

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

Official Report
(Hansard)

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The Honourable George Hickes
Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 14, 2004

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PETITIONS

Minimum Sitting Days for Legislative Assembly

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

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

Manitobans—*[interjection]* It is a very sensitive issue for good reason, Mr. Speaker.

Mr. Speaker: Order.

Mr. Lamoureux: Manitobans expect their Government to be accountable, and the number of sitting days has a direct impact on the issue of public accountability.

Manitobans expect their elected officials to be provided the opportunity to be able to hold the Government accountable.

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the Government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

Signed by Barb Hilderman, Robert Hilderman and Elizabeth Chipilski.

Mr. Speaker: In accordance with our Rule 132(6), when a petition is read it is deemed to be received by the House.

COMMITTEE REPORTS

Standing Committee on Legislative Affairs Third Report

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

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Legislative Affairs presents the following as its Third Report.

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Your committee met on the following occasions in Room 255 of the Legislative Building.

November 13, 2003, at 2 p.m.

April 6, 2004, at 10 a.m.

Matters under Consideration:

Bill 6—The Cross-Border Policing Act/Loi sur les services de police interterritoriaux

Bill 17—The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act/Loi modifiant la Loi sur la violence familiale et la protection, la prévention et l'indemnisation en matière de harcèlement criminel

Bill 18—The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives)

The Report and Recommendations of the Judicial Compensation Committee dated March 12, 2003

Committee Membership:

During the April 6, 2004, meeting your committee elected Ms. Brick as the Vice-Chairperson.

Substitutions made, by leave, during committee proceedings on November 13, 2003:

Ms. Korzeniowski for Mr. Dewar

Hon. Mr. Selinger for Hon. Mr. Bjornson

Mrs. Taillieu for Mr. Tweed

Mr. Goertzen for Mrs. Mitchelson

Substitutions made, by leave, during committee proceedings on April 6, 2004:

Mr. Martindale for Hon. Mr. Doer

Mr. Faurschou for Mr. Penner

Mr. Hawranik for Mrs. Taillieu

Mr. Reimer for Mr. Murray

Hon. Mr. Selinger for Mr. Aglugub

Motions:

Your committee agreed to the following motion:

THAT the Standing Committee on Legislative Affairs adopt the proposal outlined in Schedule A and recommend the same to the Legislative Assembly of Manitoba.

SCHEDULE A

1. *That effective April 1, 2002, salaries for Provincial Court Judges be increased to \$152,000 per annum (\$5,826.66 bi-weekly); that effective April 1, 2003, salaries be increased to \$156,560 per annum (\$6,001.46 bi-weekly); and that effective April 1, 2004, salaries be further increased to \$161,257 per annum (\$6,181.51 bi-weekly).*
2. *That effective April 1, 2002, salaries for Associate Chief Judges be increased to \$157,000 per annum (\$6,018.32 bi-weekly); that effective April 1, 2003 salaries be increased to \$161,560 per annum (\$6,193.12 bi-weekly); and that effective April 1, 2004 salaries be further increased to \$166,257 per annum (\$6,373.17 bi-weekly).*
3. *That effective April 1, 2002, the salary for the Chief Judge be increased to \$162,000 per annum (\$6,209.99 bi-weekly); that effective April 1, 2003 that salary be increased to \$166,560 per annum (\$6,384.79 bi-weekly); and that effective April 1, 2004 that salary be further*

increased to \$171,257 per annum (\$6,564.84 bi-weekly).

4. *That effective April 1, 2002, the current 2.61% pension plan accrual rate for Judges be increased to 3.0% to allow a full pension after 23.5 years.*
5. *That the life insurance plan for Judges be amended to provide for a reduction in coverage beginning at age 66 rather than the current age 56.*
6. *That vision care plan for Judges be established which will provide coverage up to a maximum of \$200.00 each 24 month period.*
7. *That the current maximum \$200.00 per year prescription drug coverage for Judges under the Extended Health Benefits Plan be eliminated (Judges pay premium).*
8. *That the Extended Health Benefits Plan for Judges be amended to provide coverage for hearing aids up to a maximum of \$1,000 every 5 years (Judges pay premium).*
9. *That all Judges be entitled to 30 days vacation calculated on the basis of two and one-half (2½) days per complete month of judicial service per vacation year.*
10. *That all newly appointed Judges have an advance of 85 days sick leave on their appointment and that the credits continue but will be eroded until fully erased.*
11. *That an allowance of \$1,500 per Judge to be paid on the approval of the Chief Judge in accordance with guidelines to be developed similar to those presently in use in the Province's of Saskatchewan and Ontario.*
12. *That the Province pay 75% of the Judges legal costs and fees for the Judicial Compensation Committee process, up to a maximum aggregate payment by the Province of \$30,000.00.*
13. *That unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.*

Public Presentations:

By leave, your committee heard one presentation on the Report and Recommendations of the Judicial Compensation Committee from the following organization at the November 13, 2003 meeting:

Susan Dawes, Provincial Judges Association of Manitoba

Written Submissions:

Your committee received one written submission on Bill 18—The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives), from the following organization:

Paul Griffin, Canadian Bankers Association

Reports Considered:

Your committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated March 12, 2003.

Bills Considered and Reported:

Bill 6—The Cross-Border Policing Act/Loi sur les services de police interterritoriaux

Your committee agreed to report this bill without amendment.

Bill 17—The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act/Loi modifiant la Loi sur la violence familiale et la protection, la prévention et l'indemnisation en matière de harcèlement criminel

Your committee agreed to report this bill without amendment.

Bill 18—The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives)

Your committee agreed to report this bill without amendment.

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

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

* (13:35)

MINISTERIAL STATEMENTS**Flood Conditions**

Hon. Steve Ashton (Minister of Water Stewardship): I rise to update the House on recent flooding in southeast Manitoba and the Interlake. I would also like to table, which I already have, the report on flooding in southern Manitoba which provides an update on that.

A heavy rain event on the weekend of March 27 set a new record level for a March rainstorm in Manitoba and caused flash flooding on small waterways and farms in southeast Manitoba. Ice blockages gave way later that week and water levels in ditches and drains began to recede but not before many communities experienced significant road damage and some residential flooding.

This same weather event contributed to ice jam flooding on the Red River north of Selkirk, as well as flooding on the Fisher River in the Interlake where over 1000 people were forced to evacuate their homes. I am pleased to report that the flood risk has now declined. Water levels are receding, and no further flooding is expected this spring with normal weather conditions.

In response to this event, the Department of Water Stewardship provided regular and ongoing flood forecasts to help local officials plan their emergency response. Manitoba Emergency Measures Organization, as the provincial government's agency responsible for co-ordinating emergency activities, maintained close contact with all affected communities to provide assistance and information in support of their efforts.

As part of the recovery from this event, Manitoba EMO is working with municipalities to assess their damages and to consider the possibility of a disaster financial assistance program. An announcement will be made on a program once we have been able to determine the extent of damages that are eligible under the DFA guidelines.

I would like to briefly congratulate and thank the people who worked to ensure the safety of the public

during this event. Municipal employees and emergency co-ordinators invested a great deal of time and effort in developing emergency plans for their communities, and the value of that investment was shown in their response to these floods.

I also wish to extend our Government's appreciation to the first responders in the municipal fire departments who have been working to protect their communities from flooding. Particularly, I would like to congratulate the Manitoba Association of Native Firefighters for their work in evacuating a large number of people from the First Nations communities of Peguis, Fisher River and Dakota Plains. Once again, we have seen why Manitobans have such a great trust and respect for our first responders.

As people return to their homes, it is important to re-enter in a safe manner. Properly cleaning up after a flood requires special steps, and Manitoba EMO has made this information available at municipal offices throughout the province. For further information, I would direct members of the public interested to the Internet site that is set up to do that. Once again, thank you for this opportunity to update members of the House on the flood situation.

Mr. Kelvin Goertzen (Steinbach): It is a pleasure to be able to respond to the statement just provided by the minister. I also want to echo my thanks to all the workers who have done a great job within government but certainly in the municipalities; first responders who are there not just to respond to the difficult situation that we had with flooding this spring throughout the province, but every day they are there to respond to emergencies. We appreciate the work that they do. The fire department, the volunteer firefighters, the part-time firefighters, the full-time firefighters, we think that they are all equal and they all do a great job in this province every day. We hope the Government recognizes that equality.

I want to also pay note to the individuals who are affected by the flood. All members of this House, and all members on this side of the House in particular, want to extend our condolences for difficulties they have gone through. We hope that the Government will put in the appropriate plans and the appropriate measures to ensure that they will be able to be compensated and they get the support they need in this difficult time.

I do appreciate the updates that the department has provided. If I had any disappointment with the ministerial statement today, it is that it was not to announce that they will be backing off the forced unionization of floodway workers.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I ask permission to speak to the member's statement. I ask leave.

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

* (13:40)

Mr. Gerrard: Mr. Speaker, I would thank the minister for his statement with regard to the recent flood event. I, too, would like to acknowledge the hard work that many put in to deal with the high water levels in particular areas. I would also like to comment on three particular areas north of the city of Winnipeg and north of Selkirk.

I visited there March 28 and talked to quite a number of the local people. They are very concerned that the timing of the opening of the floodway coinciding with when the ice jam was occurring gave rise to what were pretty record levels of water in that area, levels that some people said threatened them in a way that floods had not threatened their property going as far back as something like 1849 in one case. So I think that deserves a careful look and a better evaluation than we have seen to date.

The second point that I would like to make is that this event provided a look at the functioning of the Seine River outlet, the modified outlet, and raised some real concerns that if the flood had gone much higher, there would have been back flow and real problems in that area and I think the minister needs to look into that carefully.

The third point I would like to make because I have, not recently but over time, visited people in Peguis on a number of occasions, and I know they have a long-run interest in the possibility of a diversion, a long-run solution, and I would hope the Government would have a look at that.

INTRODUCTION OF BILLS

Bill 34—The University of Winnipeg Amendment Act

Hon. Diane McGifford (Minister of Advanced Education and Training): I move, seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that Bill 34, The University of Winnipeg Amendment Act; Loi modifiant la Loi sur l'Université de Winnipeg, be now read a first time.

Mr. Speaker: It has been moved by the honourable Minister of Advanced Education and Training, seconded by the honourable Minister of Education, Citizenship and Youth, that Bill 34, The University of Winnipeg Amendment Act, be now read a first time.

Ms. McGifford: Today, Mr. Speaker, I am introducing an amendment to The University of Winnipeg Act that will separate disciplinary powers over students so that the senate will have internal disciplinary jurisdiction in academic matters, and the board of regents will have internal disciplinary jurisdiction in non-academic matters.

This amendment will bring The University of Winnipeg Act in sync with the acts of our other public universities. I recommend the bill to all members of the House.

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

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us Mr. Doug Dobrowolsky, who is a councillor of the R.M. of Macdonald and who is also the guest of the honourable Member for Morris (Mrs. Taillieu).

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

ORAL QUESTIONS

Provincial Deficit Justification

Mr. Stuart Murray (Leader of the Official Opposition): In last year's Budget, the Premier

ensured Manitobans that money was set aside for emergencies, including forest fires and the drought. On February 26 of this year, he announced that his Government had approved a \$100-million special warrant to deal with emergencies such as forest fires and a drought.

Then, one month later, Mr. Speaker, on March 26, he announced that due to pressures and emergencies, such as forest fires and a drought, he was going to invoke a never-before-used clause to allow him to legally run a deficit by adding another \$75 million to the provincial debt.

Mr. Speaker, even after the 1997 flood of the century, a time when the Progressive Conservative government at that time was dealing with massive cutbacks in federal transfer payments, emergencies were paid for and the Budget was balanced. How then can this Premier possibly justify running a deficit?

* (13:45)

Hon. Gary Doer (Premier): The member will recall the sale of the Manitoba Telephone System which allowed the Government, for three or four years, to balance the budget. I might point out, Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: —that subsequently allowed for a draw in the '98-99 fiscal year and the '99-2000 fiscal year of some \$185 million out of that proceeds from the sale of the Manitoba Telephone System.

Mr. Speaker, the member opposite has said that he supports balanced budget legislation. The member opposite has said that the Filmon government balanced budget legislation is the toughest in Canada, and we are following it.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I know we have a lot of pent-up energy here today, but we have a long session so let us conserve some of that energy. I would like the co-operation of all honourable members, please. It is really difficult to hear the questions and the answers. When a member asks a question, in order to craft their supplementary question, they need to be able to

hear the answer. So I ask the co-operation of all honourable members, please.

Mr. Murray: Mr. Speaker, only members on that side of the House, when they realize that their expenditures exceed their revenues, would stand up and applaud. That is the kind of government that we have. We all know, and Manitobans are aware, that this Premier has increased spending by more than \$1.3 billion. He has nearly depleted the rainy day fund. He has increased the user fees and taxes. He has taken over \$200 million out of Manitoba Hydro. He is inappropriately using Workers Compensation to fund health infrastructure.

Now he is invoking a never-before-used special clause in balanced budget legislation that allows him to legally run a deficit and add \$75 million to the debt. The Premier clearly does not have a revenue problem. This Premier has a spending habit. Despite all of the Premier's rhetoric, all that spending has not made Manitoba competitive. It has not fixed health care, and he has not provided a much-needed cash advance to our cattle producers in Manitoba.

Why, Mr. Speaker, is the Premier failing to make the decisions necessary to improve services and balance the Budget? Why is he failing to make the right decisions?

Mr. Doer: The largest income tax cuts that have taken place in the history of the province have taken place under this Government, under this Minister of Finance (Mr. Selinger).

The largest investment in health care and health care capital is taking place under this Government. We are building a modern health care system. We are following through on our promises to build the Brandon General Hospital. We are following through on our promises to end the fruit flies in the emergency wards of the Health Sciences Centre by building state-of-the-art emergency wards in that area of the province.

* (13:50)

Mr. Speaker, the budgeted amount when we came into office from the '99-2000 Budget for the rainy day fund was \$275 million. I believe it is down to \$100 million now. The hundreds and hundreds of millions of dollars put into that fund basically had been spent by the Conservatives before we came into

office. I would ask the member opposite: Who made the statement that balanced the rigorous requirements for annual balances of spending and revenues but recognizes the vagaries of government finance—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: —by providing for the continuation of a Fiscal Stabilization Fund and permitting the balanced budget requirements to be overridden in emergency circumstances? Who said that? It was Eric Stefanson, the former Minister of Finance, under the Conservative government.

Mr. Murray: Mr. Speaker, it is very, very clear to Manitobans that this Premier's spending habit has finally caught up to him. He could have made the responsible decisions and ensured that the Budget was going to be balanced, but he failed to do so. After nearly five years, it finally revealed his true colours. During the 1990s, when that man was the Leader of the Opposition, he basically called the balanced budget legislation brought in by the previous Conservative government, he called it silly and a pre-election ploy.

An Honourable Member: Who said that?

Mr. Murray: That was what he said.

Mr. Speaker, why does the Premier not just admit that balanced budget legislation was his pre-election ploy, because he knew that if he could convince Manitobans in the business community that somehow he believed in a balanced budget, it might bring him one step closer to the Premier's chair?

Mr. Doer: Mr. Speaker, let us deal with the facts.

The third-quarter report included two features, one of which the member opposite has raised, the \$74-million emergency payments that are consistent with the balanced budget legislation. Secondly, the third-quarter report confirms that we are making a \$96-million debt payment.

That means in terms of the operations of government we are spending less than we are taking in. In fact, even with the emergency measures, we are exceeding the zero situation and have in essence a surplus which we are using to pay down debt. I

might point out we are paying down the pension liability which members opposite did not pay down one cent in 11 years. We are doing it on this side of the Government.

Mr. Speaker, just this week, RBC in its provincial outlook predicted Manitoba would have the highest growth rate in Canada. It went on to say that the Province of Manitoba has managed to weather a variety of shocks fairly well: negative effects of the appreciated currency coupled with the effects of BSE, limited real growth in 2003 by 2.1 percent, but we expect a rebound in 2004 and 2005. This province has weathered, and this Government has weathered, those conditions fairly well.

Those are the comments, not on this side, but by an independent review of the financial situation in Manitoba. We are balanced. We are paying down debt, and we are coming out of this with very positive outlooks into the future.

* (13:55)

Provincial Deficit Justification

Mr. John Loewen (Fort Whyte): Mr. Speaker, I would suggest to the Premier (Mr. Doer) that he get a second briefing on that third-quarter report. What it states clearly is to make that \$96-million payment the Government is taking \$142 million out of the rainy day fund, and it is not recognizing \$75 million in expenditures. What it actually shows is that the Government is going to run a \$116-million operating deficit, spending \$116 million more than is coming in.

I would ask the Minister of Finance to explain to Manitobans why he could not live up to his promise from last year's Budget to conduct a thorough department-by-department review of expenses so that he could ensure and live up to promises that the Premier made and he made that this year's Budget would be balanced. Why could he not live up to that promise?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, we certainly have lived up to that promise. The most important statistic in response to the member's question is our per capita cost for public services is the third-lowest in the country.

Mr. Loewen: Mr. Speaker, it is a fairly straightforward question, and I would remind the minister that we also have the highest per capita debt. Maybe he would like to do something about that.

The real problem, Mr. Speaker, is that this Government cannot control its spending. This year's Budget will not only see the Government overspend their Estimates by \$150 million, it is going to see an increase in spending of \$450 million over last year. That is a 6.6% increase.

Mr. Speaker, I would ask the minister why he cannot get his Cabinet colleagues to control their spending. Why can he not live up to his promises? Why can he not stick to the Budget he wrote?

Mr. Selinger: First of all, Mr. Speaker, the member is just simply wrong on the facts when he says we have the highest per capita debt. He is just dead wrong, absolutely wrong. Any independent review of the stats will show that. In terms of spending, we have the third-lowest per capita spending in the country.

The balanced budget legislation prudently put in a clause which allowed for extraordinary circumstances. The members opposite the last time we were in this House were up every day on their feet saying what an extraordinary situation the BSE crisis was in this province. They were yowling about what we had to do to respond to the mad cow crisis, and we responded in an appropriate fashion.

I have another important fact that I will put on the record after the next question.

Mr. Loewen: Mr. Speaker, I am looking forward to the minister actually putting some facts on the record that are accurate and respond to the question.

The numbers are there for him to read in the third-quarter projections: Expenditures, \$7.4 billion; revenue, \$7.291 billion; a deficit of \$116 million. The question is straightforward. Manitobans deserve a straightforward answer from this irresponsible minister.

The question is: Why is the Government running a \$116-million operating deficit? Why can the Doer government not learn to live within its means and run a balanced budget? Give us a simple answer.

Mr. Selinger: The member opposite seems to confuse loudness with accuracy.

The fact I wanted to put on the record is that they seemed to make a big deal out of the fact that when the '97 flood occurred, they did not have to take this clause in the balanced budget legislation into account. What they do not remind people of is that they had a disaster financial assistance reimbursement from the federal government for that year when they had a \$200-million expense. They received \$168 million back from the federal government. We had a \$74-million disaster assistance payment this year and our reimbursement from the federal government is zero.

Red River Floodway Expansion Master Labour Agreement

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, there has been a lot of flip-flopping on the side of the Doer government in response to the floodway expansion issue.

In early March they said that one of the conditions of the project is that all workers be unionized. Then they turned around and said "no decisions have been made. Everything is on the table." Then, yesterday, the minister told the media, not the stakeholders who he had just been meeting with, Mr. Speaker, mind you, he told the media that, while the issue of forced unionization was still on the table, all workers would be required to pay union dues. Then, by early afternoon, the Government spokesperson started to back-pedal for the minister saying that the minister was only speculating on what could happen.

Will this Premier clear the air and tell us if he is considering forcing companies and businesses who work on the floodway to join a union and/or pay union dues? Is he going to do it?

* (14:00)

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I think it is really important to put on the record the challenge we are going to have ahead in terms of building the floodway, which is going to be one of the largest construction projects in Manitoba in this decade, something that is badly needed in terms of flood protection. What we have set in place is a process—in fact, we had a meeting

this Monday—that will bring together many of the concerns that have been raised, some of which the member opposite referred to, and we will deal with issues related to developing a project labour agreement, in terms of tendering and in terms of training.

This member constantly gets up, Mr. Speaker, and he is the one who has been putting on the record all sorts of incorrect information. He put on record in the House that a master labour agreement ensures that non-unionized companies will not be able to bid on the project. We have indicated very clearly that is not the case. We have a process, and Wally Fox-Decent will deal with that.

Mr. Murray: Mr. Speaker, I hope that members on the other side of the House agree that this is a very important project for Manitoba. We think that it should proceed. We are absolutely opposed to forcing non-unionized companies to be members of the union or we are absolutely opposed to forcing non-unionized workers to simply pay union dues. That is what this issue is about. I would hope that the Premier (Mr. Doer) of the province of Manitoba would have the ability to answer my question and stand and clear the air for all Manitobans.

Mr. Speaker, it is the workers, not government, who decide if they are part of a union. Heavy construction in Manitoba is almost entirely non-unionized. Those workers have made a decision not to be part of a union. The issue of forced unionization and forcing non-unionized workers to pay union dues should be off the table and not even up for discussion, but it is under this Premier. I would ask this Premier how can he even justify considering any of these things. How can he do it?

Mr. Ashton: Mr. Speaker, I want to indicate to the member opposite that, when you see the exposure on a yearly basis of between \$75 and \$100 million every year that we look at this when we do not have this floodway expansion, we need to ensure stability in terms of the life of the project. We have looked at the experience with Manitoba Hydro, which for the last 40 years has had this type of agreement in place, and with the Limestone Dam, for example, also had agreements in terms of training and in terms of tendering. That is what we have committed to. We want to see no strike, no lock-out. We want to see this built on time for Manitobans, and we have a process with Wally Fox-Decent that we believe brings all issues to the table and will result in that

kind of delivery for the province of Manitoba. Delivery of the project, that is the most important issue there.

Mr. Murray: Well, again, and I want to come back to this because the Doer government clearly has so many issues on this floodway that the public are having a hard time understanding. That minister clearly said that forced unionization is still on the table. Basically, he then went on to say that he would ensure that those workers would have to pay union dues. Then they sent out a spokesperson the same day to say, well, that is only speculation. Now we have, astonishingly, yesterday on CJOB, one of the Premier's spokespeople, Mr. Rob Hilliard, say that unionized workers are more skilled. Is that not interesting? Is it not fascinating, Mr. Speaker?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Murray: Mr. Speaker, it is very interesting that one of the Premier's spokespeople, Mr. Rob Hilliard, said that unionized workers were more skilled than non-unionized workers. I want to ask the Premier, and I hope he will stand and answer this question: Does he support Mr. Hilliard's views?

Hon. Gary Doer (Premier): There are a lot of issues ahead of us on the floodway as we prepare to build the next stage. The first issue we had to deal with was negotiations with the federal government, which we were able to achieve a \$240-million first phase appropriation. That, Mr. Speaker, will mean that we go from one in ninety years protection to one in two hundred and seventy year protection. That will deal with the flood levels of 1827.

The second issue that we had to deal with was the issue of should we have two separate processes for environmental assessments. It took us about six months to negotiate with the federal government to get, Mr. Speaker, a comprehensive joint environmental assessment. Mr. Gilroy was actively involved in that process.

The next phase is how do we ensure that we have on time and on budget with the \$75-million liability, Mr. Speaker. We have, just like—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. You know, I am not even sitting very far from the person that has the floor, and I can hardly hear him. I ask the co-operation of all honourable members, please. We need to be able to hear all the questions and all the answers. If there is a breach of a rule, I am sure each and every one of you would expect me, and rightfully so, to make a ruling, but I need to be able to hear the person that has the floor. I ask the co-operation of all honourable members, please.

Mr. Doer: On the issue of dealing with the workforce, Wally Fox-Decent has been asked to deal with it, just like Cam McLean, by the way, dealt with it in the late sixties. Dealing with the Hydro projects, Mr. Speaker, to make sure that when the Hydro projects were plagued in the early sixties with disputes, they used Cam McLean. We are using Wally Fox-Decent.

We have allocated 1 percent for recreation, Mr. Speaker, to make sure that we will have recreation as part of it. We are dealing with the aquifers in northeast Winnipeg that look to be vulnerable. We are looking at legislation that we are bringing in. This is a multi-faceted approach. The member opposite can stand up and say the sky is falling. The project will be done. It will be done on time, and it will be done on budget, and it will be done by this Government.

Red River Floodway Expansion Master Labour Agreement

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, earlier this week in the *Winnipeg Free Press*, one union official stated that he had never seen a worker who did not like having a collective agreement and paying union dues for it.

Mr. Speaker, these types of statements are an insult to all Manitobans who have made a choice to work in a non-unionized environment, and they are a direct result of the Minister of Water Stewardship's refusal to confirm the democratic choice workers have made in their own individual workplaces.

Can the Minister of Water Stewardship indicate, Mr. Speaker, if this is the type of advice that he took when putting on the table forced unionization of floodway workers, and does he agree with that statement?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, we have stated very clearly there is a huge challenge ahead. We have a training challenge. That is part of the discussions that are taking place right now headed by Wally Fox-Decent. We have a huge challenge in having the right number of workers available, and that is one of the key challenges.

We are also looking, Mr. Speaker, at issues relating to the tendering process. No decisions have been made in terms of that to ensure that we see it built efficiently and on time and also to reflect the need for Manitoban content.

The project labour agreement, Mr. Speaker, is also part of the Wally Fox-Decent discussions. That is ongoing. We have many stakeholders at the table, and I think that is the way to proceed. We want to see this project go ahead. The members opposite can get back to their dated rhetoric, but we are going to build this project, and our commitment is to build it on time and on budget.

* (14:10)

Mr. Goertzen: Well, Mr. Speaker, the minister did not want to back away from that last ridiculous statement, so let us try another one. Yesterday, on Winnipeg radio, another union official stated that he believed that workers who were unionized were more skilled employees than those who were non-unionized.

Mr. Speaker, this is an insult to the hundreds and thousands of non-unionized workers in Manitoba. It is a direct result of this Minister of Water Stewardship's refusal to recognize the value and the ability of the vast majority of construction workers in the province of Manitoba. Can the Minister of Water Stewardship indicate if this is the type of advice that he took in putting on the bargaining table the issue of forced unionization, forced labour dues, and is he going to stand by that statement?

Mr. Ashton: Mr. Speaker, the member opposite can engage, as his Leader did, in the kind of exaggerated rhetoric we have seen, the kind of attacks on unions, et cetera. We have all stakeholders at the table: contractors, unions, First Nations people, women. We have many people who are looking to this as one of the greatest opportunities for this province over the next decade. It will include many Manitobans.

They should get out of the kind of polarized rhetoric we have seen in the last couple of months and do what we are doing, which is focussing on the future. That is why we had the Wally Fox-Decent process. We are bringing together all the stakeholders. We are going to build this floodway. That is the most important job.

Mr. Goertzen: Mr. Speaker, this minister is trying to rob Manitobans of what would be a good opportunity. But attacks on the ability and the value of the majority of non-unionized construction workers is an insult to these employees and those who employ them. It breeds a dark climate of business in our province and for the democratic choice of all workers in Manitoba.

I want to ask the minister, because it is not too late, if he will respect the rights of workers, if he will stand up for construction labourers, and if he will take off the table any plan that would force workers to unionize or force them to pay union dues.

Mr. Ashton: Mr. Speaker, let us restate. This is a very important project for the people of this province. It provides up to 700 years of protection for people in the city of Winnipeg. It provides improved flood protection for people in a good part of the Red River Valley, and it is going to be a huge challenge. It is going to be one of the largest construction projects in this decade. In looking at the experience of those kinds of projects, one of the reasons we have chosen this route is because we have had a process in place with Manitoba Hydro for 40 years, going back to the Duff Roblin government. Based on that experience and the experience of many other jurisdictions, we have put in place this process. We have brought in one of the most respected Manitobans, one of the most competent people to work with the stakeholders, Wally Fox-Decent. We are committed to moving ahead on the floodway. That is the real issue.

Red River Floodway Expansion Master Labour Agreement

Mr. Ron Schuler (Springfield): Mr. Speaker, the Water Stewardship Minister is on the record as saying the forced unionization of the floodway is a done deal, or maybe not.

Government appointee Ernie Gilroy has said it is a done deal, or maybe not. The Minister of Labour

(Ms. Allan) has no opinion, and today the Premier (Mr. Doer) stated that some have their hands on the horn when it comes to the forced unionization of the floodway.

When will he do the right thing and take a hands-on approach to steering the floodway away from forced unionization?

Hon. Steve Ashton (Minister of Water Stewardship): I am amazed, Mr. Speaker, that this is about the tenth or eleventh question. Not one question about what the project is going to do, the bottom line here, which is improve flood protection for Manitobans. We have used the floodway since the vision of probably the last Conservative in this province that had any kind of vision, Duff Roblin. We have used it on average virtually every second year. It saved about \$8 billion. One of the reasons we have chosen the route that we have chosen in terms of the floodway, following the experience of Manitoba Hydro, we cannot afford to lose even one construction season with so much at stake. That is the real issue here, and I wish members opposite would commit to the real issue which is building the floodway itself.

Mr. Schuler: Meanwhile, back to the issue, the conflicting message coming out of the Doer government is harmful to labour relations in Manitoba and it is harming Manitoba's reputation. When will the Doer government take control of the mess created around the forced unionization of the floodway, and take the forced unionization issue off the table?

Mr. Ashton: Again, Mr. Speaker, the members opposite put on the floor of this Legislature the same kind of dated rhetoric that we have seen from them the last period of time. What we are looking at in terms of the floodway is a very similar process to what has been in place for nearly 40 years with Manitoba Hydro. We are working right now with the stakeholders. I made it very clear that Wally Fox-Decent, a very well-respected Manitoban, I think, has the confidence of the stakeholders involved with this process and that is where the details will be determined in terms of the project labour agreement in terms of the tendering issues and in terms of training and education. Let there be no doubt. They can continue with the kind of exaggerated rhetoric we are seeing. We are committed to using the best experience of Manitoba in the last 40 years and other

jurisdictions to build this floodway. That is why we have chosen this course.

Mr. Schuler: How long, Mr. Speaker, will it take the Doer government to come to its senses and end this bitter and unnecessary government-induced division between labour and business in Manitoba? Pull it off the table.

Mr. Ashton: Mr. Speaker, only those members can get up in Question Period and make various shots at various union leaders in the province and then talk about having some concern about harmony afterwards. They have no consistency whatsoever. That question has no credibility.

Red River Floodway Expansion Master Labour Agreement

Mr. Stuart Murray (Leader of the Official Opposition): All we have heard from that side is about how important this issue is and we agree with that. It is an important issue. But what they are trying to do is they are trying to hide behind the real facts. The real facts and what the public is interested in, Mr. Speaker, is let us get on with building this.

Why, Mr. Speaker, does the Minister of Water Stewardship (Mr. Ashton) one day say that forcing non-unionized workers to pay union dues is on, only to have a spokesperson from his office say, no, he is only speculating? Then we have a union leader, one of the Premier's spokespersons, coming out and talking about how important this is that non-unionized people pay union dues.

In all of this, the Premier of the province is silent. Clear up the issue. Do the right thing. Take the forcing of non-unionized companies and the forcing of people who are not part of the union to pay union dues off the table and let us get on with building the project.

Hon. Gary Doer (Premier): Mr. Speaker, the member opposite will know that many of the points that he has repeated over and over again have been answered in previous questions. In the previous session we have cited examples in Ontario; we have cited examples in the private sector; we have cited examples here in Manitoba. I would note that Cam McLean was involved, a person who I have a lot of respect for was involved in the late sixties. I would note that Wally Fox-Decent is involved today. Let us

let the experts do their job, and I expect they will do it well.

Mr. Murray: In all of these discussions, the buck stops at the Premier's door, absolutely. This issue is clearly about one of democracy and not forcing non-unionized companies to be a member of a union or forcing hardworking Manitobans who do not pay union dues to simply force them for some reason to pay union dues. Take it off the table. Let us get on with building this project.

Mr. Doer: Mr. Speaker, the member opposite thinks perhaps one minute or two minutes or a day ahead. This Government has to think one year, two years, three years, four years ahead, and that is why we are spending time and effort to get it right at the front end so we do not have disruptions two years down the road affecting the quality of life and the safety of Manitobans. We are going to get it right, and we are not going to rush to get it right. We are going to get it right with all the stakeholders.

* (14:20)

Mr. Murray: This is simply astonishing. This Doer government cannot even think from one hour to the next hour on this issue. It is clearly stated in here that the Minister of Water Stewardship stands up and says, absolutely, forced unionization is on the table. Absolutely, workers on this that do not pay union dues will have to pay union dues. Then they send out a government spinner that says that actually, just to come to think of it, the minister was only speculating. Apparently he does not know. The Premier is the person that ultimately makes the decisions for the province of Manitoba. Rather than talking about Mr. Fox-Decent, who, I think, is a wonderful Manitoban, and other people, why does not this First Minister, the Premier of the province of Manitoba—we all agree in this House that the important thing is to get on with building this floodway project. But the industry is asking for fairness and democracy. They do not want to be forced to be unionized. They do not want their workers to be forced to pay union dues. Take it off the table, Premier. Do it today and let us get on with building this floodway.

Mr. Doer: Well, I think it is important the member opposite has recognized finally that Wally Fox-Decent has a lot of knowledge, a lot of experience, a lot of credibility, and let us let the experts do their

job. I want to assure members opposite we will be utilizing engineers to do some of the engineering work. We will be utilizing people involved in training and the skills and apprenticeships to deal with the skills, the apprenticeships of training. We will be using people that are skilled in labour-management relations to deal with the labour-management relations. We, on this side of the House, want to hire credible people to do jobs. They are going to do jobs.

The member opposite talks about the word "ultimately." I have a great deal of respect for the credibility of Wally Fox-Decent. Mr. Speaker, I am glad the members opposite have finally agreed that we have the right person. Let the right person get the job done.

Quarterly Financial Report Expenditure Estimates

Hon. Jon Gerrard (River Heights): March 26, the Finance Minister's shocking third-quarter report predicted the first deficit in years. Careful reading also exposes a big credibility gap. On page 7, the minister shows actual operating expenditures at the end of the third quarter were \$95 million less than predicted in the Budget last year.

At the same time, on page 13, he provides a projection. It is when end-of-the-year operating expenditures will be \$152 million more than budgeted. In total this is a \$246-million, almost a quarter of a billion dollar, credibility gap. Either the minister plans a big spending spree in the last quarter, or he is deliberately providing a misleading high-expenditure estimate so that he can put the real—

Mr. Speaker: Order.

Hon. Greg Selinger (Minister of Finance): The answer is neither. He just does not understand the quarterly financial statement. The report after the third quarter gives actuals. The projection to the end of the year takes into account all costs, including flows of money that occur in the last quarter.

Mr. Gerrard: Mr. Speaker, the Finance Minister in essence is saying a credibility gap of almost a quarter of a billion dollars is normal. Liberals disagree. Calculation of the credibility gap in 2001 showed it was only \$36 million by the same calculations. By 2002, the Minister of Finance's credibility gap had

widened to \$108 million and this year the credibility gap is a whopping \$246 million. Trust in the Minister of Finance is evaporating as his credibility gap goes larger.

I ask the Minister of Finance why he would produce a third-quarter report with such a large credibility gap. Will his Budget on Monday also have a big credibility gap?

Mr. Selinger: Once again, the member does not understand, and it is stated actually very clearly in the press release. The biggest and the most significant change from the second- to the third-quarter report was a drop of \$140 million to \$143 million in equalization. The member should have taken that into account. If he would have taken that into account he would have understood why revenues are quite flat and actually showing a slight decline. As for Monday's Budget, it will be a balanced budget. It will be a budget for all Manitobans.

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

Mr. Gerrard: Mr. Speaker, I ask for leave to give my second supplementary question.

Mr. Speaker: Does the honourable member have leave to put his second supplementary question?

Some Honourable Members: Yes.

Mr. Speaker: Yes, or no?

An Honourable Member: No.

Mr. Speaker: Leave has been denied.

Time for Oral Questions has expired, and I have a ruling for the House. Order.

Speaker's Ruling

Mr. Speaker: Following Oral Questions on Tuesday, March 9, 2004, the honourable Member for Springfield (Mr. Schuler) rose on a matter of privilege to advise the House of comments made in the hallway by the honourable Minister of Labour and Immigration (Ms. Allan) concerning the honourable Member for Springfield.

He concluded his remarks by moving:

THAT this matter be now referred to the Committee on Legislative Affairs and be reported in this House.

The honourable Government House Leader (Mr. Mackintosh), the Official Opposition House Leader (Mr. Derkach), the Member for River East (Mrs. Mitchelson), the Deputy Government House Leader (Mr. Ashton), the Member for Minnedosa (Mrs. Rowat), the Member for Morris (Mrs. Taillieu), the Member for Inkster (Mr. Lamoureux) and the Member for Ste. Rose (Mr. Cummings) also offered advice to the Chair on this matter. 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 privileges of the House have been breached, in order to warrant putting the matter to the House.

The honourable Member for Springfield asserted that he did raise the matter at the earliest opportunity, and I do accept the word of the honourable member.

Regarding the second condition, whether sufficient evidence has been provided to demonstrate that the privileges of the House have been breached, *Beauchesne* Citation 31(1) advises that statements made outside of the House by a member may not be used as the basis for a question of privilege. Marleau and Montpetit on page 522 of *House of Commons Practice and Procedure* state that the Speaker has no authority to rule on statements made outside of the House by one member against another.

Rulings from Manitoba speakers support these findings from the procedural authorities. It has been ruled a number of times by Manitoba speakers that comments made outside the Assembly Chamber cannot form the basis for a prima facie case of privilege. Speaker Walding ruled so in 1983, while Speaker Phillips made similar rulings in 1986 and 1987. Speaker Rocan ruled six times, between 1988 and 1995, that statements made outside the House cannot form the basis of privilege while Speaker Dacquay also ruled the same way in 1995.

On the basis of commentary from the procedural authorities and from rulings of previous Manitoba

speakers, I must therefore respectfully rule that there is no prima facie case of privilege.

* * *

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, on two points. One being that—

* (14:30)

Mr. Speaker: Order. I am sorry, but a ruling of the Speaker cannot be debated.

An Honourable Member: It is not being debated.

Mr. Speaker: Order. The ruling of a Speaker cannot be debated. The only option that members have is to challenge the ruling of the Chair. That is the only option members have.

Mr. Derkach: Mr. Speaker, I certainly respect your ruling, and I understand that my only option is to challenge the ruling, but the basis on which I challenge the ruling is the fact that, first of all, the issue was not identified in your ruling. It is with that serious matter that I have to challenge your ruling.

Voice Vote

Mr. Speaker: The ruling of the Chair has been challenged. All those in support of the ruling say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the ruling say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

Formal Vote

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, Yeas and Nays.

Mr. Speaker: A recorded vote having been requested, call in the members.

The question before the House is shall the ruling of the Chair be sustained.

Division

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

Yeas

Aglugub, Allan, Altemeyer, Ashton, Bjornson, Brick, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lathlin, Lemieux, Mackintosh, Maloway, Martindale, Melnick, Mihychuk, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith, Struthers, Wowchuk.

Nays

Cummings, Derkach, Driedger, Dyck, Eichler, Goertzen, Hawranik, Lamoureux, Loewen, Maguire, Mitchelson, Murray, Penner, Reimer, Schuler, Stefanson, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 32, Nays 17.

Mr. Speaker: The ruling of the Chair has been sustained.

Point of Order

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

Mr. Derkach: Mr. Speaker, I want to put on record that the ruling as you have put it before this House is certainly one that I do not have any argument with. Your ruling, in my view, was correct.

However, Mr. Speaker, I want it also to be known that the reason we, as an opposition, asked for a vote on this motion was not to be simply obstructionist but, more importantly, this was an issue that had certain personal grievances to the member from Springfield.

Indeed, this matter could be put to rest had the Minister of Labour (Ms. Allan) just simply apologized. I think the integrity of this entire House then would be intact and would be far more appropriate in terms of dealing with future issues. This has nothing to do with personal attack on a minister in any way.

Mr. Speaker: The honourable member does not have a point of order. A point of order is to point out to the Speaker a breach of a rule. Points of order, we all know, should not be used for debating an issue. Also, I mentioned earlier just for the information of all honourable members, Speaker's rulings are not to be debated or to be reflected on. The option that members have is to challenge the ruling and we had done that. That is just information for the future for all honourable members.

* (15:20)

MEMBERS' STATEMENTS

Selkirk Steelers

Mr. Gregory Dewar (Selkirk): Mr. Speaker, I am very pleased to rise today to congratulate the Selkirk Steelers on recently winning the Manitoba Junior Hockey League Championship. The Selkirk Steelers defeated the tough Portage Terrier team 4-1 last Sunday in Portage to sweep the series four games to zero. This win ends a 17-year drought for the team and for their loyal, long-suffering fans. I might add, there are a few members in this Chamber that also supported the Steelers. The last time they won the championship was in 1987. I want to congratulate the players, the coaches, the management of not only the Steelers but of the entire Manitoba Junior Hockey League. This league has brought exciting, entertaining hockey to communities throughout the province, in fact, to many smaller communities in the province.

Mr. Speaker, we as MLAs always support our local teams, as do our communities as they compete for provincial honours. But once they achieve those honours, they now become Manitoba's team. The Selkirk Steelers are Manitoba's team. I know that all of us in this Chamber will wish them the best of luck as they pursue the national championship of junior hockey, the Royal Bank Cup.

Town of Morden

Mr. Peter Dyck (Pembina): Mr. Speaker, I rise today to recognize the success of the town of Morden. In its March issue, *Harrowsmith County Life* magazine named Morden one of Canada's top 10 rural communities. *Harrowsmith* noted a number of attractive features about Morden such as how the town has preserved its Victorian heritage in its buildings and homes, the diverse economy and the

overall quaint scenery of the town. I quote: Morden remains the quintessential rural town and a centre for local farmers. With a population of 6500, it is undoubtedly the people who make the town of Morden what it is, working hard to keep the community a wonderful place to live, work and raise a family, participate in sporting and other activities and, of course, Morden is a lovely place to visit as well. The mayor of Morden, John Wiens, was delighted to hear of Morden's national recognition and was more than pleased to have such a glowing review of the town he so proudly represents.

I would also like to take this opportunity to acknowledge two Manitoba towns that have been on *Harrowsmith's* list in previous years, Dauphin and Neepawa. There are many communities in Manitoba that deserve our recognition since rural communities are an essential component to the success of our fine province.

I am proud to represent the town of Morden in this Assembly and it is a privilege for me today to acknowledge the efforts of those people who have made Morden the wonderful place it is. On behalf of all honourable members, I would like to extend our most sincere congratulations to the town of Morden on their recognition in the *Harrowsmith Country Life* magazine. In the future, I look forward to seeing many more Manitoba towns in *Harrowsmith's* top 10 rural communities.

* (15:30)

Fort Garry Shuttle Bus

Ms. Kerri Irvin-Ross (Fort Garry): Mr. Speaker, I am pleased to announce that on March 26 the Fort Garry shuttle bus was launched as a 12-week pilot program.

Mr. Speaker, it is difficult for many seniors to get around the community and take care of their errands. Buying groceries, going shopping with friends and neighbours, or getting out of the house for a coffee or tea becomes difficult without accessible and appropriate transportation.

The purpose of the shuttle bus is to promote community development, enhance transportation, promote local businesses and create a sustainable shuttle service for seniors.

The shuttle bus picks up seniors at six different apartment blocks: Kiwanis Plaza, Rotary Villa, Armadale Hollows, Delta Manor and Adamar, Summerland and Silver View Estates.

They are dropped off at different business stops in Fort Garry, including Pembina Village Mall, the Victoria General Hospital, Markham Professional Centre, Carrie's Place, Cottage Bakery/Vic's Fruit Market and Reh-Fit Centre. The bus then loops around the designed route and picks them up an hour and a half later at the same location. The shuttle runs from 10 to 2 p.m. on Fridays.

The shuttle bus committee has outreached to seniors, businesses and/or other organizations to promote and discuss the program, but has also been able to bridge principles of community economic development as well as enhance physical and social opportunities.

I would like to thank this committee for helping to organize such a beneficial program for the community. In particular, I would like to extend a thank you for the extraordinary work from Age and Opportunity, Theresa Jachnycky, Christa Durhack and Amanda Macrae; from the South Winnipeg Centre, Pat Hodgert; and the Winnipeg Seniors Transportation Working Group, Helen Quinn. Also thank you to all of the sponsors.

Mayor Ed Anderson (Boissevain)

Mr. Larry Maguire (Arthur-Virden): It gives me great pleasure to rise in the House to congratulate His Worship Mr. Ed Anderson, the mayor of Boissevain, for his recognition by the Association of Manitoba Municipalities as an official who has made an outstanding contribution to his community.

Mr. Speaker, as the winner of the AMM's annual recognition award for elected officials indicates, Mayor Anderson has been instrumental in Boissevain's rapid transformation into a vibrant and modern community that exists today.

Mr. Speaker, the story of Ed Anderson begins shortly after he moved to Boissevain in 1979. The following year he was elected to the town council for the first time and served for nine years until he was elected mayor in the fall of 1989. Under Mayor Anderson's 14-year leadership, the town of Boissevain blossomed in more ways than one. The town's beautification program, part of the mayor's vision to market Boissevain as a tourist destination, has led to provincial, national and international

success, winning seven provincial awards, a national Communities in Bloom championship in 1999 and an international award in 2003. He has also continued on as a board member of the International Peace Gardens in the role of beautification of the region.

Projects such as the development of a new veterinary clinic in 1995, the opening of a new \$3.4-million water treatment plant in 2000 and the renovation in 2002 of the Boissevain Health Centre, including a new doctors' clinic, have largely been the result of Mayor Anderson's vision for the future of Boissevain. Mayor Anderson has indicated that this term in office will be his last and that he plans to retire when his term expires in 2006, but the citizens will await any final decision.

I am sure that all members of this House will join me in congratulating Mayor Ed Anderson for his recent recognition by the AMM as an outstanding community leader and for his 24 years of dedicated service to the community of Boissevain.

Sikhs Celebrate Vaisakhi

Mr. Kevin Lamoureux (Inkster): Today throughout the world, Sikhs will be celebrating Vaisakhi. Vaisakhi is the first month of the Sikh year and it is a time when Sikhs pay special attention to their tenth Guru Gobind Singh Ji. Guru Gobind Singh Ji was the creator of the Khalsa Panth. He is recognized as a saint. He was a soldier and a great philosopher. He spent his life professing the word of God.

I had the privilege back on July 8, 1999, to bring forward a resolution on the 300th anniversary of Khalsa. This Chamber unanimously passed it. The debate back then clearly showed how important the Sikh community is to our province and our country. Sikhism is a wonderful worldwide faith that is followed by millions and should be respected by all.

I would like to express my best wishes to those who will be celebrating Vaisakhi.

ORDERS OF THE DAY GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call second readings and then the following order: 40, 33, 35, 39, 24, 23, 31, 38, 30, 32, 36, 37, 42, 41; and then debate on second reading, 15 and 16.

SECOND READINGS

Bill 40—The Planning Amendment Act

Hon. MaryAnn Mihychuk (Minister of Intergovernmental Affairs and Trade): I move, seconded by the Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk), that Bill 40, The Planning Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Ms. Mihychuk: Mr. Speaker, the objective of the proposed amendments to The Planning Act is to get municipalities and planning districts to do a better up-front land use planning, especially for agriculture and specifically for livestock operations.

This legislation is needed because the current planning system, which has an overreliance on conditional use process, allows local planning authorities to avoid or defer setting clear policy direction with respect to livestock operation developments; and that municipalities are straying into areas of provincial jurisdiction and municipalities are using different rules to site livestock operations under The Municipal Act and The Planning Act.

It is urgent because this situation has created a confusing regulatory environment for producers and the public. This, in turn, is creating significant community discord in many parts of the province.

There are five components to the proposed amendment to The Planning Act and livestock operations:

Number 1, Mr. Speaker, mandatory planning. All municipalities will be required, for the first time, to adopt a development plan and zoning by-laws as provided for under this act.

Number 2, the livestock operation policy will be required in the development plan identifying where livestock operations may be considered, restricted or prohibited.

Number 3, a standard municipal review process for livestock operations to replace the conditional use process under The Planning Act and the general by-law of making powers under The Municipal Act.

Number 4, the revised provincial land use policy regulation will be adopted to provide guidance to local planning authorities when developing a live-stock operation policy and adopting a zoning by-law. The revised provincial land use policy regulation will include criteria and minimum set-back and separation distances for livestock operations based on the existing farm practices guidelines.

Number 5, clarify the roles and responsibilities between the Province and municipalities with respect to environmental regulation.

In July of 2002, the Province announced its intention to introduce legislative amendments to improve local land-use decision making. This was done—

* (15:40)

Point of Order

Mr. Speaker: Order. The honourable Member for Ste. Rose, on a point of order.

Mr. Glen Cummings (Ste. Rose): Yes, Mr. Speaker. Not to be obstructionist, but this is a very important piece of legislation to those of us on this side of the House, and we are having difficulty hearing the minister.

Mr. Speaker: On the point of order raised by the honourable Member for Ste. Rose, it is not a point of order, but I sure have to agree with him because it is getting very, very difficult to hear. Any members that wish to have a conversation, please use the loges or have your conversation out in the hallway. I ask the co-operation of all honourable members.

Ms. Mihychuk: Thank you, Mr. Speaker. As I was saying, in July of 2002, the Province announced its intention to introduce legislative amendments to improve local land use decision-making. This was done after consultation with AMM and KAP. Feedback was subsequently received by key stakeholders and the public. The amendments also address a number of issues that have been raised in consultations, that municipalities will have reasonable time frames within which to adopt a development plan and livestock operations policy, that the threshold for public notice, public hearing and technical review

committee report has been lowered to 300 animal units from the previous 400 AUs under the conditional use process.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Notice to property owners in adjacent municipalities has been enhanced to increase the distance for notice and to ensure that property owners receive notice even if they are in adjacent municipalities, and municipalities will continue to have the final say on a livestock operation, that there will not be an appeal of a council decision.

In conclusion, I believe that we have developed a legislative proposal that fairly balances the interests of the Province, municipalities, producers and the public. It recognizes the important role of municipalities in the livestock decision-making process at both policy and project levels. It recognizes that the protection of the environment is important to the sustainability of our communities. These interests are protected through both the local planning process and by Manitoba Conservation.

It recognizes that the public has an important say in the policy decision on where livestock operations will be allowed and the standards that are to apply in siting such operations. This matter has been debated and discussed for over three years beginning with the livestock review panel in the year 2000. We have consulted extensively, and the time has come to move forward. Adopting this bill will better ensure up-front planning for livestock at the community level and provide local municipalities a greater say in siting and setting livestock development policy and standards for siting such facilities. I encourage all members of this House to endorse the bill. Thank you.

Mr. Larry Maguire (Arthur-Virden): I move, seconded by the member from Emerson, that debate be adjourned.

Motion agreed to.

**Bill 33—The Public Servants Insurance
Amendment Act**

Hon. Greg Selinger (Minister of Finance): Mr. Deputy Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 33, The Public Servants Insurance Amendment Act; Loi modifiant la Loi sur l'assurance des employés du gouvernement, be now read a second time and be referred to a committee of this House.

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

Motion presented.

Mr. Selinger: Mr. Speaker, The Public Servants Insurance Amendment Act expands the classes of employees who may participate in the group life insurance plan under The Public Servants Insurance Act. This act provides the establishment of the Public Service Group Insurance Fund which is administered by the Civil Service Superannuation Board. This fund, the PSGIF for short, includes three plans to provide life insurance, accidental death and disablement insurance, and dependants' insurance for eligible employees and retired employees and their eligible dependants of the Government of Manitoba and most Crown corporations, boards and agencies. Currently, there are approximately 31 000 members of the public service group insurance plan. At present, employees who are members of this plan must also be members of the Civil Service Superannuation Plan.

The changes to the act incorporated in this bill will enable the Lieutenant-Governor-in-Council to expand the classes of employees who may participate in the group life insurance plan and to designate employees who are not Civil Service Superannuation Plan members as members of the group insurance plan.

Mr. Peter Dyck (Pembina): I move, seconded by the honourable Member for Emerson (Mr. Penner), that we adjourn debate.

Mr. Deputy Speaker: It has been moved by the honourable Member for Pembina, seconded by the honourable Member for Emerson, that debate on Bill 33 be now adjourned. Agreed? [*Agreed*]

Bill 35—The Credit Unions and Caisses Populaires Amendment Act

* (15:50)

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Water Stewardship (Mr. Ashton), that Bill 35, The Credit Unions and Caisses Populaires Amendment Act; Loi modifiant la Loi sur les caisses populaires et les credit unions, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Selinger: The Credit Unions and Caisses Populaires Amendment Act will be amended to facilitate credit unions carrying on business, streamline administrative requirements, provide greater protection to consumers and depositors, clarify some sections and correct typographical errors.

Of the proposed amendments, the more substantive include: Individual credit unions or caisses populaires will now decide through their own by-laws whether to deal with associates without involving the central. The guaranteed corporations can be more effective regulators with the ability to issue binding directives to credit unions or caisses populaires. This will provide the guaranteed corporation with an additional intervention tool to effect change. The act will restrict tied selling of products. This restriction is common in financial-services-sector legislation in order to prevent undue pressure or coercion of customers to purchase unwanted products.

Credit unions and caisses populaires will be able to pass by-laws to authorize new voting methods utilizing current technologies such as electronic voting. Fundamental changes such as changes to articles, extraordinary sale of assets or amalgamations will continue to require in-person voting at a meeting.

Credit unions and caisses populaires will be able to buy loans from one another. A loan syndication may be shared between credit unions and caisses populaires. Currently, credit unions and caisses populaires cannot interact on credit.

Credit unions and caisses populaires will be given expanded power to issue securities to the public, subject to the provisions of The Securities Act. Currently, credit unions and caisses populaires can only issue securities to members.

Directors' qualifications will be expanded to allow immigrants and some non-Manitoba resident members to serve on boards. Non-Manitoba resident directors must be residents of Canada and will be limited to 25 percent of the board. The approval process for a credit union whose assets are 90 percent or more in an amalgamation will be simplified so that membership approval will not be required. Membership approval will still be required for smaller credit unions involved in an amalgamation.

In addition, there are a number of administrative amendments to assist credit unions and caisses populaires to streamline their operations and become more competitive.

Examples of these administrative amendments include changing the legal name of Co-operative Credit Society of Manitoba Limited to Credit Union Central of Manitoba, CUCM, credit unions and caisses populaires will be able to use CU, CP or caisses when referring to themselves, and the registered office containing articles, by-laws and other key business information may be located anywhere in Manitoba.

Mr. Deputy Speaker, with these brief comments, I am pleased to recommend this bill for consideration.

Mr. Peter Dyck (Pembina): I move, seconded by the honourable Member for Lac du Bonnet (Mr. Hawranik), that we adjourn debate.

Motion agreed to.

Bill 39—The Residential Tenancies Amendment Act

Hon. Greg Selinger (Minister of Finance): Mr. Deputy Speaker, I move, seconded by the Minister of Energy, Science and Technology (Mr. Sale), that Bill 39, The Residential Tenancies Amendment Act; Loi modifiant la Loi sur la location à usage d'habitation, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Selinger: The proposed amendments to Bill 39, The Residential Tenancies Amendment Act, will

resolve several issues that have arisen in the administration of the act. The definition of "landlord" will be clarified to ensure that mortgagees do not bypass the Residential Tenancies Branch and proceed to court to evict a tenant when the mortgagor defaults.

Amendments will also allow owners of mobile home parks to collect the property taxes on the mobile home from the homeowner in addition to rent, and clarify that those taxes are not part of rent. Mr. Deputy Speaker, the director of Residential Tenancies will be able to include conditions in an order prohibiting a utility company from stopping or interfering with the supply of the utility to a residential complex occupied by the tenants.

Mr. Deputy Speaker, many of the amendments will clarify provisions of the act or streamline the operation of the Residential Tenancies Branch and Residential Tenancies Commission. The ability of tenants to terminate their tenancies if they can no longer live independently because of health concerns will be clarified.

Amendments will clarify where a landlord or a tenant do not have to give a notice to the other to remedy a problem before giving notice of termination of the tenancy. The process relating to tenants' abandoned personal property will be streamlined, and amendments have been included to make it clear that orders and reasons of the director and the Residential Tenancies Commission are available to the public.

The proposed changes will result in clearer legislation and more efficient administration of The Residential Tenancies Act to the benefit of both landlords and tenants.

Mr. Deputy Speaker, with these comments, I am pleased to recommend this bill for consideration.

Mr. Peter Dyck (Pembina): Mr. Deputy Speaker, I move, seconded by the honourable Member for Lac du Bonnet (Mr. Hawranik), that we adjourn debate.

Motion agreed to.

Bill 24—The Travel Manitoba Act

Hon. Eric Robinson (Minister of Culture, Heritage and Tourism): I move, seconded by the

Minister of Transportation and Government Services (Mr. Lemieux), that Bill 24, The Travel Manitoba Act, be now read a second time and be referred to a committee of this House.

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

Mr. Deputy Speaker: It has been moved by the honourable Minister of Culture, Heritage and Tourism, seconded by the honourable Minister of Transportation and Government Services, that Bill 24, The Manitoba Travel Act; Loi sur la Société Voyage Manitoba, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

Mr. Robinson: Mr. Deputy Speaker, I am very honoured and pleased to be introducing this bill, The Travel Manitoba Act, for second reading. I look forward to the committee hearings which will consider the bill in detail on a clause-by-clause basis. This legislation has been developed to fulfil a commitment outlined in the Speech from the Throne, a commitment that our Government will establish a stand-alone tourism agency.

Travel Manitoba will provide greater agility in responding to shifting tourism market conditions, facilitate private-sector investment and input which will foster continued growth in Manitoba's tourism sector. At the same time, I should describe that Travel Manitoba will be similar in operation to the Manitoba Film and Sound organization. Both function as arm's-length agencies of government and will build on current public-private successes while striving for significant opportunities and identify potential markets.

Manitoba Film and Sound was once within the department and has evolved to an external agency for reasons of increased flexibility and industry representation on a board. The Ministerial Advisory Council on Tourism also recommended that the agency be represented by various clusters in a tourism industry such as accommodations, transportation, restaurants, festivals, natural and cultural events through the establishment of the board of directors. Eighty-five percent of the representatives will be from the tourism business and services industry. It will also oversee tourism marketing,

visitor information services, product development, research and public awareness of tourism.

I would like to emphasize that before this agency begins operation, a business plan will be developed with significant input from industry representatives, and we anticipate that the new agency will be established by the spring of next year.

I look forward to the successes of this private-public partnership that I am sure it will enjoy in the years ahead. Thank you, Mr. Deputy Speaker.

Mr. Peter Dyck (Pembina): Mr. Deputy Speaker, I move, seconded by the honourable Member for Ste. Rose (Mr. Cummings), that we adjourn debate.

Motion agreed to.

Bill 23—The Red River Floodway Act

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Deputy Speaker, I move, seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 23, The Red River Floodway Act, be now read a second time and be referred to a committee of this House.

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

Motion presented.

Mr. Ashton: Mr. Deputy Speaker, since 1997, compensation for artificial flooding has been a major concern in the Red River Valley. It was often raised during the International Joint Commission Task Force May 2000 public hearings, and was frequently raised during the Clean Environment Commission during 2002 hearings on flood protection options.

Mr. Deputy Speaker, although Red River Valley residents generally accept the need to protect Winnipeg, they believe strongly that those who suffer loss or damage as a result of floodway operation should be fairly compensated, and after the CC's extensive consultations our Government

announced its commitment to modernize the Red River Floodway.

Over the past year, the Premier, the Prime Minister announced more than \$240 million to begin work on the floodway expansion, represented the largest federal-provincial infrastructure investment in Manitoba since the floodway's original construction.

The City of Winnipeg is also committed to improving and upgrading municipal flood protection as part of this very important initiative, and this will fulfil the IJC's, that is the International Joint Commission's recommendations to safeguard the capital region from future flood devastation. We have indicated very clearly that rural Manitoba residents have not been left out.

Mr. Deputy Speaker, since 1997, with our partners the federal government, we have spent \$130 million on flood protection; \$120 million of this, more than 92 percent, was invested for flood protection in the Red River Valley.

* (16:00)

This includes 20 communities, 1760 rural homes and businesses, and there are community ring dyke projects that have been put in place to protect residents of Aubigny, Dominion City, Emerson, Grand Pointe, Gretna, Lowe Farm, Niverville, Riverside, Roseau River, Rosenfeld, Rosenort, Ste. Agathe, St. Lazare, St. Mary's Road and St. Pierre-Jolys. Existing ring dykes for the communities of Brunkild, Letellier, Morris, St. Adolphe and St. Jean are also upgraded to within 100-year floods of magnitude of 1997. Our flood protection commitment is both to the Red River Valley and to the citizens of the city of Winnipeg.

This legislation is important, Mr. Deputy Speaker, because we feel it is important to recognize that there will be rare circumstances in which the floodway operation will impact on people in terms of flooding above natural levels. This should only occur during extreme spring floods when the floodway can no longer both protect Winnipeg and maintain the Red River's natural upstream level. With the floodway's current capacity, a flood of this magnitude would happen once in 90 years. With the extended capacity, we are now looking at a much more significant protection. In the event that an

extreme spring flood of this nature does occur, those affected by artificial flooding will be compensated by this new legislation.

Mr. Deputy Speaker, what this legislation does is bring in compensation, as I have indicated, for artificial flooding. Loss or damage must result from the spring flooding which would not have occurred in the absence of the floodway and related infrastructure. It covers damage in the Red River Valley, both north and south of Winnipeg. It deals with the specific issue of artificial flooding and flooding caused by the summer floodway operation, which is both more frequent and more limited in its extent and impact. Summer flooding compensation can be arranged with each affected landowner and can be dealt with more expeditiously outside the legislative framework.

Similarly, flooding caused by provincial water control infrastructure outside the Red River is not included in this legislation. Compensation will likewise be addressed on a case-by-case basis. Flooding due to natural causes is not covered by legislation. This is covered through the Disaster Financial Assistance program.

I think it is important to note and number the basic principles. All persons who have experienced artificial flooding are eligible to claim compensation, including individuals, farms, businesses, non-profit organizations and local authorities. Successful claimants will be compensated for both property damage and economic loss caused by artificial flooding with no claim ceiling and no deductible. Claims will be assessed based on claimant's proof of loss rather than proof of repair or replacement. This will help make the claim process an expedited one. Claimants will not have to repair or replace the damage property before making that claim, which will result in a much more efficient system for potential claimants.

The Emergency Measures Organization will administer the proposed program, which will supplement compensation from other programs under the various different areas, including DFA, Disaster Financial Assistance. Because it also administers DFA, EMO is uniquely positioned to offer integrated one-stop procedure for flood compensation and, subject to the approval of federal DFA officials, this process should be seamless, and that is a very important part of this.

To further avoid duplication, the existing Disaster Assistance Appeal Board will provide an independent, non-judicial review of disputed claims in a timely and cost-effective manner, and the board's composition structure will be modified to allow it to accommodate a higher volume of appeals in the event of artificial flooding caused by the floodway operation during the extreme spring flood.

The claims and appeal procedures will take the place of court action. As well, Mr. Deputy Speaker, this is extended in terms of legislation prohibiting legal actions to prevent the Government from operating the floodway during extreme spring flood. The Government believes the proposed legislation will address Red River Valley residents' legitimate concerns and security needs in regards to artificial flooding so we can proceed for what is a very important project.

Mr. Deputy Speaker, I recommend this bill to members of the Legislature. I think it shows again that our commitment to expanding the floodway, which is going to be one of the most important construction projects of this decade, is in not only providing additional flood proofing for the citizens of the city of Winnipeg, recognizing the original floodway which has protected Winnipeg against upwards of \$8-billion worth of damage, but we are not only going to increase that protection for the city of Winnipeg, we are actually providing some benefits in the valley itself in terms of improved flood protection. We are making a commitment here to respond to the many legitimate concerns expressed by residents of the Red River Valley in terms of artificial flooding. Artificial flooding through this legislation will be covered in terms of compensation.

Mr. Peter Dyck (Pembina): I move, seconded by the honourable Member for Lac du Bonnet (Mr. Hawranik), that we adjourn debate.

Motion agreed to.

Bill 31—The Floodway Authority Act

Hon. Steve Ashton (Minister of Water Stewardship): I move, seconded by the Minister of Labour and Immigration (Ms. Allan), that The Floodway Authority Act be now read a second time and be referred to a committee of this House.

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

Mr. Deputy Speaker: It has been moved by the honourable Minister responsible for Water Stewardship (Mr. Ashton), seconded by the honourable Minister responsible for Labour and Immigration, that Bill 31, The Floodway Authority Act; Loi sur la Commission du canal de dérivation, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and the message has been tabled.

Mr. Ashton: I am very pleased to rise on this bill which establishes the floodway authority as a Crown agency, and in fact the floodway authority will be responsible for expanding the capacity of the Red River Floodway and enhancing the benefits the floodway provides to Manitobans. It also makes consequential amendments to The Water Resources Administration Act.

There are a couple of points I want to raise, Mr. Deputy Speaker, in discussion on this particular bill which I think are very important.

First of all, the importance of this particular bill; it provides a very important element of our plan to greatly improve flood protection for the city of Winnipeg, as I indicated in the previous bill that I introduced which dealt with compensation for artificial flooding. We have made a very significant commitment as a province; we have made a significant commitment to improve flood protection in the Red River Valley.

Mr. Deputy Speaker, there has already been a very significant investment as part of the federal-provincial Flood Proofing Program, and I want to put on the record that that is something that, I think, has provided very significant enhanced protection for many residents of the Red River Valley. In fact, if you look at it, the fact that we have had \$130 million of flood protection and that \$120 million of this has been invested to protect the residents of the Red River Valley certainly speaks of our commitment to flood protection in the Red River Valley.

This particular project, Mr. Deputy Speaker, is going to be very challenging. We are now proceeding to the project design and environmental

assessment stage. We are anticipating going for environmental approvals fairly soon and, depending on those approvals, the construction of the project could be underway as early as next year.

What this legislation does is it moves us from the current situation in which we have an interim authority in place. We will establish, as a matter of legislation, the floodway, and it will be specifically responsible for the expanding of the capacity of the Red River Floodway.

I want to stress, Mr. Deputy Speaker, how much of a challenge this is. I know that we will have the opportunity in other parts of this session, in other time periods, to discuss other issues related to the Red River Floodway. But this is going to be certainly one of the most ambitious projects, certainly the most ambitious infrastructure project. We already have a \$240-million commitment that has ensured that this is a high priority project on the infrastructure side, but I want to stress again that the floodway authority will play a key role in the building of the authority, the design of the authority and also ensuring benefits to Manitobans.

I will not get into details, Mr. Deputy Speaker, in terms of the specific structure. I think the bill is fairly self-explanatory. I could indicate that the key distinction will continue in the sense that the Department of Water Stewardship will continue to be responsible for the actual operation of the floodway. I think that is important. It allows the floodway authority to focus in on the very challenging job ahead.

I also want to stress again the fact that this is part of our package. I introduced other legislation just a few minutes ago which dealt with the compensation concerns.

* (16:10)

But, clearly, we felt it was appropriate when we were engaged with constructing such an ambitious project, Mr. Deputy Speaker, to establish a structure or Crown agency that, in this case, will be able to develop the capacity and work with the private sector in terms of the actual delivery of the project; work with many other stakeholders, certainly in terms of training and education opportunities, business opportunities.

I want to stress, Mr. Deputy Speaker, the challenge is a great opportunity. We, in particular, are going to have challenges with the lack of trained staff, skilled operators, semi-skilled operators in this province relative to the size of this project. We have begun a process that we hope will be, I think, building on some of the experience that we have had with Limestone and various hydro-related projects, particularly pointing to some great opportunities here in working with our Aboriginal communities in terms of training. There are some great opportunities, I believe, in terms of involving more women in these kinds of trades, and certainly they are stakeholders as well, and other equity groups and Manitobans generally.

I think we also have a great opportunity here to develop a continent-wide construction capability, because this is part of this Government's agenda that includes not only the floodway expansion but also the proposed Wuskwatim dam, which is a very significant project and certainly in conjunction with many of the other kinds of projects we are seeing in this province, the fine work of the Department of Transportation and Government Services ongoing commitment to Manitoba roads. I think we are going to see over the next period of time a real challenge but a real opportunity.

Mr. Deputy Speaker, it is the same thing on the business side. I hope when we do discuss this bill that there is consideration of the fact that this is going to be a great opportunity. Clearly, we are committed to the tendering process but obviously through that tendering process we see some real significant opportunities for Manitobans. I think that is important to put on the record.

But at all times we have to recognize one thing. That is one of the reasons why setting up this agency is so important. Obviously, we did not have the capacity within government. We have had to go this route in terms of capacity. But we also do not, I think, have the luxury of looking at any significant delays. The exposure as identified by the International Joint Commission in 1997 each year in terms of not having expanded floodway coverage is going to be in the range of \$75 million dollars or more in a given year. So every year, every year that we do not have that expansion in place, that is the kind of exposure that we have. That is why it is so important to have this project built in an efficient manner and without disruption.

I also want to stress that not only that, it is important to note that the floodway also expands its capacity each and every year that work is done. When any of the earth moving takes place that year after year after year expands the design capacity of the floodway. So, Mr. Deputy Speaker, that means that we do not have to wait until the end of the project to get marginal significant increased and enhanced floodway operation in any given year.

That is why I recommend this bill to the House. I also want to note, by the way, that the floodway authority is already in this interim forum up and running and is involved with many consultations, particularly throughout rural Manitoba. I commend them for the work they are doing because I think this is a very exciting project. I think it is a forward-thinking project. I am proud that our Government is part of it and I am particularly proud today to be introducing The Floodway Authority Act.

Mr. Peter Dyck (Pembina): Mr. Deputy Speaker, I move, seconded by the honourable Member for Emerson (Mr. Penner), that we adjourn debate.

Motion agreed to.

Bill 38—The Fisheries Amendment Act

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Deputy Speaker, I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Lathlin), that Bill 38, The Fisheries Amendment Act, be now read a second time and referred to a committee of this House.

Mr. Deputy Speaker: It has been moved by the honourable Minister responsible for Water Stewardship, seconded by the honourable Minister for Aboriginal and Northern Affairs, that Bill 38, The Fisheries Amendment Act; Loi modifiant la Loi sur la pêche, be now read a second time and be referred to a committee of this House.

Mr. Ashton: In keeping with the broad mandate of the new Department of Water Stewardship, the first, the only full-fledged department responsible for water-related issues in this country and, probably, in North America, I am very pleased today to be speaking on an act that we feel is very important, as a government, because it takes some very significant steps to protect our fisheries.

I want to note, Mr. Deputy Speaker, first of all that the act is very important because of the importance of fisheries here in Manitoba. I think anyone from areas of this province that have a commercial fishery will know how significant that is. I represent a number of communities where there is active commercial fishing in my own constituency. But certainly commercial fishing is a very important part of this province's economy and, I might add, so are sport and recreational fishing. We can claim to have some of the best lakes in Canada and, of course, we are well-known as a country in terms of our lakes, in terms of our fisheries.

Mr. Deputy Speaker, certainly, there are many world-renowned lodges in this province, but there are many other areas which Manitobans in increasing numbers every year are taking advantage of. I note, for example, the growth of fly-fishing in the Parklands and Westman, certainly with FLIPPR, which I think is one of the most interesting organizations in terms of its name. It is nothing to do with dolphins; they told me that. It is very much to do with fly-fishing, that they have held world-class events in our province, and I want to stress that the diversity of our fisheries is really quite remarkable. You can even catch Arctic char in Churchill. So we are well known in that area.

But, you know, Mr. Deputy Speaker, at the same time we face the tremendous opportunities from our fishing side, I want to stress that our fisheries can very easily be at threat and at risk. We have taken a very clear line, a very clear position on fisheries, and that is that we will not tolerate illegal fishing in this province. I want to stress that is illegal fishing of any kind: illegal commercial, illegal sport fishing, illegal fishing of any kind because there is just too much at stake.

I think anyone that has seen some of the situations where lakes have been under stress in terms of fish populations will understand it is a lot more difficult to bring back fish populations once fish have been removed from the lake over and above the kind of balance that we put in place, through our licensing provisions and through our recognition of the various rights that people have in terms of fisheries.

That is one of the reasons why I am particularly pleased that we are introducing a new fine that will increase the current fine, the general provisions from

\$10,000 to \$100,000. This is important. It is a necessary amendment because in many cases the commercial value of illegally caught fish often exceeds the present maximum fine of \$10,000. I want to stress, by the way, that obviously this is a maximum penalty and it is not intended to be used in more minor cases. But we will take a very clear line in terms of that.

Currently, there are no legislative powers under The Fisheries Act making it an offence to damage or destroy equipment being used by fishers. I want to note, Mr. Deputy Speaker, that this act also uses the term "fishers" in clear recognition, non-sexist language, and recognizes that there are definitely fishers out there of both genders. I think it is quite appropriate that we are doing that. So, when I use the term "fishers," it is, I think, a very important symbolic statement.

* (16:20)

I want to put on the record that this is important, because we have seen cases in the last number of years where fishing equipment has been deliberately damaged or destroyed, legal fishing equipment has been damaged or destroyed, and I want to stress, again, legal or otherwise, we do not accept people making these kinds of moves, taking the law into their own hands, if you like. This is also important because we do have many fishers out there that rely on fishing equipment for their livelihood, for sustenance, for sports fishing. We will not accept that.

A further amendment to the act makes it illegal for anyone other than an officer authorized under the act to remove, damage or interfere with any net or fishing gear set out by another person. Again, we have natural resource officers in this province. That is their job and they do a tremendous job. We have the enforcement capabilities and I want to stress that through this act, again, we want to make it very clear that we are backing up our natural resources officers. We are giving them the tools to do the job and we are making it very clear that this kind of behaviour is not acceptable.

The act also only provides for seizure under a warrant. I think that is important. This allows resource officers to seize evidence and equipment where, in the scope of their duties, they discover an offence being committed consistent with this or any

other provincial legislation, or the Fisheries Act of Canada. This is important. It supplements the existing seizure powers under warrant. We want to give our resource officers the tools to do the job. Now, without such a provision, resource officers seize evidence when they observe an offence such as fishing without a licence or using illegal gear or illegal sale and transportation of fish, unless they first obtain a warrant. In addition, differing federal and provincial seizure provisions, both of which are forced by Manitoba resource officers, can often create confusing situations in terms of investigations.

An additional amendment in the act will clarify the authority and allow Manitoba to better exercise its constitutional authority over allocation of Crown property by regulating intraprovincial movements and transactions involving commercially caught fish. This will help ensure the allocation of Manitoba's fisheries is in accordance with provincial authorities.

Now, the regulation-making authority will also allow the Province to regulate fish buyers and sellers and license certain components of the commercial fishing industry that take place in Manitoba. Specifically, this will include those who purchase and sell fish other than directly from a commercial freshwater fish marketing corporation or the private consumer. This would include door-to-door fish sellers, contract fish purchasing agents, the FFMC and fish retail outlets. This would include the purchase and sale of listed fish species originating from other jurisdictions.

Given the complexity of possible fish movements and transactions, we think this is important. I want to stress why. Clearly, we have to define acceptable sources of fish sold for consumption. We have to ensure that fish are packaged in a way that can be easily verified as coming from an appropriate source. We have to ensure that appropriate reporting and documentation occur. That is important, Mr. Deputy Speaker, because we have to make sure that there is integrity in the sale of commercially sold fish in this province that is, in fact, properly and legally caught.

Further amendments to the act will repeal provisions that are no longer used. There are a number of minor administrative amendments. I want to stress, again, that we are taking a very tough line on our fisheries. We are working very closely with all stakeholders in this province and, doing that,

whether they be sports and recreational fishers, commercial fishers, lodge operators, First Nations, Aboriginal people, generally, we are committed to doing that.

I want to particularly commend the work that was done by the seconder of this bill, the former Conservation Minister, I guess, now, but the previous Fisheries Minister who, certainly, has established some very important models that point the way to co-operative approaches. I look at what has been put in place in Lake Dauphin and Lake of the Prairies and the co-operative work there with people from that area, including First Nations. I think that type of a co-operative approach is important.

I want to stress that what we are also doing now is in addition to all the co-operative efforts that we are dealing with throughout the province, the fine work being done by the Fisheries Enhancement Initiative, the excellent work being done by so many community based fishing groups in communities. We are stating very clearly that we will not tolerate illegal fishing of any kind. This act makes sure that we give more tools to our resource offices to do the job, the important job of protecting our fisheries' resources for generations to come.

Thank you, Mr. Deputy Speaker.

Mr. Peter Dyck (Pembina): I move, seconded by the honourable Member for Lakeside (Mr. Eichler), that we adjourn debate.

Motion agreed to.

Bill 30—The Safe Schools Charter (Various Acts Amended)

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): I move, seconded by the Minister responsible for Child and Family Services, that Bill 30, The Safe Schools Charter (Various Acts Amended); Charte de la sécurité dans les écoles (modification de diverses dispositions législatives), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Bjornson: Mr. Deputy Speaker, I want to talk about some important steps our Government is taking with Bill 30 toward ensuring Manitoba

schools are safe, caring, learning environments for students. I want to take note that schools in our province are generally safe, but our work on safe schools would ensure consistency and common core standards across the province.

Schools are more than just institutions of learning. They are the context in which our children spend the most important parts of their formative lives and they play a very important social role in all of our communities. We need to take every effort to ensure that our schools are safe places for learning. When a family sees a child off to school they expect that child to spend the day learning, growing and building a stronger future.

Since 1999, our Government has worked to implement a number of programs to provide safe and interactive youth programs including Lighthouses. Last year there were 8000 visits from mostly at-risk students to Lighthouses. We have committed to having a total of 40 Lighthouses in the province over our mandate.

Our Government has made other improvements in safety for our children including the introduction of the first cyber tip line in Canada to protect children online. We also successfully lobbied the federal government to add Internet luring to the Criminal Code. The result of Cybertip.ca to date: 555 reports received, 130 Web sites shut down and 7 arrests.

We have also been moving forward with a new system for classifying movies and videos. Last week Minister Robinson announced that our Government is prepared to introduce legislation to address the regulation of video games.

The police in schools initiative with police, the Winnipeg School Board, and parents for police officers in 15 north Winnipeg schools. The result: less bullying, less conflict. It is bringing cops and kids together. In March, 2001, the Premier (Mr. Doer) announced a partnership initiative between the departments of Justice and Education to establish the Manitoba Safe Schools Council. The name of this council was later changed to Safe Schools Manitoba, and in January of 2002 Dr. Mary Hall began working as the director. Safe Schools Manitoba is a partnership of organizations committed to working together to enhance the safety of schools across the province. Partners in the initiative include Manitoba

Education, Citizenship and Youth, Manitoba Justice, the Community Mobilization Program of the National Crime Prevention Centre and the Royal Canadian Mounted Police.

The work of Safe Schools Manitoba has been incredibly well received. I have recently received a number of letters from schools praising the work of Safe Schools Manitoba. One of them reads, and I quote: "Safe Schools Manitoba has been very active in encouraging divisions, student councils, parent councils and other school groups to partner to conquer the fears of our youth so that learning is first and foremost in the minds of our children. Teachers that teach in a safe school atmosphere realize how important it is to keep up with the information that is provided by Safe Schools Manitoba."

Another letter specifically addresses youth involvement in Safe Schools and it reads: "We have leadership students who serve on a school-based Safe Schools committee and provide excellent insight into the safety concerns that we face in our community. We have involved students in planning, implementation and educating of their fears and topics such as bullying, Internet safety, substance abuse, vandalism and reporting on safe situations."

Mr. Deputy Speaker, I am pleased with the proposed changes to The Public Schools Act and The Education Administration Act in Bill 30. Teachers and administrators, as well as students, need to be in a safe, caring environment that fosters and maintains respectful and responsible behaviours. Under the approach we are taking, principals would work with advisory groups to develop codes of conduct for people and staff. They are to prepare emergency response plans for their schools, and review the information on a regular basis to ensure it is current.

Over the past year, the provincial government has worked with education stakeholders to address issues such as bullying and other types of abuse in our schools. Our Safe Schools charter would require that every school develop a code of conduct. The code of conduct must include a statement that pupils comply with the rules of the school and conduct themselves in a respectful manner. Mr. Deputy Speaker, the code must also include a statement that it is unacceptable to bully or abuse physically, sexually or psychologically any person; to discriminate on the basis of any characteristic set out in subsection 9(2) of the Human Rights Code, including

race, culture, religion, gender, language, disability, sexual orientation or other attribute; to damage school property or the property of others; to use, possess or be under the influence of alcohol or illicit drugs at school.

Two additional elements which schools must incorporate into individual codes are statements indicating that gang involvement and possessing a weapon will not be tolerated on school sites and the disciplinary consequences of violating the code of conduct and the process for appealing disciplinary decisions be included.

* (16:30)

With regard to technology in the schools, the code of conduct must include a statement that pupils and staff must adhere to school policies respecting appropriate use of electronic mail and the Internet, including the prohibition of accessing, uploading, downloading or distributing material that the school has determined to be objectionable.

Mr. Deputy Speaker, our Safe Schools Charter will require that the school's emergency response plans include topics such as controlling access of visitors to the schools; school communications during an emergency, including contacting parents or guardians; responding to a threat by a person having a weapon on the school site; dealing with bomb threats, fires, chemical spills and weather-related emergencies; and evacuating school buildings and carrying out practice drills.

What we envision is a process that would allow for stakeholder involvement in developing the regulations to support the charter generally and considerable local input into the development of codes of conduct in emergency response plans.

I would like to thank the Safe Schools focus group, which included stakeholders from the education community and the broader community. This focus group met with my predecessor and myself and provided us with the sense and the breadth of the issues and feedback on what should be done to make schools safer.

We asked specifically for student input on the issue of safe schools. I would like to thank Patrick Lambert and Christopher Rondeau, Glenlawn Collegiate, for their input to date through their involvement with the focus group.

Our Government is committed to education. Bill 30 will help us ensure that our schools are safe places for learning. Thank you, Mr. Deputy Speaker.

Mr. Peter Dyck (Pembina): I move, seconded by the honourable Member for Lac du Bonnet (Mr. Hawranik), that we adjourn debate.

Motion agreed to.

Bill 32—The Provincial Railways Amendment Act

Hon. Ron Lemieux (Minister of Transportation and Government Services): Mr. Deputy Speaker, I am pleased to move, seconded by the Minister of Labour and Immigration (Ms. Allan), that Bill 32, The Provincial Railways Amendment Act; Loi modifiant la Loi sur les chemins de fer provinciaux, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Lemieux: Mr. Deputy Speaker, I am pleased to speak to my honourable colleagues today regarding amendments my department is introducing under The Provincial Railways Amendment Act.

The amendments address a gap in the current legislation with respect to the responsibility for costs associated with maintenance and safety improvements to rail crossing protections, such as flashing signals and crossing arms. Historically, the costs associated with maintenance and improvement of all rail crossings have been funded by the federal government, as the railways operated under the federal jurisdiction.

Mr. Deputy Speaker, with the transfer of many of these lines to provincial railways, the federal government is absolved of any financial responsibility for maintenance and improvement of rail crossings on those lines. The short-line railways are billing the department for signal maintenance costs on the basis of cost appropriation orders in place

with the federal railway at the time of the rail transfer. They are, however, refusing to share the cost for capital and maintenance and new crossing protection. The department to date has had to absorb these costs. The new legislation will provide authority for the Minister of Transportation and Government Services to appropriate costs related to maintenance and safety improvements to short-line railway crossings.

Cost appropriation formulas will be established in regulation made under the authority of the Lieutenant-Governor-in-Council. Different formulas are required to address routine maintenance costs, capital costs, renewed protection infrastructure and to recognize historical arrangements. The minister can then make orders giving effect to the applicable cost-appropriation formula for specified crossings. In most cases the costs will be shared between the department, the traffic authority, such as a municipality, and the short-line railway on the basis of the same formula that is used to proportion costs at federal rail crossings.

In closing, the proposed legislation will address a gap in The Provincial Railways Act regarding responsibility for costs associated with rail crossing maintenance and safety improvements. This will ensure that all responsible authorities, the short-line railway, the municipality, and the province share in the safety of highway and railway crossings. I look forward to discussing the details of this bill with my colleagues at law amendments committee. Thank you.

Mr. Larry Maguire (Arthur-Virden): Mr. Deputy Speaker, I move, seconded by the Member for Carman (Mr. Rocan), that we move the adjournment of this bill.

Motion agreed to.

Bill 36-The Highway Traffic Amendment Act

Hon. Ron Lemieux (Minister of Transportation and Government Services): Mr. Deputy Speaker, I am pleased to move, seconded by the Minister of Industry, Economic Development and Mines (Mr. Smith), that Bill 36, The Highway Traffic Amendment Act, be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Lemieux: Mr. Deputy Speaker, I am pleased to speak to my honourable colleagues today regarding the amendments my department is introducing under The Highway Traffic Amendment Act. The bill addresses a variety of issues ranging from new safety measures to extensive housekeeping amendments that actualized and modernized antiquated provisions of the act.

Mr. Deputy Speaker, I would like to highlight the new safety measures for you. Passing stopped emergency vehicles is a new offence that has been created in response to requests from the Manitoba Association of Chiefs of Police. The MACP relayed the findings of a Canadian Association of Chiefs of Police report regarding police injuries. The study looked at injuries and fatalities of six major Canadian police services between 1997 and the year 2001. It found that police vehicles are often struck when stopped and police as pedestrians or occupants of a stopped police vehicle are injured or killed as a result.

Saskatchewan and Ontario have both taken steps to increase safety for emergency responders on highways. With this new legislation Manitoba is following suit. Motorists approaching police, fire or ambulance vehicles stopped at the roadside with their emergency lights illuminated will be required to reduce vehicle speeds and may only pass if it can be done safely. I know the person who seconded this was a firefighter in his previous life, and I appreciate him doing so, seconding this.

Mr. Deputy Speaker, on multi-lane highways, motorists will be required to change lanes where possible. These requirements should create a greater measure of protection for the province's emergency responders, who so often place themselves in harm's way to save a member of the public.

* (16:40)

Also, increased fines for speeding in construction zones, the second safety initiative, addresses the protection of workers on highways. Unlike emergency responders, workers on highways have the opportunity to create a safe work zone by using safety cones, barricades and signs which alert motorists to their presence. However, in many cases, the public is not responding appropriately to these warning messages and reducing speeds when passing highway workers.

As stronger measures appear to be necessary, the department is proposing to significantly increase fines for speeding offences in construction zones where workers are present. In addition to the base fine paid for a speeding offence, an additional \$5 per kilometre will be charged where workers are present. This added fine should make it clear to motorists that the temporary reduced speed limit is not merely a suggestion, but is required to protect the safety of Manitoba's highway workers.

Mr. Deputy Speaker, with the introduction of this safety legislation, Manitoba again is following in the footsteps of our neighbouring provinces of Ontario and Saskatchewan as well as over 30 U.S. jurisdictions, including North Dakota and Minnesota.

The next item is prohibition against stopping on railway tracks. The department is also taking steps to clarify provisions respecting driver stops at railway crossings. The current provisions do not clearly prohibit stopping a vehicle on a railway crossing, while from a safety perspective this cannot be supported.

It appears to be a practice that many motorists in urban areas have adopted. The City of Winnipeg has asked that the legislation be clarified in order to address a growing traffic safety problem at urban crossings.

In closing, Mr. Deputy Speaker, the above are just three of many issues addressed in my department's annual housekeeping bill. With these amendments the department is working to increase the safety of the working environments of the province's emergency responders and highway workers. I look forward to discussing the details of this bill with my colleagues at law amendments committee.

Mr. Larry Maguire (Arthur-Virden): Mr. Deputy Speaker, I would move, seconded by the Member for Russell (Mr. Derkach), that we stand this bill adjourned.

Mr. Deputy Speaker: It has been moved by the honourable Member for Arthur-Virden, seconded by the honourable Member for Russell, that debate be now adjourned.

Bill 37—The Labour Relations Amendment Act

Hon. Nancy Allan (Minister of Labour and Immigration): I move, seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 37, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, be now read a second time and be referred to a committee of this House.

Motion presented.

Ms. Allan: Mr. Deputy Speaker, I am very pleased to have the opportunity to speak to this bill, which will implement the consensus recommendations set out in a report submitted to the former minister by the Manitoba Labour Management Review Committee. As you know, the committee is composed of respected and knowledgeable representatives of labour and management organizations right here in the province of Manitoba.

The Labour Relations Act requires the minister request the Manitoba Labour Management Review Committee to review at least once every two years those provisions in section 87.1 which relate to the settlement of collective agreements following a work stoppage of at least 60 days. The purpose of the review is to assess the effectiveness of those provisions.

The Manitoba Labour Management Review Committee is required to report to the minister its findings. The minister is then required to table the report in the Legislative Assembly. The review was undertaken in 2002. The report of the Labour Management Review Committee was tabled inter-sessionally in January of 2003. As I indicated, the amendments set out in Bill 37 implement the consensus recommendations made by the Manitoba Labour Management Review Committee.

The alternative settlement process under section 87.1 is an important tool for resolving lengthy collective bargaining disputes. It is available when strikes or lockouts have lasted for at least 60 days and where conciliation has been used for a minimum of 30 days. Under these conditions, either party can apply to the Manitoba Labour Board to have a collective agreement settled by the board or by an arbitrator chosen by the parties.

While the Labour Management Review Committee noted that there had been little actual experience with the alternative dispute settlement provisions of the act, it also recognized the importance of the process proceeding without any unnecessary delay. This is due to the fact that even after an application for settlement is made, a work stoppage would continue, at least until certain determinations are made by the Manitoba Labour Board.

Before beginning the settlement process, the board must determine whether or not the parties are bargaining in good faith and whether or not they are likely to conclude a collective agreement within 30 days on their own. To minimize the period during which the work stoppage continues, the Manitoba Labour Management Review Committee proposed that the board be required to make these determinations within 21 days after the date the parties had been notified that an application for settlement of the agreement has been filed.

Bill 37 would implement the committee's call for the expeditious making of determinations by the board. However, the Manitoba Labour Board would still retain its discretion in delaying the process until it is satisfied that the party making the application has bargained sufficiently and seriously. The Labour Management Review Committee also noted that a provision of the act could be interpreted in such a way as to allow a party that has failed to bargain in good faith to successfully apply to the board for the settlement of a collective agreement.

Mr. Deputy Speaker, this was not the original intent of the legislation. The Labour Management Review Committee recognized it was important that an applicant be determined by the board to have bargained in good faith as a prerequisite to assessing the alternative dispute settlement process. Bill 37 amends the act so as to clearly reflect this intent.

Furthermore, the Manitoba Labour Management Review Committee noted that the act was not clear as to whether a party could reapply for a settlement by the board in cases where the party's first application has resulted in the board not proceeding with a settlement. Bill 37 amends the act to make it clear that if an applicant is denied access to the alternative dispute settlement process that party retains the right to reapply. In such a case the process would begin anew.

The current legislation provides that a collective agreement settled by the board or an arbitrator is effective for a period of one year following the expiry date of the previous agreement. The parties could agree to a longer term collective agreement.

In reviewing this provision, the Manitoba Labour Management Review Committee noted that in cases where a work stoppage was lengthy and the settlement process lasted for a significant period of time, the situation could result in the agreement having expired or almost expired by the time it was settled. The recommendation of the Manitoba Labour Management Review Committee was that a collective agreement settled under the alternate dispute settlement process should remain in effect for six months following the date of settlement.

Bill 37 therefore amends the act to provide that in certain circumstances a collective agreement settled under these provisions remains in effect for six months following the date of a settlement. By agreement the parties could make adjustments to the term of the agreement or they could readjust it in subsequent negotiations.

As I indicated at the outset, the mandate of the Manitoba Labour Management Review Committee was, in accordance with The Labour Relations Act, to review the operation of the alternate dispute settlement provisions. For this reason the consensus recommendations of the Manitoba Labour Management Review Committee, as well as the amendments in Bill 37, focus on matters of procedure and clarification.

We are fortunate that we have not yet had to resort to this settlement mechanism. The Labour Board did receive one timely request but, fortunately, the parties settled on their own shortly after the application. Still, this is an important tool for resolving lengthy strikes or lockouts that are devastating, not only to those who are involved, but also to the Manitoba economy. When an application is made it is important that the settlement process move forward in a timely fashion.

I am very grateful to the members of the Labour Management Review Committee and chairperson Wally Fox-Decent for the thorough review undertaken and the helpful recommendations set out in the committee's report. The Labour Management Review Committee has provided advice to government for 40

years on how best to promote harmonious labour relations in Manitoba. The amendments proposed in Bill 37 significantly improve and clarify the intent of the legislation. I therefore commend Bill 37 for approval of the Assembly.

* (16:50)

Mr. Ron Schuler (Springfield): I move, seconded by the honourable Member for Pembina (Mr. Dyck), that we adjourn debate.

Motion agreed to.

Mr. Speaker in the Chair

Bill 42—The Mines and Minerals Amendment Act

Hon. Scott Smith (Minister of Industry, Economic Development and Mines): Mr. Speaker, I move, seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that Bill 42, The Mines and Minerals Amendment Act, be now read a second time and referred to the committee of this House.

Motion presented.

Mr. Smith: Mr. Speaker, this bill addresses three items. One deals with making payments from the Quarry Rehabilitation Reserve Account. The second allows for grouping claims in the southern part of the province. The third is a removal of a section of the act that requires a holder to submit information each year that is being submitted under a different section.

The first piece of the bill, making payment from the Quarry Rehabilitation Reserve Account, the proposed amendment clarifies the ability of the minister to make an expenditure from the Quarry Rehabilitation Reserve Account to partially offset some of the administrative costs of managing the quarry rehabilitation program. This amendment reorganizes the administrative costs associated with program delivery, including salaries for project management and legitimate costs associated with pits and quarry rehabilitation projects in Manitoba, and provides for recovery of the said costs from the Quarry Rehabilitation Reserve Account.

Funds within the Quarry Rehabilitation Reserve Account are derived from the rehabilitation levy on aggregate products of 10 cents per tonne. These funds are then used by the department to undertake

rehabilitation projects on abandoned pits and quarries across the province of Manitoba. This initiative and successful program has been in place for some 12 years and has resulted in the rehabilitation of 1349 pits and resulted in an estimated 5818 hectares of rehabilitated land across Manitoba, primarily in the south and southwestern part of the province.

The second piece, grouping of non-continuous claims in surveyed territory, the holder of a mining claim must conduct the specified amount of work on a claim each year to keep it in good standing. Grouping is a means of allowing the holder of a number of contiguous claims to spread the work credits from one claim to others in the group, to keep them in good standing, and provide that there are enough credits to fulfil each claim's work requirement. The process of grouping is most commonly used in the northern part of the province, where almost all mineral rights are held by the Crown and private mineral rights have not been issued.

In the southern part of the province there are many parcels of land where the mineral rights are privately held. This is a historic artefact reflecting land transfers prior to 1930 which results in a patchwork of private Crown mineral rights throughout the southern and southwestern part of Manitoba.

A mineral explorationist may only hold claims on land where the minerals are held by the Crown. Where the mineral rights are privately held, the explorationist must negotiate a private lease agreement for access to the minerals with the holder of those rights.

The challenge in southern Manitoba is that when an exploration company acquires a large land package often required to secure prospective ground along the strand, mining claims are not contiguous, as they are interspersed with parcels of privately held minerals. As a result, under our current legislation, when work is conducted on one claim it cannot be grouped with others and the value of the work required to keep the package of claims in good standing cannot be dispersed. Nor does the current legislation allow for the transfer of work credits from work done of privately held mineral rights to adjacent mining claims.

The proposed amendment will allow a claimholder to group non-contiguous claims and transfer

work credits from privately held mineral lands to mining claims. This type of grouping will be restricted to a specified part of the province where there may be many parcels of privately owned minerals, namely all lands within townships 1 to 18 inclusive west of the Principal Meridian.

Finally, thirdly, an annual return for exploration. This amendment is principally administrative in nature and is designed to reduce duplication and red tape.

Mr. Speaker, subsection 185(2) of the act requires that a holder of mineral disposition for a lease who conducts any kind of exploration work while searching for minerals must on or before January 31 each year, file a statement setting out exploration expenditures of the holder during the proceeding year. This subsection is being repealed.

The information asked for is also submitted under subsection 80(1) of the act. Mr. Speaker, under this subsection a holder has to file a technical report describing the exploration work that was done on the property, along with a statement of expenditures incurred while doing the work. The report must be filed no later than 60 days after the anniversary date of the disposition, or at least the work is done.

Mr. Ralph Eichler (Lakeside): I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik), that adjournment be on this bill.

Motion agreed to.

Bill 41—The Profits of Criminal Notoriety Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that Bill 41, The Profits of Criminal Notoriety Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Mackintosh: Mr. Speaker, our Government wants to make it absolutely clear that crime must not pay in this province. In this aim, we have already introduced ground-breaking laws that prevent criminals from reaping profits from organized crime and other income generating unlawful acts.

However, Mr. Speaker, perpetrators of serious violent and other crimes have also been able to profit from their crimes through the open market by selling their stories of the crimes to book publishers or movie producers, television shows or by selling items they own or produce to collectors of criminal memorabilia. Not only is it unjust for a criminal to benefit from his or her crime in this way, this trade further exploits and re-victimizes the victims and survivors of the crime.

Mr. Speaker, the Profits of Criminal Notoriety Act is intended to prevent this perversion of free enterprise from taking hold in Manitoba as it has in other jurisdictions. This first major part of the bill dealing with contracts for the recollection of a crime will apply to contracts under which people charged with or convicted of serious violent sexual or property crimes agree to retell their crimes for profit.

The bill states that money payable under such a contract to or at the direction of a criminal who lives or is incarcerated in Manitoba or who wants to retell a crime committed in this province must instead be given to Manitoba's director of Public Safety. Failure by any party to the contract to respect this obligation will be an offence. The fine amount will be the higher of \$50,000 or the amount that was illegally paid.

The parties to the contract are given at least two years to apply to Manitoba's Court of Queen's Bench to have some or all of the contract money paid to the criminal. In making the decision, the court must consider whether the value of the retelling to society outweighs society's interest in making sure that criminals do not profit from their crimes.

We recognize, Mr. Speaker, that some people who have committed crimes have gone on to publish books with social value. This legislation will not prevent that. It will, however, prevent criminals from financially exploiting their crimes by retelling them.

* (17:00)

The director of Public Safety must hold the money in trust until the deadline for bringing the court application has passed. Once the funds are available for distribution under the legislation, they

are to be distributed to direct victims of the crime or deposited into the Province's Victims Assistance Fund. Mr. Speaker, should the criminal be acquitted while the money is being held, it must be returned immediately. No funds will be confiscated without a conviction.

Next, Mr. Speaker, dealing with criminal memorabilia. This is the second major part of the bill and it applies when a person charged with or convicted of a serious crime sells anything for a higher price than it would be worth were it not associated with a criminal and his or her crime. The director of Public Safety may then apply to the Court of Queen's Bench for an order directing that the criminal pay the increase in value that is due to the criminal's notoriety to the director for distribution to victims and the Victims' Assistance Fund. Again, the director must hold the funds in trust until a conviction is secured.

Finally, to prevent avoidance of the legislation, deals involving agents of the criminal are also covered by both parts of the bill. An example of an agent might be someone assigned the criminal's rights under the contract or a spouse or other relative of the criminal who sells the criminal's story or property.

We will be able to discuss this bill, obviously, in more detail at the committee stage. I will conclude my remarks at this point. I do look forward to the support of the House in having this bill supported. Thank you, Mr. Speaker.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I welcome the opportunity to debate Bill 41 on behalf of my constituents in Lac du Bonnet. Before I begin debate, I would like to, of course, thank all of my colleagues who, during the last session in March, in fact, debated many of the bills that were brought before the House to allow three bills in fact to go to committee just a couple of weeks ago. I thank them for their debate and for the willingness to stand up and ensure that their constituents' concerns are put on the record as well.

I note that in the last session, in March, Mr. Speaker, many of the members opposite did not debate their own bill. I am hoping that their attitude has changed for this session, that in fact members opposite do in fact get up and put their thoughts on the record, because we would like to hear in fact

what their position is on their own bills, not just from the minister, but of course from the members opposite and the people that they represent.

I would like to point out that this bill is, in fact, not really groundbreaking legislation, although in many ways it is legislation that is motherhood and apple pie. But it is not groundbreaking legislation in the sense that there is no other legislation of its kind, whether it is in North America or whether across Canada.

Just to give you a little bit of history with respect to this bill so that I can properly debate the principle of it, in 1977 in the United States is when legislation of this type was in fact passed. It is not in Canada but in the United States, and I think there is a reason for that, the fact that this bill does affect the profits that are made as a result of the recollection of a crime. In the United States, of course, we have the media, which is a much more powerful in terms of the amount of money that it generates in terms of media attention, and so on. It is much stronger in the United States. The American audience certainly has, I believe, a greater appetite for hearing what happened in a particular crime and how it happened, and so on.

So that is why, in fact, in the United States in 1977 in New York is where the legislation really started. It started in New York in 1977 to deal with moves by the "Son of Sam" serial killer Sam Berkowitz. Members, in fact, might even recall that crime. In '77, the New York State Legislature enacted a law prohibiting criminals from profiting from their crime. It was called the Son of Sam law. Mr. Speaker, the law provided that if the criminal offender entered a contract to receive profits from the recounting of his crime such as a book or a movie or television show or other depiction of the crime it prevented him from contracting with a media outlet. In fact, if they had contracted with a media outlet to sell the recollection of the crime, the bill itself compelled the individual to pay over to the state all profits that would otherwise be paid to the offender. These profits, as this bill does, from the recollection of the crime would, in fact, go for the benefit of victims, and, in some cases, it would also be given to the victim compensation fund, as, I note, happens here under this bill.

This law in the United States was enacted to prohibit the notorious convicted murderer, David Berkowitz, known as Son of Sam, and other

criminals like him from profiting from a sale of the recollection of the crimes that they had committed. The principle behind the Son of Sam laws, of course, was enacted as a matter of public policy to stop violent criminals from profiting by retelling their crime and making victims suffer once again. Not only were they victims of the crime itself, but they had to go through the recollection of that crime once again and suffer once again. That law was, in fact, enacted to stop that kind of situation from happening, as this law does as well.

Since that time, 42 additional states of the United States have enacted Son of Sam laws. Although Son of Sam laws across the country in the United States are fairly similar, the wording varies, Mr. Speaker, from state to state. In most states, the victim has to sue the offender in the civil court to obtain damages under a judgment to be eligible to share in the compensation or the profits that are available. I am happy to note that in this particular legislation, that is not the case. A lawsuit is not necessary for victims to claim under this law.

Ordinarily, as well, in the United States it is required under their legislation that profits be paid to the estate and held in escrow, as it is here as well. The state agency that receives the funds then attempts to contact the victims, either directly or by publishing notices regarding the availability of funds in the newspapers. Victims then have a limited number of years to make a claim against that escrow account and then to file a civil suit against the offender. Once that civil suit is filed and a judge agrees as to the amount that can be paid out of that account, that amount is paid out of that account.

Where no victims bring a civil suit in the United States or when excess funds remain in the account, the minister in the United States designates the disposition of the funds, and some of the funds, in fact, get paid to victim restitution orders to cover court costs when victims come forward and they launch civil suits. They also get paid toward defence attorney fees and other costs and expenses, not only of the victim, but of the Government as well. Often, the remaining funds are deposited into the state crime compensation fund. But, of course, under this bill, it is slightly different in the sense that the bill does allow the profits of crime to go into a special fund, and from that fund, it gets paid, first of all, to victims, which, I think, is an important feature, and

then, secondly, to victim compensation funds in the province as well, which, I think, is important.

Now, I have heard it said a number of times—in fact, I have read in the newspapers a number of times—that there may be some question with respect to constitutionality, whether this bill will, in fact, meet a constitutional challenge. In the United States, the experience was that a number of those bills were challenged under the First Amendment, the right to free speech in the United States, and the challenges to the American Son of Sam laws were based on those arguments and have been somewhat successful since 1977. As a result, the legislation in the United States evolved, and it evolved into the legislation that is there today. It has been tested constitutionally. Some of the legislation that is in the United States has been tested constitutionally and has survived the constitutional challenge. It is much the same as the legislation the minister proposes as well. I believe, in my view, in fact, this legislation will meet that constitutional test in Canada.

* (17:10)

Now, Mr. Speaker, the Son of Sam laws were drafted to address the public outrage that resulted when criminals were seen to profit from the notoriety resulting from their crimes. Involvement by persons in high profile cases also lead to notoriety that the general public finds offensive and legislatures across the United States, as we see here now in the minister introducing this legislation and legislation that is similar to it in Ontario, have attempted to restrict the profiteering by criminals.

As a result of that I can tell the minister that we would support the principle of the bill. I do have, though, some concerns about the bill itself in terms of what it does and I intend to bring that forward in the debate here today and in committee as well.

As I mentioned earlier, these laws have evolved over the years, started in the United States in 1977. The constitutionality in the United States was tested and these laws have changed over time. It appears from my research that the law that is brought forward today in Bill 41, in fact, is an evolution of those laws in the United States.

I think it is more appropriate, Mr. Speaker, that these laws first evolved in the United States, because there is a market in the United States for recalling

details of crime, particularly those that have some notoriety. The United States media are much more powerful and lucrative than in Canada, and the American public seems to thoroughly enjoy the coverage of notable crimes, whether on the basis of a documentary or whether it is on the basis of a movie based on the facts of crime.

Legislation, we believe, should be introduced so that a criminal cannot take advantage of their own criminal acts. What I want to put on the record, as well, Mr. Speaker, is that, to date, there is no Manitoba case, no case in Manitoba where criminals have ever sold their story. That is not to say it will not happen though. It could very well happen. This legislation seems to address that issue in the event that someone does in fact try to sell the story to a media outlet.

The closest I believe that it has ever come in fact could be the case of convicted bank robber Klaus Burlakow. I remember reading about a month ago a story about Klaus Burlakow in terms of the type of crime that he did commit. He was a civil servant for the City of Winnipeg and he committed several robberies, but in responding to a story about this bill that is being introduced today by the minister the quote that he gave to the *Winnipeg Free Press* was that he did not want to take advantage of his notoriety.

So in many ways this bill may be a little premature. We never have had a case or even a case that was very close in Manitoba where media outlets were prepared to pay for the story. It may be a bit of a moot point, although the principle of the bill is important to remember because the principle of the bill, I think, overall, is supportable.

Australia has also a version of this law, and Ontario is the only other Canadian province with a bill such as this, which was passed in 2001. Having checked the Ontario bill, Mr. Speaker, I can tell you that our Bill 41 is, in fact, very, very similar to Ontario's, with the exception that we have added a section in the bill with respect to the sales of memorabilia in addition to the sales of a recollection of a crime. We would support that as well. The Ontario government passed the legislation in 1994 to prevent criminals from profiting after Paul Bernardo and Karla Homolka were convicted of the sex slayings of two young women.

Mr. Speaker, there is no such law in British Columbia, which really was quite amazing to me because I thought, if anywhere, British Columbia would have passed legislation like this because British Columbia is where the parents of the children murdered by Clifford Olson won a court judgment in 1983 for damages against Mr. Olson.

Mr. Speaker, as I mentioned earlier, the Ontario legislation was used as a model, but the model itself was recommended, as I understand it, by the uniform law of Congress, which recommended legislation of this type. As I say, the memorabilia sales are an additional feature that is unique for Manitoba.

Mr. Speaker, the bill prevents criminals from financially exploiting the notoriety of their crimes. There needs to be a conviction in Manitoba in order for it to apply, or the criminal must, in fact, reside in Manitoba. The person who is convicted of or charged with a designated crime cannot profit from selling their recollection of the crime.

It is important to note the definition of the designated crime within the legislation itself. Those crimes are really the most serious crimes that are affected by this bill, first, being indictable offences, which are the more serious offences under the Criminal Code, as opposed to summary conviction offences which are less serious. It includes indictable offences for which the maximum penalty is five years or more in prison and that involve violence or conduct that endangers the life or safety of another person. It also could include any of the sexual offences that are under the Criminal Code, any of the serious property offences that are there, or even any criminal offence outside of Canada, provided that the perpetrator, in fact, resides within Manitoba.

The bill prohibits not only the payment by media outlets for the recollection of the crime to a criminal, but also prohibits the acceptance of consideration for the recollection of crime to anyone except the director who is called the director under the bill. It prohibits it, but what it also says is that in the event that it is done, there is a payment made or there is consideration accepted. What it does is it confiscates those payments to the director. The director is defined in the bill as an individual who is appointed by the director of Public Safety under The Civil Service Act.

The director confiscates the amount that is paid under the contract and then keeps it in trust, holds it in escrow, if you will, similar to the legislation that, in fact, has been enacted in the United States. It is used, first of all, to compensate victims of that particular crime, not crime victims in general, but victims of the crime in which the payment is made for the recollection. That is important, because I think victims, certainly, if there is any payment to be made, should be the first in line to receive compensation. The second thing it does is that if there is money left over, it does go to the Victims Assistance Fund under The Victims' Bill of Rights. Under the legislation itself, the consideration paid for the contract or the consideration received under that contract, in fact, goes to government, but government, in fact, does distribute it to victims or to the Victims Assistance Fund, which I think is an important feature and something that we support.

The bill, though, also creates substantial fines of up to \$10,000 for those who do not provide the director with a summary of the contract for the recollection of the crime. It is important to note that the fine of up to \$10,000 does not, in fact, Mr. Speaker, go to the victim or the victims compensation fund, but it goes to the Province. That is a bit of a concern to me and I would like to bring that further up, I think, into committee and into third reading debate as well to point out to the minister that, perhaps, those kinds of fines should go to victims. It should not necessarily go to the Province.

* (17:20)

The bill, though, also creates fines of at least \$50,000. It can be more if a person accepts or pays consideration for the recollection of a crime to someone other than the director. So, if a media outlet pays it instead of to the director, they pay it to the criminal, there can be a fine levied and that fine is substantial. It is at least \$50,000 or the amount of the consideration under the contract. So it could be in the millions of dollars for all we know, depending on the notoriety of the crime. It could be \$50,000, or it could be the amount paid under the contract. So it is a minimum of \$50,000.

Part 2 of the bill, I see, does not apply to any contract to recall a crime "entered into by (a) a law enforcement agency; or (b) a federal, provincial, or municipal government or any department or agency of those governments." This provision makes perfect

sense in the sense that it allows police, government, or agencies of government, such as Crime Stoppers, to continue to operate, to pay for the recollection of the crime. Certainly, if that part of the bill was not in there, Crime Stoppers could not, in fact, advertise on television or radio and advertise rewards for information relating to a crime or witnesses that could come forward to identify people who committed crimes. So I think it is important for that part of the bill to be in there, and for that reason that part is supportable.

The bill also permits the seizure of profits made by a person from the seizure of memorabilia, such as photographs or personal possessions. The seizure affects not the memorabilia, the value of the memorabilia, or the value of the photographs itself, but it only affects the amount of money that is received over and above the otherwise market value for the item. However that is determined, I am not sure, but if there is any value above and beyond what normally you would get for the value of a particular item, that is what the bill seizes.

Mr. Speaker, I believe that the principle of the bill is supportable in the sense that, if there is anything worse than a crime, like a murder or a rape, it is then the criminal profiting from that crime. Certainly, a criminal should not profit. A criminal should be punished for committing a crime, and the sale of the stories recollecting a crime repeatedly hurts victims and their loved ones, as they are forced to endure the account. With the explosion of true crime books and shows in North America, I believe, as the minister believes, that it is a good time to get ahead of the criminals in Manitoba who, in fact, want to jump on that boat.

As I said earlier, there has never been an instance in Manitoba, Mr. Speaker, where an individual has profited from the sale of the recollection of the crime, although that is not to say that it will not happen. There is a possibility that it will happen, and that is why this legislation is being proposed.

I have a couple of concerns, though, about the bill, and I would like the minister to take notice about a couple of those concerns, because I think they are important. Part 2 of the bill does not apply to any contract, and Part 2, in fact, is the part of the bill, Mr. Speaker, that deals with payment for recalling a crime, or accepting payment for recalling a crime. That part of the bill does not apply to government and law enforcement agencies. As I said

earlier, that will not prevent Crime Stoppers from paying, and I think it is important to ensure that they are not stopped by the provisions of this bill to pay for recollection of a crime so that that particular program does not stop. I think there is an important aspect to that program that ought to be encouraged.

It also allows for payment of the criminals to disclose details of the crime, such as Clifford Olson in British Columbia. He was paid many years ago \$90,000 to disclose details of where his child victims were buried. At the time, I think there was a bit of public outrage with respect to payment to Clifford Olson, who was a criminal that was charged for committing murder of many children in British Columbia and, in fact, was later convicted. The public was outraged at that \$90,000. In fact, it was a relief to the child victims' parents who did not know where their children were and did not know whether they were murdered or if they were missing. Clifford Olson was suspected of murdering them, but they could not bring closure to that particular crime. The government of the day, at the time, in their wisdom, did pay the \$90,000 to Clifford Olson, which brought closure to many of the parents involved who had children who were murdered by Clifford Olson. I think it is important to ensure that that part of the bill does not apply to government so that, in fact, those kinds of payments can be made. Sometimes, the public does have outrage with respect to that kind of payment but, in the end result, I think it was important that those payments were made so that parents could bring closure to their children's deaths.

However, under this exemption, this part-two exemption for police or government or government agencies, there is nothing there that prohibits the police or government from selling the story themselves and placing the funds in general revenue. This could be, in fact, another tax grab and, in fact, it is victim exploitation at its best. I am a bit concerned about exempting the entire part two with respect to government because of that.

Also, the fines under section 11 for non-compliance of the act are substantial. As I mentioned earlier, they can be not only substantial, they are \$50,000 or the amount paid or received under a contract to recall the crime. Those kinds of contracts can reach in the United States, at this point, into the millions of dollars. It may reach into the millions of dollars here in Canada. This fine revenue as I see it, as I read the bill, goes into general revenue. I am not

sure that I can support that in terms of the principle of that because it can be \$50,000 or even into the millions of dollars.

Mr. Speaker, why should government profit from that revenue, that fine revenue? Why should it not go to victims, as the profits of crime under the contract for the sale of the recollection of the crime go? Why should it go to the Government? It should go to victims or the victims' assistance fund, as the amount is paid as consideration under the contract. I think those are a couple of concerns that I have.

But, overall, I can say to the minister and to you, Mr. Speaker, that we will be supporting the principle of the bill because it speaks to the fact that you know criminals, when they are convicted of a crime in Manitoba, should be punished. They certainly should not be able to profit from their criminal activity and should not be encouraged to, in fact, make their crime even more notorious to be able to allow them to sell their story to the media and, in fact, profit from it. For that very reason, I can say that we will be supporting the principle of the bill, but I certainly look forward to the comments by my colleagues with respect to their take on the bill.

I hope that members opposite, in fact, debate this bill as well because I would like to hear from them. As I mentioned earlier, we have not to date. I would certainly like to hear their debate with respect to Bill 41, Mr. Speaker. With that, I close my debate. Thank you.

Mr. Jack Penner (Emerson): Thank you very much, Mr. Speaker. It gives me a great deal of pleasure to put a few words or a few comments on the record regarding Bill 41, The Profits of Criminal Notoriety Act. As my colleague has so adequately indicated, this is a bill that we think has some merit. There are, as my colleague has also indicated, areas of this bill which lead to some concern and I believe that we will be—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Emerson will have 29 minutes remaining.

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

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