evading questions about when he was briefed on this issue. When did you last kick your dog? Mr. Speaker, that's the point. That's the kinds of questions that don't elicit direct responses because it was an indirect question based on a memo that was tabled. The minister said, not only will I look at this, I'll ask my staff to look at it. We take this issue very seriously. Then he responded in kind to questions the following day which was appropriate and will respond to questions, I'm sure today, which is appropriate.

This is not a matter of privilege. It's a question of grandstanding and, at most, at best, it could be characterized as a dispute over the facts, but more likely than not, it looks to me like it's a tactic to—because it goes squarely in the face of all of your

rulings, Mr. Speaker, it looks to me like a political tactic.

**Mr. Speaker:** The honourable Member for River Heights, I'll hear you very briefly, please.

**Hon. Jon Gerrard (River Heights):** Just a brief note specifically with regard to the memo of January 15, 2007, which said that the agency was running out of travel funds. It's my understanding and the minister himself was quoted as being very agitated about this. He said, and I quote, I am out of my skin. This is unacceptable.

Now, I had a suspicion last week when I saw this that there was more to this than meets the eye. It turns out, and this is very relevant to this issue because some of the minister's statements have been confusing. You know, it turns out that the minister, whether it was himself or the previous minister, had actually ordered in 2006 that every child in the northern authority and the Cree Nation authority be visited within a very short period of time. This caused a lot of additional travel expenses for which the minister provided no recompense and, as a result, their travel budget ran out.

Now, there was not clarity from this minister in terms of what's happening and certainly, this minister could have done a far better job—

**Mr. Speaker:** Order. I haven't heard the issue addressed as a prima facie case. We're getting into debate here and that's not what matters of privilege are. It's to convince the Speaker to take it to the next level.

**Mr. Gerrard:** My contribution, Mr. Speaker, is this, that regardless of whether the prima facie case of privilege or not, there certainly was some very confusing communication from the minister.

**Mr. Speaker:** On the matter of privilege raised by the honourable Member for Lac du Bonnet (Mr. Hawranik), to allege that a member has deliberately misled the House is also a matter of order. While Joseph Maingot advises on page 241 of the second edition of *Parliamentary Privilege in Canada*, the allegations that a member has misled the House are in fact matters of order and not matters of privilege.

And also I'd like to inform the House that it's been ruled a number of times by Manitoba Speakers that comments made outside the House cannot form the basis for a prima facie case of privilege. *Beauchesne's* citation 31(1) advises that statements

made outside the House by a member may not be used as the basis for a question of privilege.

Page 522 of the *House of Commons Procedure and Practice* states that the Speaker has no authority to rule on statements made outside of the House by one member against another. Therefore, I must respectfully rule that the honourable member does not have a matter of privilege.

## ROUTINE PROCEEDINGS

### INTRODUCTION OF BILLS

#### Bill 233—The Jordan's Principle Implementation Act

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux), that Bill 233, The Jordan's Principle Implementation Act; Loi sur la mise en œuvre du principe de Jordan, be now read a first time.

*Motion presented.*

**Mr. Gerrard:** Mr. Speaker, Jordan Anderson was a child from Norway House who died before he could go home to his community because governments were not able to resolve who would pay for what.

Jordan's Principle is that the rights and needs of a child should be considered first with discussion between governments about who should pay for what services being resolved afterwards. Mr. Speaker, the Jordan's Principle Implementation Act puts this principle into law and provides a mechanism for its implementation.

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

#### Bill 230—The Regulatory Accountability and Transparency Act

**Mrs. Mavis Taillieu (Morris):** I move, seconded by the Member for Brandon West (Mr. Borotsik), that Bill 230, The Regulatory Accountability and Transparency Act; Loi sur la responsabilité et la transparence en matière réglementaire, be now read a first time.

*Motion presented.*

**Mrs. Taillieu:** Mr. Speaker, this bill requires the government to develop formal procedures to make the process for enacting regulations more transparent. It also requires government departments to develop regulatory reform plans to eliminate unnecessary regulations and encourage restraint in making new regulations. Both the government

procedures and department plans must be made public. Thank you.

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

## PETITIONS

### Headingley Foods

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

These are the reasons for this petition:

The owners of Headingley Foods, a small business based in Headingley, would like to sell alcohol at their store. The distance from their location to the nearest Liquor Mart via the Trans-Canada Highway is 9.3 kilometres, and the distance to the same Liquor Mart via Roblin Boulevard is 10.8 kilometres. Their application has been rejected because their store needs to be 10 kilometres away from the Liquor Mart. It is 700 metres short of that requirement using one route but it is 10.8 kilometres using the other.

The majority of Headingley's population lives off Roblin Boulevard and uses Roblin Boulevard to get to and from Winnipeg rather than the Trans-Canada Highway. Additionally, the highway route is often closed or too dangerous to travel in severe weather conditions. The majority of residents therefore travel to the Liquor Mart via Roblin Boulevard, a distance of 10.8 kilometres.

Small businesses outside of Winnipeg's perimeter are vital to the prosperity of Manitoba communities and should be supported. It is difficult for small businesses like Headingley Foods to compete with larger stores in Winnipeg, and they require added services to remain viable. Residents should be able to purchase alcohol locally rather than drive to the next municipality.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister charged with the administration of The Liquor Control Act (Mr. Swan), to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small businesses and the prosperity of rural communities in Manitoba.

This is signed by Barb Carson, Mory McVey, Rod Neufeld and many others, Mr. Speaker.

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

\* (14:00)

### Child-Care Centres

**Mr. Stuart Briese (Ste. Rose):** I wish to present the following petition to the Legislative Assembly:

These are the reasons for this petition:

There is an ongoing critical shortage of child-care spaces throughout Manitoba, particularly in fast-growing regions such as south Winnipeg.

The provincial government has not adequately planned for the child-care needs of growing communities like Waverley West where the construction of thousands of homes will place immense pressure on the already overburdened child-care system.

The severe shortage of early childhood educators compounds the difficulty parents have finding licensed child care and has forced numerous centres to operate with licensing exemptions due to a lack of qualified staff.

Child-care centres are finding it increasingly difficult to operate within the funding constraints set by the provincial government to the point that they are unable to provide wages and benefits sufficient to retain child-care workers.

As a result of these deficiencies in Manitoba's child-care system, many families and parents are growing increasingly frustrated and desperate, fearing that they will be unable to find licensed child care and may be forced to stop working as a result. In an economy where labour shortages are common, the provision of sustainable and accessible child care is critical.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Family Services and Housing (Mr. Mackintosh) to consider addressing the shortage of early childhood educators by enabling child-care centres to provide competitive wages and benefits.

To urge the Minister of Family Services and Housing to consider adequately planning for the future child-care needs of growing communities and to consider making the development of a sustainable and accessible child-care system a priority.

To urge the Minister of Family Services and Housing to consider the development of a governance body that would provide direction and support to the volunteer boards of child-care centres and to consider the development of regionalized central wait lists for child care.

To encourage all members of the Legislative Assembly to consider becoming more closely involved with the operations of the licensed day-care facilities in their constituencies.

This petition is signed by Shannon Hunter, Regina Ferraz, Lee Tawares and many, many others.

### **Long-Term Care Facility—Morden**

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

The background for this petition is as follows:

Tabor Home Incorporated is a time-expired personal care home in Morden with safety, environmental and space deficiencies.

The seniors of Manitoba are valuable members of the community with increasing health-care needs requiring long-term care.

The community of Morden and the surrounding area are experiencing substantial population growth.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to strongly consider giving priority for funding to develop and staff a new 100-bed long-term care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute-care patients instead of waiting placement clients.

This is signed by Erna Bergmann, Wilhelm Dyck, Peter A. Hildebrand and many, many others.

### **Lake Dauphin Fishery**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Fishing is an important industry on Lake Dauphin.

To help ensure the sustainability of the Lake Dauphin fishery, it is essential that spawning fish in

the lake and its tributaries are not disturbed during the critical reproductive cycle.

A seasonal moratorium on harvesting of fish in Lake Dauphin and its tributaries may help create an environment that will produce a natural cycle of fish for Lake Dauphin, therefore ensuring a balanced stock of fish for all groups who harvest fish on the lake.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Water Stewardship (Ms. Melnick) to consider placing a moratorium on the harvesting of any species of fish on Lake Dauphin and its tributaries for the period April 1 to May 15 annually.

To request the Minister of Water Stewardship to consider doing regular studies of fish stocks on Lake Dauphin to help gauge the health of the fishery and to consider determining any steps needed to protect or enhance those stocks.

Mr. Speaker, this is signed by Dick Leduchowski, B. Miwen, Dan Balanyk and many others.

### **TABLING OF REPORTS**

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** I'm pleased to table the Annual Report 2007 of the Teachers' Retirement Allowances Fund (TRAF).

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** I'd like to table the following report: Discriminatory Business Practices Act, a report for the fiscal year ending March 31, 2008.

As well, I'd also like to table the Annual Report Concerning Complaints about Judicial Conduct of Judges and Masters.

### **Introduction of Guests**

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us today Trudy Lavallee from the Assembly of Manitoba Chiefs, Ryan Queskakpow, social work student, Clarence Paupenakis, executive director of the Kinosaosipi Minisowin from Norway House, Charlene Ducharme, assistant executive director of the Kinosaosipi Minisowin from Norway House and Helen Trudeau, project manager for Awasis Agency.

These are the guests of the honourable Member for River Heights (Mr. Gerrard).

Also in the public gallery we have from Countryview School 16 grades 5 to 9 students under the direction of Mr. Brian Reimer. This school is located in the constituency of the honourable Member for Steinbach (Mr. Goertzen).

Also in the public gallery we have from Luxton School 48 grades 5, 6 and 7 under the direction of Mrs. Sandy Bissoon. This school is located in the constituency of the honourable Minister of Family Services and Housing (Mr. Mackintosh).

Also in the public gallery we have from Rivers Collegiate 35 grades 9 and 10 students under the direction of Mrs. Lesley McFadden. This school is located in the constituency of the honourable Member for Minnedosa (Mrs. Rowat).

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

## ORAL QUESTIONS

### Child and Family Services Agencies Staff Bonuses and Pay Increases

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, it's a new question to the Minister of Family Services. I'd just like to table a document if I could.

The question to the Minister of Family Services is whether it is his policy or the policy of his department to approve bonuses and retroactive pay increases to the boards and senior staff of Child and Family Services agencies at the same time as those agencies are reducing services.

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Mr. Speaker, I'm pleased to get further questions on Child and Family Services agencies.

I want to relay to the House, last Tuesday when I went to my desk there was before me an interim, or a final draft, I should say, report on a review that had been launched by the northern authority for the Cree Nation Child and Family Services Agency.

Mr. Speaker, while I'm heartened that the authorities are launching reviews and are entering into a new era of accountability and of reckoning and making sure that allegations are followed up—and, indeed, we ain't seen nothing yet. Multiple reviews are going forward. The findings, Mr. Speaker—

**Mr. Speaker:** Order. The honourable member's time is up.

**Mr. McFadyen:** I want to ask the minister if he's aware of retroactive pay increases granted in 2006 to Cree Nation's authority as well as bonuses in the amount of \$2,500 each, paid to board members and senior staff of that agency at a time when the safe house in Lynn Lake was being closed and at a time when social workers were being terminated by that agency.

Is he aware of those allegations and what steps has he taken to follow up on them, Mr. Speaker?

**Mr. Mackintosh:** So, while, Mr. Speaker, I'm heartened that there is a new era of accountability unfolding to make sure that dollars that flow to child welfare agencies indeed are going to the children and families that are the intended recipients, it was certainly very disheartening to see a number of findings. Again, they are subject to further feedback from the agency, and I understand that the agency does dispute some of the draft findings.

But, Mr. Speaker, the Cree Nation Child and Family Services Agency had received some complaints that I understand were not appropriately dealt with, and, then, as a result, the complaints were made to the department and to the federal government. I'm pleased that a holistic review was undertaken as a result of those complaints.

**Mr. McFadyen:** Mr. Speaker, in March of 2007, the Town of Lynn Lake conveyed in writing concerns about cutbacks to the friendship centre in that community, the fact that a social worker in the community had been laid off and that the community had had its services reduced to those children in that community who are among the most vulnerable, as you can imagine, in our province.

I want to ask the minister if he could be more specific as to whether or not he is aware of the fact that at the time those reductions in service were taking place, those reductions in services to children were taking place, the very agency and board is alleged to have granted itself a \$2,500 bonus as well as retroactive pay increases in the 2006 year.

**Mr. Mackintosh:** Mr. Speaker, one of the complaints made by, I understand there were three former employees of Cree Nation, was, in fact, misuse of finances, mismanagement of finances, in addition to concerns about care. As a result, the federal government—which, by the way, also has, of course, significant accountability for the flow of

funding, for the use of funding—and the Province, led by the northern authority, undertook the review. My understanding is that that review is to be completed within the next several weeks.

As a result, though, Mr. Speaker, of what I saw as serious allegations and interim findings of misuse of funds, I can tell you that there is a lot of work that has to be done at this agency. We look for accountability from this agency.

\* (14:10)

**Northern Child and Family Services Authority  
Staff Bonuses and Pay Increases**

**Mr. Speaker:** The honourable Leader of the Official Opposition, on a new question.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** I want to ask the minister, that there are specific allegations that have been made, one of which arises from the memo that has been tabled which refers to a retroactive pay increase in the year 2006, other allegations of \$2,500 bonuses paid to each board member as well as the senior staff of the agency in question in 2006.

I wonder if the minister can be more specific as to whether or not he is aware of those specific allegations, what findings have been made, and how does he reconcile those policy decisions with decisions to cut back on services within the Lynn Lake community.

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Well, Mr. Speaker, yes, indeed, as my colleague said, there are over 1,000 arm's-length agencies that the department flows money through.

But I find it unacceptable and, indeed, I think all Manitobans should find it unacceptable, that as far as I'm concerned, I see adults that are misusing funds that were to go to the well-being of children; in fact, the most vulnerable children in this province.

What I saw in that interim report, Mr. Speaker—well, I'll go through some of those issues that I discovered; for example, travel en masse to Niagara Falls for a retreat. How is that for children being protected? Who's taking care of the children while they are all off in Niagara Falls? That's just one.

**Northern Child and Family Services Authority  
Government Review**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** We agree with the minister that these

are serious allegations. Obviously, if money is not making its way through to front-line care, then these children who are among the most vulnerable in our province are going to be put at greater risk than would otherwise be the case.

I want to ask the minister if he can confirm that, in June of 2007, almost a year ago, there was discussion within his department about whether to proceed with a mandate review for this particular authority but that the decision was made to not proceed with that review. I wonder if the minister can confirm that he was briefed on these issues 11 months ago and that the direction at the time was to not proceed with the review of the agency.

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** My briefing clearly indicates that a letter written July 17 was received by the assistant deputy minister and by the federal government on or about July 20. It's my understanding that a review then followed. There were interviews, by the way, with the complainants, and additional documentation and information was obtained.

As a result of discussions between the federal government, the northern authority and the Child Protection branch of the Province, it was decided to launch what is called a section 4 review to look at all aspects to make sure that all of the allegations were dealt with, and, Mr. Speaker, that was then the subject of the interim report that I received last Tuesday.

Those are serious issues. All eyes now are on the actions of the authority and the agency and how they're going to put into place better *[inaudible]*

**Mr. McFadyen:** The minister said at the end of last week he was out of his skin in terms of his reaction to these allegations. I want to ask him whether he was sufficiently out of his skin back in June of last year, when he was briefed on these issues, to actually take some action to deal with the allegations being made, or did he direct his department to not proceed with the mandate review, to have the INAC review take place after the other complaints came in in August of last year.

Can the minister indicate why he didn't take any action 11 months ago when these were brought to his attention, and why it is that all of the players that are the subject of all of these reviews and all of these issues continue to be employed and continue to be in

place with respect to these matters, even though he has been aware for some 11 months of the very serious issues? What action has he taken to ensure that in that interim 11-month period that he's been briefed in all these details that children haven't been put at risk and that other actions haven't been taken to divert money away from front-line care, which is where it needs to be, Mr. Speaker?

**Mr. Mackintosh:** Mr. Speaker, as part of the review, there was some examination on why the agency in question was in a deficit situation by year-end, although, overall, its finances were healthy because it had a surplus, interestingly.

But, Mr. Speaker, it was according to the review—and the federal government was responsible for the financial analysis—due to overspending of the federal portion for child welfare money; in other words, underfunding from the federal government.

As often as the member wants to raise questions about the role of the Province, of course the federal government has significant and, indeed, way more significant funding historically invested in our child welfare agencies that operate on reserve.

#### **Child and Family Services Agencies Staff Travel Policy**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, six days ago I asked the minister to provide the House with a copy of the travel policies of Child and Family Services agency, boards, management and staff.

Is he prepared to table that document today?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Well, as the members know—opposite—arm's-length agencies historically have had their own travel policies, Mr. Speaker, and accountability for travel has rested with the respective boards, assuming that they will do the right thing.

Mr. Speaker, I want to just advise the House, as a result of what I read last Tuesday in the interim report, a directive has been sent to the authorities, the agencies, first of all, that when it comes to travel policies, they're to be consistent with the general manual of administration of the Province and no provincial dollars for retreats or AGMs outside of this province.

**Mr. Briese:** Mr. Speaker, I find it very interesting that these agencies and authorities are allowed to set their own travel policies. There's one travel policy

for every member in this House. There's a travel policy for all the Manitoba government employees.

Why are individual agencies allowed to set their own travel policy? Why isn't there a standard set by this government?

**Mr. Mackintosh:** Well, I just answered the question, Mr. Speaker. What I saw was unacceptable practice not only in terms of, in my view, misusing—and I recognize that the agency may have more to say, but on the face of what I read, there was a misuse of dollars intended for child protection for travel, en masse, for board members and staff members to Niagara Falls.

Also, the question is then who's taking care of the children back home, Mr. Speaker, if all of the agency employees are off—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Mackintosh:** Mr. Speaker, the answer to the question I just provided, I'll provide copies of the letter that we have sent to the authorities and agencies of Manitoba. There is no more provincial money for these kinds of endeavours.

#### **Youth Crime Reduction Strategies**

**Mr. Gerald Hawranik (Lac du Bonnet):** According to Statistics Canada, from 2005 to 2006, youth crime in Manitoba has increased at a rate nearly five times the national average, and as a percentage of total crime in this province, youth crime is increasing.

So I ask the Minister of Justice: Why has he failed to reduce youth crime in this province?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, I'm glad that the Leader of the Opposition (Mr. McFadyen), last week, joined me in our demands following the Supreme Court ruling that stricter provisions, which amount to the catch-and-release policies that have been put in place with respect to youth crime, be put in place under the Youth Criminal Justice Act, and I was surprised that the Leader of the Opposition agreed wholeheartedly with the suggestions we had made with respect to the changes under the Youth Criminal Justice Act.

I look forward to these changes coming through, but in the interim, we have historical highs of police

officers on the streets, Mr. Speaker. We have special agencies dealing with—

**Mr. Speaker:** Order.

**Mr. Hawranik:** Mr. Speaker, let me remind the minister that the Criminal Code's the same across the country. The fact remains that we've increased youth crime in this province by five times the national average.

Manitoba also has the highest rate of homicides committed by youths in the country, Mr. Speaker, double the province that is in second place. In terms of overall violent crimes committed by youth, Manitoba has the second highest rate in this country, a shameful record by this government, and it highlights the failure of the NDP to deal with youth crime.

So I ask the Minister of Justice: Why has he been so ineffective? Why has he failed?

\*(14:20)

**Mr. Chomiak:** I do remind the member—the statistics he used, by the way, were one year over a next year, that he picked those particular statistics. If he wants to play the statistical game, I wonder why he's not standing up and saying, how come the government of Manitoba has been able to decrease auto theft this year 42 percent over the previous year, down 42 percent. Now why—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Chomiak:** —when last year, Mr. Speaker, the member opposed the immobilizer program. They opposed our initiatives. They opposed the funding to MPI. The rates went down 42 percent.

Now, I admit, it is troubling the problem we are having in terms of youth crime, which is why we have programs like Turnabout, why we have programs like Fire Stop that we put in place, why we have the pornography unit.

**Mr. Hawranik:** I find it interesting that the Minister of Justice complains when I use year-over-year statistics. Yet, at the same time in this House, he uses three months over three months for auto theft, and that's okay, Mr. Speaker. Manitoba has the second-highest overall rate of youth crime in the country. The rate of youth crime in Manitoba is nearly double the national average, a clear failure of this NDP. Youth crime is out of control in this province.

Now, learning to deal with any problem, Mr. Speaker, the first step is to admit there is a problem and then to admit failure.

So I ask the Minister of Justice: Will he admit to both his failure and the failure of the NDP to deal with youth crime?

**Mr. Chomiak:** Mr. Speaker, I think the Youth Criminal Justice Act and the legislation that we have in effect dealing with youth crime has been ineffective in this country, and we've called for changes.

I think the fact that we have the highest rate of incarceration in the country, the fact that we have more programs on the street points to the difficulty we are having in society dealing both with youth crime and with changes in society.

That's why changes are needed. That's why actions are needed, not just tougher penalties which we've called for and are being put in place, but programming, an approach to youth, an approach to the community that deals with some of the underlying issues that we face every single day, and programs that were cut—oh, thank you, Mr. Speaker.

#### **Competitiveness, Training and Trade Former Cabinet Minister Appointment**

**Mr. Rick Borotsik (Brandon West):** Mr. Speaker, Brandon is a great city. It brings that small-town atmosphere to a very vibrant community, but it is still just a small town in which everybody knows everybody. It seems the talk of the town right now is about a certain defeated NDP Cabinet minister who is about to receive a very soft landing by this government.

To the Minister of Competitiveness, Training and Trade: Is the former minister coming back to mentor the current minister, or is he just coming back because he needs a job and the minister's department is the only option available at this time?

**Hon. Andrew Swan (Minister of Competitiveness, Training and Trade):** Indeed, Mr. Speaker, I'm glad to talk to the Member for Brandon West about Brandon because it is a city that we think is a tremendous centre in Westman.

So we're very pleased that this government has announced an investment of \$20 million to develop the western Manitoba regional cancer centre, which made Brandon the first community outside of Winnipeg to provide—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Swan:** –therapy.

I was very pleased just a couple of weeks ago to be with the Premier (Mr. Doer) and with the Member for Brandon East (Mr. Caldwell) as we stood on the site which will be Brandon's third Liquor Mart. Indeed, we think it's very good that we're serving the people of Brandon in that way and many others, as I'm sure my friend from Brandon West, if he reads the newspapers, will be aware.

**Mr. Borotsik:** Mr. Speaker, sometimes the best answer from this minister is the non-answer. You know, where there's smoke, there's usually fire. Where there's an unemployed Cabinet minister, there's usually patronage.

I go back to the Minister of Competitiveness, Training and Trade and suggest that, is there going to be a position for the defeated NDP Cabinet minister? Is it going to be posted? Is it going to tell us what the qualifications are for that particular job posting, Mr. Speaker, or is it, as the minister will probably tell me, who you know, not what you know? Is that defeated Cabinet minister going to get a job in his department or isn't he?

**Mr. Swan:** Well, certainly, Mr. Speaker, my friend has put on the record what we know with Brandon. I'm quite pleased to stand in this House and talk about the positive things going on in the Wheat City, and, indeed, I'm certainly pleased in the last budget that we were prepared to provide resources to Renaissance Brandon.

Of course, my colleague, the Member for Brandon East (Mr. Caldwell), who is a tireless champion not just for Brandon East but for downtown Brandon, a very vocal member of our caucus, has certainly raised his city's profile in our caucus. Indeed, we're going to work with the mayor and work with downtown Brandon, work with business people in Brandon to ensure we keep building that city. That is the truth, Mr. Speaker.

**Mr. Borotsik:** Mr. Speaker, it's obvious that the minister is being told what to do. I'd like to ask the next question to the Premier (Mr. Doer), if I could.

Is the Premier prepared to stand in this House today and unequivocally deny that there will be a job position open for a defeated Cabinet minister in his government? Is that job going to be paid for by hard-earned taxpayers' dollars of the province of

Manitoba? Will he stand up and will he deny the fact that that job will be made available to that defeated Cabinet minister, Mr. Speaker?

**Mr. Swan:** And, certainly, again, I am pleased to answer questions about the wonderful city of Brandon anytime in the House. Let me go through some of the other positive things for this thriving city, this thriving city this government has—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Swan:** Yes, thank you. Certainly I'm pleased to talk about the leadership of the former member for Brandon, Scott Smith. It was with Scott Smith as the member of the Legislature for Brandon West that we delivered for Brandon a new \$58-million hospital, and it was under the leadership of Scott Smith as the MLA for Brandon West that we delivered the first-ever MRI machine outside of Winnipeg.

I was very pleased through the efforts of Scott Smith and the Member for Brandon East that we were able to relocate Assiniboine Community College so its programs could be fantastic to the MAC site, and indeed I've had the chance to visit Juilliard's arts program as have members of my caucus. It's been a tremendous opportunity, a tremendous benefit for that city.

### **Bill 17**

#### **Economic Impact**

**Mr. Ralph Eichler (Lakeside):** That was the worst answer we've heard from a minister yet.

Mr. Speaker, Bill 17, questions arising daily. An editorial on May 15, *Steinbach Herald* stated, and I quote: The Conservation Minister must be made to show why he's taken—whether or not the government has considered the damage it is doing to its private industry that supports 15,000 jobs, end of quote.

Mr. Speaker, I ask the Minister of Agriculture: Has she fully considered the economic impact this moratorium is going to have on farm families, Manitoba's economy, and does she realize she's killing many jobs in our province and killing our provincial economy?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, the livestock industry in this province is a very important industry. The livestock industry has been facing significant challenges because of the high Canadian dollar and other challenges. That's why we have

worked very closely with the livestock industry and put in place programs that they have asked for.

That's why, Mr. Speaker, I'm working very closely with my counterparts and the federal minister as we develop the next round of APF and put in programs such as AgriInvest and AgriStability to help with the cash flows for producers.

**An Honourable Member:** I misspoke myself on the first question. That was the worst answer I've ever heard.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. Would members please wait until I recognize them, so that way your mike will be opened.

**Mr. Eichler:** Yes, Mr. Speaker, I will correct myself. That was the worst answer I've ever heard.

Mr. Speaker, the minister knows full well that the Clean Environment Commission recommended no extension of the moratorium on the hog industry. The same editorial stated, and I quote: This industry has been prepared to argue its case based on science rather than politics. The bill is made the scapegoat for the government waiting to show it's doing something concrete, end of quote.

Mr. Speaker, I ask the Minister of Agriculture: Will she now admit that the moratorium is simply a partisan smokescreen that will hurt farm families and Manitoba's economy? Do something for this industry.

\* (14:30)

**Ms. Wowchuk:** The agriculture industry is very important to this province, all sectors of the agriculture industry. Our livestock industry is facing some significant challenges because of country-of-origin labelling, the high Canadian dollar, and there is a need to develop new markets. There is a need to increase processing in this province. That's why we have made investments in Maple Leaf Foods. That's why we have made investments in Hytek in Neepawa, so that we will have slaughter capacity in this province so that we can add value to those agriculture products and contribute to the economy of this province rather than being so dependent on the U.S. market.

**Mr. Eichler:** There's been no consultation. That's why the mess that they're in. The Minister of Agriculture may not be aware that the industry is holding an informational meeting in Morris,

Thursday, to talk about the impact of Bill 17 on farm families and other stakeholders. I will table a copy of the invitation for the minister.

I ask the Minister of Agriculture: Is she prepared to attend the meeting in Morris, outline to producers and industry stakeholders how she thinks Bill 17 will benefit Manitoba's economy and maybe take the Minister of Conservation (Mr. Struthers) with her?

**Ms. Wowchuk:** I can say to the member that my department, this government and my office have always been very open. I have had meetings with producers from every sector of the industry. I just recently met with the pork industry; I just recently met with the colonies, all of who are agriculture producers.

I will continue to listen to them and work with them on policies that will help the industry, but, most certainly, Mr. Speaker, when they came to us and asked us for support, we looked at MASC and we created a program that we wanted. When we're developing programs like AgriInvest, AgriStability, we have consultations with the industry. I will continue to work—

**Mr. Speaker:** Order.

### **Jordan's Principle Implementation**

**Hon. Jon Gerrard (River Heights):** The essence of Jordan's Principle is that the rights of children should trump the ability of governments to bicker. Jordan Anderson was a boy from Norway House who never got a chance to go home because governments were arguing over items as small as the price of a showerhead.

Today we have put forward a bill which presents to Manitobans a step forward in implementing Jordan's Principle. Now, there may be naysayers who question that we can, in fact, effectively do this, but it is important, I believe, to all MLAs here.

I ask the Premier today: Will the Premier take a serious look at Bill 233 and consider supporting it?

**Hon. Gary Doer (Premier):** We support the Jordan's Principle, and we certainly have tried to live up to that principle in our handling of items or people that unfortunately get caught between different jurisdictions.

We certainly have tried to put in place with the federal government, dealing with their fiduciary and constitutional responsibility, a procedure that could

allow money to flow first for the case and the person and deal with the bills and billings after the case and have a proper panel to deal with that. In fact, we agreed in principle with the federal government awhile ago and they haven't yet appointed a panellist.

I am heartened by the words of federal Minister Clement in this regard. Certainly we believe that, hopefully, his political leadership will reverse what's happened I think since 1995. It's been a withdrawal of support for people by stealth by the national government starting with the budget in 1995, with the 80 percent funding of Child and Family Services in Aboriginal communities, in First Nations communities, and it is not acceptable.

We support the principle. We support having a full panel. We've appointed our panellists. We'd like the federal government to appoint the panellists. The principle of that would be we deal with the need and then argue about the bills after. The human issues come first and the billing arguments come second. That is Jordan's Principle. We support that principle.

**Mr. Gerrard:** Mr. Speaker, the Premier's comments are very similar to what Tim Sale as minister said two and a half years ago when I first asked the government to implement Jordan's Principle. Yet, in two and a half years, we have not had Jordan's Principle implemented.

With respect, I would suggest to the government that no matter how good a funding arrangement, the important principle is that the child be considered first, and we can, in fact, put that principle into law to protect children all over Manitoba.

I would ask the Premier: Will he work with other MLAs to make sure that Jordan's Principle is put into law in the first province, in Manitoba, before any other province?

**Mr. Doer:** Mr. Speaker, we are putting the person first dealing with ambulance issues. Right now, the federal government has offloaded—and it started before with the former Liberal government—all the ambulance costs for First Nation residents on to the municipalities. We picked up that bill because it's not acceptable to have a person in medical need not get an ambulance to respond because the federal government under the Liberals and now the Conservatives have withdrawn from their fiduciary responsibilities.

We are the first province in Canada that has agreed to this principle. We agreed to set up a panel to adjudicate the bills. Based on the principle, we'll

deal with the person first. We still support that issue. I would ask all of us to talk to our federal counterparts to say to the federal government to appoint a panellist to deal with the implementation.

But, on the principle of Jordan's Principle, we absolutely support the principle of the case being dealt with on the basis of medical need and special needs first and arguing about the bill second. We absolutely agree with that, and we'll deal with any federal minister to put that in place because we're doing that as we speak with the City of Winnipeg with ambulance charges, Mr. Speaker.

### **Leaf Rapids Crime Reduction Strategy**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, earlier today, I was talking to the mayor of Leaf Rapids, and the mayor is looking at declaring a state of emergency. It's not because of a fire. It's not because of floods. It's because of crime and safety in that community.

There is a crisis situation that dictates immediate direct action by this government to try to resolve the crisis. I'm asking for the government to acknowledge the need and serve the crisis by immediately getting together four to six top civil servants and flying them out to Leaf Rapids, where people cannot even walk around and feel safe in their own communities.

We like to think that it is something that government has a responsibility to do. Will the government put together that group and fly them out today or tomorrow?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** We will be in discussion with the mayor of Leaf Rapids about any concerns that he or the community have raised with respect to safety and public safety and any matters relating to that because those matters ought to be dealt with expeditiously. We will be and we have been in contact with that office, Mr. Speaker.

With respect to solutions to the problem, we always endeavour, whenever a problem comes to our attention, to deal with it and to deal with it as quickly as possible.

### **Green Schools Program Government Initiative**

**Mr. Rob Altemeyer (Wolseley):** Mr. Speaker, I had the pleasure of joining the Minister for Science, Technology, Energy and Mines this morning at

Wolseley School. I'd like to ask him a little pop quiz question, if I may.

Given that our predecessors in government were ranked second-worst in the country for energy efficiency and given their idea of funding schools was to put televisions in the classroom and run commercials for students to watch rather than learning anything, I wonder if the minister could compare and contrast their track record on schools and the environment with ours.

\*(14:40)

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** Mr. Speaker, I'm pleased to let all members in the House know that we made a wonderful announcement about the Green Schools initiative today in Wolseley School. It announced \$851,000 and did the following: It established activities that allow greening, improving sustainable transportation, minimizing waste, composting, reducing water use, better energy efficiency, controlling greenhouse gases.

What it's doing is providing funding to all schools on a simplified application to do projects, to get kids excited, to understand that we must look after earth, be green on earth and make sure that we're environmentally sustainable.

I'm pleased that our government is continuing our leadership, not—

**Mr. Speaker:** Order.

#### **Neepawa Personal Care Home Bed Closure**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, last fall I asked the Minister of Health about the closure of one floor of the personal care home in Neepawa. The fifth floor remains closed today, and 12 to 15 people are being housed in the Neepawa hospital waiting for admittance to the personal care home.

I ask the minister again: When is she going to take action, address the nursing shortages, do the right thing and provide our seniors with the quality of life they so richly deserve?

**Hon. Theresa Oswald (Minister of Health):** I thank the member for the question. I know that the member is aware that we continue to work with our regional health authorities and with our communities to bring capital infrastructure to items such as personal care homes, hospitals and EMS stations.

We're going to continue to work with our regions to do that.

We know that we've also made a very substantial investment of over \$40 million to ensure that we not only have the appropriate capital infrastructure in place for our seniors and those that need personal care homes but that we also have the appropriate staffing complement. Mr. Speaker, those guidelines were reviewed last year for the first time since 1973. We know that having the right mix of staff for increased acuity in these personal care homes is important, and we're going to work with our regions to do that.

**Mr. Briese:** The new personal care home in Neepawa was first announced in 1999 at a cost of \$13.5 million for a 125-bed facility. Under this NDP government, that's been downsized to 100 beds at a cost of \$29.5 million. That's an extra cost of \$250 on the property tax bill of every man, woman and child in the area, extra costs due to mismanagement, delays and constant announcements of this NDP government.

Will the Minister of Health, today, take responsibility for the increased cost on the community contribution, apologize to the seniors of Neepawa and agree to pick up the extra construction costs caused by her mismanagement?

**Ms. Oswald:** Again, I can remind the member that we have been working with regional health authorities and with communities to bring capital infrastructure of the health variety to communities. We know that we exist in a climate of increased cost. We're working with municipalities to ensure that community contributions are as manageable as possible.

I can let the members know that we've added over 400 personal care home beds to Manitoba since 1999. We've renovated or upgraded or newly constructed nearly 100 health-care facilities, and we've increased our doctor complement by 235, a net gain. We have over 1,800 more nurses. I think our commitment to health care is clear, Mr. Speaker.

#### **Manitoba Public Insurance Corporation Mailing Cost of Refunds**

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, I would like to ask the Minister responsible for Manitoba Public Insurance: What was the actual total cost to the program to return the overpayments to all motoring Manitobans?

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** I will find out from MPI about the PUB decision that ordered MPI to—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Chomiak:** I will ask MPI to provide, through PUB, the costs, that the PUB decision was to mail out all of those cheques to Manitobans as ordered by the Public Utilities Board, an independent, arm's-length body that was set up to make these decisions.

**Mr. Faurschou:** I was wondering if the minister would also ask as to how many cheques were returned without delivery; also, too, the number of individuals that actually are still looking for their monies because they have a change in address or a change in vehicle, and so the monies remain undelivered.

**Mr. Chomiak:** Mr. Speaker, the member will know that individuals have an obligation to provide change of address, et cetera. I will ask MPI to provide the member with that information. He could have brought it up during Estimates, but I do know that with respect to the cheques that at this time last year the Member for Inkster (Mr. Lamoureux) was suggesting that the cheques were being sent out for, quote, political reasons.

So, Mr. Speaker, the PUB made a decision. MPI went in and asked for [*inaudible*] rates. The PUB made a decision, asked MPI to do this. The Member for Inkster last year jumped up and said, you're making political decisions.

We follow the direction of the Public Utilities Board. I will endeavour to find and provide that information to the member, both on the costs and the returns, et cetera, but the corporation's pretty—

**Mr. Speaker:** Time for Oral Questions has expired.

I have a ruling for the House.

### Speaker's Rulings

**Mr. Speaker:** Order. Prior to routine proceedings on May 5, 2008, the honourable Member for Morris (Mrs. Taillieu) raised a matter of privilege regarding information provided in the House by the honourable Minister of Labour and Immigration (Ms. Allan) on

May 1, information that the honourable Member for Morris indicated was purposefully misleading.

The honourable Government House Leader (Mr. Chomiak), the honourable Minister of Labour and Immigration, the honourable Member for River Heights (Mr. Gerrard) and the honourable Official Opposition House Leader (Mr. Hawranik) also offered advice to the Chair.

I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity? Second, has sufficient evidence been provided to demonstrate that the privilege of the House had been breached in order to warrant putting the matter to the House?

The honourable Member for Morris indicated that she was raising the issue at the earliest opportunity and I accept the word of the honourable member.

Regarding the second issue of whether sufficient evidence has been provided, the parliamentary authority, Joseph Maingot, advises on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a member has misled the House are, in fact, matters of order and not matters of privilege.

In addition, it has been ruled on numerous occasions in this House that a member raising the matter of privilege must provide specific proof of intent to mislead. Providing information that may show the facts are at variance is not the same as providing proof of intent to mislead.

Also, as ruled by Speaker Dacquay, without a member admitting in the House that he or she had the stated goal of misleading the House when putting the remarks on record, it is virtually impossible to prove that a member had deliberately intended to mislead the House.

In the words of the federal Standing Committee on Procedure and House Affairs, in its 50th report, intent is always a difficult element to establish in the absence of an admission or a confession.

I would also like to remind the House, as I had ruled in 2004, twice in 2005, twice in 2006 and also in 2007, it is not the role of the Speaker to decide on questions of facts.

House of Commons Speaker Milliken similarly advised the House of Commons on February 19, 2004, that it is not the role of the Speaker to adjudicate on matters of fact, as this is something that the House itself could form an opinion on during debate.

I would therefore rule with the greatest of respect that the matter raised is not in order as a prima facie case of privilege.

I have one more.

\* (14:50)

Prior to routine proceedings, also on May 5, 2008, the honourable Member for Inkster (Mr. Lamoureux) raised a matter of privilege regarding information provided by the honourable Minister of Finance (Mr. Selinger) in the House and during the consideration of departmental Estimates, information that the honourable Member for Inkster indicated was purposefully misleading.

The honourable Government House Leader (Mr. Chomiak) and the honourable Official Opposition House Leader (Mr. Hawranik) also offered advice to the Chair. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and, second, has sufficient evidence been provided to demonstrate that the privilege of the House has been breached in order to warrant putting the matter to the House.

The honourable Member for Inkster indicated he was raising the issue at the earliest opportunity. It is difficult to determine this as the honourable Member for Inkster indicated that the issue initially started on April 21, and then made reference to questions he had asked during the week of April 28 to May 2. However, the honourable Member for Inkster did not indicate exactly when during that week he raised the questions. I would request in the future that members provide more guidance to the Chair about dates and time frames as, without this preciseness, it is difficult to verify whether the issue was indeed raised in a timely manner.

Mr. Speaker, regarding the second issue, of whether sufficient evidence has been provided, the parliamentary authority Joseph Maingot advises, on page 241 of the second edition of *Parliamentary Privilege in Canada*, that allegations that a member

has misled the House are, in fact, matters of order and not matters of privilege.

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I would therefore rule with the greatest of respect that the matter raised is not in order as a prima facie case of privilege.

## MEMBERS' STATEMENTS

### National Missing Children's Day

**Mr. Peter Dyck (Pembina):** May is Missing Children's Month, and May 25 will be National Missing Children's Day. It is a day recognized across the country to raise awareness to the thousands of Canadian children who go missing every year and remember our missing children.

Mr. Speaker, in 2004, the national missing children's services of the RCMP said that over 67,000 children were reported missing in Canada. According to Child Find Manitoba, over 3,000 children in Manitoba are reported missing to police.

Throughout May, members of this House and Manitobans throughout our province have worn green ribbons as part of the Green Ribbon of Hope campaign. This ribbon is worn to remember missing children and support their safe return. We especially

remember those innocent lives lost such as Kristen French and Candace Derksen both.

We pray for the safe return of each missing child. These are children who have run away or have been abducted by family members or strangers, and, sadly, Mr. Speaker, there are those children who no one knows how or why they went missing. This May, we promise never to forget our missing children and to do everything in our power to prevent other children from a similar fate. Our prayers and thoughts are with the loved ones of each missing child.

Mr. Speaker, Child Find Manitoba has made a real difference in our province. They have assisted in the location of missing children and provided great help to both the families of missing children and law enforcement agencies. Child Find Manitoba, through initiatives such as Cybertip.ca has helped prevent our children from being exploited or missing. Thank you to the staff and volunteers of this wonderful organization for all that you do.

In 1996 Amber Hagerman was abducted and murdered in Arlington, Texas. The AMBER Alert plan was named in her memory and instituted across the United States and Canada. This ground-breaking partnership between law enforcement agencies and broadcasters immediately alerts the public that a child is missing and their life is believed to be in danger. We must continue to unite as a community to proactively prevent other children from going missing and also to act quickly when children do go missing.

I ask the members here today to join me in thanking Child Find Manitoba, RCMP, Winnipeg Police Service and all others who work tirelessly to help prevent child abduction and find missing children. Thank you, Mr. Speaker.

#### **Dystonia Awareness Week**

**Ms. Erin Selby (Southdale):** I rise today to bring dystonia, a neurological movement disorder with no cure, to the attention of all members of this House. Dystonia is a disorder that causes muscles in the body to contract or spasm involuntarily. It affects men, women and children of all ages and, as the third most common movement disorder after Parkinson's disease and essential tremor, it affects an estimated 50,000 people in Canada. Mr. Speaker, dystonia is a debilitating disorder that is often misunderstood and, unfortunately, often misdiagnosed. Individuals suffering from this disorder live with chronic pain

and deal with the daily reality of not being able to engage in activities they enjoyed before they were diagnosed.

Mr. Speaker, I'm proud that Manitoba is a leader in research and treatment of this disorder. Manitobans suffering from this disorder are served well by the Movement Disorder Clinic opened by our government in 2006 and housed on the grounds of the Deer Lodge Centre.

Mr. Speaker, it was one of my constituents, Barbara Crowe, who is in the gallery today, who was diagnosed with dystonia in 1993 who brought this issue to my attention. Her story reflects the effects this disorder can have on an individual's daily life, but also it is a story of hope since today, due to undergoing deep brain stimulation, Barbara participates in many of the activities she enjoyed before her diagnosis. In addition, her tireless efforts on behalf of the Winnipeg Dystonia Support Group have impacted many other people with dystonia, also several who are in the gallery today. It is because of the hard work and advocacy of the Winnipeg Dystonia Support Group that the week of June 1 to 7 will be proclaimed Dystonia Awareness Week in Manitoba.

Mr. Speaker, I would like to commend Barbara and the Winnipeg Dystonia Support Group for their work and thank them for raising awareness of this issue. Thank you.

#### **Emergency Medical Services Awareness Week**

**Mr. Kelvin Goertzen (Steinbach):** This week is Emergency Medical Services Awareness Week here in the province, and I would like to take a moment to recognize the important contributions that emergency medical services personnel make to our society through the vital assistance they provide Manitobans.

Round the clock emergency response medical care is provided in Manitoba through a dedicated and skilled group of professionals, including emergency medical dispatchers, community-based first responders and primary and advanced care paramedics in both land and air transport ambulances. A patient's contact with our health-care system often begins with their timely response and high quality of emergency care. While many of us hope we will not require their services, for the many people who do need their emergency aid these professionals have the knowledge needed to provide swift treatment and the compassion to make the experience as comfortable as possible for the patient.

The theme of this year's week is "Your Life is Our Mission," and it is symbolic of the dedicated service and commitment emergency medical services professionals make to the communities they serve. Throughout the week of May 18 to 24, ambulance services throughout the province will be hosting public relations and educational events. Emergency Medical Services Awareness Week is an opportunity not only to celebrate and honour the dedicated service of these personnel but also a chance to better understand the importance of their role in our health-care system.

Mr. Speaker, today members of the public were invited to a reception held here at the Manitoba Legislature by the Paramedic Association of Manitoba. The association presented long-service pins to Manitoba paramedics who have been active in emergency medical services for 20 years or more. I would like to congratulate these individuals for this recognition and thank them for all the important services they provided throughout their careers.

So, during this Emergency Medical Services Awareness Week, I encourage everyone to thank these dedicated individuals who work each and every day to assist Manitobans during the times when medical treatment is required. Their efforts improve recovery rates for patients while also saving countless lives every year, and we appreciate their vital work.

Thank you very much, Mr. Speaker.

\*(15:00)

#### **Victoria Hospital Fundraiser**

**Ms. Marilyn Brick (St. Norbert):** Mr. Speaker, I rise today to celebrate the success of the recent Victoria Hospital fundraiser, the production of *Jewels*, a stunning multi-media performance showcasing Indian dance. The event was a huge success, raising over a hundred thousand dollars for Victoria General Hospital's Medicine and Miracles Campaign.

The funds brought the hospital one step closer to reaching its goal of \$9.5 million. The funds will be used to build two state-of-the-art, minimally-invasive surgery suites at the hospital.

The evening was a wonderful display of Indian dance and featured filmed and live performances which were woven together beautifully and supported by music directed by B.V. Balasai and digitally recorded in Chennai, India.

The ballet, *Jewels*, was choreographed four years ago by George Balanchine and explores the physical beauty of dance through relaying tales from Indian myths and tying it symbolically to the beauty of precious gems. Mr. Speaker, rubies, pearls, emeralds and sapphires featured prominently throughout the evening.

The presenting sponsor of the evening, Roger Watson Custom Jewellers, also created four original, stunning pieces, valued at \$10,000, which were displayed in glass display cases and guarded by uniformed Mounties until they were raffled off at the end of the evening. I'm sorry to say, Mr. Speaker, I was not one of the winners of one of the beautiful pieces of jewellery.

Mr. Speaker, the generosity of so many people who donated raffle items, money, time and effort made the evening a resounding success. I would like to congratulate the event's co-chairs, Dr. Chandulal Shah and Dr. Krishnamurti Dakshinamurti, all the *Jewels* committee members, the evening organizers, Pat McCallum and Liz Bilton, both of the Victoria General Hospital Foundation and, especially, the performers and all the individuals who helped to make the evening a huge success. Their hard work in support of their community is an inspiration to us all. Thank you.

#### **Constituency Concerns**

**Mr. Kevin Lamoureux (Inkster):** The opportunity to provide a vehicle for communication with constituents has always been important to me. Recently, we circulated a questionnaire and have been receiving a phenomenal response to date, well over 400 people. Mr. Speaker, residents have taken the opportunity to respond. I would like to thank them and just share with the House a couple of the concerns that have been expressed in some of the questions.

One of the questions was: If a person can be proven to have broken into three or more homes, what do you think should happen? I thought the most interesting response, out of the four choices that we provided to them, was the last choice, the current system works well, where only three out of just over 400 said that the current system works well. Obviously, Mr. Speaker, there are issues related to justice that do need to be addressed.

Would you support zero tolerance for classroom bullies? Four hundred and five said, "yes," again, just

an outstanding number of individuals recognizing the serious problems that we have in our classrooms.

Do you believe the Manitoba government was responsible in any way for the collapse of the Crocus Investment Fund? Two hundred and seven had indicated "yes," with 56 saying "no," and others, "no opinion."

Mr. Speaker, dealing with: Would you support a 5-cent refundable deposit on selected drinking containers? Remember, this is an issue in which I've suggested to the government that, if they don't act on, maybe we could bring in a private member's bill to this effect. In the questionnaire, 336 people said "yes," 61 had said "no" to that.

Do you feel the best health care possible is available to you? Interesting, the government would stand in disbelief if they heard this, but it's true, 130 said "yes," 254 said "no."

Would you support the seniors and children under five being able to ride Winnipeg Transit for free during non-peak traffic time? Three hundred and forty-eight said "yes" with 49 saying "no."

Mr. Speaker, providing opportunities for feedback are important, and I thank you for the opportunity to express that.

#### ORDERS OF THE DAY (Continued)

#### GOVERNMENT BUSINESS

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, could you please call debate on second readings of Bills 2, 6, 13, 17, 32 and 33? After that period, we'll revert to the order as outlined on the Order Paper.

**Mr. Speaker:** We'll resume debate on second readings. We'll do Bills 2, 6, 13, 17, 32, 33, and, if there's time, we will do the rest in order as they appear on the Order Paper.

#### DEBATE ON SECOND READINGS

#### Bill 2—The Public Schools Amendment Act (Trans Fats and Nutrition)

**Mr. Speaker:** Resume debate on second reading on Bill 2, The Public Schools Amendment Act (Trans Fats and Nutrition), standing in the name of the honourable Member for Lakeside (Mr. Eichler).

Is there will of the House for the bill to remain standing in the name of the honourable Member for Lakeside?

**An Honourable Member:** No.

**Mr. Speaker:** No. It's been denied.

**Mr. Ron Schuler (Springfield):** It brings me great pleasure to put a few comments on the record in regard to Bill 2. This bill has been introduced a little while ago and I've had the opportunity to have a briefing by the minister's department. I'd like to thank the department for their briefing.

This is not an overly substantial bill. Just for the record, it was introduced November 22, 2007. Basically, it deals with something that we are facing, as society, and that is really a tsunami, if you will, of a health crisis in regard to young people, obesity and all the health issues that come with it. We've seen a movement towards healthy eating in a lot of areas. In fact, Mr. Speaker, if you will recollect, in the last five or six years we've dealt with issues like smoking, something that I know we've mentioned before in this House, I know I have, that there was a time when you used to smoke on airplanes, you used to smoke in grocery stores. Well, I don't think we would make the argument that we would go back to those days.

There is, however, another component to health, and that is the kinds of foods that you eat. The food services industry has gone a long way. In fact, I was walking through the grocery store yesterday. I was surprised at the amount of changes that are taking place in our food supply. A lot of what we would consider to be snack food is now being produced with less amounts of trans fats and those kinds of things. One has to be very careful, though. You have to look at the serving and make sure that the serving isn't three potato chips, but rather that it's a more substantial amount. But it's important for us to look at labelling on the kind of food that we eat. Very important to see what it is that we're putting into our bodies.

We know that when children go to school, often they study hard, they might have a game outside where they have the opportunity to exercise, and they do come in very hungry, and at that time, perhaps, don't make the best choices. So what this bill basically does is provides that the food being produced is going to be a healthier food. I know that the minister, in the briefing, indicated this does not impact the pizza or hot dog lunches. It doesn't impact those special days because, again, we don't want to be extreme on this kind of stuff. But it certainly does impact the food that will be provided for in the canteens.

\* (15:10)

Now, it was made very clear, and we've had various letters come forward from various stakeholders. I believe we sent out some five or six hundred letters to stakeholders to get a feedback from them, what they felt. The feeling basically was that the bill wasn't necessarily bad. They would've liked to have had more consultation. It basically is a theme of this minister, the Member for Gimli (Mr. Bjornson), who has a real problem with consulting school divisions and various vested-interest groups with what he's planning on doing. It would be as simple as a phone call. It would be as simple as having MAST into his office, but for some reason he seems to have an unhealthy fear of consultation with organizations and probably should've consulted better. He recommended that out of the Healthy Child task force he had gotten this. Again, would've been helpful.

*Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair*

I know the Member for St. Vital, the Minister of Labour (Ms. Allan), took me a long time to get her to the place where she is right now where she does, you know, fairly decent consultation with stakeholder groups. I know that's all directly related to the advice and criticism that I gave her over the years and I would suggest that perhaps some day she would lean over and tap her colleague, the Education Minister, the Member for Gimli (Mr. Bjornson), on the shoulder and say, you know, a little bit of advice here from a more seasoned Cabinet minister, perhaps what you should be doing is consulting more with your stakeholder groups. It makes much better policy. It makes much better acceptance. If the intent is right and the legislation is properly written, you won't find that many will have difficulty with it.

So we know that there are some difficulties with it. I would like to raise a few issues and this is just so that when this bill does go to committee we have a few of these issues on the record. Here are some of the issues.

Question: Would divisions require additional staff to monitor/police trans fats in our schools?

Question: With what frequency would we be required to monitor compliance of our food services areas?

Question: How will measurement of homemade or on-site-made foods take place to ensure

compliance, e.g., homemade chicken noodle soup, etcetera?

Question: is there an accurate and inexpensive method of measuring trans fats in foods that we can utilize?

Question: Bill 2 does not apply to local restaurants. Is this to be interpreted to mean that it does not apply to food produced on site? Further, how is local defined, for example, would a restaurant in Beausejour be local as compared to Hazelridge?

Question: What are the consequences for boards that do not enforce the law?

Question: What are the consequences if an on-site inspection reveals non-compliance?

So there are, you know, a few concerns from one of the school divisions. I have another one here, just a comment from one of the school divisions: However, we feel that the government is going too far by asking divisions to ensure no artificial trans fats it contains, in oils, margarines used in preparation of foods on site in the schools, any pre-packaged product sold in the school, or any other food produce that the school is responsible for selling or distributing to students.

These requirements are not being enforced in other sectors in the province of Manitoba, including hospitals. We do not understand how you can make such recommendations on school divisions when the province as a whole is not going in this direction. If the province does not support this endeavour, where are school divisions expected to get the no artificial trans fat products? We have great concerns that bills such as these have not been given enough thought, and that the realities of the situation have not been considered.

Now, there might be just very simple answers to all these questions and I'm sure that at some point in time the minister will be prepared to stand up and answer these questions.

I have one more here and this came from a community school association: First of all, the parents involved in our meetings were concerned that legislation such as this distracts from the schools' primary purchase which is to educate our children. We feel that including information about healthy living in the curriculum should be sufficient. Secondly, the members of our parent association fear that this bill could interfere with future fundraising efforts.

They go on to say: Even if schools never served or distributed foods with trans fats or other unhealthy ingredients, this does not mean that students will not be ingesting them.

So they did point out some questions, some concerns that they have with the legislation. I think those are all very valid concerns. They certainly do lay out that further consultation would have been good. The minister probably should be working harder at getting more feedback before he introduces legislation. We know that he doesn't, in fact, do that. It has become quite a problem with the Minister of Education, the Member for Gimli (Mr. Bjornson). We would like to see that he would focus a little bit more and pay more attention to the kind of legislation that he does bring in so that, when bills are introduced, there aren't all these burning issues, these burning questions out there. I know that the Minister of Labour (Ms. Allan) certainly is going to have to have a talk with him about how to properly consult with all the stakeholder groups.

Again, we believe that the intent of the bill is right. We want to ensure that our children have healthy food. A lot of the questions that were posed by others are questions that we will be bringing forward to committee and see if the minister or his department will have an opportunity, or will have the answers, or we'll give them the opportunity, but will they have the answers for these questions?

Having, again, read through this legislation quite extensively and having had the opportunity for a briefing, certainly we are prepared and ready when the time comes to see this bill further debated at committee. We hope that there'll be presenters that will come out and give their concerns. It is certainly our hope that the minister will answer those questions, that he will take the opportunity to respond to the kinds of concerns that are then put on the record.

We certainly want to make sure that everything that our children eat—even in years gone by we've done things to make sure that our playgrounds are safer. Madam Deputy Speaker, we want to make sure that the food they ingest is safer, certainly want to see this bill when it's appropriate to go to committee and hear presentations from those who do have concerns. Certainly, I will be raising the concerns that I have raised today and others, just to give the department and the minister a bit of a heads up so they can be prepared to answer these questions.

Thank you, Madam Deputy Speaker, for the opportunity to put a few comments on the record.

**Mr. Kevin Lamoureux (Inkster):** Madam Deputy Speaker, having a solid, good food and nutrition policy implemented in our different schools, I believe, is a positive thing, and to that end I would suggest that the principle of this bill, which also incorporates the whole issue of trans fats, at least in good part, the principle of this bill is something which we would support in terms of going to the committee.

One of the things that this government is not necessarily known for is taking bold, strong initiatives, and Bill 2 does not disappoint. We have seen governments across Canada, individuals who have been raising the issue of trans fats now for a number of years. I know I for one, whether it was on the child task force, Healthy Living Task Force, or just dialogue that I have with constituents in regard to dieting, that this is an issue that has been there for quite a while.

\*(15:20)

It's interesting when we start to see in many ways the private sector setting the example to government. My colleague from Steinbach made reference to McDonald's. I believe the corporation of McDonald's has actually done more to get rid of trans fats in the province of Manitoba than the Province of Manitoba has done, at least until the bill now is brought forward. There are opportunities to provide positive legislation that can really have a good impact for the province of Manitoba and its citizens, and I suspect that Bill 2 is one of those.

As the government has started now to recognize the value of healthy eating and eliminating trans fats where possible and is now starting to take some action to that extent, I think that we should support the government in doing that, Madam Deputy Speaker, at least in the principle of it.

I have had opportunity to quickly go through the bill. I don't necessarily know to what degree it's going to eliminate. I understand that there are some issues in terms of percentage of trans fats being less than 5 percent I believe it is, as more acceptable. On the other hand, I hear that there is movement in some area toward banning the trans fats in our schools. I guess maybe it might be a question for the Minister of Education (Mr. Bjornson) whether or not this puts any limitations on some school divisions. For example, if a school division was wanting to go all

out and say we're going to ban trans fats with no exceptions, would that supersede the legislation that we're currently passing?

I would think that it would, Madam Deputy Speaker. I don't believe this legislation is that intrusive that it would prevent a school division from going further than what the Province is suggesting. Having said that, it's a fairly straightforward piece of legislation.

As I indicated, the Liberal Party is supportive of the principle and do believe that it is moving in the right direction. With those few words, we're prepared to see the bill go into committee.

**Mr. Peter Dyck (Pembina):** Madam Deputy Speaker, I move, seconded by the honourable Member for Minnedosa (Mrs. Rowat), that we adjourn debate.

*Motion agreed to.*

#### **Bill 6—The Securities Amendment Act**

**Madam Deputy Speaker:** To resume the adjourned debate on the proposed motion of the honourable Minister of Finance (Mr. Selinger), second reading of Bill 6, The Securities Amendment Act, standing in the name of the Member for Tuxedo (Mrs. Stefanson).

Is there unanimous consent for the bill to stand in the name of the honourable Member for Tuxedo?

**An Honourable Member:** No.

**Madam Deputy Speaker:** It has been denied. Unanimous consent has not been given for the matter to stand.

The honourable Member for Portage.

**An Honourable Member:** —la Prairie.

**Madam Deputy Speaker:** —la Prairie.

**Mr. David Faurshou (Portage la Prairie):** Portage la Prairie, Madam Deputy Speaker, and I'm proud to represent that constituency.

Madam Deputy Speaker, it is a pleasure for me to rise in the House to participate in the second reading debate of Bill 6, The Securities Amendment Act, as has been presented to this House way back, the first reading on November 27, 2007. This is a bill that is important legal infrastructure for the province of Manitoba and it does take another step forward to keep our province in sync with other jurisdictions regarding securities law. This is the third amendment

to The Securities Act in as many years, and, as I state, it does bring us closer to their harmonious laws that would effectively allow for a greater acceptance of the securities of other provinces in neighbouring jurisdictions.

Now, Madam Deputy Speaker, I believe that this is very important legislation and have had opportunity to review this bill. Although not great in length, only 10 pages long, it is indeed vitally important to those that deal in securities here in the province of Manitoba. Indeed, it also recognizes the importance of the Securities Commission and the director. His powers are, in fact, enhanced through the amendments in this legislation to address on a more timely fashion the, perhaps, inconsistencies or embellishments that might take place when securities are offered for sale and trade through advertising that may not be totally representative of the prospectus.

Madam Deputy Speaker, I will raise at this juncture in time, though, the intent to amend this legislation. It is something that I believe is consistent with the current Manitoba law, and that is that we, indeed, recognize Sunday as a day in the week that is not completely for commerce. It recognizes the importance of family and of the religious nature of Manitobans and we do have legislation currently here in the province of Manitoba that recognizes Sunday as being a holiday.

Now, Madam Deputy Speaker, in this legislation, there is an article which is wanting to recognize the 48 hours that is standard practice for persons to receive and analyze the prospectus, and to make certain that the deal that the purchaser has made or the sale that has been transacted is indeed respecting the order and subscription of the prospectus.

*Mr. Speaker in the Chair*

Mr. Speaker, this legislation, although it brings us in harmony with other jurisdictions, I believe makes this legislation in contravention of existing Manitoba law as recognizing Sunday as a holiday. This legislation states that the 48-hour period, excluding Saturdays and holidays, and the previously written clause in The Securities Act stated that it was exclusive of Saturdays, Sundays and holidays. I believe it would be consistent to take this clause out of this bill and let the original Securities Act remain, recognizing Sunday as a holiday, that way keeping with the current legislation regarding Sunday as being a holiday in the province of Manitoba.

\* (15:30)

I believe this is a very, very important bill. I look forward to seeing Bill 6 proceed to committee so that, if there are any concerns, the public are able to be heard at committee then the opportunity to amend.

I hope the minister has been listening to my remarks in this regard and, perhaps as he did in the past in regard to Bill 12, did make an amendment that was absolutely identical to the amendment that I was about to present. That is perhaps a little bit of a scary thought that the opposition critic and the government minister are thinking identically, which doesn't happen very, very often. In fact, this is my first occasion to see this take place.

I understand that it is important by time frame as well that we deal with Bill 6 very shortly so that it may receive royal assent prior to the summer recess. It is important, as the federal Finance Minister has determined, it is vitally important in the interest of the economy here in Canada, that the securities regulation become harmonious as it is currently fragmented and cumbersome as to quote the federal Finance Minister. He is pushing for a national securities legislation if the provincial legislators are unable to bring all of the respective legislation into harmonization so that securities commissions operate in a consistent fashion throughout Canada. Therefore, then, all of the securities that have been brought forward in their respective jurisdictions have stood the test of scrutinization in an exacting fashion, regardless of whether they're presented in Alberta, Manitoba or the Maritime provinces.

With those comments, I look forward to the House passing Bill 6 on to committee and seeing if there is anyone that is interested in bringing forward further comment, and hopefully that we will see this minor amendment to this legislation as I've made mention of it in my debate this afternoon. Thank you very much, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** This is an interesting bill. It affords us the opportunity to talk about the Manitoba Securities Commission. One of the issues that has been before this Legislature and continues to be and no doubt will be an ongoing issue is the whole area of the Crocus fiasco. In fact, you can talk about this bill wants to increase the powers of the director. One could question whether or not this director had the type of powers that we are empowering him with if we would have been able to have done something with regard to the Crocus Fund fiasco.

Mr. Speaker, I know in time the government is hopeful that that particular issue will kind of dissipate, just disappear from the scene. It's one of the issues which I believe that the government, from a damage control perspective, has done reasonably well. It can be frustrating from an opposition's perspective as to why we cannot generate the type of attention that would ultimately cause the Premier (Mr. Doer) to call a public inquiry in regards to the Crocus Fund fiasco.

You know, I didn't want to pass the opportunity of debating on Bill 6 and not make reference to the Crocus Fund. The reason for that is because we're talking about such a large amount of money, \$100-plus million, Mr. Speaker. We're talking about how it directly impacted over 33,000 Crocus shareholders, and this has been going on for years now, and we still have not seen any indication in terms of the shareholders being allowed to get some of their investment back. We have to really investigate the role that this government has played in terms of keeping the public out of the information loop, as I believe that they have done in a very significant fashion.

Because of the amount of money and the number of people, I believe today there is a need for a public inquiry. That public inquiry should be fairly broad in its nature. I believe that it needs to take a look at what has taken place within the Manitoba Securities Commission at least in part, Mr. Speaker, because I do believe that there are so many ways the Crocus shareholder has been let down, because of the internal checks that we put into place to ensure that the investor's interests are in fact being protected.

I can appreciate that the Securities Commission does what it can, and it is, in fact, arm's length, and there is a need for us to provide more harmonization of standards across the country. To that end, I understand that this legislation is going to assist. I also recognize that by providing that additional power to the director, at least in part, it might be able to prevent things from occurring. In the explanatory notes, it makes reference to the director now being given new powers to prevent the misuse of advertising in sales. Well, one could question how effective that could have been in terms of the issuing of Crocus shares, to what might be happening in the future.

Providing this enabling legislation to enhance the powers could be a very positive thing. I thought it was interesting, in reading through the bill, that it's

actually doing two things. It's repealing some provisions that were never proclaimed. Now, that is one. And then it is providing what one would classify as some housekeeping to unproclaimed provisions, Mr. Speaker.

\* (15:40)

When I think of those two issues in what this bill is trying to do, it makes me wonder what type of legislation—or the legislation that we had passed previously, I cannot quite make the connection as to why it is that we would have so many amendments necessary to unproclaimed aspects of the legislation. I don't quite understand how it is that we pass something, we don't proclaim it, and now we have new legislation that is to change some of the previous legislation that had passed, yet it was not proclaimed, if that makes sense. I do believe that maybe the government, in its eagerness to try to comply, had made some mistakes, and that is one of the reasons why we're having to deal with some of the changes that are being proposed in Bill 6 today.

I didn't want to speak long on Bill 6, rather just to highlight those few concerns and to especially emphasize the fact that I for one, and I believe many others inside the Chamber, have not forgotten about the Crocus investment fiasco and will continue to ultimately fight to get a public inquiry on the whole issue.

On a side note, with respect to that, Mr. Speaker, it was interesting, there was a book that was provided to all of us called, *Underneath the Golden Boy: A Review of Recent Manitoba Laws and How They Came to Be*, 2008, Volume 5. It was edited in part by Brian Schwartz, and in there he had made reference to the Crocus. I hope I'm not taking it out of context, but it does call into question how the government of the day was able to not call a public inquiry when ultimately it might have been in the public's best interest. I believe he was ultimately arguing that there should have been a public inquiry. Yet the Legislature was unable to effectively get a public inquiry going.

I attribute that to the fact that the Premier (Mr. Doer) and the Premier's office have too much control over the whole issue of a public inquiry. This Premier has demonstrated very clearly that he was not going to call a public inquiry, and I suspect the person that stood to lose the most by calling a public inquiry was in fact the Premier himself. So why, many would argue, would he call a public inquiry?

I did want to make that statement in conclusion because I do believe that the Crocus Investment Fund is an issue that's not going to go away. It will continue to raise its head inside this Legislature, as well it should, given the very nature of the tens of millions of dollars that were lost and the 33,000-plus Crocus shareholders that were not given justice on this issue, not to mention each and every Manitoban as we contribute toward trying to finance some of the cover-up of the government of the day. Here I'm thinking of the out-of-court settlement that was achieved by the government, and I believe it was just over \$2 million.

Hopefully, the director, the powers that we're giving the director in Bill 6 will prevent some of the mistakes from the past. I believe that it has the opportunity to do so and insofar as to say that in principle we support the legislation as a result.

Thank you, Mr. Speaker.

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I move, seconded by the honourable Member for River East (Mrs. Mitchelson), that we adjourn debate.

*Motion agreed to.*

### **Bill 13—The Highway Traffic Amendment Act (Damage to Infrastructure)**

**Mr. Speaker:** Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure), standing in the name of the honourable Member for Lakeside (Mr. Eichler).

What is the will of the House. Is it the will of the House for the bill to remain standing in the name of the honourable Member for Lakeside?

**An Honourable Member:** No.

**Mr. Speaker:** No, it's been denied.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it's my privilege to be able to put a few words on the record in regard to Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure), as it's known.

While I know that the intent of this bill from the minister is one of trying to make people aware of the potential damage that they can do by driving a vehicle that they maybe aren't aware of the height restrictions on, some of these areas, and certainly only applying to provincial highway infrastructure and not federal highway infrastructure, I question the manner in which this bill has been brought before the House, and I very much look forward to hearing

more about this bill as it ends up going to committee and back to the House, Mr. Speaker.

I know that there are a number of persons in industries in Manitoba who are very concerned about this bill. We have the largest number of trucking companies in Manitoba compared to most other provinces in Canada. I think that could be borne out by the fact that many in the Mayor's Trade Council, the Manitoba government's own infrastructure gateway strategy program, known as MIGS—the corridors that we have got to the United States and into Manitoba here—are very, very aware that, because of Winnipeg being a hub of trade, in other words, the gateway to global trade, some have gone as far to say, particularly Mr. Lorenc from the heavy construction industry has titled it that in many speeches that he has provided as chair of the Mayor's Trade Council here in Winnipeg and throughout Manitoba, it's an opportunity for us to recognize Winnipeg as that hub of trade. That's why we have the severe growth, wonderful growth, actually—I was going to say severely fast growth—in the trucking industry that we have. But, Mr. Speaker, my concern is that bills like this may not do much to enhance that and certainly may not provide the intention to provide the reduction of accidents that it's intended to do.

I'm going to elaborate a little bit on why I feel that way and why I have had it expressed to me that that would be the case, Mr. Speaker. First of all, let's say that this bill is one that what it is doing is allowing the government, through The Highway Traffic Act, to raise the fines to \$5,000 for someone who provides damage to a structure in Manitoba, a highway structure, because of the size of their vehicle being inappropriate for the legal limits, if you will, or for the size of the bridges that are to be cleared, and to be clear that there are maybe other areas besides height that are of a concern here that I'll raise in a moment.

This bill allows the government—The Highway Traffic Act—to provide a fine, to increase the fine to \$5,000 for the individual who, through neglect or through, perhaps, a cause that's not their own, to cause damage to a structure, Mr. Speaker. I pause when I say, through not of their own, because if you're driving a vehicle, it's my experience from speaking to others that if you do even hit ice or if you're travelling too fast, or those kinds of things that some people may see as outside of your bounds, you are still responsible as the driver for those concerns

for those accidents, because you are the one at the controls.

Mr. Speaker, I don't think that there's a person, whether it's the trucking industry, the farming industry, any other sector of our society in Manitoba today, who would do this on purpose. The minister brought this bill in on December 5 of '07, last fall. He indicated that there had been six bridges hit recently by tall vehicles. Three of those were federal railway bridges under the responsibility of the federal government, and that's true, they were and they are. The other three were to do with provincial infrastructures that had been hit by trucks, as well.

But I want to say that this may apply to a wide load, Mr. Speaker, although there is nothing in the act that states that a wide load might be one that the government is considering fining you on. You may not have to hit an overpass or an underpass, in this case, going under a railroad track, as you might hit the side rails of a bridge, and there's nothing that indicates that in this bill. So I would urge the minister to bring forth some amendments to this bill and clarify it further.

\*(15:50)

You know, when I first read this bill, Mr. Speaker, I thought that perhaps the bill was a bill that was going to allow the government to go after for damage to the infrastructure—that's the name of the bill, and that would maybe be what some people would be led to believe by the title, which we've seen some pretty catchy titles on some of the bills that the government has, like the environment protection act, in this particular section, Mr. Speaker, that's been used as a guise to put the hog business out of business in Manitoba, and the moratorium that they've brought forward.

You know, like The Elections Finances Act that inhibits other members of the Legislature, opposition members particularly, and backbenchers of the government side, as well, to provide information to their constituents; like being able to take \$1.25 per vote out of the general revenues of the Province to fund their operations of parties in Manitoba on an annual basis; and, of course, the guise of Bill 38, the balanced budget legislation that the government wants to break. Having had the best debt reduction and taxpayer balanced budget legislation of anywhere in North America in 1995, Mr. Speaker, the government is proposing today to break that bill by rescinding that legislation and bringing in legislation that allows them to balance the books

once every four years and then maybe not in the fourth year if there's a disaster of which they haven't defined, Mr. Speaker.

So I think, to come back to this, it's misleading a bit in the name of the bill, in Damage to Infrastructure because that might lead someone to believe that the government is actually going to charge the driver or the company for the costs of the damages to the bridge through this bill.

Well, Mr. Speaker, if the neglect can be shown by the driver of the vehicle or the company involved or the supervisors or the owner, presently, I'm sure that the public insurance corporation would go after those individuals for the cost of repairs to those pieces of infrastructure. They have that right to do that today without bringing this kind of a bill forward, but that's not what it's for. This bill, when you read it thoroughly, it's not as its name says, to recover—you know, to look at damage to the infrastructure from cost. It's all about unnecessarily, in my view, penalizing the driver of the particular vehicle to a greater extent than perhaps is available to The Highway Traffic Act to use today.

I say that because, Mr. Speaker, whether the fine is \$500, \$1,000, \$5,000, the person that committed this act, that created this crash, if you will, is—you know, it's my experience when you're driving in a vehicle that could be worth up to \$200,000 with the tractor and a trailer, that could be involved in this industry, you're not doing it because you want to. You're not going to cause an accident because you want to. It's probably from a neglect of the moment, in which case the fine level probably isn't going to deter why that individual was involved in this accident in the first place.

Let me give you an example, Mr. Speaker. Out where I am on the way home from Winnipeg to Virden every week I sometimes go through the city of Brandon instead of around it and I go through the Kemnay 1A underpass where the railroad crosses over the highway and there have been a number of accidents. I'm sure the minister is very well aware of a number of those. It's probably some of those that he was referring to when he was making his comments about why he's bringing this bill forward.

Semi after semi after semi or campers or flat decks carrying loads have come in contact with the bottom side of this particular bridge seems to be a problem, Mr. Speaker, regardless of the fact that they have put sign after sign and flag after flag on the side of the road to bring it to the attention of the driver,

that they should be more aware of this underpass coming at them. But they can't see it. It's kind of a blind underpass. It comes along, the railroad track is there, it almost looks from a distance that you might be able to go right over that railroad track but then all of a sudden it veers to the right, goes under the bridge and back up to the left. That's what I mean about a blind area.

Instead of the government looking at a long-term control actually fixing the underpass, of actually doing what has been done in some other areas, and spending the dollars—and I know that requires commitment on behalf of the government to do that, to manage those affairs on a priority basis—in regard to the size of this particular area, the government has not taken the act to actually fix the problem or work at it. Yet these kinds of accidents continue to happen.

In order to even make it more aware, the newest laser system was put in that, if the semi goes by, the laser light that's at a certain level that would allow you to go under the bridge, the laser then turns on the lights in front of the driver and flashes these huge lights at the driver to try and warn him that the bridge is impending and that you can have a problem hitting this bridge. In fact, since those lights were put in, there's actually been more people hit this bridge as well, on this underpass with the lights in place.

Mr. Speaker, that's a concern. My concern in this bill—and I'm looking for the minister—I know there are opportunities to bring amendments to it. He may clarify the bill as we get further down the road after hearing some of the presenters that may come forth on this bill; he may bring in some amendments to clarify the bill somewhat.

I think, Mr. Speaker, that the level of the fine is not the issue here. The size of the fine is not the problem because the licence of this driver is going to be impacted, because there will be points on his licence, because he has violated a serious situation. It is an act that has to be reported to the police because there's a huge amount of damage involved each time this happens. There will be a traffic record of it; there will be an insurance record of it.

The demerit points will go on the driver's licence and no semi driver can afford to have too many of those before he would, perhaps, put himself in a tenuous position of losing his job in the first place. They don't have to be involved in the trucking industry, Mr. Speaker; it could be independent business persons, whether it be in farming or other industries as well, that perhaps haven't loaded it.

One of the concerns that we have, Mr. Speaker, is that this bill allows the driver to be charged. That would be the obvious area to start with, as far as an act of responsibility goes, but this bill also goes after four other persons. It could be that the driver of the vehicle was the first that actually did the damage. Secondly, it could be his or her supervisor. It could be, thirdly, the owner of the vehicle. If the damage was done by a load, the person who loaded the vehicle, or the fifth person, his or her supervisor.

It also applies to loads being towed. So you've got five different people that could be responsible for this. The bill doesn't state clearly that you are only going to fine the person who was driving the vehicle. It's up to a \$5,000 fine, and it could actually be all five of those people. Perhaps you would find neglect amongst the driver who would put it off to the owner, who would put it off to the supervisor, who would put it off to the person that loaded the vehicle, or his or her supervisor. So it's either the driver, the owner, or the driver's supervisor, or the person that loaded it, or his or her supervisor.

Mr. Speaker, pretty soon you could have five \$5,000 fines. So is this a tax grab by this government, a cash grab, or is it really meant to try to do something to stop these kinds of accidents from happening in the first place? If it is, I think that, perhaps, the driver education programs that are already available should be available to these drivers on a continuous basis to make them more aware.

It's unfortunate, I know, that the companies might not take it upon themselves to be more responsible in how they're doing that. It's my understanding that we're tens of thousands of drivers behind in Canada in regard to the number of drivers we need; I'm not saying that drivers—they cannot drive today without meeting the qualifications of the industry. There's no doubt about that. There's no doubt that imprudent and unsafe driving can—it just cannot be tolerated. But I believe that there are, as I've pointed out, different ways of providing systems that will aid our driving industries in Manitoba to, hopefully, have fewer of these types of infrastructure accidents.

\* (16:00)

Mr. Speaker, I know that the government would like to look at getting funds from other sources to fix these bridges and fix the infrastructure that it has, but we had a kind of an awakening here a few years ago when bridges collapsed in Québec and then suddenly the bridge collapsed in Minneapolis.

We know that we've got 300-and-some bridges in Manitoba that need to be looked at right away. There are 63 of them outside of the city of Winnipeg that the government has indicated that they need to look at. They've committed some \$305 million over the next years, some \$60 million a year, hopefully, to—or \$60 million, pardon me—\$63 million over five years, about \$12 million a year. I stand corrected on that. The government has about 60 bridges that they want to look at this year, but they're only looking at tendering contracts on 32 of them, Mr. Speaker.

In spite of our attempts to try to get the government to move on some of these infrastructure projects, they've only responded to the ones that were absolutely, in their view, ready to collapse, but then no one else can get to look at any of the other reports. I would mention three or four of those, one being the Letellier Bridge that we've seen moving on its piers. The most public one was the interruption of No. 1 highway at Portage la Prairie; it took just about a year to fix and repair the overpass over the railroad tracks there, Mr. Speaker.

The No. 2 highway at Wawanesa, that bridge had a hole in it last summer, and so did No. 10 at what's known as Riverside down in the Souris Valley where the No. 10 highway crosses the Souris River. That bridge needed and got repairs last summer too. But, you know, that was at great detriment to the trucking industry as well. It's one thing to go down to the bottom of a deep, deep valley and stop with a car, Mr. Speaker. It's totally another one to do that with a loaded semi. You get down on the bottom of a—and they had red lights on each side of the bridge that stopped the flow of traffic at the bottom of the valley and turned it into a one-lane bridge so that they could repair the other side. Now, there's not much other way of doing it unless, of course, you were doing regular inspections of those bridges in the first place and got to it earlier and at less cost, I might add, and at less interruption to traffic flow to fix this type of a bridge in the first place.

Mr. Speaker, I think that perhaps if the government is concerned about the repair of the bridges caused by accidents, then I know that they would be able to let the companies—the owner of these vehicles is going to have insurance, they will have their own private insurance, I'm sure, to take care of any problems that might happen in regard to their staff in driving these kinds of vehicles. They would also, I think, very much be looking forward to—and to a great extent, I mean, the industry is very responsible and so they have very responsibly taken

action to provide themselves by purchasing insurance to cover such concerns and such accidents.

So I want to just say that there have been concerns that some of the industry has indicated that they will very much comply with the rules. I know that there's been a great deal of work going on around the city in regard to the south Perimeter bridges, the bridges on Bishop Grandin, quite a bit of discussion about the lack of accountability when it comes to the tenders on that area. The minister's indicated in the House himself that they'll probably be going to court to try and settle that. There are stories in today's paper about rebuilding the rebuilding of the south Perimeter bridge. I think these are concerns that the industries of Manitoba get a black eye from, and, in fact, it doesn't enhance our opportunity to expand economic development and economic opportunities for growth here in the province of Manitoba.

Infrastructure, as has been pointed out by myself a number of times in this House and by the minister in Estimates, I'm sure he knows from listening to a great many of the presentations by industry groups, none the least of which are the people that do the actual construction and building, being the heavy construction industry, the trucking industry and the aggregate users in the province of Manitoba and movers as well—they know full well that the best way to create economic development in the province of Manitoba is to have sound infrastructure. We very much need to do that not only in roads that we're talking about here, Mr. Speaker, but in the air services that we have, with Winnipeg being a central hub, with both railroads converging through the city, with our Trans-Canada Highway and the north-south trade corridor crossing here in the city of Winnipeg, with Highway 83 on the west side of the province, Highway 10 and others going through Brandon on the west side of the province all the way to Flin Flon. I think that the government knows full well that they need to have infrastructure as a priority in the province, and so, looking after that infrastructure should be a high priority.

I note that the federal government has brought funds in through the Asia-Pacific Gateway corridor to allow for an overpass to be built on Highway 16 and 1 intersection west of Portage la Prairie, as well as the railroad track neighbouring to it to the north of that site. I think it's time that the government in Manitoba started to plan for more of those kinds of overpass situations in this province so that we can

have a greater flow of traffic so that we can have fewer of these kinds of accidents, Mr. Speaker.

Finally, after our members, the former member from Fort Whyte and many of my colleagues in this House, pressing the government for years and years, actually, to provide the Kenaston Underpass, of which I had the opportunity of travelling on last evening and going down Kenaston and under the railroad tracks at that area that it certainly has enhanced the flow. It used to be known as the biggest bottleneck between the Winnipeg airport and the Gulf of Mexico but it's not anymore, and I give credit where credit is due in the fact that that has been changed, but the credit that's due is probably to some of my colleagues and former members of this Legislature and, particularly John Loewen, for the work that he did, I know, as the member from Fort Whyte and that area, making sure that some of the battles that he fought with the government to get that underpass built.

Our present leader, Mr. Hugh McFadyen—pardon me, the Member for Fort Whyte, Mr. Speaker. I retract the name, sorry. The Member for Fort Whyte, of course he's been pressing for a school in this constituency, a high school. The first one. It'll be a red-letter day, but he's also very thankful for the fact that underpass is there and the traffic is able to flow at a much greater ease and speed than it has in the past, not to mention having all of the vehicles sitting and idling, summer or winter, is creating an addition to the greenhouse gas emissions that this government has, sort of, indicating that they'd like to take greater responsibility for. But it's some of the convoluted ways, such as Bill 17, that they're doing that with no scientific evidence that's a concern to others.

We would hope, as the members that are going to be the citizens of Manitoba that'll be making presentations on this bill, we would hope that the government uses more science in regard to the use of maintaining the reasons why they would build infrastructure at certain locations, whether it's in the Perimeter Highway or other areas, on this particular redevelopment, Mr. Speaker.

Mr. Speaker, I know that, you know, in this heavy-handed approach that the government is using on this bill, fining individuals up to \$5,000, their intention is to say, well, if we fine you enough, you're going to be a more responsible driver.

You know, we have some of the toughest liquor laws and driving laws anywhere in Canada, and we're proud of the fact that those are in place. I think

that is a detriment to persons who used to have a few drinks and drive, Mr. Speaker. There's many that used to do that that don't today. But it's on the demerit system that those are there. It's not necessarily outside of the amount of dollars that are spent to have to get your licence because of the increased demerits that you have. There comes a point when, if the situation is severe enough and bad enough, you would actually lose your licence.

A person that makes their living out of driving cannot afford to do that, Mr. Speaker, and I think that's probably one of the biggest deterrents that is required in this industry, or of these infrastructures. I really urge the government to rethink the act.

\* (16:10)

So there are two things I want to say in closing, Mr. Speaker, and that is, one, that this Highway Traffic Amendment Act (Damage to Infrastructure) is really not about damage to the infrastructure, but a greater cash grab from the minister. It's not about recovering costs of damages. It's unnecessarily penalizing a private citizen or company for their mistake, and so I want to say that, with those comments, you know, the government is saying, well, we're going to do this right away. This act comes into force on the day it receives royal assent in the part of the bill where it says, Coming into force.

It's a great concern, but I know the government in many other bills is bringing them in at a time to be determined down the road, not on proclamation. This one is on royal assent and I think they need to, if they're not going to bring amendments forward, perhaps change that last one to bring an amendment in to give them time to rethink and relook at this particular bill.

I think whether it's a higher or a wider load, as it does say in the bill, Mr. Speaker, in section 189.1(1)(b) subsection (i): the person who loaded the vehicle, and any person who caused or permitted another person to load the vehicle, if the load (i) was higher or wider than the maximum height or width allowed under this Act or the regulations—many people in these industries rely on others, for sure, to load the load.

I want to provide an example and this is for the minister as well. For many years, my son was a pilot and my father before him flew a small plane, although he never got into the commercial end of it as my son did and had the opportunity to do. The two

of them always said to me, as we've seen in some other cases here in the province, the person who is flying the plane is responsible for the gas in the tank or at least measuring the amount. He's not actually, perhaps, the one that puts the gasoline physically into the tank. My father was the one that did that, because he was also the one that flew it at a small strip that was there at that time.

In the case of a person flying in a commercial entity, like many of our truckers who are driving for commercial trucking companies today, the person that's putting the fuel in the tank of the airplane may necessarily not tell the pilot that it's been done, but certainly it is logged; the pilot has to know that that tank is full. If there's any kind of an accident with that plane, if it runs out of fuel as we've seen in some cases here, heard about in Manitoba and as I've reiterated in this House before—my son was in radio contact with the plane that went down a number of years ago in Lake Winnipeg where the individuals, it was determined, ran out of fuel—the pilot is, all I want to say, the one finally responsible for the fuel that's in the plane.

In this case, the driver should be the one responsible for the height of the load or the width of the load and marking those. Many times they rely on, as these pilots who have had fatal crashes did, they relied on somebody else to tell them whether they'd actually got the truck loaded in the right proportions or not. They take those people at their word.

If it's the wrong kind of a vehicle, you only have to be out a few inches because a railroad bridge is not going to move. It's going to rip the semi right off its moorings, or it's going to bring you to a stop that may lead to your own personal risk. Of course, this also may mean that you've hit ice and just slammed into the side of a guardrail. From that end of it, it's not even the height or the width that might have been responsible; it could have been the conditions of the road.

We need to have more clarification than that in this bill before there is a fine of \$5,000 level, if the person who is guilty of an offence under subsection (1) or (2) is liable of summary conviction to a fine of not more than \$5,000. I've just read what the penalty clause in 189.3(1)—I just close debate on Bill 13, from my perspective at least, and look forward to seeing this bill in amendment—*[interjection]*

**Mr. Speaker:** Order.

**Mr. Maguire:** –and look forward to hearing more on it.

**Mr. Kelvin Goertzen (Steinbach):** It's a pleasure to speak today to Bill 13 here in the Legislature, The Highway Traffic Amendment Act (Damage to Infrastructure).

Certainly, I heard some of the poignant and well-thought-out comments from my colleague, the Member for Arthur-Virden (Mr. Maguire) who, I think, put some concerns on the record. When we look at the legislation and the title of the legislation and reading through the bill, there does seem to be some disparity, some differentiation between the title of the bill and what the bill actually purports to do.

At first glance, at a summary look, one might expect that the bill would, in fact, be going after individuals who are driving on the highways, whether they're professional drivers who are driving long distances or some other sort of haul operation, or recreation or passenger drivers who commit some sort of an error on the road that leads them to create damage to infrastructure, that this bill would, in fact, have them pay for the damage to that infrastructure. That would, obviously, for the mass majority of people, whether they are professional drivers or simply those who are more recreational drivers, be a hardship. It would be a hardship, of course, because of the excessive cost of the damage that can be caused even by a relatively minor incident on our highways through some sort of an accident and some sort of damage to infrastructure.

Of course, we do know that there are different and a variety of insurance schemes within an industry, and, of course, those who are driving under a class 5 driver's licence in Manitoba would fall under the protection of the Manitoba Public Insurance corporation for general liability and any damage in personal liability that they would cause.

There might be some disparity within the trucking industry, though. Certainly, those who're driving for the company itself by virtue of being an employee would have some sort of vicarious liability protection more than likely, and so the responsibility that they would bear causing damage might be passed on to the company itself, who, more than likely, would have some sort of overarching insurance scheme protecting the company and its employees.

Many truck drivers, though, in Manitoba, of course, are owner-operators. They're essentially a

small business. They are their own business or their own proprietors, and they might not have that same level of coverage as those who are operating under a general company and a general blanket of protection in that regard. So there is a disparity between those who are professional drivers, and, of course, there's disparity between professional drivers and those who are operating on a class 5 driver's licence.

So, when you look at the bill initially, there was some concern about what it purported to do and what it would mean for those people through negligence or no negligence to simply through other acts of God—and we know that there are many times that accidents have happened on our highways that really are no fault of the driver. I mean no fault not in the legal sense of a no-fault insurance scheme, but no fault in that there's no responsibility that could be brought to bear on the individual driver. Perhaps they were driving on a rural highway, an animal crossed into the way, and they swerved out of the way to avoid the animal. That happens not infrequently, Mr. Speaker, on our rural highways, that an individual needs to take an emergency driving maneuver to try to avoid hitting an animal, a variety of sizes of animals that are on the road, and that they might find themselves either ensnared or entangled with infrastructure on our highway systems and cause damage to those systems.

So how would you deal with those sorts of situations? How would you find a way to apportion fault in situations like that if the bill would impose that sort of measure on an individual to pay for the damage to any infrastructure, whether they be light standards or any other sort of infrastructure that's on the side of our highways?

\* (16:20)

It appears, though, that in looking over the legislation, the bill has a simpler goal, and my colleague from Arthur-Virden indicated that it might simply be a tax grab, and that it raises the level of fines for those who are causing damage to infrastructure. In fact, it states that a person who is found guilty on a summary conviction could be fined up to \$5,000. Now it's a summary conviction, so it's not a criminal charge. It would be similar, in my understanding of the legislation, the law, to a traffic ticket or sort of lesser offences that we have here in Canada. It wouldn't rise to the level of an indictable offence where one could find themselves at peril of losing their liberty. It would simply be a fine, not unlike a common traffic ticket, but a significant fine.

Certainly, there are very few summary convictions that I'm aware of that would cause an individual to possibly be fined up to a dollar figure of \$5,000. That's a hefty figure for any Manitoban to try to have to bear, Mr. Speaker, regardless of their occupation.

There are questions regarding the intention, if the bill is simply there to try to get more revenue—my colleague referred to it as a tax grab—from those who are causing the damage. Are there any studies that the government might have that would prove that increasing the fine would in fact act as a deterrent?

We do know that in certain areas of the law, particularly in criminal law, when we talk about deterrence as it relates to the restriction of a liberty, restriction of an individual's freedoms, there is some evidence that increasing a penalty will in fact act as a deterrent. There are two levels of deterrent. Some of my colleagues will recognize that there are two levels of deterrent in relation to the law. There is general deterrence and specific deterrence.

A general deterrence provision, Mr. Speaker, is something that is intended to deter all of society. So a judge in a sentence scenario, a judge might hand down a sentence with the idea that it is intended to send a strong message, a general deterrence to society as a whole, that this particular act is outside of the social norms of our society.

Then there is a specific deterrence. In a judicial situation, a judge might levy a penalty against an individual offender in a judicial proceeding to try to specifically deter the individual who is before them in a court. It's intended to send a message to the individual who committed the act as opposed to a general deterrence sending a message to society as a whole.

So, when we look at this particular legislation and it indicates that there could be a fine of up to \$5,000, the question is whether or not there is any evidence that this would provide either a specific or a general deterrence to those who are driving on the roads or, in fact, whether it provided to both. I'm not sure. Perhaps we'll find out at committee if there is any evidence that a deterrence would be provided by even the threat of a fine.

Often we find with this sort of legislation that most people don't even recognize that it exists. There certainly is an old axiom that ignorance is no excuse for breaking of the law, Mr. Speaker, but we understand that many people don't know what the penalties are, specifically in a summary conviction

sort of area because there just isn't as much publicity around it. If it was a criminal matter there might be a great deal of media attention and certainly those who are reporting these sort of things in the media would be more inclined to report what a penalty is.

So I would venture to say, Mr. Speaker, that if you would ask Manitobans, or Canadians in general, what the penalty is—I'll use an extreme example, but what the judicial penalty for first degree murder is, most, or certainly some Canadians would know that the penalty is a minimum of 25 years in prison but not all Canadians would know. But I think if you then went one step lower and asked them in terms of what summary convictions were, speeding ticket fines, fines for different sorts of summary conviction offences there'd be much less knowledge. They simply wouldn't know what the penalty is. So it's difficult to ascribe a deterrence from a penalty if individuals don't really know what the penalty is.

So I wonder if the department has looked at other ways and perhaps we'll get into this at committee, Mr. Speaker, other ways to try to achieve the same goal. There are sometimes very laudable pieces of legislation that come here in the Legislature or in Parliament or other legislative bodies in Canada that have the right intentions, that have all the best intentions. They're trying to achieve a certain legislative goal or a certain outcome but they may not be the best ways to achieve that outcome or they might in fact achieve unintended consequences. That sometimes the greatest danger of passing legislation is that it does result in unintended consequences coming from a piece of legislation. You only realize that several years after the bill has been passed, proclaimed and then put into effect.

So, if the department would—and the minister, of course, from the department—provide us some information about whether or not this will in fact achieve the intended effect. Will it result in less damage being caused to infrastructure or will it simply result in increased take of fines that really, probably, won't pay for a significant amount of the damage that is caused by damaged infrastructure?

Now, of course, Mr. Speaker, we recognize, and I think all members recognize, that we can't tolerate imprudent or unsafe driving here in the province of Manitoba, and that it's a laudable goal in any sort of fashion, any reasonable fashion, to try to reduce imprudent or unsafe driving. There are a number of different measures that can be taken.

We've had a debate, not so much in the Legislature at this point, but there's been a public debate about the banning of cellphones while driving. Some might argue and some in law enforcement might argue that that's, in fact, captured under imprudent driving. They're individuals who are driving imprudently either because they're not responding to the weather conditions at the time, or they're using cellphones while driving, or any other sort of measure would be captured under the general provision of imprudent driving.

Yet there has been some desire in the public, or at least expressed through the media, to look at specific legislation that would ban cellphone use while an individual is driving their vehicle. I think that's a debate worth having, where we settle on that, Mr. Speaker, as a legislative body. As a whole, I think it's yet to be determined because there are certainly pros and cons on either side of that debate, but the debate itself has value. The debate itself is worthy to engage in. It is worthy because we do want to find ways to ensure that our highways are safe.

My colleague from Arthur-Virden talked about the strict measures on drinking and driving. Certainly, I know that the previous government, the Conservative government, here in the 1990s, was a leader across Canada in bringing in tough legislation to reduce drinking and driving to try to make our highways safer.

In fact, I remember watching some of the debates, not participating in them, obviously, Mr. Speaker, but watching some of the debates around legislation to allow vehicles to be seized for individuals who were convicted of drinking and driving. That caused some level of debate both here in the Legislature and in Manitoba more generally. There were some negative nabobs, as the Premier (Mr. Doer) likes to say sometimes in this House, some negative nabobs who said it couldn't be done. They said we can't bring in that type of legislation because it impinges on the Charter of Rights and Freedoms, because you're acting on criminal law and the criminal law is the jurisdiction of the federal government.

Certainly, some members who are now occupying the government benches but at that time were occupying the opposition benches said, no, you can't do that because you're interceding on federal jurisdiction. You're interceding on Criminal Code provisions. Yet the Conservative government of the day saw fit. They believed that, because the Charter

of Rights and Freedoms allows under section 7, I believe, for the provinces to have jurisdiction over property rights, because the Charter speaks to having property rights, the provision or the proviso of individual provinces is that this would be a way for their government to have safer roads by allowing the police and the justice officials to seize vehicles which are property as a result of a conviction for drinking and driving.

That legislation was passed. There were certainly those in this Legislature, New Democratic members who didn't believe it would withstand a Charter challenge. There were certainly those civil libertarians and others who have every right to speak their voice—and I would defend their right to bring forward their views on any piece of legislation that's passed in this provincial body or any provincial body or the federal body—but they said that this would not withstand a court challenge.

In fact, it went through the various challenges that we have in our judicial system, and it was upheld. We did have the right as a province to bring in that legislation, that measure, because it did speak to property rights. So it was within the constitutional jurisdiction of the province of Manitoba and, indeed, all provinces in Canada.

That was a visionary thing to do, Mr. Speaker. As a result of that—as an aside, the provincial government, the Conservative government in 1998 brought in the predecessor to The Safer Communities and Neighbourhoods Act. I know that the New Democratic Party loves to try to take credit for that particular piece of legislation which has shut down a number of crack houses and different houses that are engaged in criminal activity. That was brought in, in 1998, by the Conservative government.

\* (16:30)

I am sure that there are some members, particularly the new members opposite, perhaps the Member for Kirkfield Park (Ms. Blady) and the Member for Southdale (Ms. Selby), would be surprised because, when they will have gone into their caucus and into the spin rooms of the spin doctors and the New Democratic Party, they will have been told, oh, well, this is one of the crown jewels that our government brought in. What they probably weren't told is, as often said in a particular radio show, that there's the rest of the story, and the rest of the story was, in fact, that the legislation was created and passed here by the former Conservative Party, by the former Conservative Minister of

Justice, and that legislation was what the New Democrats, when they came into power in 1999, brought in. They brought in a slightly different version of it, but they really modelled the same piece of legislation. They simply tried to take credit for it.

That was, obviously, an innovative way to look at how one could have an impact on what is ostensibly criminal law but do it through provincial jurisdiction and provincial legislation. That relates, certainly, back to this act, when we look at how we are trying to make the road safer. The minister of highways obviously felt that there were enough accidents happening to our infrastructure that this was worth bringing in. Mr. Speaker, I do hope that he had significant consultations, though, with the professional drivers in the industry.

I, through family relations, have a great affinity and an affiliation with the truck driving industry. My father was a truck driver for Penner International in Steinbach for many years before his death at a young age. My stepfather, whom my mom married a few years later, was a truck driver at Penner International in Steinbach for a number of years, and my brother-in-law drives for a company here in Manitoba. So I have a particular soft spot in my heart for those who make their living driving long distance or short haul. I know that it's not an easy occupation. It can be difficult not only in the time away from family—and, you know, we as MLAs and, certainly, others in other jurisdictions would sometimes bemoan the fact that we're away from our families often. We have evening committees and lots of events and that sort of thing, and it does keep us away from family at extended times, or we get home late and we don't have the opportunity to interact with our families at the level that we would like. Certainly, I experience that as well. It's just simply part of the occupation that we've chosen.

Those who are driving long distance for a living, I think, have a much worse situation. They often are away from their families for five or six days at a time. They're not even getting home late. They're not getting home at all because it's taken them five or six days to come back from whichever trip they're on at that time, so it's a difficult way to make a living, certainly from a family perspective. It's also difficult financially as well. You have to put in a lot of miles; you have to work hard. There are many restrictions in the industry in terms of the number of miles that you're able to log on any given day for any given trip, and yet to adhere to those very strictly, Mr. Speaker, and so it can be a high-pressure job as well.

Not everybody would recognize that. Some who aren't in the industry sometimes look at it as the life of leisure because you're simply driving to different places. I can assure you that not only is it not a life of leisure because of the heavy hours and the pressures to do that job, but it's also one that takes, I think, a great deal of stamina and a great deal of commitment for individuals who partake in it. Certainly, I commend each of those who are on the road and wish them Godspeed and safety.

There's an economic reality, in particular in this environment with high gas prices and high fuel prices. Some truck drivers will get compensation from the companies that they're aligned with or assigned to because of the increase of fuel prices, and others don't have that same level of compensation. It's difficult for them to make ends meet. We know in this province, particularly in the riding that I represent, that we rely heavily on the long-distance driving industry, on truck driving in general, because of our location as a province, because of the fact that we're centrally located in North America. We've tried, I think, as a province—certainly, our government did, and I would hope that New Democratic government has done the same—to make us a leader in the transportation industry. We've done our best to attract different long-distance and short-haul companies to the province to come here and to establish and to set up their operations, and they are a strong economic impact here in the province of Manitoba.

When we make this sort of legislation, when we make this kind of a law, we want to ensure that we're not impacting onerously and, certainly, unreasonably on those companies or the individual drivers themselves. Many of the drivers are new to the industry. Many of them haven't been on the road for a long time. That's not an excuse necessarily for mistakes, but I do think we have to understand the dynamics of the industry itself.

I am fortunate to represent a riding which is growing significantly as a result of immigration—

**An Honourable Member:** Provencher?

**Mr. Goertzen:** Well, in fact, I hear one of the ministers. I do represent a riding that's entailed in a larger federal riding and, throughout that riding, whether it's from Lac du Bonnet to Emerson or including Steinbach, but, really, throughout that region, there are a lot of new immigrants that have

come from different areas of Canada to make Manitoba home and to make that region their home as well.

Often they come with different skill sets and the abilities that they have. Unfortunately, some of them come very highly trained, where they were highly trained in the country that they came from, but they are not able to use those skills here in the province of Manitoba because of the challenges that we have ensuring that trades are recognized between jurisdictions and between countries. So, as a result, they often have to look for different occupations and different jobs that are outside of their chosen field of occupation. They are outside of their natural skill set.

Now, one of those and, perhaps, they will have the opportunity to speak later on is in the agricultural industry and in hog sector in particular. A number of the immigrants who've come to my region have taken up employment in that particular area. But, in the trucking industry, there are many immigrants who've decided that they're going to go into the trucking industry. The ones that I've spoken to, I would say, love the industry. They love the job; they find it invigorating. They find it gives them a sense of freedom. They certainly get to see a good part of North America through the industry. They love their occupation, but many of them are new at it. Like anybody who is in a new occupation, you have to ensure that you're doing your best in it. We know that there are going to be challenges and those challenges have to be met.

I would certainly hope, and, as I conclude my comments, I would certainly hope that the minister responsible for the legislation has taken the time to meet with those who represent the industry to ensure that this will actually achieve the intention that the bill is intended to achieve. It's not enough just to bring legislation forward simply to grab taxes or to make it look as though you're trying to do something to appease a certain problem. It actually has to achieve that goal.

Mr. Speaker, we hope to hear from representation of the industry, the trucking industry for sure during the committees and to hear whether or not they have any concerns with the bill or ways that it might be able to be strengthened. We hope that the minister will bear in mind those representations that come forward from committee from the fine people of the various industries who might be impacted by this legislation.

I look forward to hearing comments from any of my colleagues in the legislature who wish to add to the discussion on this particular bill.

**Mr. Kevin Lamoureux (Inkster):** I, too, would like to put a few words on the record before the bill ultimately passes to the committee stage. I understand and appreciate the minister is no doubt trying to recover costs. That's the actual intent, I believe, in principle of the legislation, to recover costs that are incurred by government as a result of vehicles causing physical damage to some of the infrastructure that we have.

There are a number of issues and questions that come out of it. One is that I had always thought that the MPI or the government had the ability to launch a lawsuit against a driver if, in fact, the driver or anyone else that causes damage to our infrastructure, if they have proof of negligence. I would have thought that to have been the case. If that is not the case, I would appreciate the minister responsible for the legislation to inform that to me. It would be much appreciated.

\*(16:40)

There are some concerns that have been expressed to me in regard to the scope of the legislation and ensuring that there is some form of quick determination as to clearing someone, because you have now legislation that, if passed, becomes law, and the anxiety that usually takes place when an accident of whatever nature occurs causes a great deal of stress.

Now, Mr. Speaker, with this particular legislation, you want to ensure that there is some form of quick determination as to whether or not the government would be pursuing some form of legal action. I appreciate the fact that the government's trying to be all-encompassing by looking at the supervisor of an individual that might be sending out a driver, that the driver is him- or herself the owner of the vehicle and, in fact, to the extent of individuals that were involved in the loading of the said vehicle that causes an accident or damage to infrastructure.

We look at the infrastructure and the costs involved, and, in principle, the idea of cost recovery for damages is somewhat important. But I think what we need to hear more of is the issue of true negligence, where it has been clearly demonstrated that any of those stakeholders that I just mentioned can be clearly proven as being negligent. As I say, for me personally, I would like to think that I would

want, you know, a quick response to ease a person's mind because accidents will occur, Mr. Speaker, and we don't want government to be malicious in its approach at dealing with, in particular—well, all Manitobans, but, you know, the trucking industry is an industry that has done exceptionally well in the province of Manitoba, taking advantage of our geographical location. Inkster, the constituency which I represent, homes a great number of trucking companies and, obviously, workers, and supplies workers to that industry.

Mr. Speaker, I don't want to see legislation that would put a burden, an additional burden. It is a very competitive industry, yet the drivers and other stakeholders that I'm aware of are very responsible in wanting to ensure that the right thing is done. I can tell you that on occasion there are areas of uncertainty, and I'd like just to give a couple of examples of that.

When we talk about negligence, Mr. Speaker, someone made reference to whether it's a wide load or possibly even a road condition that could lead to some damage to our infrastructure. You know, that's why we want to be careful that we're not putting too much of a burden on those that have innocently found themselves in an accident that has caused some damage to our infrastructure. Those are the minds that I would like to see appeased in a quick fashion, and that's why I emphasize that quick determination as to clearing someone of government laying charges.

You know, accidents where there is negligence, gross negligence, Mr. Speaker, obviously then we would want to see some repercussions. We want to be able to see individuals held responsible for their actions, and, to that extent, having the bill go to committee to have public feedback on the bill, I think, is good. We want to highlight the fact that there are some problems that do need to be overcome, and especially in the area of gross negligence. I like to think that those are few and far in between, but the biggest concern that I have, and I put it on the record and I would request again to emphasize to the minister, that my basic understanding is that where there is gross negligence or negligence, whether it's a driver or the loader, the government is already in a position to be able to recover cost. Some might ultimately argue, even though you're increasing a fine up to \$5,000, from what I understand, that you might even be putting in a limitation where someone has been negligent to the degree in which maybe a fine of more than \$5,000

might be required. So, you know, I don't want to state that I know all of the details of the legislation.

There are a couple of questions and concerns that I want to share with members, and to conclude my remarks by applauding the trucking industry as a whole as they have expanded in the province of Manitoba and provided many good jobs here in our province. As a whole, the industry has done well by doing so many things for our economy and the social fabric of our society. Mr. Speaker, I would like to see the bill at least afford the opportunity to hear public presentation at the committee stage in anticipation that the minister will provide some information that I've put on the record as to—in need of.

Thank you, Mr. Speaker. I'm done.

### House Business

**Hon. Stan Struthers (Acting Government House Leader):** Mr. Speaker, on House business.

**Mr. Speaker:** On House business?

**Mr. Struthers:** Pursuant to rule 31(8), I'm announcing that the private member's resolution to be considered on Tuesday, June 3, will be one put forward by the honourable Member for Transcona (Mr. Reid). The title of the resolution is National Housing Strategy.

Thank you, Mr. Speaker.

**Mr. Speaker:** It's been announced that the private member's resolution to be considered on Tuesday, June 3, will be one put forward by the honourable Member for Transcona, and that the title of the resolution is National Housing Strategy.

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**Mr. David Faurshou (Portage la Prairie):** It is a pleasure to rise in the House this afternoon to participate in second reading debate of Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure).

I have read the very brief amendment to The Highway Traffic Act. It's very clearly focussed on what I believe is an incident involving the Trans-Canada Highway and constituency of Portage la Prairie, where construction equipment was loaded on a flat deck and it was in collision with an overpass for eastbound traffic coming out of Portage la Prairie.

Indeed, we recognize that there is concern when infrastructure is damaged, and the costly nature of

repair, but I believe that this act is not in keeping with the best interests of motoring Manitobans, even though I'm certain that most of us that are here in the province of Manitoba do support that the persons causing the damage should be ultimately responsible for it. The act, as is written at the present time, does not do that. It leaves a lot of concern from my perspective that not only the driver, but any person that has any connection with the vehicle causing the damage could, in fact, be fined up to \$5,000. I can think of all kinds of circumstances where the person that gave instructions or the person that loaded the particular load or, in fact, the person that is owner of the vehicle could have done their due diligence and been engaged to the extent that the load, the vehicle were all in good order and in compliance with the existing Highway Traffic Act, but, for no fault of anyone's, there occurs a collision.

\* (16:50)

I look and recognize that there are circumstances caused by weather that would, in fact, be the root cause of the incident. I was just witness to a semitrailer with a van travelling east on Highway 1A just west of Brandon that became lodged underneath the bridge carrying rail traffic. It was learned that, for the particular incident, even though that is well marked by flashing lights and low clearance signage, it was road conditions that caused the trailer to become lodged underneath the rail bridge and caused significant damage to the trailer. I believe that it was really no one individual's fault because of the weather conditions, a fair amount of snow on the roadway causing a buildup on the travel lanes. Also, the slipperiness of the conditions did not allow the vehicle to slow as it would do on dry pavement.

There is a consideration that sometimes working with equipment that is of modern technology, when one is loaded versus unloaded, the difference in height of the conveying vehicle does vary. Sometimes the sophisticated electronics that balance out the air pressure in the air bags may not have compensated for the change in weight and, ultimately, had the vehicle riding higher than was to the knowledge of the driver.

We also want to recognize that there are other areas within the act that could very well fine the driver or anyone connected with the load at fault and be charged with imprudent operation of a vehicle and, ultimately, be assessed with demerits on their licence as well as through insurance. Effectively, the

damages can be recovered from the Manitoba Public Insurance Corporation for those that are licensed here in the province of Manitoba, as well, other jurisdictions where the vehicles might have their registration and insurance. That is available currently to the government of Manitoba because not only is it major infrastructure such as bridges here in the province of Manitoba that have sustained damage, but we see from icy conditions that some light standards and signage throughout the province are the cause of significant damage not only to the structure but to the vehicles that come in collision with the various structures.

It may be as minor, though just as costly to repair, as sliding into the ditch. When we look at the grades of the Trans-Canada Highway which I travel each and every day, we can see significant rutting in the ditch and the slope of the grade going into the ditch that has to be repaired in order for the water to be conveyed down the ditch as well as the slopes to be mowed. In fact, the smoothness of the grade is important to others that may, unfortunately, leave the roadway, and the slope must be smooth in order for the vehicle and the driver that leaves the roadway not to lose control by hitting major ruts.

All of this needs to be repaired if our roads are, in fact, able to be maintained at the design features to which they were originally constructed and to provide for the safety of motoring Manitobans and for those that come to visit our province. So it's very important that we do maintain our infrastructure, but Bill 13, I don't know whether the numerical numbering of this bill has anything to do with it, not being a superstitious individual, but I don't believe that Bill 13 is one that is necessary. I truly believe that 13, Bill 13, is one that we cannot support and is totally unnecessary in order to provide for the repair to damaged infrastructure here in the province of Manitoba.

Thank you ever so much, Mr. Speaker. It's been a pleasure to participate in debate on Bill 13.

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable Member for Turtle Mountain (Mr. Cullen), that we adjourn debate.

*Motion agreed to.*

**Mr. Speaker:** Bill 14, The Criminal Property—

**An Honourable Member:** What? No, 17.

**Bill 17—The Environment Amendment Act  
(Permanent Ban on Building or  
Expanding Hog Facilities)**

**Mr. Speaker:** Oh, here we are. Bill 17, The Environment Amendment Act (Permanent Ban on Building or Expanding Hog Facilities), standing in the name of the honourable Member for Pembina.

What is the will of the House?

**An Honourable Member:** No.

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

**An Honourable Member:** No.

**Mr. Speaker:** No? It's been denied.

**Mr. Kelvin Goertzen (Steinbach):** I rise to speak to Bill 17. Normally, when I speak, or many members in the House rise, they say that it's a pleasure to speak to a particular bill. I have to say I take no great pleasure in speaking to this bill.

I know the Member for Transcona (Mr. Reid) yells from his seat, pass. He'd love to see quick passage of this bill. He'd love to stifle debate on this legislation, a bill that fundamentally impacts one of the largest industries in Manitoba. The Member for Transcona, he's an honourable friend of mine, but I know that he reflects the opinions of many of the members in his caucus when he looks for a quick passage of this bill and doesn't want to see any debate on the legislation, but he's going to get debate. I can assure him that there will be debate, continued debate.

We know there is, in the province as a whole there is a campaign going on. I know the Member for Fort Rouge (Ms. Howard) would love to see this bill slide through quickly. She clearly doesn't care about the thousands of jobs, the millions of dollars of economic impact. I defy any member for this Legislature, any member of this Legislature to tell me that the industry that we're talking about has no

impact on their community at all. *[interjection]* Well, I'm glad to hear that the Member for Transcona pipes in his seat. He says that every industry has an impact, and he's right. I hope that that small glimmer of wisdom that he's provided us here in this late moment of the day after a long weekend will permeate and grow in his caucus as a whole because this is a bill, Mr. Speaker, that's going to impact this province for many, many years. You know, every bill has significance. Every piece of legislation that comes here as a degree of significance to our province, and I would never say otherwise.

I say, Mr. Speaker, clearly, that this is one of the pieces of legislation that'll impact our province for years to come. Years from now, when people are looking back at the different debates we had on Bill 17, I believe and I predict that they'll look and they'll say, this was very short-sighted, a very short-sighted measure made by a government not for any other reasons than political reasons. *[interjection]* Oh, I'll make it very clear. You know, after four minutes of debate I would think it'd be very clear to the Member for Transcona how I'm going to vote. I gave him credit in trying say that he reflected the will of the broader caucus as a whole, and now I have to take that credit back, have to rescind the credit that I gave him. He clearly doesn't have the depth of perception that I attributed to him when it comes to this particular piece of legislation.

Mr. Speaker, this is a bill—when we have the discussion at committee, when Manitobans come and give their very real personal stories, you're going to hear, all members of the Legislature are going to hear what an impact this industry—

**Mr. Speaker:** Order.

When this matter is again before the House, the honourable member will have 27 minutes remaining.

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 20, 2008

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#### Members' Statements

National Missing Children's Day	
Dyck	2257

Dystonia Awareness Week	
Selby	2258

Emergency Medical Services Awareness Week	
Goertzen	2258

Victoria Hospital Fundraiser		Bill 6—The Securities Amendment Act	
Brick	2259	Faurschou	2263
		Lamoureux	2264
Constituency Concerns		Bill 13—The Highway Traffic Amendment Act	
Lamoureux	2259	(Damage to Infrastructure)	
		Maguire	2265
		Goertzen	2271
		Lamoureux	2275
		Faurschou	2276
<b>ORDERS OF THE DAY</b>			
<b>(Continued)</b>			
<b>Debate on Second Readings</b>			
Bill 2—The Public Schools Amendment Act		Bill 17—The Environment Amendment Act	
(Trans Fats and Nutrition)		(Permanent Ban on Building or Expanding Hog	
Schuler	2260	Facilities)	
Lamoureux	2262	Goertzen	2278

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

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