

Second Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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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.
VACANT	Minto	
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.
VACANT	Turtle Mountain	
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 26, 2004

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PETITIONS

Alzheimer's Disease

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Alzheimer's is a debilitating disease.

Cholinesterase inhibitors are known to slow or even prevent the progression of Alzheimer's.

The provincial government asked for the development of an Alzheimer's strategy in 2000 and was presented with nine recommendations in 2002, none of which has yet been implemented.

In the absence of a provincial Alzheimer's strategy, the Winnipeg Regional Health Authority put in place a policy in November 2003 whereby Alzheimer's patients entering personal care homes are being weaned from certain Alzheimer medications in a move that the WRHA's vice-president of long-term care has referred to as a financial necessity.

The administrative costs of the Winnipeg Regional Health Authority have more than tripled since 1999, to a total of more than \$16 million a year.

In a move that amounts to two-tier medicine, the families of Alzheimer's sufferers in personal care homes may request that the drugs continue to be delivered at the family's expense.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Mr. Chomiak) to ensure that his attempts to balance his

department's finances are not at the expense of the health and well-being of seniors and other vulnerable Manitobans suffering from this debilitating disease.

To urge the Minister of Health to consider reversing his decision to deny Alzheimer's patients in personal care homes access to certain medications.

To request the Minister of Health to consider implementing a provincial Alzheimer's strategy.

Signed by B. Lekkas, T. Flynn, C. McKenzie and others.

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

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 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 V. Garcia, John Da Costa and Rick Sheppard.

Proposed PLA—Floodway

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The Province of Manitoba has tabled legislation in the Legislature that may result in the \$660-million expansion of the Red River Floodway by the summer of 2005.

The Premier of Manitoba plans to subject all work related to the project to a Project Labour Agreement (PLA).

The proposed PLA would force all employees on the project to belong to a union.

Approximately 95 percent of heavy construction companies in Manitoba are currently non-unionized.

The Manitoba Heavy Construction Association has indicated that the forced unionization of all employees may increase the costs of the project by \$65 million.

The chair of B.C.'s 2010 Construction Leaders Taskforce has stated, "Major industrial projects built under project labour agreements from the energy sector in Alberta to off-shore developments on the East Coast have repeatedly incurred cost overruns, labour disruptions and delays."

Organizations including the Winnipeg Chamber of Commerce, the Canadian Taxpayers Federation of Manitoba, the Manitoba Heavy Construction Association, the Canadian Federation of Independent Business, the Merit Contractors Association of Manitoba, the Winnipeg Construction Association, the Construction Association of Rural Manitoba and the Canadian Construction Association have publicly opposed the Premier's plan to turn the floodway expansion project into a union-only worksite.

*(13:35)

Manitobans deserve an open and fair competition that protects taxpayers from unnecessary costs and respects workers' democratic choice.

Manitobans support the right of any company, both union and non-union, to participate in the expansion of the Red River Floodway.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier of Manitoba to consider ending his government's forced unionization plan of companies involved with the Red River Floodway expansion.

To request the Premier of Manitoba to consider entering into discussions with business, construction and labour groups to ensure any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project.

Signed G. E. Charle, B. Mitchell, B. Newman and others.

Highway 227

Mr. Ralph Eichler (Lakeside): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

It is unacceptable for the residents of Manitoba to travel the unsafe gravel roads of Highway 227 in the constituencies of Lakeside and Portage la Prairie.

Inclement weather can make Highway 227 treacherous to all drivers.

Allowing better access to Highway 227 would ease the flow of traffic on the Trans-Canada Highway.

Residences along Highway 227 are not as accessible to emergency services due to the nature of the current condition of the roadway.

The condition of these gravel roads can cause serious damage to all vehicles, which is unacceptable.

Residents of Manitoba deserve better rural highway infrastructure.

We petition the Manitoba Legislative Assembly as follows:

To request that the Minister of Transportation and Government Services to consider having Highway 227 paved from the junction of highways 248 and 227 all the way to Highway 16, the Yellowhead route.

To request the Premier of Manitoba to consider supporting said initiatives to ensure the safety of all Manitobans and all Canadians who travel along Manitoba highways.

Submitted on behalf of Grace MacMillan, Terry McRae, Eva Janke and others.

Proposed PLA–Floodway

Mr. Kelvin Goertzen (Steinbach): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

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The Premier of Manitoba plans to subject all work related to the project to a Project Labour Agreement (PLA).

The proposed PLA would force all employees on the project to belong to a union.

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The Manitoba Heavy Construction Association has indicated that the forced unionization of all employees may increase the costs of the project by \$65 million.

The chair of B.C.'s 2010 Construction Leaders Taskforce has stated that "Major industrial projects built under the project labour agreements from the energy sector in Alberta to off-shore development on

the East Coast have repeatedly incurred cost overruns, labour disruptions and delays."

Organizations including the Winnipeg Chamber of Commerce, the Canadian Taxpayers Federation, the Manitoba Heavy Construction Association, the Canadian Federation of Independent Business, the Merit Contractors Association of Manitoba, the Winnipeg Construction Association, the Construction Association of Rural Manitoba and the Canadian Construction Association have publicly opposed the Premier's plan to turn the floodway expansion project into a union-only worksite.

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Manitobans support the right of any company, both union and non-union, to participate in the expansion of the Red River Floodway.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier of Manitoba to consider ending his government's forced unionization plan of companies involved with the Red River Floodway expansion.

To request the Premier of Manitoba to consider entering into discussions with business, construction and labour groups to ensure any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project.

Signed by Dennis Martin, Gordon Wilson, Wayne Neufeld and others.

* (13:40)

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. Jae Eadie who is the acting mayor of the City of Winnipeg.

Also in the public gallery we have from Dakota Collegiate 20 Grade 9 students under the direction of Mr. Larry Patrick. This school is located in the

constituency of the honourable Minister of Labour and Immigration (Ms. Allan).

Also in the public gallery we have from Greenland School 18 Grades 5 and 6 students under the direction of Mr. Scott Goossen. This school is located in the constituency of the honourable Minister of Transportation and Government Services (Mr. Lemieux).

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

ORAL QUESTIONS

Red River Floodway Expansion Report Release

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, we have learned that the government will be receiving the Wally Fox-Decent report today. Will the Premier make it public immediately after receiving it?

Hon. Gary Doer (Premier): I have not received it, Mr. Speaker.

Mr. Murray: Mr. Speaker, I would ask the government and the Premier. We have understanding that it is being presented to the government today. We are simply asking this Premier, if the report is brought to his attention today, will he make it public immediately upon receiving it.

Mr. Doer: It will be released very quickly.

Mr. Murray: I would hope that weak answer from the Premier does not mean there are going to be any stall tactics or any sorts of delay tactics put on this report. We understand that for personal reasons Mr. Fox-Decent was not able to make the report public before this, but this is a matter very much on the minds of Manitobans, on the minds of construction companies.

I would simply ask the Premier two questions: Will he make this report public immediately upon receiving it and, if by chance, if there is any recommendation in the report that talks about forced unionization or causing workers to pay union dues, will he ensure that he does the right thing as he did when he refused to take the advice from his education report committee and the Earl Backman

report, will he do the right thing and just say no to forced unionization?

Mr. Doer: We will do the right thing, Mr. Speaker.

Red River Floodway Expansion Report Release

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, the Premier says the report is going to be released quickly, but Manitobans remember when that same Premier said hallway medicine would be fixed in six months and with \$15 million. That was four and a half years ago. That seemed "quickly" at the time.

We want to know from this Premier, this government has dithered, it has delayed, it has deflected on this particular issue. Now we understand that the report is coming down today. We need a commitment. Manitobans want a commitment that that report will be released when the government receives it.

Hon. Gary Doer (Premier): The members opposite want us to, quote, "release the report quickly and reject it." Perhaps they should be assured that we will release the report very quickly.

The fact that the members opposite have asked us to reject the recommendations of Wally Fox-Decent before the public has even seen it is quite remarkable.

Mr. Goertzen: Mr. Speaker, make no mistake. Manitobans understand the issues in this particular debate. What they do not understand is what the answer is going to be from this particular government, but they know what the answer should be. That is no forced unionization, no forced union dues and kickbacks to their union-boss buddies. All they have to do is release the report to the public when they get it and restore the confidence of Manitobans to this project.

*(13:45)

Mr. Doer: If I have to take the reasoned, experienced advice of Wally Fox-Decent or the choice of the loud advice from the member opposite, I will take the reasoned, experienced advice of Wally Fox-Decent every day, Mr. Speaker.

Mr. Goertzen: Mr. Speaker, the Premier may be thinking that he is insulting me personally, but he is

insulting all Manitobans because Manitobans have spoken loudly. They have said through petitions, through phone calls and through faxes that there should not be forced unionization, that there should not be forced union dues. I will take the word of Manitobans over this Premier any day.

Hon. Gary Doer (Premier): There was no question.

CAIS Program Government Contribution

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, we have asked the Premier (Mr. Doer) and his Agriculture Minister numerous times if their government would commit to funding its 40% share of the enhanced Canadian Agriculture Income Stabilization program. They continue to mislead by saying they have already done so. They have not, and it is Manitoba producers that are suffering.

Can the Premier tell us when his government will finally join the majority of other provinces by signing the amendment to the CAIS program so the money, including the government's long overdue 40% share, can start flowing to Manitoba farmers?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, we have said from the beginning our money is there and our money is in the budget. The money is in the budget and producers can make their application to CAIS now.

I am afraid the Leader of the Opposition does not understand the program. Producers have to make application, their application is reviewed and then a payment is made to them. Manitoba is in the program. We have said that earlier and our money is in the budget.

Mr. Murray: Mr. Speaker, last week Newfoundland and Labrador signed the amendments to the CAIS program and the federal government announced on May 21 that the enhancements to the CAIS program are now in effect. In the federal news release, it stated that Alberta, Ontario, Québec, Nova Scotia, Prince Edward Island and now Newfoundland and Labrador have all signed on. Not Manitoba. When will this Premier ensure that his minister signs so they can start flowing the 40 percent to our producers?

Ms. Wowchuk: We have said, and I have said in this House before that, when 70 percent of the provinces sign on to the program, the program is in effect. The program is in effect, Mr. Speaker. Our money is in. I had a discussion with the federal minister. All that is left is a formality of signing an agreement, but the program is in effect.

Mr. Murray: Mr. Speaker, Manitoba producers have been deprived of tens of millions of dollars of greatly needed financial support because of this government's refusal to sign on to an amendment to the CAIS program. Our farmers have been waiting more than a year in the province of Manitoba for meaningful assistance to deal with the BSE crisis. They have received nothing from this government. They have been waiting for the Doer government to sign on to the amendment to the CAIS program so the Province's 40 percent of the funding will flow, but this Premier and the minister have refused to do so.

My question is very simple to this Premier: Will he instruct today to ask his Minister of Agriculture to sign the amendment on the CAIS program?

Hon. Gary Doer (Premier): Mr. Speaker, we were part of the decision on the original program which members opposite were opposed to. We then allowed an interim payment as opposed to the rhetoric of the member opposite. Thirdly, when other provinces have joined in with the federal government on the amendments, we have said we would be part of that. The minister has said that all along. We have the amount of provinces necessary for this amendment to take place and we are in on that amended program, full stop.

* (13:50)

CAIS Program Government Contribution

Mr. Ralph Eichler (Lakeside): The Agriculture Minister's advice to broken-spirited cattle producers whose net income for 2003 was down over 40 percent has been to tell them, "Wait for the U.S. border to open," repeating this false hope every few months. The minister has cancelled her own feed program, told farmers to take on more debt in order to survive the most historic tragedy, reneged on 40 percent of her share of the safety net programs.

Will the minister agree now to sign on to the CAIS amendments?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, we signed on to the CAIS agreement. We have signed that. There has been discussion on the amendment. Enough provinces have signed the amendment that it is a reality. But the member opposite is not being completely accurate when he says that Manitoba's 40 percent is not there. Our 40 percent is in the budget.

The member opposite talks about not getting any money. The producers could apply for an interim payment and many producers have applied for an interim payment through CAIS. There are options there for producers to access money. We will continue to work with this program, but I will still say to the member opposite that the most important thing we can do is get that border open and get back to some normalcy in this industry.

Mr. Eichler: The Agriculture Minister has repeatedly said that the border is going to open. Last fall when she signed on to the CAIS program, she said that monies would flow to our cash-strapped farmers before December. Out of the thousands of farmers, there are only two farmers that I know of who have received monies under the program. Will the minister commit to the signed proposed amendments to help our cash-strapped farmers?

Ms. Wowchuk: Well, you see, Mr. Speaker, they cannot get their facts straight again. The Leader of the Opposition (Mr. Murray) just said that no farmers got any money. The other member says that two farmers got money. I can tell you—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Wowchuk: Mr. Speaker, they are both wrong. There is a program for an application for an interim program and producers will make that decision. I trust producers to make business decisions and some have made the decision to make an application for an interim payment. With respect to the money for this program, we announced the budget April 19. Our money was in that budget.

Mr. Eichler: The time has come that this government wake up and tell farmers what their intent is in the CAIS program. One day the border will open; the next day it will not. One deadline extension, then another. It is no wonder farmers are

losing hope in this government and they need the answers now.

Will this minister agree to support our cattle producers and farmers, stop the runaround and sign the CAIS amendments?

Ms. Wowchuk: As I indicated, Mr. Speaker, the CAIS amendment has been passed because it has been endorsed by the majority of provinces. That program is in effect. With regard to support for farmers, our money was in the budget. Those are the people opposite who voted against the budget. They voted against support for farmers.

CAIS Program Government Contribution

Mr. Jack Penner (Emerson): It is very interesting the comments that the Minister of Agriculture and the Premier (Mr. Doer) have made in regard to supporting agricultural producers of this province. We have seen this government make a lot of promises and break almost every one of them. They have announced five programs that they did not commit to. The minister said that the new programs, the safety net programs, are important to Manitoba farm families when dealing with market forces and natural disasters. The farmers had lobbied hard for the commitment to increase the margin limits, to support the negative margins and cover them. Will this minister commit today to cover the negative margin limits fully?

*(13:55)

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I do not know how many times I have to tell the members opposite we are committed. The money is in the budget—[interjection]

Mr. Speaker: Order.

Ms. Wowchuk: It is very interesting to hear the chirping from the opposition where they are talking about two farmers. In my book every farmer counts, not just the ones—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Wowchuk: The money for the program is in place. The program has been endorsed by the other

provinces. We have the program. The provinces that did not endorse it are in the process of signing their final agreements and it is a national program right across the country.

Mr. Penner: It is interesting that this minister and her government advertised and told everybody in Manitoba they put \$180 million into programs supporting farmers, and yet they only paid out \$31.9 million in farm support.

When I talk to farmers, there is hardly a cow-calf producer in this province that received any kind of support. They are asking for a full commitment to the full 40% funding that will be required, whether it is going to be \$40 million or \$43 million, or \$46 million, as the Minister of Finance (Mr. Selinger) has said, or maybe it will require \$100 million and the drop in income.

Will this minister today commit to fully fund and support the 40% requirement under the CAIS program? She has not committed to that yet.

Ms. Wowchuk: We signed on to the APF. That made our commitment to 40 percent. There is now an amendment that has been agreed to across the country and our 40 percent is there.

I am not sure how many more times we can tell the member opposite that, but we are in support of the program now that it has been agreed to. I can also tell the members opposite that I will never regret announcing that we have over \$180 million in support for our cattle industry during a time of crisis.

Mr. Penner: It is just too bad that we have not got the gallery filled with farmers to hear the minister say what she just did because most of the cow-calf producers that I have talked to have received absolutely zero out of those programs.

Can the minister indicate when she signed on to the APF agreement initially, she committed to the 40% funding under the transition program. The minister never, never paid one dime and this government never paid one dime out of the transition program to any of our producers because she said it was trade retaliation money and she was not participating in that.

Will this minister at least today be honest with the producers of Manitoba and commit to fully fund

up to the 40% requirement? Will she put that money in place and not look at just pro-rating it according to the amount in the budget?

Ms. Wowchuk: I have indicated when we signed on to the APF agreement that our commitment was to 40 percent of the funding. There is a new amendment that is in place, Mr. Speaker, and our commitment is there for 40 percent of the funding.

Métis Harvester Cards Government Position

Mr. Denis Rocan (Carman): My question is the Minister of Conservation. A 2003 Supreme Court decision recognized Métis hunting and fishing rights in certain circumstances. On the basis of that decision, David Chartrand, the president of the Manitoba Métis Federation, is planning to issue Métis harvester cards to Métis people in Manitoba to allow them to hunt and fish for food without a provincial licence. What is the position of the Minister of Conservation with respect to these cards?

*(14:00)

Hon. Stan Struthers (Minister of Conservation): Our position is to work in concert with other provincial governments to find a way to fairly implement the Powley decision the Supreme Court has put forward. The authority for making these decisions rests with the provincial government.

Mr. Rocan: Mr. Speaker, I thank the minister for his answer, but will he be instructing his conservation officers to charge people from the Métis nation who are in possession of a harvester card who will be hunting and fishing without a provincial licence?

Mr. Struthers: Mr. Speaker, our department is working very hard in concert with other provinces to make sure that we move forward on this very important issue. We have committed to work in concert also with the Manitoba Métis Federation and make sure they are included.

We also want to be very clear that rules having to do with hunting, harvesting, fishing, provincial rules involving safety, those will still be enforced. I would think people, anyone in this building, would understand we are very concerned with conserving the number of game and fish we have in our province. I know we are concerned about safety

when people participate in the very worthwhile activities of hunting and fishing and harvesting of resources. Our commitment is to work with other provinces, work with the Manitoba Métis Federation and always keep in mind the advice from the Supreme Court of Canada.

Mr. Rocan: Mr. Speaker, the tom-toms are beating. David Chartrand has been quoted that he expects a major battle with the Province over the Métis harvester cards. Has the Premier (Mr. Doer) or any of his ministers met with President David Chartrand in order to resolve this potentially divisive issue?

Mr. Struthers: Mr. Speaker, let me reassure the Member for Carman and all members of this House, all Manitobans and those Manitobans who are of Métis descent that we will work in a very co-operative manner to make sure that we include their views as we move forward in the implementation of the Supreme Court decision having to do with the Powley case that originated in the community of Sault Ste. Marie. Our commitment is there to be co-operative.

Fetal Alcohol Syndrome Statistics

Hon. Jon Gerrard (River Heights): Mr. Speaker, yesterday we learned that the Minister of Health (Mr. Chomiak) does not have the basic Manitoba data on medical errors and adverse events needed to improve the quality of our provincial health care system. Today I ask for more fundamental information needed for good health care management.

The incidence of fetal alcohol syndrome can be measured. The data can be collected. The government has chosen not to do so. The Minister of Healthy Living said so recently in Estimates. At more than a million dollars cost to the provincial Treasury per child with fetal alcohol syndrome, we need to know how many people in Manitoba have fetal alcohol syndrome. How many are there? I ask the Minister for Healthy Living.

Hon. Jim Rondeau (Minister responsible for Healthy Living): Mr. Speaker, I am pleased to answer the question on FAS. I am pleased about our government's record on FAS. We have done a lot of wonderful initiatives in peer support for FAS prevention. We have done support for the family support group. We have even done some work as far

as identifying people who suffer from FAS. It is not a simple solution as far as counting numbers. What we are trying to do is look at the whole issue, support the people who are suffering from FAS, support the families and try to prevent this terrible condition.

Mr. Gerrard: If you are not gathering the data, if you do not know how many people there are, it is like working blind. How can you manage the system well? It may not be easy, but it can be done, and interestingly enough, it was being done until 1992, when the former Tory government cancelled the program. They cancelled the funding for the Congenital Anomaly Registry.

There are physicians now, Doctor Evans, Doctor Chudley, who very much want to make sure the data is being collected, but this government has not moved to collect the data which is so desperately needed to get good information to be able to make sound management decisions. Why have you not done so?

Mr. Rondeau: Mr. Speaker, rather, what we are trying to do is we are trying to deal with the people who are suffering from FAS, FAE. We have held provincial conferences to share best practices.

We spend money on the FAS family support group. We spend money on education. We have a curriculum developed by Frontier School Division and other school divisions that are available throughout the school to prevent FAS. We have information through the Liquor Control Commission that goes out to anyone who buys alcohol. It is a comprehensive strategy that works on prevention, that works on support. I would rather work with people, spend our money on solving the problem rather than counting the numbers. Thank you, Mr. Speaker.

Mr. Gerrard: The minister is a bit like a firefighter going out to try to fight a fire that he does not even know where it is. The fact of the matter is that the minister is not getting the basic data that he needs to work properly.

Mr. Speaker, about 10 percent of children with fetal alcohol syndrome have epilepsy. The government has an opportunity to decrease the incidence of epilepsy in Manitoba if it had an effective program to reduce fetal alcohol syndrome.

Is this government concerned enough to know whether the money it is spending on fetal alcohol

syndrome is having any effect? Are we having any reduction in the incidence? The answer is we do not know because the government is not gathering the basic data that is needed.

Why is the government not collecting the basic data in order to make good health care management decisions?

Hon. Gary Doer (Premier): I think that this is a major, major issue for Manitoba's health care and Canadian health care. I want to say to the member opposite that when I was chairing the Premier's group dealing with the reinstating of health care funding that was cut by the member opposite in 1995, we did propose to the Prime Minister directly, and I spoke to the Prime Minister directly about the absolute essential need to have a federal-provincial strategy on FAS and FAS prevention.

The numbers that the—

Some Honourable Members: Oh, oh.

An Honourable Member: Answer the question.

Mr. Speaker: Order.

Mr. Doer: Well, Mr.—

Some Honourable Members: Oh, oh.

Mr. Speaker: The honourable Member for Radisson.

Exporter Development Initiative Update

Mr. Bidhu Jha (Radisson): Mr. Speaker, given the enormous importance of export and international trade to the Manitoba economy, can the Acting Minister of Trade outline recent measures and initiatives taken by the government to enhance exports abroad as well as to other parts of Canada?

Hon. Rosann Wowchuk (Acting Minister of Intergovernmental Affairs and Trade): Mr. Speaker, there are many people and many businesses that are looking to increase their exports across Canada and into other countries. That was why yesterday I announced the Exporter Development Initiative, an initiative that will put in place supports for new and emerging exporters. This will include

mentoring and new market activities for these people. It will support new businesses in their marketing and promotional material. As well, there is a new Web site that is being put in place to help Manitoba companies.

The Exporter Development Initiative promotes closer working relationships among the province's trade development partners which includes the Chambers of Commerce, the federal government and other trade organizations. I want to also indicate, Mr. Speaker, that this program is targeted at urban businesses as well as businesses in rural Manitoba.

Red River Floodway Expansion Report Release

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, over a month ago the Minister of Water Stewardship brought in Wally Fox-Decent to clean up the mess that he created in the expansion of the floodway project. Now we understand today that the long-awaited and the long-delayed report on the expansion project—*[interjection]*

Mr. Speaker: Order. I ask the honourable Member for Springfield (Mr. Schuler), I am trying to hear the honourable Member for Steinbach and I am hearing you. The honourable Member for Steinbach has the floor. I ask all honourable members, I need to be able to hear the questions and I need to be able to hear the answers.

Mr. Goertzen: Thank you very much, Mr. Speaker. I know that the Member for Springfield feels passionately about this issue, as well as do his constituents, and he speaks up loudly for them.

I want to ask the Minister of Water Stewardship when it is that he is going to receive that report. Will he get it this afternoon, as we have come to understand, and will he release that report to the public so they can finally get answers to the long-awaited questions that have been debated?

* (14:10)

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I want to confess, I have not been in my office today. My daughter, Niki, graduated from the University of Manitoba today. As I looked out at the faces of those graduates, hearing reports of the excitement at the university, the record

enrolments, the new construction, I must admit I was not feeling that guilty because I will be in my office this afternoon. I will find out what the status of that report is and we will release it very quickly when it does come in.

Mr. Goertzen: Well, Mr. Speaker, I certainly congratulate the minister's daughter on her graduation. I certainly hope that she stays in Manitoba and does not leave like so many other young graduates do. This minister clearly graduated from the university of deflect, dither and delay and it is time that he starts to put that degree into order.

He does not have to have been in his office to answer this question. I am asking him, when that report comes down, which we believe will be this afternoon, will he release it to the public immediately, Mr. Speaker.

Mr. Ashton: Mr. Speaker, in fact my daughter attended college in Hong Kong on full scholarship and did come back to Manitoba to attend the University of Manitoba.

As I indicated, Mr. Speaker, as soon as I get back to my office, as soon as we are finished with Question Period, I will find out the status of the report and we will release it very quickly.

Mr. Goertzen: Mr. Speaker, Manitobans have waited a month for this report. They have waited because this particular minister has caused the difficulties that have caused the need for this particular report. Now, again today, he will not give clear answers to a very clear question.

I am asking on behalf of all Manitobans who want to ensure that the floodway is built, who do not want any more delays. They want to know will this report that was brought forward because the minister has messed up his own department be released immediately when his department receives it.

Mr. Ashton: Mr. Speaker, while I am an optimist, you know, what I want to say is that I talked to many Manitobans who are talking about one thing, the fact that we are building the floodway expansion and it will be under construction by next year. That is what is important in this province.

Cardiac Care Physician Resources

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, our cardiac program is still in trouble.

Doctor Koshal recommended over nine months ago that the government should immediately hire three doctors to head up the program. Not only have these three doctors not been hired nine months later, we have heard that one more surgeon and now possibly three cardiologists may be leaving.

I would like to ask this Minister of Health why has he further compromised this program by dragging his heels to not hire these three key positions. When is he going to take this issue seriously?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I am very pleased that we have implemented a number of the recommendations of the Koshal report. I am also very pleased that the waiting list for cardiac surgery is down 73 percent and that has been as a result of extraordinary and diligent work by the people involved in the program.

Regarding the hirings, Mr. Speaker, the member asked that several weeks ago in Estimates. I know when she runs out of questions, she repeats them. As I told her in Estimates, "stay tuned, very shortly."

An Honourable Member: We are running out of questions. We are running out of doctors.

Mrs. Driedger: That was an absolutely arrogant response from the Minister of Health who said he was not going to fool around any more when Doctor Koshal put forward his report?

Health Sciences Centre Cardiology Services

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I have been told by some very concerned, demoralized front-line workers that the coronary care unit at the Health Sciences Centre is periodically closed, the coronary care unit in the largest tertiary care hospital in Manitoba. There is no doubt that puts patients at risk. I would like to ask this Minister of Health if he can confirm that the coronary care unit is periodically closed and that he has allowed such an unsafe decision to be made, because he is asking for more trouble by doing so.

Hon. Dave Chomiak (Minister of Health): Like so many of the accusations and the information put forward by the member opposite, Mr. Speaker, I think it should be taken with a very, very large grain of salt.

I want to indicate that the waiting list for cardiac care is down 73 percent from when the member was the assistant to the Minister of Health and wandered through the hallways that were stacked up with 19 and 20 people day by day, week by week, month after month in the hallway medicine.

Fortunately we put in place measures to deal with that situation, Mr. Speaker and we continue to implement the recommendations of the Koshal report. As indicated, Doctor Koshal will be back to look in a year, which will be around August, at the implementation report. I think as he has indicated previously, he will be very pleased with the progress that we have made in terms of moving forward in terms of cardiac care.

Mrs. Driedger: A few months ago Doctor Koshal was not impressed at all with the lack of progress in this province by this Minister of Health who said that he was going to immediately take action on those recommendations. The three major recommendations have not even been filled. Doctor Koshal recommended a strong cardiology program remain at the Health Sciences Centre to treat the large number of patients with acute coronary problems at that hospital. He recommended 10 CCU beds remain at the Health Sciences Centre.

Can the Minister of Health confirm there are now discussions underway to only provide consultative cardiology services at the Health Sciences Centre, a direction totally contrary to Doctor Koshal's recommendations which this Minister of Health has totally accepted? Now we see the coronary care unit intermittently closed according to front-line workers.

Mr. Chomiak: Mr. Speaker, if I went on the statements of the member from Charleswood, we have already closed the Seven Oaks emergency ward, we have already closed the obstetrics at Victoria General Hospital.

None of those things have happened. In fact, the 23-odd recommendations we indicated we would follow under Koshal we are implementing, as I told the member during the week of Estimates in which the member asked hundreds and hundreds of questions. She asked several about the cardiac. She asked about the hiring with respect to cardiac, and I said very shortly there would be announcements in that regard. That is what I told her last week and that is what I am telling her again today.

Mr. Speaker: Order.

An Honourable Member: Listen to the answer.

Mr. Speaker: I am not going to resort to shouting, that is for sure. When I am saying order, I am trying to get your attention that we need to be able to hear the questions and the answers. I ask the co-operation of all honourable members.

Mr. Chomiak: Thank you, Mr. Speaker. When Doctor Koshal returns in August to review the program, I think all members will be very pleased with the progress that has been made. Notwithstanding that the member opposite seems to have difficulty in accepting any progress in the system, particularly the hiring of 870 new nurses in the system.

CAIS Program Government Contribution

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, devastated cattle farmers in Manitoba have no confidence in this government and never mind the Minister of Agriculture. She so far has cancelled her own feed program, cancelled any hope of an effective green feed program, spent over \$100,000 on a self-congratulatory advertising campaign to tell farmers how well off they were, told farmers to take on more debt in order to survive this historic tragedy.

Will the minister admit that, only because Newfoundland signed on as the seventh province, she may now be hoisted on her own petard and forced to participate in this program?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): It is really, really interesting that the member opposite should be critical of the programs and of the advertising of programs that we did when he, himself, ran ads about the programs that our government had created and told them to call him if they needed any answers. He obviously thought the programs that we put in place were good programs, otherwise he would not have been advertising to his constituents to call him to get more information about the programs.

With respect to the CAIS program, we did sign the APF. Then there was an amendment to the agreement. There were provinces that had questions about it. The agreement is now in place and our funding is in place.

* (14:20)

Mr. Maguire: Hundreds of farmers phoned me last fall in regard to this devastation that they have been faced with. This minister's record is to be part of a government that has now committed \$75 million to new VLTs, \$65 million to more forced union dues on the forced union contracts on the floodway, \$30 million for a Laundromat and a unionized sandwich factory, Mr. Speaker. Can she tell farmers what portion of her budget is for the CAIS program?

Ms. Wowchuk: It is interesting that the member opposite who was a farmer, who was a member of KAP, whose government brought in legislation that forced farmers to be part of KAP should now be opposed to people having to be part of an agreement.

KAP does have a check-off as do other farm organizations. I did not hear members opposite opposing that; in fact they brought in that legislation. There is an opt-out clause, but it is a negative option where farmers do put their dues into that farm organization. I want to say that KAP does do some very good work and is a strong representative for the farm group. But they have to think a little bit about some of the comments that they are making.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

La Verendrye School (Portage la Prairie)

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, I am very pleased to rise to draw the attention of all members of the Manitoba Legislative Assembly to La Verendrye School, located in the community of Portage la Prairie. Recently the Canadian Association for Health, Physical Education and Dance granted La Verendrye School a Platinum Award for their physical education program.

In order to qualify for the Platinum Award, schools must offer 150 minutes of quality physical education for all students during the regular six-day school cycle. Students are taught that healthy activities are not only for school but everyday life. Children can take what they have learned about fitness and apply the knowledge after they have completed their formal education.

The CAHPED awards have been around for 15 years acknowledging many schools that have shown

a commitment to their students' physical health. I hope that the successful program at La Verendrye School will serve as an example of quality physical education to other schools in Manitoba looking to expand their curriculum and encourage greater health and physical activity amongst their students.

I would like to take this opportunity to congratulate the students and staff of La Verendrye School on their efforts to maintain physical education as part of a healthy lifestyle. I would also like to acknowledge La Verendrye's physical education teachers, Mr. Mark Sokolowski and Ms. Joanne Clark-Gillespie, on their excellence in teaching physical education and encouraging all students to participate in a healthy, physical activity. Thank you very much.

Advancing Age Strategy

Mr. Bidhu Jha (Radisson): It was a great pleasure for me to visit with the residents of River East Personal Care Home a few weeks ago. Along with my wife, Raj, and my colleague, the MLA for Rossmere, (Mr. Schellenberg) I met with the residents council to learn about their services and programs, and listen to their ideas. It was also a good opportunity to let them know how our government actively supports seniors.

Our comprehensive Advancing Age strategy addresses the health care, community living and security issues of Manitoba seniors and is being implemented by the honourable Minister of Seniors and Healthy Living (Mr. Rondeau). Manitoba, like all governments in Canada, needs to be prepared to deal with the challenges and opportunities of planning for an aging population. By 2021, we expect that 19 percent of our population will be over the age of 65. Seniors deserve dignity, independence, fairness and security wherever they live in Manitoba. Advancing Age will address the issues seniors have told us concern them.

I am pleased to share the news that our government has made progress on increasing safety for seniors. The Safety Aid program provides free, basic safety devices for low-income seniors. Our toll-free seniors abuse line provides assistance and information to combat financial, physical and emotional issues. Our government has addressed and continues to address the health priorities of Manitobans. We have focussed on reducing waiting lists for cancer treatment, training nurses, improving

mental health services and hiring more staff. More spaces are being opened in nursing homes. A wider range of home care services have been available in Manitoba. Manitoba seniors are now, more than ever, receiving the services and attention they deserve and require.

Mr. Speaker, I would like to thank the residents council of the River East Personal Care Home for hosting us at their recent meeting. As well, thank you to Jill Galay, director of recreation services, for her assistance.

Nancy Taylor

Mrs. Leanne Rowat (Minnedosa): I am pleased to share with this Assembly the accomplishments of Ms. Nancy Taylor, a fine woman from the community of Minnedosa.

Ms. Taylor has personally taken on the project of fundraising over \$40,000 for a stretcher tub to be located in the Minnedosa and District Personal Care Home. This piece of equipment will make caring for residents and community members much easier. In only seven months, Ms. Taylor has raised the full amount and through her hard work and organizing abilities, she has gained the generous support of people from the local community, throughout Manitoba and across Canada.

Because of her successful fundraising efforts, Ms. Taylor has recently been nominated for the Manitoba League for Persons With Disabilities, Manitoba Access Awareness Achievement Award. Ms. Taylor has spent much time and effort on raising funds for the stretcher tub, a truly noble cause. Her unwavering commitment to this project demonstrates her desire to enhance the care of persons with disabilities.

As a member of the Legislative Assembly, it gives me great pleasure to know that individuals and communities in Manitoba support such beneficial projects, and I am proud of what Ms. Taylor has accomplished in such a short period of time.

I know that many people will benefit from the stretcher tub and on behalf of this Assembly, I want to thank Ms. Taylor for her contribution of leadership, organization and fundraising. Ms. Taylor has truly made a contribution to enhancing the lives of persons with disabilities.

Seven Oaks Hospital Foundation

Mr. Cris Aglugub (The Maples): Mr. Speaker, on May 14, I was pleased to attend the Seven Oaks General Hospital Foundation Resort Beach Party. This event is one of the ways in which the foundation raises money to be used for the Seven Oaks General Hospital. The money will help pay for some of the needs of the hospital such as the emergency relief capital campaign, equipment and other programs.

The Seven Oaks General Hospital Foundation is a non-profit, fundraising organization that is governed by a volunteer board of directors made up of members of our community. Over the years, members of the foundation have dedicated much of their time to enhancing health care in our community.

The beach party was held in the ballroom at the Delta Hotel. The volunteers did a superb job of transforming the room into a beach paradise where we could all relax and celebrate the end of a long and cold winter. The evening was filled with dancing, games and a delicious meal. The musical entertainment included live limbo and samba music which began with the Andrew Mynarski-General Wolfe Junior High school steel drum band. This was followed by a treasure hunt and many raffles. Gus Tsouras welcomed us all and Gail Smidt, the chair of the foundation bid us all welcome. Then a superb meal was served which was followed by musical entertainment by Carabello.

I would like to thank all the beach party helpers, the master of ceremonies, Gail Smidt, who is the president and chair of the foundation, the dinner committee, the evening volunteers, the staff and management of Delta Winnipeg and the many prize sponsors. I would also like to thank the foundation's staff, especially the executive director, Maria Marrone. I would like to thank them all for the generous donation of their time in such an important cause in our community. Thank you, Mr. Speaker.

Nancy Macdonald

Hon. Jon Gerrard (River Heights): First, Mr. Speaker, I want to congratulate Nancy Macdonald of Winnipeg who was recently chosen to be a member of the Canadian National Rollerblade Team. I want to wish Nancy and her teammates well as they

compete in the world championship in London, Ontario at the end of June.

* (14:30)

Second, fundamental to good management of our health care system is the gathering of good data to know how the system is working. We learned yesterday that the Manitoba government is not collecting and reporting basic data on the number of medical errors and adverse events which occur each year in Manitoba. Today, we learned that the Manitoba government is not collecting basic information on the number of children born each year in Manitoba who have fetal alcohol syndrome.

Fundamental to good decision making is having good information. Our present provincial NDP government is having difficulty making good health care decisions in part because it is not collecting and reporting the basic data needed. It is time to change this approach. There is an urgent need to collect the information needed to make better decisions.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Steve Ashton (Deputy Government House Leader): Would you please canvass the House to see if there is agreement for the Committee of Supply to meet in Room 255 to consider the concurrence motion while the House meets in the Chamber to consider bills with the understanding that there are to be no votes or quorum required for the Committee of Supply for today?

Mr. Speaker: Is there agreement for the Committee of Supply to meet in Room 255 to consider the concurrence motion, while the House meets in the Chamber to consider bills with the understanding that there be no votes or quorum required for the Committee of Supply for today. Is there agreement? *[Agreed]*

In accordance with our Rule 23(5), the House will now resolve into Committee of Supply in Room 255. Mr. Deputy Speaker, please take the Chair in Room 255.

Mr. Ashton: Could you please call the following bills on third reading: 15, 16 and 29; report stage: 6

and 41; debate on second reading: 30, 34, 44, 36, 37 and 27.

Mr. Speaker, I was also wondering if there would be leave of the House not to have quorum required in the House at the same time that LAMC is meeting to discuss some important matters.

Mr. Speaker: Before calling the business of the House, is there leave or is there agreement to not call quorum in the Chamber? There is agreement? *[Agreed]*

There is agreement for no quorum count also in the Chamber.

CONCURRENCE AND THIRD READINGS

Bill 15—The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments)

Hon. Tim Sale (Acting Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Industry and Economic Development (Mr. Smith), that Bill 15, The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments); Loi modifiant le Code de la route (pouvoirs de la police concernant les conducteurs dangereux et modifications diverses), reported from the Standing Committee on Justice, be concurred in and now be read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Energy, Science and Technology, seconded by the honourable Minister of Industry, Economic Development and Mines, that Bill 15, The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments), reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Is the House ready for the question?

Some Honourable Members: Agreed.

An Honourable Member: No.

Mr. Speaker: No. There is a speaker. Okay, the honourable Member for Lac du Bonnet.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I would like to rise to put a few brief

comments on the record with respect to this bill. This bill is really another important investigative tool that could become available to police. It clarifies the officer's authority to ask a driver about their consumption of alcohol or drugs.

I think many people, including counsel of record and lawyers who represent people who are stopped at a roadside, they were of the opinion that, in fact, an officer did have that authority to ask a driver about that particular thing, whether or not they have consumed alcohol or drugs.

A recent decision in the courts, in fact, indicated that they did not have that authority. So the bill itself tries to get around that kind of situation so that—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Any members wishing to have a conversation, please used the loges or out in the hallway because it is very, very difficult to hear the person that has the floor.

Mr. Hawranik: —so that because of this particular amendment, this particular bill, it will allow officers to ask individuals whether they have consumed alcohol or drugs when they are stopped at a roadside stop or for any particular reason. I think that is important to recognize.

I have, though, a concern about the bill to a certain extent, and I have given my concerns to the Justice Minister with respect to the field sobriety test in particular. The federal government has authority to pass criminal laws and the Province has authority to pass laws with administrative sanctions, such as the suspension of driver's licences.

Under the current impaired driver legislation, Mr. Speaker, the federal government, of course, has passed legislation to make criminal driving while impaired. They also have passed legislation with respect to breathalyzer legislation to ensure that police, in their tools, when they stop people who are suspected of impaired driving, they can in fact ask them to perform a breathalyzer test.

Under provincial legislation, if a person is caught driving while impaired or refuses to take a breathalyzer, we in fact have passed legislation, the Province has passed legislation to suspend driver's licences as a result of that criminal conviction.

With this particular bill, Bill 15, and I have talked to the Justice Minister about it, I believe that the field sobriety test portion of this bill should in fact be passed at this point. I think it is an important tool, investigative tool for police. But I think also that the field sobriety test portion of this legislation should be delayed in the sense that we should wait for federal criminal legislation to catch up to Bill 15.

* (14:40)

As we all know, the federal government is in an election mode. The legislation that is parallel to Bill 15 with respect to the field sobriety test has not been passed by the federal government at this point. The Justice Minister indicated that he has taken this under advisement and that in fact he will consider my comments in that respect.

I think that it is important to note that we are getting ahead of ourselves in Bill 15 with respect to the field sobriety test. Until there is federal legislation which also legitimizes the field sobriety test and creates a criminal sanction for a refusal to take the field sobriety test or a criminal sanction for failure of the field sobriety test, why are we suspending driver's licences in the meantime?

So the Justice Minister has taken that comment that I made during committee. I hope that in fact that part of the bill is not proclaimed with respect to field sobriety test until the federal legislation that parallels this legislation is passed by the federal government.

Having said that, the field sobriety test is an important tool to combat drug impairment in particular. We have breathalyzer legislation which will create a criminal offence for those who are convicted of not passing the breathalyzer test or refusing to take a breathalyzer. Here we have a tool to combat drug impairment.

The breathalyzer does not measure for drug impairment. It only measures for alcohol impairment. We need to combat drug impairment because of that fact. We see it in the papers on a weekly basis that police are, in fact, busting grow operations across this city and across Manitoba almost on a weekly basis. We expect, and I think the police expect, that in fact the number of drivers who will be out there on the streets driving while under the impairment of marijuana and other drugs will increase over the next year or two and more. The

police need to have some investigative tool to be able to test for drug impairment. At this point they do not really have a legislatively approved test for drug impairment.

So that is why it is important, I believe, to put in legislative form the field sobriety test, to ensure that people who are impaired by drugs, not by alcohol, but by drugs are tested and tested properly and sanctions are taken against them.

So, for that very reason, Mr. Speaker, we would support the bill. There are other reasons as well with respect to impoundment of vehicles that are found racing their vehicles on a highway or a street. It is a dangerous activity. I think it is important to support the bill from that perspective as well.

With that, I would like to just put those few brief comments on the record and indicate that we would support this bill.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 15, The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments).

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

Bill 16—The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders)

Hon. Tim Sale (Acting Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Industry, Economic Development and Mines (Mr. Smith), that Bill 16, The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders); Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (refus de versement de prestations aux contrevenants), reported from the Standing Committee on Justice, be concurred in and now be read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Energy, Science and Technology,

seconded by the honourable Minister of Industry, Economic Development and Mines, that Bill 16, The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders), reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I just would like to put a few brief comments on the record with respect to Bill 16 in third reading. I note that in committee there were no presentations that were made with respect to Bill 16. I contacted the interest groups, as I believe the Minister of Justice (Mr. Mackintosh) had as well with respect to Bill 16, to canvass whether or not there were any concerns or issues with respect to Bill 16. The comments that I received with respect to the bill were positive. I take that as proof of the fact that nobody came to make a presentation with respect to Bill 16.

We would support the bill, as we have indicated in second reading and at committee. We had no amendments to the bill. It is an important bill in the sense that it does clarify a particular case in Manitoba whereby an individual, because they had driven over their own spouse while impaired, still collected benefits under the Autopac legislation, the MPIC legislation. It makes a very simple change to the particular legislation, a very simple wording change, which would in fact not allow that to happen again. I think it is important we ensure that criminals, people who are convicted of criminal offences, do not benefit from their offences. This bill, in particular, closes that loophole with respect to that Manitoba case.

What I can tell you too is that this legislation actually amends our existing legislation that we passed, The Manitoba Public Insurance Corporation Act. In particular, it amends a couple of sections of legislation that we introduced before 1999 and makes it a little more difficult, a little tougher, for people who are convicted of criminal offences to claim under Autopac in terms of benefits, whether it be for a death benefit or a permanent impairment benefit or an income replacement indemnity. It is nothing new in terms of this legislation other than increasing the penalty for those who are or have been convicted of a Criminal Code offence. At the same time as a result of that conviction, they are in fact denied or have reduced benefits as a result. It is a little more improvement, I think, to our bill, but nonetheless it is

an improvement to the bill that we passed before 1999.

With that, Mr. Speaker, I can indicate that we have and will support this bill.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I, too, want to say a few words or put a few words on the record prior to the bill being passed.

One of the concerns that many Manitobans have, I would suggest to you that all Manitobans have, is the number of vehicles that are being stolen, and this bill, at least in part, addresses that issue. It is worthy of note that Manitoba has not done a good job in minimizing the number of vehicles being stolen. I believe we are almost, or close to, double what the closest province is to Manitoba in terms of that area of criminal activity. I am not too sure to what extent Bill 16 or Bill 15 will actually really assist, but with respect to the committee hearings and the feedback that I have received on this and Bill 15 that, hopefully, we will see a more proactive approach from the government, and where government comes up with the tools that can help facilitate, we think, is positive.

* (14:50)

I had indicated in second reading, I know on 16 and possibly on 15, the principle of the two pieces of legislation we supported and felt it would be good tools, again, for our police officers. With that, we are prepared to see it pass through third reading.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 16, The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders).

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

Bill 29—The Public Trustee Amendment Act

Hon. Tim Sale (Acting Minister of Justice and Attorney General): I move, seconded by the honourable Minister of Labour (Ms. Allan), that Bill 29, The Public Trustee Amendment Act; Loi

modifiant la Loi sur le curateur public, reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Energy, Science and Technology, seconded by the honourable Minister of Labour, that Bill 29, The Public Trustee Amendment Act, reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Mr. Gerald Hawranik (Lac du Bonnet): I rise to put a few words on the record with respect to Bill 29, and, again, I note when we were at committee, in fact, no one had made a presentation. I contacted a number of individuals and groups with respect to Bill 29, The Public Trustee Amendment Act, and they did not have any real concerns with the legislation, basically because it is housekeeping legislation to a great extent. It is a very short bill. It only has a couple of sections to it, a few sections to it.

It does a few things, though, that I think are important in spite of the fact it is a housekeeping bill. It clarifies the role of the Public Trustee under The Public Trustee Act versus The Court of Queen's Bench Act. The Court of Queen's Bench Act is rather lengthy; it involves many, many pages and lots of regulations. The Public Trustee Act is in many ways the same. Both of these pieces of legislation, though, are very, very important.

Any amendment or any legislation that, in fact, affects The Public Trustee Act, Mr. Speaker, has to be taken very seriously because the parent legislation is very serious. So I did some research in terms of The Public Trustee Act versus the Court of Queen's Bench Act and, in my view, this legislation is of a housekeeping nature. It clarifies that the Public Trustee may act as a litigation guardian, in other words it can be the person who is sued, or can sue on behalf of a child if no one else is acting. It is an important provision that is in that piece of legislation, because often we see individuals, like children who cannot speak up for themselves, sometimes even parents may decide not to speak up for their children in certain circumstances. The Public Trustee, in fact, is put in the place of the parent and acting on behalf of the best interests of the child if necessary. If that is necessary, at least the legislation is there for the protection of children.

Also, The Public Trustee Amendment Act indicates that a person with a claim against an estate of a deceased person that has no legal representative, in other words, no executor, no administrator, can no longer compel the Public Trustee to represent the estate. However, under The Court of Queen's Bench Act, even though it says that in The Public Trustee Act, it does indicate in the The Court of Queen's Bench Act that the Public Trustee can be appointed by a judge to act on behalf of a unrepresented estate.

So in many ways those two pieces of legislation were in conflict. What it does is it withdraws the ability of the Public Trustee to represent an estate under The Public Trustee Act while at the same time recognizing that under The Court of Queen's Bench Act that provision exists. So, in that way, Mr. Speaker, it is, in many ways, a housekeeping bill.

Also, without this bill, it is required that a judge pronounces an order to assign duties to the Public Trustee to protect the child. This bill, while very short, eliminates the necessity for a court order from a judge to protect the child, because as long as a child is unrepresented, the Public Trustee is the guardian already. Already is the guardian, Mr. Speaker. In other words, to give you an example, a child has parents who have refused to take the child for medical treatment when it is necessary to do so for the safety and well-being of the child. That is an example. Without this bill, it is required that a judge actually pronounces an order before taking the child to seek medical attention. With this bill, the Public Trustee being the underlying guardian of the child, it is no longer necessary to first seek the consent of a judge before seeking that medical treatment when the parent refuses to do so.

So that is one of the substantive pieces of this legislation, even though there are only four sections to it. It is a relatively small amendment but it clarifies the role of the Public Trustee vis-à-vis The Public Trustee Act as opposed to The Court of Queen's Bench Act. There is no denying it, Mr. Speaker, the Public Trustee is a very important government institution that in fact not only looks after the well-being of children who cannot defend themselves or cannot look after themselves in terms of their legal well-being, but, secondly, it also looks after people who have mental disabilities who cannot, as well, look after themselves. For that very reason, I believe that these are a couple of the

reasons in any event that we would support Bill 29 in third reading.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, with regard to Bill 29, we are quite supportive of the bill. What came to my mind is in terms of why it is this piece of legislation is actually before us today as opposed to years gone by. What comes to my mind, as I indicated, is that, if you have a child that is put into a position in which they need representation, it is good to be able to have the Public Trustee now be made more available. In that sense, I think that the legislation likely could have been brought earlier.

I was unable to be there at the committee meeting for that particular presentation of Bill 29, and it was a question that I do have of the minister. What I do know is that the Public Trustee and the office of the Public Trustee, at times, can be exceptionally controversial. There are a lot of members of the public that talk about the rights of family members. It is a whole social mixture of problems that can very easily be generated out of the Public Trustee office. The role that it plays in society today is very positive, somewhat controversial at times, depending in terms of what it is that they are articulating but it is very useful to society.

I think that all in all this particular bill addresses a shortcoming in a very positive way and for that reason we are quite supportive of Bill 29 getting third reading and becoming law.

With those few words, Mr. Speaker, we are prepared to see it go.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 29, The Public Trustee Amendment Act.

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

DEBATE ON REPORT STAGE—AMENDMENT

Bill 6—The Cross-Border Policing Act

Mr. Speaker: Resume debate on report stage amendment, Bill 6, The Cross-Border Policing Act,

amended by the honourable Member for Lac du Bonnet (Mr. Hawranik), standing in the name of the honourable Member for Steinbach, who has 14 minutes remaining.

*(15:00)

Mr. Kelvin Goertzen (Steinbach): It is a pleasure to resume debate on the amendment that is put forward by my colleague the honourable Member for Lac du Bonnet. Certainly, I have had the chance to look over the amendment and the various implications of it since the last time that I was speaking in this House on the amendment, now I think about a week or two ago.

I hope that the Minister of Justice (Mr. Mackintosh) has also had that same opportunity to review the amendment. I believe, if my memory serves me correctly, that when I last spoke in this House, when I left off with a few comments that I had on this particular amendment, I suggested that the Minister of Justice, the Attorney General, look seriously at the amendment and look seriously at its value in including it within the legislation.

I think that our caucus and our Justice critic, the Member for Lac du Bonnet, has been clear in stating support for the intention of the legislation, the importance of the intention of the legislation, but brought forward an amendment because he saw something that was lacking and a potential problem. It is important, I think, that the members on each side of this House, when they see something in legislation, whether we agree with it or do not agree with it, point out those areas where it can be strengthened or made better or in some cases of course rejected all together.

In this particular case, as I have mentioned, we are in support of the general intention of the bill to allow provincial or municipal police officers from Canadian provinces or territories to be appointed police officer in Manitoba. But the particular amendment the Member for Lac du Bonnet has brought forward speaks clearly about those jurisdictions that do not have our equivalency of the Law Enforcement Review Agency. That is an important point of distinction, I think. It is important because that particular body, or the equivalent types of bodies that exist in provinces across Canada or territories where they would exist, brings in an accountability factor, an outside accountability factor for police officers' conduct.

Of course, members of this House know that the vast majority of police officers, the vast majority of the times that they are completing their duties under their particular purview, do it in accordance with best interests, good practice, good faith and under the regulations that govern them internally and externally, Mr. Speaker. So we know that the police officers across this country, whether they are national police forces like our RCMP or municipal police forces, or Aboriginal police forces, for that matter, do their job with the best of intentions. I think all of us would agree that we owe them all a debt of gratitude for the work that they do in performing their good service to all of us in terms of public safety.

But there are times, and they often become very public instances, where police officers, for a variety of reasons, find themselves, ironically, on the wrong side of the law sometimes and find themselves being questioned about their conduct when they are performing their individual duties. In those instances there needs to be something in place to ensure that the broader public interest is protected, that the broader public confidence in the operation of our police forces, national and municipal and provincial in some cases, is upheld.

Agencies like LERA, the Law Enforcement Review Agency, do just that. They provide an outside opportunity for actions to be reviewed and to be looked at and in many cases for the results to come back that in fact there was proper conduct done by officers. I suspect that that is probably most often the result of many of the investigations that are undertaken by these outside bodies looking at the conduct of police officers. Most often they will say that the individuals in question had done their job appropriately within the standards of their job and, of course, within the expectations of society in general, Mr. Speaker.

But there are, of course, those cases, unfortunately, where that is not the case, and in situations like that there needs to be this kind of second look, this outside body to ensure that accountability is brought forward to those who otherwise bring accountability to ordinary citizens in their daily lives.

So the Member for Lac du Bonnet (Mr. Hawranik) brings forward this particular amendment with this intention, with this in mind. He has put a lot of thought on this and realized and wondered, I

think, and wondered in this House what ability we would have over an officer who came into the province of Manitoba from a jurisdiction that did not have that type of review agency—not an internal review agency, but an outside review agency, to look at the conduct of officers when they are in the province of Manitoba.

It is certainly a good question, I think. That citizens would expect that if we are going to allow provincial and municipal police officers to come into our province and to essentially have the powers and the protections of police officers who are domestic to our province that they would expect that there would also be that same type of check; that same type of balance in case of instances where those officers who are coming in from the outside had done something that we as a broader society would consider to be inappropriate.

So the amendment, Mr. Speaker, I would say is in order. Not only in order in the sense of a legislative process that it follows within the order of how amendments are brought forward, but that the public would suggest that this is a good amendment, that this makes what we think is good legislation, generally makes it even better.

That certainly fulfils an obligation that we as legislators have, to not only bring forward good legislation but to do what we can to strengthen it and to make that legislation even better. I think that the Member for Lac du Bonnet (Mr. Hawranik) has fulfilled that responsibility and that obligation that the broader citizenry of Manitoba would expect by bringing forward this particular amendment.

I would hope now over the course of the last week that the Minister of Justice (Mr. Mackintosh), our province's Attorney General, would have had the time to sit with staff and to review this particular amendment and that he will see what the Member for Lac du Bonnet has seen and what other members of my caucus have seen, that this is, in fact, a good proposal and that it does not take away anything from the general legislation that we are debating, Bill 6, The Cross-Border Policing Act.

In fact, it enhances it; it makes it stronger; it makes it better. It will ensure that this particular piece of legislation will stand the test of time, Mr. Speaker, that in years, in case there was such an unfortunate instance where a member of a municipal

or a provincial police force came into our jurisdiction and received the powers that are normally reserved for domestic police officers and did something that would be inappropriate, there would be a type of check and balance in place. But of course that would not be the case now under this current legislation.

If someone came from another jurisdiction and would receive the powers of a police officer where there was not a type of a LERA kind of a review, a type of Law Enforcement Review Agency review, there might not be that same sense of public confidence that a matter has truly been looked at independently and externally from the governing police force in that home jurisdiction.

So I think that the Member for Lac du Bonnet has brought forward a very good amendment and has done Manitobans and his constituents proud by pointing out what is, I think, a subtle fault with the legislation. Certainly, it is not one, I think, that would be readily apparent from reading the bill quickly on first glance. On a quick overview, one might not see the flaw that the Member for Lac du Bonnet has found and has pointed out to the government.

Certainly, I think the Minister of Justice should thank the Member for Lac du Bonnet for the work he has done. There is no fault, of course, 20 of the staff from the Department of Justice. I think that it was just an oversight, certainly nothing more than that, but it is an oversight that can now be corrected thanks to the work of the Member for Lac du Bonnet. I think he deserves the commendation of all members of this House and certainly members on our side have thanked him.

With that, Mr. Speaker, I would just like to encourage all members of the government and the Minister of Justice in particular to consider this amendment in the spirit that it is being brought forward, a friendly amendment, and to bring it forward to strengthen the legislation we are currently discussing.

* (15:10)

Mr. Speaker: Order. I was going to recognize the honourable Member for Lac du Bonnet. He had stood first, but I want to inform the honourable member that, with replies, members cannot speak twice to amendments: "Subject to sub-rule (2), a Member who has moved a substantive motion or the

Second Reading of a Bill may reply but not a Member who has moved an Order of the Day . . . an amendment, the previous question, an adjournment during a debate, or an instruction to a Committee."

The honourable member has spoken once already, the honourable Member for Lac du Bonnet, so the honourable Minister of Water Stewardship.

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I move, seconded by the Minister of Labour and Immigration (Ms. Allan), that debate be adjourned.

Motion agreed to.

Bill 41—The Profits of Criminal Notoriety Act

Mr. Speaker: Bill 41, The Profits of Criminal Notoriety Act, amendment by the honourable Member for Lac du Bonnet (Mr. Hawranik).

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I move, seconded by the Member for Tuxedo (Mrs. Stefanson),

THAT Bill 41 be amended by adding the following after Clause 19(b):

(b.1) requiring that some or all of the fines collected under subsection 11(1), (2) or (4) be paid into Victims Assistance Fund established under *The Victim's Bill of Rights*;

Motion presented.

Mr. Hawranik: Mr. Speaker, I think it is an important amendment that I am making to Bill 41, and I hope that members opposite pay attention to this amendment and, in fact, that the Minister of Justice (Mr. Mackintosh) does the same.

I have provided him with copies of this amendment, and I would expect and would hope that on behalf of all Manitobans that in fact he supports this amendment because to do otherwise would certainly be a slap in the face, I think, to victims of crime in this province.

First of all, Bill 41, basically the principle of the bill indicates that criminals ought not to profit from their recollection of crime and I do not think there is anyone that does not support that. I do not think there

is anyone in Manitoba that does not support that general principle.

Under Bill 41, the amounts that are paid, when under a contract to recollect a crime, are confiscated firstly under the bill for victims and secondly to the Victims Assistance Fund. So, firstly, it goes to victims who in fact have suffered under that particular crime and the money that is left over would go the Victims Assistance Fund.

I think those are laudable purposes both to the victims, victims should, in fact, be able to not profit but, certainly, be compensated for the act of criminal, and if there is money left over that it will go to the Victims Assistance Fund generally throughout the whole province.

I think we have put many comments on the record, Mr. Speaker, during second reading and committee, that for that purpose, that purpose is supportable, that those kinds of funds that are made under those kinds of contracts would firstly go to victims, secondly to the Victims Assistance Fund.

Well, my amendment deals with the fine revenue in particular. Members opposite may or may not be aware but there is substantial fine revenue in this bill, in Bill 41. Fine revenue in this bill can be \$50,000 or more. The minimum fine, Mr. Speaker, for contravening this bill is \$50,000 and that fine revenue could, in fact, in a single crime go into the millions, the reason being is that it is either \$50,000 or the amount of the contract.

So, if a newspaper or a radio station or another media outlet or a combination of them went to a criminal to buy the recollection of the crime to create a story, whether it is for a book or for any other purpose, and they pay the criminal millions of dollars, perhaps, hundreds of thousands of dollars, the fine revenue to the Province can be either \$50,000 as a minimum, no matter how much that contract is, or it can be, perhaps, even into the millions of dollars depending on how much is paid under the contract.

Now, where does that fine revenue go under the bill, Mr. Speaker? I ask you with respect to Bill 41. Where does it go now? Well, it does not go to victims; it does not go to the Victims Assistance Fund; it goes to general revenue. It goes to the government; it does not go to victims.

In my view, when we are talking about substantial revenues, we are not talking about a fine of \$100 or \$200 or even \$1,000, we could possibly be talking about a fine in the millions of dollars, it is certainly a minimum of \$50,000, but we could have a fine in the millions of dollars here under this act and, in fact, it does not go to victims. It goes to government revenues, general revenues.

If this government does not amend this bill, they are taking advantage of victims. All across the province, they are taking advantage of victims of crime. They are further victimizing the victims, Mr. Speaker, and they are not standing up for victims in this province. They are victimizing victims; they are making substantial profits off the backs of victims if this bill remains the way it is.

Perhaps, maybe, if they do not support the bill, I would be surprised if members opposite did not speak in favour of this amendment because, in fact, to do otherwise would certainly be a slap in the face to victims across this province.

Well, maybe there is a reason why the government does not want to make this amendment. Maybe there is a reason for it, another reason why the NDP might want the Hells Angels to stay in Manitoba. You know, "Let's keep the Hells Angels in Manitoba. Let's get that fine revenue up, supplement general revenues." Perhaps that is the reason.

The Hells Angels, as we all know, Mr. Speaker, were established in the year 2000 in Manitoba. They came and they took over the Los Broyos motorcycle club. Not only did they establish a chapter in Manitoba, but they established a retail store just down the street from the constituency office of the Justice Minister.

Now we hear, just last week, this government is contracting with companies that are owned by members of the gangs and criminal organizations of this province. Obviously, if they are not going to be supporting this amendment, they are going to be supporting the criminal organizations. So I would like to hear what members opposite have to say about this amendment in particular. What it does is it ensures that victims are looked at first, that victims are compensated first and not government.

As I said before, I have no problem if the revenue stream from a fine is a hundred dollars, a

very minimal amount, or a thousand dollars, but when we are talking about fine revenue in the tune of \$50,000 minimum to breach this act, \$50,000 minimum and perhaps into the millions of dollars, that is something different and that should go into the hands of victims or to the Victims Assistance Fund, not into general revenues of the government.

* (15:20)

I would like to remind members opposite that in fact I have introduced a number of bills, private members' bills, dealing with criminal organizations in this province. I was really astounded to hear members opposite, some of them actually speaking against them, because in fact those bills would have been another investigative tool for police to take on the gangs and criminal organizations of this province, and in particular the Hells Angels.

So I think it is important that members opposite stand up for their principles, stand up for victims in this province and, in fact, give credence to this amendment. This amendment is an important amendment to Bill 41. Instead of supplementing government revenues, general revenues, and I know this government is starved for cash. All you have to do is read the newspaper and find that out. That is all you have to do and you will find it out. Certainly, they should be standing up for the victims in this province and ensuring that revenues in the millions of dollars go in fact to the victims and the Victims Assistance Fund and not to general revenue.

I am interested in hearing what comments we have from members opposite with respect to this amendment. It is an important amendment, I think, that they should all support. I would hope that the Minister of Justice does the same.

Hon. Steve Ashton (Minister of Water Stewardship): I move, seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that debate be adjourned.

Mr. Speaker: It has been moved by the honourable Minister of Water Stewardship, seconded by the Minister of Education, Citizenship and Youth, that we adjourn debate. Agreed?

An Honourable Member: No.

Mr. Speaker: No? There is no agreement.

An Honourable Member: On a point of order, Mr. Speaker.

Mr. Speaker: I cannot entertain a point of order when I am doing a motion. I have to deal with the motion first; then I can deal with the point of order. *[interjection]* Order. I have been corrected. I can deal with a point of order when I am moving a motion. It is only when we are conducting a vote.

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): The only point of order I am raising is the fact that I did see the member from Inkster on his feet, who wanted to address the amendment to this bill. I thought it was the custom of this House to allow members to be able to speak and then when there are no more members ready to speak then someone can stand up and take adjournment of a bill.

Mr. Speaker: The honourable Minister for Water Stewardship, on the same point of order.

Mr. Ashton: On the same point of order, Mr. Speaker, sometimes members do not see other members standing and wishing to speak, and sometimes members do not see members in the Chamber for quorum counts. I did not see the Member for Inkster (Mr. Lamoureux), but I would certainly withdraw the motion to allow the member to speak and then move it. Or, if it is easier in terms of process, we can deal with the adjournment motion and then, by leave, I am sure members will be more than willing to allow the member to speak to the bill.

Mr. Speaker: Normally, if that occurs, we do have a process to deal with it and that is by unanimous consent of the House, by leave. So I am going to move the motion with the understanding that I will be asking leave for the honourable Member for Inkster to speak.

* * *

Mr. Speaker: Once again, it has been moved by the honourable Minister for Water Stewardship (Mr. Ashton), seconded by the honourable Minister of Education, Citizenship and Youth (Mr. Bjornson), that debate be adjourned.

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Speaker: No?

Voice Vote

Mr. Speaker: All those in favour of the motion, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the motion, say nay.

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: It has been adjourned.

Bill 41—The Profits of Criminal Notoriety Act

Mr. Speaker: Now we will ask leave, if there is unanimous consent of the House for the honourable Member for Inkster to speak to Bill 41, The Profits of Criminal Notoriety Act, and the amendment that was moved by the honourable Member for Lac du Bonnet (Mr. Hawranik). Does the honourable member have leave to speak to the amendment?

An Honourable Member: Leave.

Mr. Kevin Lamoureux (Inkster): I thank the members. *[interjection]* The Member for Steinbach (Mr. Goertzen) said I had better be good. Actually, I was going to stand up and say I like the amendment and then I was going to sit down. No, I am kidding.

Mr. Speaker, I was wanting to respond. It was interesting, the Member for Thompson (Mr. Ashton) made reference to me standing, maybe not necessarily seeing me, and made reference to quorum, and I was standing here when I had asked about the question at quorum. As you say, the doors opened and a flood of people came in. I think he was a part of the flood—*[interjection]*—but that is another side point; we will stay away from the floodway.

Mr. Speaker, the amendment that is being proposed is a positive amendment. There is absolutely no reason why the government should not

only support the amendment, I would suggest to you, no reason why they could not stand up and speak in support of the amendment. It would be very interesting to hear from the government as to what rationale they would use as to why they would vote against this particular amendment. I suspect the only sensitive feelings on that side in regard to this amendment would be, "Well, it is a member of the opposition that has moved the amendment."

I can tell government members, Mr. Speaker, that this particular critic of the opposition has moved other amendments, and this particular amendment, I do not think, needs to be controversial whatsoever. There is no need not to support the amendment. It is very straightforward, and I would suggest that government members do allow for it to become a part of Bill 41. I was in committee on Bill 41. I believe I spoke on it in second reading. One of the concerns that I had raised in second reading was in regard to why this particular bill was being brought forward at the time in which it was being brought forward.

The public as a whole, Mr. Speaker, as we all know, is very much concerned about crime. This minister, more than any other minister, I would suggest to you, that I am aware of in the last 12 years of being an MLA, really knows which hot buttons to push. I would have much preferred the minister taking the same sort of tangible action in terms of trying to get some sort of a national scheme going or promoting a national scheme that would allow for Bill 41 to have a lot more teeth.

My understanding is that the government's legislation, in essence, is going to say, "Look, if you have committed this horrendous crime and you are convicted in the province and you are located in the province, then you are not going to be able to derive any sort of profits from that horrendous, brutal, ugly crime."

Well, one could pose the question, as I have, in terms of how many of these crimes, if we were to make this legislation retroactive to the time of Manitoba joining confederation, how many cases would we have actually been dealing with.

People would be surprised with the response from the Minister of Justice (Mr. Mackintosh). The Minister of Justice would say, "Well, you know what, we've got to think in terms of the future. We

want to make sure that things in the future do not occur, and this legislation deals with the future."

Well, having said that, Manitobans are concerned about criminal activity that is in the streets today. What they want to see is the government move in a very tangible way in dealing with that criminal activity.

The government's track record on criminal activity, in the city of Winnipeg in particular, has been an absolute and total disaster. They have done nothing. All you need to do is just look at the gang activities.

You know, we make reference to the Hells Angels often. When the Minister of Justice was the critic in opposition, I can recall seeing that member virtually fly out of his seat in protest about the government's inability to be able to deal with crime. Well, this now-minister, former opposition critic, is demonstrating what not to do in many areas, because obviously he has really failed Manitobans on the whole issue of gang activity.

* (15:30)

I was speaking a little bit earlier this afternoon about car thefts. Manitoba has the highest number of cars that are being stolen. I can recall one incident where it was reported to me that it was part of a gang initiative that you had to steal a car.

The government takes and has perceived an issue here, and they believe, "Look, what we've got to do, all we have to do is just give the perception that we are being tough on crime and Manitobans will buy into it. We don't really have to do anything." That has been their approach.

Their approach is to wind up the talk, wind up the rhetoric, and whenever you see a camera, Mr. Minister, smile and show just how tough you can really be. The other day I asked the question about gun registration, whether you support gun registration or you do not support gun registration.

What would this government do if they found gang members, members of the Hells Angels, in possession of a gun that is not registered? What is the response of the government? Well, out in the hallway it is, "Nothing. We're not going to do nothing." Well, actually, they are somewhat consistent. They will even say that in here.

I say to members of the New Democratic Party that it is shameful, if not disgusting, the way in which they are trying to deal with the criminal activity on the street, Mr. Speaker, because quite frankly their policies have just not worked. They cannot demonstrate. They will often say, well, there are certain elements of the crime that have gone down, certain sectors, and so forth, but they have not been able to demonstrate that in any tangible way.

They have come up with some programs that have received moderate success, but if the government was as proactive at wanting to deal with crime, in particular organized crime, in a very real and tangible way, I would suggest to you that the Minister of Justice should put just as much time and energy into that as trying to give the perception, and I underline the word "perception," that they are tough on crime, because I for one do not see that.

How do you not support a bill of this nature? We will support this. We would support the legislation. We support the amendment. That is why I would pose the question to the minister and the New Democratic Party: Why would they not support the amendment? It will be interesting to see whether or not they will even stand up and speak to the amendment, because how could they not support the amendment?

I would ask members of the New Democrats, before they are told they have to vote against the amendment, to stand up and explain why it is they are going to vote against the amendment. Hopefully, maybe they are listening to what members of the opposition and other people are saying and they will accept the amendment.

I do not want to completely write them off. They might actually give some acknowledgment that this amendment does deserve passage and vote in favour of it. That would give individuals like me a glimmer of hope that government at times can support opposition initiatives. We do not really see that from the government. What I have seen from the government to date is a lot of limitations, especially if I compare it from the past. It is a government that does not encourage debate, does not encourage questioning. It does what it can to prevent any sort of real democratic participation, whether it is from MLAs or members of the public, I would ultimately argue, too.

What I would ask for the government to do is to, yes, bring forward and we will pass this legislation. By passing this legislation, I would be interested in three years from now getting the actual numbers. How many dollars have ended up in the government revenues, or if we see this amendment pass, a non-profit organization. In essence, how many dollars have really come to fruition, to realization because of this legislation that we are passing today?

I would suggest to you that we could even pose that same question on other legislation that this minister has proposed and we have seen passed through this Legislature, is results from what it is that the Minister of Justice has done to date. I look forward to two or three years from now when we are going to be able to bring back this legislation and hopefully I will be proven wrong. I am all for getting tough on crime and providing tools for our police services, but what we have to do is ensure that the resources are going to be there for them. We have to do what we can to ensure that what the government is talking about is not just for the media splash, to make them look flashy.

We are going to find out two to three years from now, but for now I am prepared to support the amendment that is proposed, and would ask the government not just to have a vote on the amendment but also to put their position on it. Especially, if they are going to vote against it, I think they owe an explanation to this House why it is they would not support the amendment.

With those few words, I thank you for the opportunity to be able to speak today.

Mr. Speaker: As previously agreed, when this matter is again before the House, the honourable Minister of Water Stewardship (Mr. Ashton) will have—it will be standing in the minister's name.

DEBATE ON SECOND READINGS

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

Mr. Speaker: We will now move on to resume debate on second reading of Bill 30, The Safe Schools Charter (Various Acts Amended), standing in the name of the honourable Member for Pembina (Mr. Dyck).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Pembina? *[Agreed]*

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, I am very pleased to be able to put a few words on the record with regard to Bill 30 today. We support this bill in principle. There are a few things that we do have some problems with but we will indicate those later.

When it comes to bullying in schools and so on, I am, certainly, as a mother of two young children, very, very concerned about bullying that is taking place in schools all across our province and indeed our country, and some places in the United States, but particularly in our province.

I want to ensure that at this point we can get to a stage where children's safety in our province becomes a right and not just a privilege. I would like to move forward in that respect.

Certainly, when it comes to this bill, we have been asking for something of this nature that addresses safety issues in our schools for quite some time now. It was, I believe, the previous Member for Fort Garry, who was the former Education critic, who spent a great deal of time going across our province consulting all sorts of stakeholders with respect to bullying in schools, and we heard loud and clear, Mr. Speaker, that it is time to make children's safety a right and not a privilege in our province.

While I think it is unfortunate that it has taken this long to bring this to debate in this Legislature, I believe it was back in a Throne Speech from November of 2002 that the Doer government came out in their Throne Speech suggesting that they were going to come out with a safe schools act, and it took some one and a half years before we actually saw a bill come to fruition in this House. I think that is somewhat unfortunate. Having said that, I am glad that we are here today to have this opportunity to debate this very important issue with safety in our schools.

Again, as the mother of two young children, very concerned about this issue and, again, I want to ensure that safety in our province becomes a right of children in our schools and not just a privilege. This issue, regrettably, arose as a result of a number of things but certainly at the time I think we saw the

result of horrific acts of violence that took place in schools across Canada and the United States. Specifically, two examples come to mind, Mr. Speaker. On April 20, 1999, two students went on a deadly rampage at Columbine High School in Littleton, Colorado, resulting in 15 deaths in that school.

* (15:40)

It was, I believe, just about one week after that horrific incident that took place in Littleton, Colorado, that a similar attack struck in a small town in Alberta, Taber, Alberta, where a 14-year-old boy opened fire with a .22 calibre rifle inside W.R. Myers High School in Taber, Alberta. The attacker had been a student at the school but had dropped out. Student Jason Lang, 17, was killed. Another student, also 17 at the time, was wounded and has since recovered from his injuries. Students at the school described the shooter as an unpopular kid who was the subject of teasing and name-calling. The boy's mother has said that he endured incessant bullying by peers and showed signs of depression before the shooting.

So, certainly, we have serious concerns with respect to bullying in schools and what can come as a result of bullying in schools. I think it is unfortunate that these incidents do take place, Mr. Speaker, but when it hits as close to home as a small town in Alberta, Taber, Alberta, I think it hits us very close to home here in Manitoba and we recognize the incredible seriousness of this issue. We realize how if it can happen in a small town in Alberta, it can happen in our own backyard.

I know that there have been a number of people across the province who have expressed concern over some of the incidents that have taken place in the schools. Certainly, comments have been made by concerned citizens in communities all around Manitoba. I would like to quote a Grade 12 student at Glenlawn Collegiate who was involved in some negotiations, I guess, with a group that was put together to discuss legislation surrounding safety in schools. He said, and I quote, "The main concerns I had were what I was seeing at the school level, everything from gangs to abuse. It brings a negative impact to school environment and decreases the morale around school."

So I think comments like that, particularly when it is coming from students in the schools, we see how

much that affects the students and, indeed, their families, and how scary this situation can become.

The superintendent of Pembina Trails School Division was quoted as saying, and I quote, "We recognize the fact our parent community has two very basic requests of our school system. Number one, they are looking for an excellent education for all their children. Equally important is they want the knowledge, the comfort of knowing their children are coming to school in a safe and caring environment."

Mr. Speaker, I think that the quote from the superintendent from Pembina Trails School Division certainly shows how important it is to the school divisions all across Manitoba as well. I think it is important to note at this time that there are a number of school divisions and, indeed, schools across Manitoba that already have safety features or safety mechanisms put in place, charters and so on, within their school divisions.

I hope when this process proceeds that some of the charters and so on that are already in place within those school divisions will be taken into consideration because they have gone to a great deal of work within those schools divisions and within those schools to come up with what they feel is what is best for their community and within their schools. I think we need to respect what those schools have come up with and, indeed, those school divisions have come up with in those local communities. There has to be a mechanism put into place to make sure that what has already been achieved in some of the local communities is respected.

I hope as we move forward with respect to some of the regulations that take place in this bill that certainly the minister will take those into consideration to ensure that the local flavour of the community, some of the things that are characteristic within the community, are also taken into consideration, Mr. Speaker.

Just when I was talking previously about how I feel that safety for children in schools should be a right and not a privilege, a mother of a Rolling River teen said, and I quote, "My daughter has the right to go to school for an education in a safe learning environment. The point of school is not to fight bullies off." I believe she went on to say, "The point of school is to be educated." Certainly, I think it is

scary that in some schools where gang activity is taking place since the Hells Angels have moved to town under this government's watch and so on, these gangs are moving into schools and I think it is absolutely scary some of the things that are taking place.

Again, this goes much beyond just the schools when it comes to gang activity in our province. Certainly we are talking today about a Bill which respect to safety of our children in our schools, so I will keep my comments to the schools.

Also, I would like to just quote Carolyn Duhamel, Manitoba Association of School Trustees, and she said, and I quote, "Certainly every school and every school division has challenges but I don't think we are in a crisis situation," is what she says. I think we need to put this into perspective. There are some very serious situations that have taken place. I have already cited an example in Taber, Alberta, and in Littleton, Colorado. I think we need to have mechanisms put into place to ensure and prevent these things from happening within our schools, but I think it is important to put it into perspective that we want to ensure that our students are not panicking, that they do not feel safe in our schools.

I think the situation has gotten worse under this government. I think it has taken them quite a long time, as I mentioned. They mentioned in their Throne Speech in 2002 that they were going to do something about this and come out with a Safe Schools Charter and it took a year and a half. I think it shows that perhaps it was not a priority of this government, but I am glad to see that it is there today and that we do have the opportunity to speak on this today.

As I mentioned earlier, there are many schools and school divisions that have already adopted steps to encourage and ensure safer schools. I know Winnipeg School Division has their 10 steps to safe schools in their *New Directions in Discipline*, which, I believe, is an organization run by Spencer Clements and Gary Sova. I know they have written a book, *A Handbook of Proactive Strategies: Combating School Violence*. I think certainly they have their 10 steps to safe schools that have been put in place in Winnipeg School Division.

I know that there are a number of other school divisions across our province that already have their

steps put into place. Again, I just would encourage the minister when he comes out with his regulations and so on with respect to this bill that a number of the steps that have already taken place within the school divisions are respected so that they have got the local flavour of the needs for those students within those school divisions and those schools.

We have also seen, unfortunately, many examples of bullying that have taken place in Manitoba in our own backyards. I am not going to go into all of the things that have taken place at Teulon Collegiate, Oakville, Manitoba. Rolling River School Division, I know there have been some examples there. I think the school divisions should be commended for taking steps, important steps, in these respects. Again, I would just encourage the minister to ensure that he takes into consideration and not duplicate the efforts that have already taken place within some of the school divisions.

So again, before I pass this on to the member for Fort Whyte for a few comments put on the record with respect to this bill, I again just want to conclude by saying, our former Member for Fort Garry, the former Education critic, spent a great deal of time in this province consulting, going from one end of our province to another and consulting with all stakeholders with respect to bullying in schools. She took this matter very, very seriously, as we do on this side of the House. We just think it is unfortunate again that it has taken this long to have a safe schools charter come forward in this House, but again I am glad that we are here debating it today.

*(15:50)

I want to also just caution the minister once again. We are prepared to move this on. I do support the principle of the bill, but I think it is important that we listen to the stakeholders within the education system to ensure that their concerns are brought forward with respect to this. Often what has happened and what I have heard in speaking to a number of the school divisions is that the government tends to have a bit of a top-down approach with respect to education. The school divisions are told what they have got to do, and yet they have to come up with the money to implement the programs, and so on, that are dictated by this government. I feel that this is an important one. We want to make sure that all schools are safe in Manitoba, but please take into consideration the

programs that already exist and ensure that those are taken into consideration.

At this point in time I am prepared to pass this on to committee, but before that I believe the Member for Fort Whyte and a few others may wish to put a few comments on the record.

Mr. John Loewen (Fort Whyte): As was mentioned by the Member for Tuxedo, in principle, of course, we do support this bill. It is hard not to support it in principle. The problem I have with this bill is, of course, that it is for the most part redundant.

I mean, every school throughout this province quite likely already has this plan in place. They have plans for bullying; they have plans for emergencies. Yet somehow this minister, in his arrogance, wants to sit on his pulpit and somehow decree that he is going to provide safe schools from on high. Well, I would advise this minister and remind this minister that it really has nothing to do with him. There are experienced and dedicated professionals, teachers, administrators out there working in the fields. He did not invent any of this. Most schools in this province have had these types of policies for years and years and years.

You would think that, coming from a school system, he would actually understand this, but of course here he is wrapped up in his role as Minister of Education and the first thing he had to do was get on his high horse and perhaps taking a page out of the Minister of Justice's (Mr. Mackintosh) book. He decided, hey, I need a press release too.

So I am going to stand up and say that now, as Minister of Education, as the reigning Minister of Education, I am going to provide for safe schools through legislation. Well, the silliness of that type of approach to the education system, it rings well coming from members opposite, because I think they actually believe that somehow this type of administrative decree from on high will actually result in something happening at the front lines.

We hear that daily from the Minister of Health (Mr. Chomiak), that somehow his decrees make a difference in the front lines, when actually all he does is get in the way of good service being provided. The risk, of course, in this situation, is that what will happen is the minister, however well-

intentioned—I will give him credit, I think his intentions are honourable, but they are misguided.

These policies are in place. There are bullying policies, and if I am mistaken then perhaps the minister or maybe one of his members would get up and correct me and tell me of schools they know that do not have safety programs, that do not have policies against bullying, that do not have policies laid out with how to deal with young people who may cross the line or who may find themselves in a situation that is not healthy for themselves or for other students. If he has that information, by all means put in on the record.

As we see again today, as we have seen ever since this session started, the Cabinet members and the backbenchers of the Doer government have simply been muzzled. They will not get up and speak to a bill. They will not ask any intelligent questions in committee on a bill, because the bill is simply, quite frankly, hardly worth the paper that it has been written on.

Again, what I would ask the minister to do. I would ask the minister to take this back and reflect upon it, while it is going forward to committee, and think of how he could actually be a facilitator in terms of helping our school divisions, helping our schools, helping the front-line teachers and administrators deal with these situations, as opposed to coming up with this edict from on high.

Mr. Harry Schellenberg, Acting Speaker, in the Chair

I will tell him, Mr. Acting Speaker, through you. I will tell him that. I know lots of schools and every school that I am familiar with has these types of policies in place. They work, they work well. There are dedicated teachers that are looking for their students, for the individuals in their school. There are dedicated administrators, principals and vice-principals that are stepping in when the front-line teachers need assistance. In essence, this is being done.

The danger is when these edicts from on high come down. When a minister says, well, each school has to have a committee to deal with this, that is when things tend to get a little silly and tend to get off the rails, and tend to get taken too far.

I will give the minister just a simple example of an experience I have had. Over the years, as my children have gone through school, I have had the great opportunity to coach a great number of basketball teams on a volunteer basis, as a parent. I love the game and I love coaching the kids, and it has been a lot of fun. But the minister needs to understand that there are policies in some school divisions that have been created by edicts on high. For example, the Winnipeg School Division No. 1 has a policy whereby a team cannot participate in a game unless there is a teacher present at the game. In theory, as an edict from on high, it sounds reasonable. It would be good to have a teacher at every game that the student athletes are participating in. The trouble is when it gets carried too far.

I just want to relate to him a situation. I took a Grade 9 basketball team at the time. We went to a tournament in the city of Winnipeg. The games were scheduled for Friday and Saturday. We had a couple of games on Friday and one on Saturday. It was a round-robin affair. It came to the game on Saturday, and we expected to find a game going on ahead of us. There was no game; the court was empty. I asked what happened, and I was told by the gym supervisor that the previous game had had to be cancelled because one of the schools did not have a teacher present at the game.

Now this was a school that had two young students giving of their time, volunteering to coach a Grade 9 basketball team. The students, I am not sure if they were in Grade 12 or first-year university students, but a couple of young fellows had volunteered to coach this team at the school because there was not a teacher that was willing or available at that school to coach the basketball team. Well, they came to a gym on a Saturday afternoon. They brought their Grade 9 basketball team to a tournament. There was a teacher from the school who was supposed to have showed up to be the teacher supervisor. Unfortunately, there was a miscommunication, and that teacher did not show up. So what was the response? The response was to go to the book. Unless each school has a teacher representing that team, the game cannot go on.

I ask the minister, in that situation, who was punished. The people who were punished were the young kids who were putting in their own time to be on a school team. The people who were punished were the young coaches who had given up their free

time and I am sure they had a lot better things to do on a Saturday afternoon. The one person who was not punished was the teacher who did not show up. This is just an example of what can happen in a school division, in a situation when edicts come down from on high.

Mr. Acting Speaker, quite frankly this minister is leaving himself open to the same type of situation by trying to bring this piece of legislation before the House and have it passed. Again, it is an interesting concept, interesting enough that I daresay every school has already done it. Therefore, what is the point? What is the minister trying to accomplish? The minister sits there and shakes his head. Well, he has ample backbenchers and if he knows of situations where schools do not have bullying policies and are not dealing with it, well, then I would beg him to get his fellow colleagues to stand up and to put on the record which schools they know that do not follow these policies.

* (16:00)

The same thing applies to safety issues. The schools, the administrators, the teachers, the parent councils have insured that this has been taken care of already, and the danger is that now the minister is going to get in the mix and no doubt when he gets in the mix he will muck it up and it will come into something that likely no longer functions well.

I guess the issue is, in this same bill the minister is asking, well, he is demanding that each school have codes of conduct and emergency response plans and that they established these, and to what end does the minister going to see that these are enforced? His philosophy and his party's philosophy is to go and hire a bunch more bureaucrats to run around the schools and check and make sure that they have policies in place. I would implore him to pick up the phone and actually call schools and call some divisions and see what they already have in place, although I can appreciate that he may be rather nervous about going out and actually visiting school divisions and visiting schools, given the damage that his government is wrecking upon the public education system as we speak today.

Again, while we certainly agree that what the minister's intentions are in bringing this bill before the House, while they are honourable, they are once again extremely misguided. One only needs to look

at 1999 and the election promises that his Premier (Mr. Doer) made. Now, he was not here. I am not going to blame him for this. There are other members who were part of that election team and were out there making promises, but interesting that in this bill there is a clause demanding that the schools establish a policy respecting the appropriate use of electronic mail and the Internet at schools. Again, a worthwhile statement, but I would remind the minister that it was his Premier who promised over four years ago that every child would have an e-mail account. Every child in a public school in Manitoba would have an e-mail account. That has not happened, but the ludicrousness of the Premier going out and promising it and the Minister of Education (Mr. Bjornson) coming along four and a half years later and saying, "Well, gee, now we think we might develop a policy about it. We might have a policy to back up that promise four and a half years later."

Where were you, where was your government four and a half years ago when I remember the Premier (Mr. Doer) put up a Web site that was one click away from a pornography site? You know, the Premier's Web site one click away from porn, four and a half years later, this minister is bringing in a bill to ensure that Internet usage is safe in the school—[interjection] Well, I hear from the Minister of Healthy Living (Mr. Rondeau), who, I am sure, would love to get up in his seat and speak to this bill, although I must say I would be a little dumbfounded to hear him because I did hear him at committee last night when he could not even speak to his own amendment.

You know, when asked to define his amendment, he said, "It shortens the definition," and we will read that in Hansard one of these days, but that was his idea of defining an amendment that, by the way, the clause had already passed and we had to come back to that clause in the bill, but perhaps the Minister of Healthy Living could spend a little more time on his bills and a little less time going out cutting ribbons for the Minister of Health (Mr. Chomiak). The whole process might move further along.

So, Mr. Acting Speaker, I am looking forward to this bill going to committee. I am. Actually, I would much rather look forward to members opposite speaking on the bill but, you know, I doubt that will happen in the lifetime of that government, which is

getting shorter and shorter as each day goes by. They are showing every day that they have run out of ideas, they have no ingenuity.

The Minister of Education (Mr. Bjornson), I mean, I would have asked him questions on this bill in Question Period, but he would not have stood up and answered them, so what is the point? So, hopefully, during the committee process, we will actually get some people out to explain to the minister that yes, while these are admirable thoughts in his legislation, in fact he need not worry, because it is already done.

I would once again implore the minister to spend less time on the administrative minutiae and spend more time trying to think of creative ways in which he can get more funding to the front-line workers. I am not talking about more funding administration, as the Minister of Health is so apt at putting in place.

I want to assure him, I am not talking about increasing the property tax credit and then trying to convince the people of Manitoba that that is an increase in education funding. I mean, you know, I do not think the minister was a math teacher. I think he was a science teacher. I remember reading something about him being a science teacher, well, maybe it was history, but if he would have spent a little more time on math, he might understand the simple concept that, when you give a taxpayer \$75 or \$150 more in a tax credit, that does not actually do anything to help the education system.

That does not do anything to help front-line workers, teachers, many of his former colleagues; it does not help them do a better job. His job, his responsibility, his constitutional responsibility, is to get the proper funding in place. Now, he is working on that. The trouble is the only creative solution that this minister and his Premier have bothered to bring to the table is that somehow they are going to put 100 million more dollars into the system by an administrative transfer of funds.

So in Estimates the minister stands up and says, "Well, there's no new money. There's no new money," and then we read a couple of weekends ago the Premier saying, "Well, we're going to take over collective bargaining on a provincial-wide basis and we're going to give the school divisions \$100 million in new money." We get into the House, it is the same non-new money they are talking about.

I mean, Mr. Acting Speaker, this minister has a lot of work to do. He could be doing a lot of positive, a lot of constructive, things for the children of Manitoba, for the front-line education staff and for all of Manitoba. Instead, he is wasting his time on administrative minutiae that is already being handled. He is wasting his time putting spin on how he is going to, you know, redirect \$100 million, which creates no new funds for schools.

In fact, what we have under this minister and under the previous ministers of the Doer administration is a situation where funding to the public schools, public education system, is at an historic low in terms of the percentage of funding that is needed to help our public school system function, and off the top of my head, the exact percentage is 55 percent of funding.

Now, the minister shakes his head, because he somehow thinks, "Well, but hold it, there are \$175 million of tax credits. My Finance Minister and my Premier did a brilliant thing three years ago when they took those numbers out of the Finance Department and put them into Education so he could stand up and say that is more money for Education." What a load of, well, stuff that one day soon will smell like raspberry jam, as the former member from the Interlake so often told us.

Having said those few words, I am looking forward to this bill going to committee. I am really looking forward to the minister actually trying to justify why he is even wasting any of his department's time on this piece of legislation. But most importantly, I am anxiously awaiting the minister to talk about his policy regarding e-mails and e-mail accounts for every student in Manitoba, which of course they do not have. This is just another promise they failed to live up to, because they had no policy behind it.

Now, you know, thank goodness, here we are four and a half years later, the third or fourth Minister of Education that we have seen. I cannot remember. The numbers have gone so fast it is hard to keep track. But, whatever number it is, it is nice to see that there is a minister actually trying to put some detail behind a promise that was made four and a half years ago.

* (16:10)

Hon. Jon Gerrard (River Heights): I rise to put a few words on the record with regard to Bill 30, The Safe Schools Charter. Liberals are pleased that the NDP have brought forward this legislation. We see that it is important to have a framework for safe schools. In fact, this was an area where there was some Liberal leadership under Sharon Carstairs' leadership of the Liberal Party. This was, in fact, a program that was put forward by the Liberal Party in the 1990 election. I am pleased to see that the NDP government has picked up on it. It is 14 years afterwards, but, still, that is not bad for an NDP party which is learning how to do things.

We clearly have a little bit of disagreement with the Member for Fort Whyte, who said, and I quote, "This bill hardly is worth the paper it is printed on." He is very negative on this bill. Clearly, the Liberal Party does not position itself in the same way as the Member for Fort Whyte and the Conservative Party on this bill. I quoted. He said, "This bill is hardly worth the paper it is written on." That was what I was quoting from, and I take the member at his word.

What I would say is that it is a good idea to create an environment within our schools where learning is encouraged, where the operation of the schools promotes a nurturing environment with codes of conduct which fit and match with the bill of human rights, that the codes of conduct fit and match with the general direction that we see that things are going in a provincial and indeed a global perspective, that bullying, a framework for moving forward to do better in having less bullying in our schools is an important initiative, to have a framework to be able to recognize that we may never eliminate it, but we do have a framework for recognizing it and for making sure that it does not cause problems for the growth of young people, that it is addressed where it occurs and that we have approaches that are effective in helping not only those who are bullied, but in helping the bullies. It is important that the bullies learn and are able to change their behaviour and appreciate that there are better ways of doing things than trying to bully other kids.

It is one of the reasons that we have talked about the importance of physical education, sports, music, arts and so on, in schools. These are activities where children have to learn communication, ethics, discipline, co-operation, teamwork and I think that these are all important things which are learned in

school. They really form part of what we are trying to do with our school system and our education system is to create a nurturing environment, an environment which is good for learning, an environment which is exciting for young people and stimulating, from which they can build a solid foundation for a productive and happy life as an adult.

Clearly, our society as we look at this framework needs to look not just at issues of punishment, but rather of issues of how we support better behaviour, how we support change. It is not just a question of punishing bullies. It is a question of showing people that there is a better way and that that better way can be helpful to them as well as be better for the other children in the school.

There are, of course, areas where we think that the present government has stepped a little overboard on its rhetoric, talking about saving \$10 million in amalgamating school divisions, when in fact emerging evidence would suggest that it probably cost them an additional \$10 million over what was spent before, maybe more.

In this case, we do see there is a need to create a safe schools charter and to look at the positive things that can be done to create a good environment for learning for children in our schools.

The Acting Speaker (Mr. Schellenberg): Are there any other members who wish to speak to the bill?

It was previously agreed that this bill would remain standing in the name of the Member for Pembina (Mr. Dyck).

Bill 34—The University of Winnipeg Amendment Act

The Acting Speaker (Mr. Schellenberg): We will resume debate on the second reading on the proposed motion of the honourable Minister for Advanced Education (Ms. McGifford), Bill 34, The University of Winnipeg Amendment Act, standing in the name of the Member for Pembina (Mr. Dyck). The floor is open.

Is there unanimous consent for the bill to stand in the name of the honourable Member for Pembina?
[Agreed]

The bill will remain standing in the name of the honourable Member for Pembina.

Hon. Jon Gerrard (River Heights): I rise to put a few words on the record on The University of Winnipeg Amendment Act.

I want, first of all, to comment that the University of Winnipeg is perhaps at an historic turning point. We have a new president at the University of Winnipeg, Lloyd Axworthy, who is certainly familiar to this Chamber because he sat in this Chamber for a number of years in the 1970s. He is certainly familiar to this Chamber through his work at the federal level as a member of Parliament and a Cabinet minister, although the members on the opposite side from the government, the NDP, have been quite critical from time to time of the years when Lloyd Axworthy was in the federal government and some of the measures that were taken during those years.

I think that in many ways our province and our country have benefited from the years when Lloyd Axworthy was in the federal government. I would say that that is pretty generally recognized, not just by Liberals, but by citizens throughout Manitoba. Even those who are not Liberal, I think recognize that Lloyd Axworthy made a significant contribution to our province in many ways. He was there to stand up for Manitoba. The years that he was in the federal level and in the federal Cabinet were years where there were certainly challenges, but he certainly did a good job in the portfolios that he worked in. His record in foreign affairs is certainly exemplary.

I would say that the members of the opposite side from time to time might think a little more and be a little more careful when they are so often so critical about those years, but in fact in many respects they were years when the economy was growing pretty well, when the level of support for Manitoba was pretty good, and when the Minister of Foreign Affairs was Lloyd Axworthy. Not only Manitoba, but Canada in general was well served by his activities.

Lloyd Axworthy, of course, spent a few years in British Columbia after he retired from active politics. We certainly welcome him back to Manitoba and to the University of Winnipeg. We look forward to his activities and his leadership with respect to the University of Winnipeg. We can already see that he has an activist vision that the University of Winnipeg needs to recognize, as do others in Manitoba, that there is a need for increasing the number of students

in post-secondary education, that there is a need for increasing the participation of Aboriginal students, as the Member for The Pas well recognizes, and that these are good things, changes at the University of Winnipeg. Having a president who recognizes this is a good thing.

* (16:20)

I think that it is important to see that Lloyd Axworthy is a person who has been able to work well with people of all political persuasions. He has been able to serve this province more recently with the Climate Change Initiative. He has been able to contribute in numerous editorials written for the *Winnipeg Free Press*, and he now, at the University of Winnipeg, is positioned to play a leadership role in the development and the future of post-secondary education in this province.

I expect that he will provide some leadership and vision in how institutions work together to better serve Manitobans, some leadership and vision in how particular areas in which we all recognize there is need for progress, urban issues, urban housing issues, you know, addressing the needs of the centre of Winnipeg. This is an area which clearly Lloyd Axworthy has recognized for many years and that I expect that we can anticipate some leadership from Lloyd Axworthy in putting forward ideas, in creating an environment which enables good discussion and good participation from the university as a real partner with business and government and citizens in trying to advance the best interests of the urban regions of Winnipeg.

I think, as well, that Lloyd Axworthy with his interest in the environment can be expected to play a leadership role in providing some discussion and dialogue and interaction and, I think, a focus for helpful ideas which all of us can benefit from.

His interest in Aboriginal issues, again, I expect that we will see some leadership and some forward thinking. I know that this is an area that Lloyd Axworthy has had close to his heart for many years and that he has participated in sweat lodges not just for show, but because he really has a concern that this is an area which we need to pay more attention to if we are going to move Manitoba and all our citizens forward.

Mr. Acting Speaker, what I would say here is that the University of Winnipeg is at a turning point

with its new president. It is a turning point which we welcome and it is in this context that we as Liberals are certainly ready to support the changes in The University of Winnipeg Act and look forward to the University of Winnipeg playing a very important role in the future of Manitoba.

Mr. Kelvin Goertzen (Steinbach): It is a pleasure to follow the Member for River Heights, the Leader of the Liberal Party, and I note that he put approximately 10 seconds of words on the record regarding Bill 34 and a fair bit more time in relation to the record of the federal Liberal Party and his former colleague Mr. Axworthy. We would join with the member for the Liberal Party in welcoming back Mr. Axworthy to Manitoba and now leading up the University of Winnipeg.

We have heard Mr. Axworthy present a vision for the University of Winnipeg, a strong vision, I think, a clear vision, and we as Conservatives applaud that, having been strong supporters, of course, of not only the University of Winnipeg but post-secondary education in general across the province. So we wish Mr. Axworthy well in his endeavours.

I am not certain that I could agree with the exact recounting of a federal political history that was put on the record by the Leader of the Liberal Party. Certainly, he managed to forget certain things like the gun registry fiasco that happened during the time when the Liberals were in power in the nineties. Mr. Axworthy was a part of that government and now, I guess, the Adscam which continues to be part of the debate. The genesis of that was also at a time back in the 1990s and it is convenient that those things kind of get overlooked at a particular time when we are looking at a federal election and where the winds of change are blowing federally in the country now. It looks as though the Canadians are looking for a different kind of federal government. It will be interesting to see how that plays out.

But, specifically, of course, to Mr. Axworthy, all members, I think, in this House and all Manitobans will recognize the initiatives that he did have a part of as a government and to the extent that they benefited Manitoba. I think that all Manitobans would be grateful for that and we wish him well in his new endeavour.

Certainly, we are looking forward to moving this bill on to committee today, Mr. Acting Speaker.

An Honourable Member: The Lloyd Axworthy bill.

Mr. Goertzen: We will not call it the Lloyd Axworthy bill, although if anybody were just to read the comments on the record today about Bill 34, they would think that Bill 34 is the Lloyd Axworthy bill. It is not. It actually deals with issues of discipline, academic discipline and non-academic discipline, within a university context. My understanding is that the University of Manitoba already holds some of the powers that this particular bill will now give to the University of Winnipeg.

With those comments, together with the comments from the Leader of the Liberal Party, I would be happy to conclude my comments. I believe there are other members in this House who would also like to speak to this bill. I certainly want to give them opportunity to do that, so, with those comments, thank you very much.

Mr. John Loewen (Fort Whyte): I do want to put a few words on the record regarding Bill 34, particularly to follow up on my colleague from Steinbach, the city that contributes so much to this province in terms of its burgeoning economy and creating employment, and the member from River Heights. For a minute there, I thought when the member from River Heights was speaking that maybe we were already doing condolence motions and I had missed some time.

Certainly, we in this House have a great deal of respect for the work that Lloyd Axworthy has done for this community and the time and the effort. I think it is 21 years that he has put in, in public service at the federal level and we are certainly appreciative. Having said that, Lloyd and I agreed on a lot of things. We did disagree from time to time too. The minister was talking about some of the issues about downtown Winnipeg and downtown redevelopment, and I believe it was Mr. Axworthy that was a big proponent of the Portage Place shopping centre, which, I think, has been one of the big disasters in terms of downtown. It served to take people off the streets.

* (16:30)

Members might wonder what relevance that has to the University of Winnipeg, but where it comes back to roost, as I noticed comments in the paper this

weekend from Mr. Axworthy about the importance of expanding the University of Winnipeg, which, hopefully, this bill will lead to, because I think there does need to be a significant expansion at the University of Winnipeg. More importantly, I think, along with that expansion there needs to be a recognition that for the University of Winnipeg to reach its full potential in terms of how it fits into the city of Winnipeg and how it fits into urban development is going to take a strategy to ensure that there are a considerable number of students who choose to live downtown. I noticed in the paper Mr. Axworthy was waxing eloquent about this side of the issue as well.

Again, it brings me back to the situation we have with the New Democratic government who totally ignored the advice of the chancellor of the University of Winnipeg, of the president of the University of Winnipeg, with regard to the location of the expansion of Red River community college in downtown Winnipeg. Instead of incorporating that into the University of Winnipeg, they made a wrong-headed decision, a wrong-minded decision, that Red River community college should be on a stand-alone piece of land close to the Exchange District. Of course what they miss as central planners, the New Democratic Party often misses this simple fact that it really takes the private sector to make these institutions realize their full potential in the broadest terms of the word.

Certainly, when it comes to the University of Winnipeg and Red River community college and the expansion of the college, if they had somehow found a way to put those two campuses together to create a larger centre of excellence and at the same time, worked into the planning process a strategy for encouraging students to live downtown, to spend their time downtown, then the whole city, the whole province, would have been far better off.

What we have right now are two downtown campuses, the University of Winnipeg and the newly renovated Red River College, but we have no students downtown. That is the problem. We can go to any major city in North America that has downtown colleges and an important part of the vibrancy of that city, the flavour of that city is the fact that, along with those downtown campuses, there are students who live downtown on a full-time basis. I would encourage any of the members opposite, go on a boondoggle.

We have the Premier (Mr. Doer) and the Minister of Agriculture (Ms. Wowchuk) who go to Washington on a holiday weekend and supposedly talk about BSE when no one is around. I would encourage members opposite, go to Victoria, go to Montréal, go to Toronto, go to virtually any major urban centre in the U.S. and just observe, just observe how many students live downtown. *[interjection]*

When we talk about revitalizing downtown, when we talk about the role of the University of Winnipeg—well, I appreciate the Member for Riel (Ms. Melnick)—sorry, she has some comments. They are probably valid comments. I would encourage her to stand up and put them on the record as opposed to what we have seen from this government. No one will stand and speak to this bill. If she has something she wants to say about the bill, stand up and put it on the record. Her time is now. If she has not been muzzled by her government, if she has some ideas about how to enhance downtown through the University of Winnipeg and Red River College that differ from mine, well, stand up and put them on the record; do not just chirp from your seat to me.

Mr. Acting Speaker, I just want to say that in regard to this bill, it is providing some options to the University of Winnipeg which they need. We support this bill. We will support Mr. Axworthy in his endeavours to make it a more significant campus, to grow the campus. In particular, we will support ways to bring in the private sector to ensure that in the near future we have students that actually live on a full-time basis in downtown.

I can assure members opposite that if they had a crystal ball—

An Honourable Member: The future is here. The future is now.

Mr. Loewen: Well, if the future is now, where have you been for four years? The Member for Riel says "the future is now." Your government built Red River College, redeveloped Red River College downtown without one single thought to having students whether they were actually going to live there. If you had given any thought to whether or not students would choose to live close to that campus, you would not have put it where it is, plain and simple.

It was a purely a political decision. *[interjection]* Well, I am addressing through the Acting Speaker. *[interjection]*

Mr. Acting Speaker, through you, if the Minister of Finance (Mr. Selinger) has something to say about universities, which he has a lot of experience with, then let him get up and put something on the record, if he wants to speak on the record.

In those few words I just wanted to once again try and encourage the government in any way possible to look to collaboration with the private sector, to actually listen. I can look at you and speak to him. It is kind of a dual-track thing. I realize that is hard for the Minister of Finance to understand that somebody, Mr. Acting Speaker, could actually speak to you and look at him. That is a novel concept for members opposite to try and understand.

I want to ensure the minister that I am beseeching, Mr. Acting Speaker, through you, that the minister and his colleagues try and understand that only through collaboration, by bringing in the private sector to help solve the critical issue of student housing downtown, is the only way the University of Winnipeg and the new downtown Red River College will fulfil their true mandate and reach their full potential. I appreciate the members agreeing with me.

Mr. Ron Schuler (Springfield): Mr. Acting Speaker, I will keep my comments short because I know there are many on the government benches who will want to put some comments on the record. On Bill 34, The University of Winnipeg Amendment Act, I know that there are not just Cabinet members but also backbenchers who feel that this is an important issue and will want to speak to the bill.

Bill 34, which is actually called The University of Winnipeg Amendment Act, or as the Leader of the Liberal Party would call it, the Lloyd Axworthy memorial act, it is important that we do focus on our post-secondary institutions.

I want to very briefly talk about the housing issue that my colleague, the Member for Fort Whyte, spoke about and that has to do with housing. One of the things that concerns me most about downtown Winnipeg, is we see all kinds of development taking place, shiny new buildings which are fine. Certainly they are important to a city. However, none of those address the heart and soul of a city. What we have is an arena going up, and we have shiny office towers going up, but we do not have the kind of things that give a city a heart and soul.

I have pointed out to government members before, if you go onto Michigan Avenue in Chicago and you go on a Friday or a Saturday evening, the streets are packed. They are crowded with individuals walking up and down. There is a lot of housing off Michigan Avenue. There is a lot of shopping. There is a lot of excitement. People are there. It is a fun place to be. It attracts not just young people, it attracts families. People go for the fun of it and they are not even going for gambling.

What we need in Winnipeg is we need to attract housing for students, I know from a lot of young people who would like to live closer to their place of post-secondary education, who would like to spend less time having to commute, less time even having to try to find some kind of housing.

Instead, they are spending a lot of time looking for residences when downtown Winnipeg has all kinds of buildings that should be looked at, but instead the government chooses to ignore those issues, and our universities, instead of drawing young people downtown, making it an exciting and a vibrant area, instead focus in on other things.

Certainly, we hope that along with The University of Winnipeg Amendment Act we see this government doing a few more proactive things in ensuring that we get people living downtown and not just more empty buildings. Certainly, we would like to see this bill move on. I appreciate the opportunity to put a few comments on the record.

The Acting Speaker (Mr. Schellenberg): Any further speakers?

It has previously been agreed that this bill will remain standing in the name of the honourable Member for Pembina (Mr. Dyck).

Bill 44—The Colleges Amendment Act

The Acting Speaker (Mr. Schellenberg): To resume debate on the proposed motion of the honourable Minister of Advanced Education (Ms. McGifford), Bill 44, The Colleges Amendment Act, standing in the name of the Member for Pembina.

Is there unanimous consent for the bill to stand in the name of the honourable Member for Pembina? *[Agreed]* The bill will remain standing in the name of the honourable Member for Pembina.

Mr. Kelvin Goertzen (Steinbach): Mr. Acting Speaker, it is a pleasure to speak on Bill 44, The Colleges Amendment Act. Unlike the last bill that was before us, I think I will try to stick more to the relevancy of the issue on the bill.

Some Honourable Members: No.

Mr. Goertzen: Well, all right, at the encouragement of the members opposite, the encouragement of the Minister for Healthy Living (Mr. Rondeau), I will mention too that I certainly do agree, and I can speak from a perspective of a student's perspective, when I attended the University of Manitoba, about the living near the university and having actually lived in Steinbach but spent a little bit of time living near the campus. I thought that was worthwhile, not only as a student, but that there was also a convenience issue that probably helped that particular area of the city.

* (16:40)

The Member for Fort Whyte (Mr. Loewen), I think, makes a good point. The points were raised by the Member for Springfield (Mr. Schuler) as well about the ability to live downtown near the campus or on the campus site. You know, the Minister for Healthy Living lifts his glass in appreciation of toasting that. He does that, but he does not do anything about it. He does nothing.

Certainly, he does not take the initiative to go within his own Cabinet and raise his voice. I do not know if he raises his voice on any issues in Cabinet. We are not certain exactly what his role is all the time, but if he was going to champion any issue, maybe this would be one that he could stand up.

As a city member, and I know not representing the downtown Winnipeg, he could champion this particular issue and make this his *raison d'être*. In the absence of any other reason for being a minister, this might be his reason for being a minister, and he could take this forward in Cabinet and make this a particular issue.

So, you know, he does not seem to want to actually put real substance behind the rhetoric and the words that he is saying. He is saying, "It's a good idea. It's a good idea. Oh, we think people should live downtown," but he is really not making any actual difference to it.

In terms of Bill 44, as we see it before us today, I think it is largely something that gives the college the ability to do something that other universities already have in terms of power over making by-laws for parking on their own particular property. I have some not pleasant history with parking on university property at the University of Manitoba.

Well, members ask how many tickets I had, and I would say it is more than I would like to admit to. They all got paid, though. They certainly all got paid. I remember not so fondly leaving my first day from university and seeing this little yellow note on my window. I thought: Oh, is not that nice. Somebody has already left me a note on the first day of university. And it was. It was a note that I owed \$10 to the parking police. It was not the last note that I received in the seven years that I was attending university.

I paid my fines where I was parking incorrectly. And I certainly did not pay those parking fines because I would not have gotten my degree if I did not pay them. Well, that was certainly a motivation. I paid them because I thought: Well, here is a nice opportunity to help out the funding for the university.

I almost feel an obligation to speak on behalf of all the university students that I attended with who went through the frustration of ticket after ticket after ticket. I think fondly of a friend of mine who actually removed his windshield wipers, thinking that would prevent him from getting a ticket under them, but he did not give enough credit to the parking police at the university who just simply taped the ticket onto his window. *[interjection]* He was not a law student, but he was a commerce student so that probably is something that you value just as less as a law student.

I know that the college will use this new power responsibly, that it will not simply be a way to backfill money they are not getting from the government, and that the students there will not feel the same weight and pressure I did almost on a weekly basis, in terms of the tickets I had, but I was glad that I could certainly contribute to the parking security of the University of Manitoba for the many years that I did. So with those few comments I look forward to hearing other speakers on this bill.

Mr. Ron Schuler (Springfield): I do not have any parking ticket stories to tell. I usually avoided the

fire hydrants, personally. But I am glad to hear that the Member for Steinbach (Mr. Goertzen) paid all his parking tickets, because they helped to subsidize my parking.

I think it is important when we deal with bills like this that we, again, talk about not just parking. It is important for those individuals who have to drive some distance that they have the ability to park their vehicles, but, more importantly, that we do get some kind of residential vision for downtown Winnipeg, for our universities and our colleges.

I know most members in this House, when the Red River College project was announced for Princess Avenue under the former Filmon government, when the project was just in the initial stages we looked at it with great interest. Here were historical buildings that were, at least the fronts of the buildings were, protected. It was an attempt, and I know it was a vision of the Filmon government to start to bring students downtown. Phase II was to provide some kind of living accommodations and ability for students to live downtown.

Unfortunately, the current NDP government did not take up the second phase of the Filmon government's vision because not just was the intent to have a university and colleges expand and grow in Winnipeg, but more important that we have young people live there.

In fact, Greenwich Village, which was not the highest of esteem addresses at one point in time in the history of New York, as young people moved in and as artisans moved in, and the more on the cutting edge of society moved in and made it an avant-garde kind of place to live, soon it became a great place for others to move into. It developed as a really unique and interesting place and eventually got to the point where it is now almost too pricey for all those individuals who eventually started the growth in the area.

It is important that this government not just look at parking but also look at housing for young people. Certainly, we will continue to encourage the government to see to it that not just do we have young people studying downtown but, also, that we get people living downtown.

I thank the House for allowing me to put a few comments on the record in regard to Bill 44, The Colleges Amendment Act.

Hon. Jon Gerrard (River Heights): I rise to talk to Bill 44, The Colleges Amendment Act. Manitoba Liberals support this bill. We believe that the colleges should have the freedom to run their own parking and parking space. We are, in fact, a little bit surprised that this has not been in place before because one would have thought that the NDP government might have trusted the colleges to look after their own parking issues rather than have this in provincial control beforehand. We are pleased that this is, in fact, being now the responsibility fully of the colleges rather than having to be decided by the Minister of Education (Mr. Bjornson) or the Minister of Transportation (Mr. Lemieux) or whoever made the decisions beforehand.

* (16:50)

What I think is interesting about this bill is that what we should be seeing in this government is a government which talks about its strategy, where this province is going, and then brings the elements together to follow through on an approach, a vision, for the future of Manitoba. What is interesting is that the NDP government, instead of bringing in a bill which relates to the provision of housing nearby, is bringing in a bill to provide for parking for college students. It is not so important to have housing, but it is important to have parking. One would have thought that at least there would have been a view that would have brought both together, at least some fashion of looking at the provision of housing so students could live closer to the colleges instead of a view that the primary approach is to park

An Honourable Member: Sleep in your car.

Mr. Gerrard: We hope that students are not having to sleep in their cars, but clearly this bill is sending a message, or not sending a message, in the way that it is put together and the government is not giving us a strategy here, it is "parking the problem," as one might say.

What I think is also interesting, this government has talked a lot about climate change, greenhouse gases and the importance of reducing greenhouse gases, and what does this bill do? This bill talks about people driving more cars farther and having to park them. This bill is not about creating bicycle paths; it is not about creating transit corridors or improving public transportation going to colleges. What it is about is increasing the greenhouse gas production, the using of fuel in transportation and

building up the infrastructure for the economy which uses and burns a lot of fossil fuels and puts a lot of greenhouse gases into the atmosphere.

So I just find it a little curious that the government talks about student housing and then brings in parking. This government talks about decreasing greenhouse gases and then brings in more parking and more automobiles. I have nothing against students using cars. I think that probably where it is necessary it is pretty important, but the reality is that what we should have seen was a strategic approach which addresses housing, bicycling and transit, rather than one which just is an approach which focuses on the use of cars and parking. Surely, there are ways that this could have been addressed in a little better fashion, in a little more strategic fashion.

It speaks to the ad hoc approach of this government. While we are certainly willing to support and will support this colleges act, we see that, no, it does not look so much at how you could, for example, expand Campus Manitoba, including the colleges, and make sure that people can get services nearer to home. What it does is look at how we can bring more people in and create more parking spaces. I think that it would have been nicer, it would have been smarter, it would have been more strategic to be able to have a vision for the development of colleges which was not a vision which was dependent solely on people driving and parking, but a vision which included housing and other forms of transportation which are more climate change friendly, one would say, and approaches to distance learning which would require less parking and transportation than we are at the moment.

I think this as the old paradigm. It is what we might expect from the NDP. We will support this as necessary, but what I would say is that clearly when it comes to addressing the needs of the colleges and the post-secondary education institutions of our province that it would have been rather desirable to have a vision which included many of these elements rather than have to deal with a vision which just dealt with cars and parking and automobiles. Hopefully, the government will learn from this, and the next time we see a bill dealing with colleges, it will give us a better vision and a more strategic approach, rather than this bill, which is necessary, but really does not have any vision.

The Acting Speaker (Mr. Schellenberg): Are there any further speakers? As has been previously agreed to, this bill remains standing in the name of the honourable Member for Pembina (Mr. Dyck).

Bill 36—The Highway Traffic Amendment Act

The Acting Speaker (Mr. Schellenberg): To resume debate on the proposed motion of the honourable Minister of Transportation and Government Services (Mr. Lemieux), Bill 36, The Highway Traffic Amendment Act, standing in the name of the Member for Arthur-Virden.

Mr. Larry Maguire (Arthur-Virden): Mr. Acting Speaker, it is my privilege to stand in the House today and speak to Bill 36, The Highway Traffic Amendment Act, as it deals with a number of new proposals that the government wants to bring in under the auspices of safety in the province of Manitoba. I certainly would commend anyone for dealing with trying to improve safety circumstances and situations in the province of Manitoba. There are a number of areas here that I would agree with the minister on. Of course, I have some concerns about a few of the areas that he is moving forward in, in this bill.

This bill particularly refers to about seven particular areas. A few of them, though, he indicated to me in the briefing that we got on this bill that this was an omnibus bill and it was just kind of housekeeping, cleaning up The Highway Traffic Act. I would say that is fine, if that is what you were doing, but in this bill as well the minister has brought in new offences, a couple of them, increased fines for speeding offences in some areas and another one for passing stopped emergency vehicles. These are new areas of fines that will be levied in Manitoba.

I just want to make sure it is on the record that I would encourage the government to look at the safety of these issues as opposed to trying to cure their deficit problems by doing it on the backs of fines and fees on Manitobans.

We had some discussion on this in regard to Bill 12, the Trucking Productivity Improvement Fund, last evening in committee before that bill was moved on to the House again for third reading, Mr. Acting Speaker, or the recording stage. So I just wanted to make those comments.

Mr. Acting Speaker, this bill, I guess you could say it also brings out a new area of vehicle; it gives a new definition to a power-assisted bicycle. The bill goes on to define a motorcycle, a power-assisted bicycle and recreational equipment. I want to just, for the record, put on the record that this business of a power-assisted bicycle apparently is a new class of bicycle that was brought in by the federal government in April of 2001, that they made a class of a particular bike.

I understand that there are very few of these in Manitoba yet, but we are passing legislation to deal with them. Of course, that will be hopefully a positive for those who are in the business of selling these bicycles. But I just want to put on the record that this power-assisted bicycle, you know, some of the definitions, Mr. Acting Speaker.

It has to have a handle bar for steering and pedals. Well, that defines a bicycle, I would say. It is designed to travel on not more than three wheels in contact with the ground. Well, those were tricycles in my day, but this is a bicycle. No more than three, at least. It can be propelled by muscle power applied to pedals. Well, that was how I grew up. That was how you propelled bicycles. It has an electric motor, though.

Indeed, it has an electric motor but no other type of motor, Mr. Acting Speaker. Imagine this, the motor has a continuous power output rating measured at its shaft of 500 watts or less. Now I have 100-watt bulbs at home and, you know, I think under this bill the light must have come on for the Minister of Transport. He is looking at a bill to bring in rules and regulations around a bicycle that is measured with 500 watts.

Now this bicycle, if engaged by a driver applying muscle power to the pedals, the motor immediately stops, providing the vehicle with motive power when the driver stops applying the muscle power.

* (17:00)

Well, that will be a pretty clear definition for a policeman to figure out when he is trying to stop the young person or anyone with this kind of a bicycle along the road; another enforcement regulation that he is going to, I am sure, pay a lot of attention to with all of the other duties that our police and

firefighters have to do in Manitoba today, Mr. Acting Speaker.

The other area is that if engaged by throttle, the motor immediately stops providing the vehicle with motive power when the driver activates a brake. Wow.

Mr. Acting Speaker, more importantly, the motor cannot provide the vehicle with motive power when it is travelling at more than 32 kilometres an hour. So once it gets to 32 kilometres an hour, it has got to cut out. Well, I do not know if you can define what a governor would be on a 500-watt bike or not, but in my farming career, we had governors on a lot of farm machinery. But most of it was 400 and 500 horsepower, as opposed to 500 watts or less.

Now get this, if it is under 500 watts or less, there is another category of 60 watts or less that has already got a rule in place in Manitoba. So this is a pretty complicated bill to put forward in the House.

Well, Mr. Acting Speaker, I digress. You have to be 14 years old at least to utilize these particular vehicles. I guess you could not call them power vehicles, even though it is called a power-assisted bicycle, because of course you do not have to have a licence until you are 16 to drive a vehicle, but if you are 14 or 15 you can drive a power-assisted bicycle.

There are some inconsistencies here in regard to licences, Mr. Acting Speaker. These bicycles, of course, cannot go down a sidewalk in our Manitoba cities and rural areas. Of course, they do have to follow general practices of the road and I am sure the youth that are presently driving bicycles would be very used to the kinds of legislation and process that we have today.

I just want to put on the record and maybe someone would answer this in committee when we get there, some of the presenters I am sure that will come forward on this bill, just what did the government use to determine the size of the wattage in regard to this particular bicycle. It may have been a manufacturer's concern, I do not know, Mr. Acting Speaker. We will find that out, I am sure.

I guess, as we move forward, the pedestrian or an operator of a bicycle or power-assisted bicycle who is entering, crossing or proceeding along a highway shall at all times do so with due caution,

care and attention taking into account the traffic on the highway at the time. I just outlined that I think that is pretty much just clear, normal run-of-the road bicycle, car safety. I wonder why this kind of a clause is even in a bill like this. I wonder if, and the member from Southdale is wondering whether or not we need to have a helmet. Of course, the bill does include that the minimum driving age is 14, and that you have to wear helmets just like you do for any other conventional bicycle today in the province of Manitoba.

Mr. Acting Speaker, the second part of this bill that I want to just discuss briefly gives to police officers and others, in construction areas, the authority to close or restrict traffic on highways. The Province is allowed to close or restrict traffic on damaged highways for up to one year. Of course, the reason they have indicated that they need to do this is because, if you can imagine, the present law only allows police to fine you if you are driving by a construction site or doing something wrong for up to 90 days from the time they have begun that construction period. Well, it would only be common sense that if you cannot get the project done or if you knew darn well that it was a year-long project, our law enforcement people do not know whether or not, you cannot expect the police to all know what the length of time of each project is.

So, in fact, it makes perfect sense, but I wonder why it was chosen at a date of 365 days, if 90 was not enough. There are many construction projects, if you will, the new MTS Centre in downtown Winnipeg as an example, there may be streets that have been blocked off there for well over a year. So why did we arbitrarily pick a year in this particular bill in this particular section? I think that maybe you might as well have just said if there is a construction project going on and you have sped by it or something to that effect, disobeyed rules of the law as you are going by this particular project that the police should have the ability to fine those individuals if you are not abiding by the laws. So I think that is pretty much common sense.

I would look at a third area of this bill that I do not have any problem with, Mr. Acting Speaker, and that is, of course, the safety measure for highway construction workers. Penalties are increased for speeding offences in construction zones, and the key is that where workers are present, or where they are using equipment. I think that is key because, of

course, if it is an evening or when the workers have gone home and the construction site is bare and clearly marked that the normal speeding laws would apply in those areas at that time and only during the times when the speed limit signs are up would any change take place. In regard to protecting our construction workers in the province, I do not think there is any doubt that we need to make sure that we are looking at doing everything we can in our power to make sure that these construction workers are kept safe.

The key here, though, Mr. Acting Speaker, that instead of just fining the normal fine that has been put in place and determined by the laws of Manitoba today, this bill allows for an increase of \$5 per kilometre for fines for speeding offences occurring in identified construction zones when the workers are present. I think in a way it is good to have a deterrent in these kinds of circumstances. In my opening remarks I cautioned the government in using this as a tax grab. I caution them again in regard to the increases in some of these fees as well.

There is another one, as we move forward, where they have increased it on the weights and measures of oversized vehicles in this area by another \$12 for 50 kilograms overweight on these particular vehicles. So that is an extra fine that they have put on as well for overweight classifications.

One of the new requirements that they have got is imposed on a driver approaching or passing an emergency vehicle. This to me is something like construction zones. We have to do everything in our power to look after our firefighters, our police that are out on the road looking after emergency ambulance people and emergencies on these highways in Manitoba and on our streets. I would concur that we need to make these moves for the sake of safety.

Several provisions respecting the stopping of vehicles at railway crossings. Now I just have to put on the record that this one really seems to me to be common sense but I understand why the government is putting it in. It says that you can be fined for stopping your vehicle at a railway crossing if any part of your vehicle is on the railway crossing.

Well, that seems pretty common sense. None of us would park our vehicle on a railway crossing if we could do anything to possibly get away from it. We have a situation on Kenaston where many, many

vehicles every day are parked at a railway crossing not of their own volition, but because of the government's inaction in regard to the building of the Kenaston underpass and lack of priorities in regard to highway spending in the province of Manitoba.

I would encourage the minister, through any of his bills and areas to come forward, that he use priority decisions in Manitoba to make sure that they actually get on the record the priorities of the limited budget that he keeps talking about. Even though they have added another 10 million here and 10 million there, we know that they did not increase the spending last year because they have just taken the funds from the overlap of what they did not spend last year to put into this year's budget.

While these projects are ongoing and while these new provisions are being brought forward in a bill like Bill 36, the government is not taking its opportunity in its first term at least, or in this year, to spend funds on a priority area except in a couple of key areas that I wanted to say. I would say that I just want to put on the record that there were thousands of petitions collected out my way to have the No. 1 highway twinned from Virden west and to finish that action. Of course, due to the efforts of the local citizens in that area, the government finally responded through an election area that I—

An Honourable Member: —and the MLA.

Mr. Maguire: Well, the Member for Southdale (Mr. Reimer) says the MLA as well and, yes, I did take some initiative to start a petition in that area, but the local citizens picked up on it very well and I have mentioned their names before in this House. They sent in thousands of petitions in regard to, thousands of signatures I should say, to make sure that action was taking place. I also note the Member for Fort Whyte (Mr. Loewen) had to use billboards to bring any attention to the Kenaston underpass to make sure that there was some action on that one. Now the government thinks that it is a nice idea to come forward in those areas.

*(17:10)

Of course, it is very tragic but we did do much work in regard to getting the government to realize that it had to be a priority to finally announce some twinning toward the northeast Perimeter Highway and the City of Winnipeg. They may, if they stay

long enough in government, really get the message and it is that your priorities should be in regard to safety and economic activity in the province of Manitoba as well as social spending on highway infrastructure to make sure that safety and economics drive the construction of our infrastructure in Manitoba; and that we actually get some payback from the money that we are spending so that we can actually spend the dollars in a lot of areas that do need it.

There is no doubt that there are many areas of Manitoba that are short-changed on highway infrastructure right now. Of course, I think that, with the importance of the transportation conference that has been put on by the Manitoba Chambers of Commerce in the last few days at the Delta Hotel here in Winnipeg, it certainly points out the importance of the transportation sector and infrastructure in regard to the impacts of the billions of dollars worth of trade that we do every day. I know the Member for Lakeside (Mr. Eichler) and I were there this morning when they indicated that 5000 trucks a day cross through the borders of Manitoba. That is of huge importance to Manitobans and Manitoba's economy.

You know, while we were doing motherhood issues and housekeeping issues with a bill like 36, perhaps they could have included some of those issues around improvements at border crossings and a number of those areas, Mr. Acting Speaker.

I want to say that a driver is prohibited from stopping with any part of his or her vehicle over a railway track. That of course could only occur if you happened to be following someone at a time when the rail lights came on at an intersection or a traffic crossing, Mr. Acting Speaker. That will happen, but it is the same as crossing an intersection today. You are not allowed by law to be out in the intersection just because you are at the tail end of a block-long row of traffic, so I think it is just common sense that the section on stopping any of these vehicles on a railroad crossing would come into effect.

The amendments also include expanding the Province's Medical Review Committee's mandate so it can hear appeals from people who are denied disability related parking permits, Mr. Acting Speaker. This is an area where I am assured that there are some who have a concern in regard to their disability related parking permits, being able to

appeal their concerns. They may feel that they were not properly dealt with in regard to a situation, with being fined when they had a disabled parking permit on their vehicle, those areas. Of course, this would allow them to go before a Medical Review Committee and expand that committee's mandate in Manitoba as opposed to the Motor Vehicle Branch.

I think that it is presently administered by the Society for Manitobans with Disabilities on behalf of the Registrar of Motor Vehicles, and this will provide some much needed changes in that area, Mr. Acting Speaker.

I want to just say that the minister has indicated that the purpose of these changes in this bill were to allow enforcement or reinforce this government's commitment to safety measures and enhanced safety delivery. Mr. Acting Speaker, I only caution what I said earlier that hopefully that is what these are used for. As he indicated, there is an increase in some of the fines, and there is also an increase in a couple of new categories as well as a new class of vehicle in this bill.

So it has got a number of different areas that are not all totally related, but the bottom line is that it also has some pretty big fee hikes and tax hikes in relation to some of these various points that they are making and amendments in this bill, Mr. Acting Speaker.

That is on top of huge increases in fines that the Province has put forward. As an example, back in January the Province hiked its fine for speeding if you are more than 21 kilometres over the speed limit from \$114 to \$230. There should be deterrents in Manitoba, Mr. Acting Speaker, from being that far over the speeding limit, but I just want to say that the fine for running a red light went up from \$31 to \$156. That is five times. Not wearing a seat belt rose from 100 to 230 and even driver's licence registration fees went up by \$5 or 33-and-a-third percent, supposedly April 1, although we know that many people were paying those increased rates as early as February, which goes against the minister's own announcement.

So I just wanted to put on the record that it is kind of ironic, and I would hope that this is not why this bill has come forward at this time. Because with all of these other fines and that sort of thing; being doubled and tripled and quadrupled and even five

times, the area in relation to red lights, that there is some correlation between increasing fines and a \$58-million expected deficit in the budget, Mr. Acting Speaker, a 500-and-some-million-dollar budget shortfall last year.

So we will go along with this idea that it is because of safety, but we want Manitobans to know where this government stands in regard to its priorities on the spending of the budget on transportation that it has already done. Their priority has not been, in the first four years at least, to deal with some of those key areas of trade and transportation and particularly safety on the northeast Perimeter Highway of the city of Winnipeg.

Mr. Acting Speaker, the final area that there are changes to in this bill is the area of voluntary provincial identification cards. I know the department has learned a driver's licence is no longer considered satisfactory for proof of identification and this is perhaps more of a change that has come about since 9-11. For anyone travelling outside the country of Canada, even if you do not have a driver's licence, it is not a bad idea to have a provincial identification card so that if you do go out of province you have some identification over and above just your driver's licence. Of course, for those of us who have a driver's licence or a passport, we are able to use those.

For those who need to have two pieces of identification, and in many cases you do now, although a passport will generally get you through, it has been put forth that a voluntary provincial identification card can be accessed by anyone who wants one in the province of Manitoba, and I think that is a good thing. However, I caution that why would we still have to get our driver's licences and pay a fee to get your driver's licence as well as another fee to get your voluntary provincial identification card when they could be both done at the same location, at the same time for probably half the cost or even the same cost or a few dollars more only for whatever it would cost for the picture and the few minutes for the extra time to duplicate the picture where you get your driver's licence presently taken today.

In the case of going in and getting a voluntary licence, to pay a small fee at the same location instead of having a whole new area to take pictures for this voluntary identification program. I would

hope that the government does not duplicate what is already being done. That is all I am saying, Mr. Acting Speaker and I just wanted to caution them on that. With those few remarks on this bill, I will turn it over to a few of my colleagues and I guess I would certainly be okay to move it on for second reading. With that I will close my remarks.

Mr. Ralph Eichler (Lakeside): I would like to stand and put some remarks on regarding Bill 36, the amendments to The Highway Traffic Act, in particular, the construction fines that are being proposed here based upon Ontario and Saskatchewan.

Having a business in the past number of years of my own, I had a number of trips going across the United States and Canada, this is a concern that definitely is of importance to this side of the House. I somewhat have to be concerned about the construction zone. I guess maybe in the Lakeside area, the construction is not that much, but we do appreciate the commitments that are to Highway 6 and hopefully we will be able to utilize this legislation and make sure that the construction on Highway 6 moves at a fast and rapid pace. A lot of the shoulders on No. 6, there are not any. We want to make sure that once they get the highway underway, they will be able to keep this construction going.

* (17:20)

The other thing that is important to note that the pass of emergency vehicles, and in particular I think back to the number of times I have been travelling down different highways. I remember quite clearly just a couple of years ago a farmer was hauling his hay home from Saskatchewan into Alberta during the drought and unfortunately a police officer was killed. I think it is important that we pass this legislation in order to assure the safety of those officers that are serving us, Mr. Acting Speaker.

The other thing I really appreciate and take note of, Mr. Acting Speaker, is the fact that I know in the province of Saskatchewan the legislation is enforced whereby when you pass an RCMP officer or emergency vehicle, you have to slow the highway traffic down, especially those bigger trucks, and, if not, there are severe fines that are being passed on, and rightfully so. After that tragic death of that police officer that was trying to help the fellow with his load of hay, it made an impact on all farmers and all people that travel up and down the highway. I am

sure that it is something that none of us want to come upon and be a witness to.

So anything we can do to enhance the safety for farmers in particular, and for anybody travelling up and down the highway, we can to make sure their safety is in the best hands of the people. Maybe this legislation will do that. Hopefully, we find through committee stages that there are different changes that need to be made, then we will do that.

The other thing is the power-assisted bicycles. I have a motorcycle of my own and realize that we need to get a new generation started in the motorcycle industry. Maybe the age of 14 is a good place to start. I know several states, they have ages 14 when you can drive a moped or even a small motorcycle. I realize this small motorized bicycle that you are talking about here, being the province's first, they say there is only one known power-assisted bicycle in the province. The thing to be noted here is that I am sure once legislation is brought in they are going to have a bunch of young Hells Angels on their hands, maybe, starting at a young age, 14 years of age, but maybe we will have to make sure they do not wear their leather jackets and their brass knuckles and so on. It definitely is something we are going to have to address in regard to that 32 miles per hour, 32 kilometres per hour is the criterion, I understand, for this new vehicle class. That is a pretty good speed to be riding down the road on, so definitely they should be wearing a helmet.

The other thing that maybe we need to have a look at in regard to the licensing or medical criteria for these bicycles, it does not talk about people with disabilities. When we are talking about the motorized vehicles, I know several people, especially in some of the older towns when seniors move to the communities to relocate, they have motorized wheelchairs and motorized vehicles that are similar to this. I know sometimes they run into problems with the local police. We want to make sure that those people are looked after, as well, but in a wheelchair doing 32 kilometres, I think, would be probably a little fast. They have new technology and they will be able to, hopefully, move that forward as well.

Also, I want to put a few on records on regarding the disability parking permit. I know this is a program that we talked about down in Fargo the last

week in regard to people with disabilities. Ironically enough, we found out that through the pharmaceuticals, 70 percent of the pharmaceuticals were people with disabilities. This permit that we are talking about here, and make sure, again, that it is not misused. We do not want anybody to misuse it, but we are an aging population. We are living longer. We have better medications, better medical systems, where we are living a little bit longer, and that is a good thing. Especially when those baby boomers get there, we want to make sure that we are able to do it.

The last thing that I want to talk about, there is another speaker that wants to go, the voluntary photo I.D. system is pretty important and I would like to see that move forward, as well.

Having said those few words, we will close at that. Thanks for the time.

Mr. Ron Schuler (Springfield): I do want to put a few comments on the record in regard to Bill 36, The Highway Traffic Amendment Act. This could be seen as a mini-omnibus bill that covers various areas, not necessarily related. Many speakers have got up in the House, in this Chamber, already and have referenced this seems to cross from power-assisted bicycles all the way down to driving through construction zones. It seems to be more of a clean-up bill that touches on various topics and various issues. Certainly, we would like to see it move on to the next stage in this House.

We know that our highways are very important to the province, certainly to this side of the House, we have seen a lot of neglect since 1999 and the NDP government. We seemed to be getting announcements as the current Minister of Transportation (Mr. Lemieux) sits in his seat. I point out to him that there are always big announcements with great fanfare, for instance, the twinning of the Perimeter Highway except that it will not done till my grandchildren get to see the light. It seems to be it is about a three-buck-a-day investment for the next X amount of years and it just runs down the line of this government. You can go through every department and it is all about the big flash bulb and the press release and very little to do about, in fact, getting anything done. So we would like to see this move on and at this time would like to recommend to the House, unless there are any other speakers, that this bill move on to the next stage. I appreciate the

opportunity to put a few comments on the record and I would like to see it move on.

The Acting Speaker (Mr. Schellenberg): Are there any other speakers?

Is the House ready for the question?

An Honourable Member: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is second reading of Bill 36, The Highway Traffic Amendment Act.

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

COMMITTEE OF SUPPLY

Concurrence Motion

* (14:40)

Mr. Chairperson (Conrad Santos): The Committee of Supply has before it, for our consideration, the motion concurring in all Supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, 2005.

On May 20, 2004, the Official Opposition House Leader tabled the list of ministers of the Crown who may be called for questioning in debate on the concurrence motion this afternoon. The ministers listed are as follows: the honourable First Minister (Mr. Doer); the Minister of Health (Mr. Chomiak); the Minister of Water Stewardship (Mr. Ashton).

The floor is now open for questions.

Mr. Stuart Murray (Leader of the Official Opposition): I wonder if the Premier could indicate if he has received the report from Wally Fox-Decent with respect to the expansion of the floodway.

Hon. Gary Doer (Premier): No, I have not.

Mr. Murray: It is our understanding that that is being presented to the government today. I wondered if the Premier could indicate that if that understanding is correct, that they receive it today, that the Premier will ensure that the report is made public before the end of the week.

Mr. Doer: If we receive the report today, I can assure the member that we will make it public by the end of the week.

Mr. Murray: I wondered if the Premier could indicate whether Mr. Fox-Decent in his report talks about forced unionization, whether the Premier will accept that as part of the report or whether he will do as he has done with other reports that have come forward, and used his better judgment, and turned down as he did with the education report, and as he did specifically on the Earl Backman report. If he will do as he said in those cases, saying no is the right thing. Will he say no in the event that Mr. Fox-Decent puts any suggestion of forced unionization as part of his report?

Mr. Doer: I have not read the report, nor have I received the report. I would be very careful about substituting my judgment on something that is clearly from an individual who has tremendous credibility and is seized with the challenges.

I would point out that in both the reports that the member opposite has cited, there have been vested interests. One would be the person receiving a salary increase, i.e., the Premier and the ministers. We did not necessarily disagree with the wisdom of the report. We disagreed with the public interest in terms of implementing that report. Other sections of that report, for example, the pension proposal, as you will note, I have not publicly stated that I was opposed to it. I am concerned, as the member knows, about the issue of people like Harry Enns and Len Evans, and what they retire with. The member and I have discussed this before. I think there are some legitimate issues there.

The education funding report was a report recommending a breach of my election promise. But other sections in the report—there are lots of other areas in the report that have not been completed yet. It was a draft report, and I think if Mr. Fox-Decent recommends I make a—well, I am just going to wait for the report. I have not seen it. I am not going to say anything yet.

An Honourable Member: We were just going to sit and listen.

Mr. Doer: Okay. Oh, you can sit there, yes.

An Honourable Member: Just in case.

Mr. Doer: Okay. Unless you have the Fox-Decent report.

An Honourable Member: Exactly. It comes to heavy artillery.

Mr. Doer: Okay.

Mr. Murray: Mr. Chair, I am interested that the Premier talks about reference to the other reports as vested interest, and I would have to suggest to him that there is vested interest in the Wally Fox-Decent report in the sense that we all know that in Manitoba the heavy construction industry is 95% non-unionized.

I guess what I want to get a sense from the Premier is that if, for example, Mr. Fox-Decent does, in his report, because I understand his mandate was to meet with all required stakeholders, come to the conclusion that he would recommend to the First Minister that there be forced unionization on companies who are non-unionized, or an alternative that would say that there would be some form of union dues that would have to be paid by the workers.

We do not know what is in the report, but I simply would ask, this is not speculating about what is in the report, this is really asking the Premier what is his stand on forcing of non-unionized employees to pay union dues.

Mr. Doer: Well, I am not going to say anything more until I read the report. I stated that the report would be made public by the end of the week if we receive it today. I am committed to doing that and I am also committed to reading it first. Not only are there going to be recommendations in the report, I would assume, but there are going to be reasons for them.

Mr. Murray: Well, I understand the Premier's answer about wanting to read the report and I respect that, but this is really a discussion about, I guess, personal belief in terms of what you think is right and what you think is wrong.

I mean, I would suggest that if the First Minister were to receive a report that talked about forcing companies to be unionized or forcing workers that currently do not pay union dues to have to pay union dues, again, with the greatest respect to Mr. Fox-Decent, I would ask the First Minister, would he agree that forcing unionization on companies that are non-unionized is the right thing to do.

Mr. Doer: I have a great deal of respect for Mr. Fox-Decent. He has been chosen to chair the Labour Management Review Committee that has the credibility to both business and labour. This is a committee that was established, the successor to the Woods Commission that was established years ago and was the first one in Canada.

He has that credibility very few people have to have both the stature and credibility with labour and business, and I am just not going to comment any further. I just want to receive the report and I have committed myself to making it public and we do not have any intent of hiding it from the public. That is why a pretty quick release has been sought by the member opposite and will be provided by the government.

Mr. Murray: Well, it really comes down in terms of asking the Premier his position and, I mean, it would go wider, perhaps, than just the floodway. The floodway is the issue in front of us today and it is the one that we are all interested in, what the outcome of this report is, so that is the specific issue that we are looking at.

But it goes to a broader issue, and that is simply, you know, the intent of bringing in Mr. Fox-Decent, I think, was the fact, that there was confusion on the government side. The Minister of Water Stewardship (Mr. Ashton) was saying one thing with regard to forced unionization and there was some discussion that what he said may not be accurate, but one is left to believe that if he is in charge of the file that, maybe, what he said was accurate. So along comes Mr. Fox-Decent to try to bring some, I guess, a sense of direction to solve an issue, and I say an issue because I think it is interesting that when you look at all of the business groups that have clearly opposed any forced unionization on those people that are working on the floodway, and there is a considerable group, and the business community, I think, at large, is represented on the basis that they are not in favour of this.

So I would ask the Premier (Mr. Doer), in his own best judgment as the Premier for all of Manitoba, does he believe that it is the right thing to do to force a company that is non-unionized, that does get work in any project, and we can talk about the floodway, but any project, that they would be forced to pay union dues.

Mr. Doer: Well, again, I am just not going to comment any further until I receive the report. I just

think it is imprudent to do so. We have gone through a process. If the member's information is correct, then the report will be submitted to the government shortly and that is what he alleges to take place today and that is fine. I have no reason to believe that will not happen. But I have not received it yet, and the minister indicated in the House he was at graduation today.

But I have committed ourselves to releasing it before the weekend, well by the end of the week, which you can define as something else. But I would even go further, then, if that is unclear and agree to release it by the weekend. That is what we will do.

Mr. Murray: In a matter of principle, in your judgment as the Premier of Manitoba, do you agree that it is acceptable to force unionization on a company?

Mr. Doer: I do not get into theoreticals. I am going to wait till the report. The issue is what is in the report and what do we do with it, and I will wait for the report.

Mr. Murray: Outside of the report, I mean outside of the scope of the report. You know the odd time, very rare, but the odd time, the Premier from time to time in Question Period turns the tables and asks me a question. If you were to ask me a question, if I were in favour of forcing a company that is non-unionized to pay union dues or to join a union, I would tell you, on the record, and I hope this goes on the record, the answer is I am opposed to that. I am fundamentally opposed to forcing any company to pay union dues. So out of the scope of the parameters that maybe Mr. Fox-Decent comes, I would ask the First Minister what his personal belief is in forcing any company that is non-unionized to pay union dues. Giving my answer, it is not a matter of waiting to see the report. You know if it is in the report, I will oppose it. I will tell you categorically I will oppose it, even if Mr. Fox-Decent, who I have tremendous respect for, puts it in there.

* (14:50)

I am opposed to it on the basis that I think forcing anybody to pay union dues against their will is wrong. So outside the scope of the report, what would the Premier say to the question that was posed on the basis, do you support forcing any non-unionized company to join a union, or how do you

feel about forcing any worker who currently does not pay union dues to have to pay union dues?

Mr. Doer: Well, the member's mind has been made up before he reads the report and the rationale for the recommendations. I have a more open mind than he does, but I do have a mind that knows that my job as Premier of the province is to follow the laws of the land. We will follow the laws of Manitoba, and we will follow the laws of Canada.

Mr. Murray: Is the Premier aware of any law that exists in Manitoba that forces a company that is non-unionized to pay union dues?

Mr. Doer: My job is to follow the laws of Manitoba, and I will await the report with a more open mind than the member.

Mr. Murray: Outside the scope of the report, is the Premier aware, as he said he will follow the laws of the land, or is he suggesting that his government is going to bring in some legislation that may force non-unionized companies to be members of a union?

Mr. Doer: I will await the copy of the report and I am sure that Mr. Fox-Decent is aware of the laws because he applies them every day.

Mr. Murray: I think what is fascinating is that I had an opportunity to ask the Minister of Labour (Ms. Allan) the same questions. What I am interested in is that it is not a matter of hiding behind the report. The report is the report and the First Minister will either accept it, I assume he is saying that he will accept everything that is in it, and I will make my judgment, as is the right of the Leader of the Opposition or anybody who is sitting in the Legislature. On the same basis that when one gets asked a personal opinion of what somebody believes, I would think that those beliefs are something that somebody should be able to stand up and support.

I asked the Minister of Labour whether she agreed with the Minister of Water Stewardship (Mr. Ashton) who said that there will be a project labour agreement or a master labour agreement on this, which means that the people must pay union dues, and that is going to be part of the agreement. Her answer was, I mean it was a non sequitur, and I guess I would ask the Premier of the province of Manitoba just what his personal beliefs are. Does he believe that it is acceptable to force a non-unionized

company to become a member of the union or does he believe that it is acceptable for somebody who is a currently non-unionized worker to have to pay union dues?

Mr. Doer: Well, I guess, in terms of beliefs I should start repeating and answering the Apostles' Creed in terms of my values and beliefs.

An Honourable Member: We are in concurrence. We got that.

Mr. Doer: Yes, I know you have.

An Honourable Member: And that is important.

Mr. Doer: Yes, that is important, but I also believe in a separation of church and state, so the bottom line is I am awaiting the report with an open mind. I would encourage the member opposite to have an open mind. It seems like he does not have one. I have an open mind.

Mr. Murray: If the First Minister would criticize me for saying I do not have an open mind because I am against forced unionization of non-unionized companies, that is a very interesting interpretation, one that I would be very happy to make public, and I would hope that he too would say what his personal belief is. This is not about church and state. Frankly, it is about business in Manitoba. It is about what sort of signal do we send to not only the companies here in Manitoba but companies outside Manitoba.

I would be very surprised for this First Minister, because we have friends outside of this building in common, if he would stand up and take a position that he thinks it is acceptable that a company that is non-unionized would be forced to be part of a union. I say that in the sense of outside the scope of Mr. Fox-Decent's report. It is a fundamental principle, and if it is something that would work on the floodway as an example, then one could extrapolate and say, if it worked there, then let us have it work in other places. It comes down to whether you want to call it a fundamental belief, but it comes down to a sense of what kind of a province do we have in Manitoba with respect to business. Is it a signal you send to business that we are prepared to force companies to be part of a union? For what reason would that make any sense?

Mr. Doer: The bottom line is, we have a report. We have asked the mediator to meet with the parties. The mediator is experienced, qualified and credible. I am waiting for the report. Beyond that I am not making any more comment.

Mr. Murray: Well, I must say that, you know, I guess I am somewhat surprised, but maybe I should not be, because I think in absence of taking a position outside of the scope of the report, I mean, it is a fundamental question. Again, the Premier campaigned and passed legislation that took away the individual's secret right to a ballot in terms of workers' rights when it comes to Bill 44 that was brought in a couple of years ago.

I think that that was an unfortunate bill. We spoke against it. I would oppose it and I still oppose it. I think it is wrong. That was not done around a report. That was done around something that the First Minister obviously believed, that it was not important for workers in a non-unionized company to have a secret ballot to decide if they were going to be part of a union. So that is something that he believed. So for that basis his government brought in that sort of legislation.

Now, I am not suggesting for a minute, at least I hope that I would be absolutely wrong to think that the First Minister would agree that it would be okay to bring in some sort of legislation that it is just a free-for-all for unions to go in and basically under legislation be forced to be part of a union or pay union dues. I know that there is a report coming. The Premier is on record as saying it will be made available by the end of this week or before the weekend. I accept that. I will acknowledge to the Premier and I appreciate the fact that he will make it expediently available.

I do believe that in a bigger picture that Manitobans have to have a sense of this Premier's understanding or belief in terms of how business operates. On the scale of businesses that currently are non-unionized, I know the Premier is aware that the vast majority, I think the number is 95 or 96 or 94 percent, of businesses are non-unionized, that would be the heavy construction businesses working on the floodway.

It comes down then to your position. As the Leader of the New Democratic Party and the Premier of the province of Manitoba, is that an initiative that

you believe is worthwhile supporting, to force companies that are non-unionized to be part of a union?

* (15:00)

Mr. Doer: Well, again, I am not going to get into a discussion beyond the fact that the report is expected shortly, according to the member, today. I was not even aware of the exact day. What is that?

An Honourable Member: We watch these things closely.

Mr. Doer: That is right, I would expect that. In fact, I received your copy of a report tabled in the Legislature once on a certain issue. I do not begrudge the member opposite for knowing the exact timing. I do not know whether we have a group of people watching the report as it is couriered over or walked over or e-mailed over or BlackBerryed over. I do not know whether that is going to happen. The bottom line is the public has the right to know what is in the report. They will. The member has the right to ask when the report will be released to the public. I said very quickly in the House. He asked me whether very quickly means by the end of the week. I said yes. Beyond that, I am not going to get into a further discussion, because it might prejudice the ability to look with an open mind at the report.

Mr. Murray: I respect the fact that an open mind is required, but one would say, to read the Premier's words back to him: Did he keep an open mind with the education report that came forward on his committee on how to fund education?

I would suggest to the Premier that when it came forward and it became public, and we asked a question in the House specifically on was he in favour of increasing the PST by a cent, as was their recommendation, the Premier was very quick to answer the question and say no. We support him on that. I think that was the right thing to say, under the circumstances. But that would be, as I say, to read his own words back to him, I would suggest that if he kept an open mind but was able to answer the question that quickly, I would just ask him under the same context.

We know that there is going to be a report; we know that there is going to be an indication in that report that has some dealings with respect to how the

labour force is going to be dealt with in this issue. I think that when you back up and look at this process, I think it is unfortunate. I do believe that there were a number of mixed signals that were coming out of not only the government but out of the Floodway Authority.

On that basis, before a shovel was kind of put into the ground, Mr. Fox-Decent was asked to step in to try to bring some sense of peace and unity to the process. The report will be made available and will be public. There will be lots of comment on it. We all know that the end result is we want to get on with building the floodway, and we agree that that is the right thing to do. There is support for that. But the Premier, I believe, should be very aware that—I mean, he has talked to these groups, I know he has. I know he has talked to the Chamber of Commerce and I know he has talked to the various business groups throughout the province of Manitoba, who very clearly have said that they are opposed to any kind of forced unionization or forcing people to pay union dues.

It is one thing to say, "I will, as the Premier, keep an open mind." I think it is quite another thing to not acknowledge the potential damage that the business climate of Manitoba would suffer if there was any—and I say this again, Premier, in respect of Mr. Fox-Decent, who, I think, is an outstanding Manitoban.

But because he is an outstanding Manitoban does not mean that he is always right, and I think that if he comes forward with something that would suggest that there would be forced unionization on companies that are not part of the union or forcing workers in any way, shape or form to have to pay union dues, I would suggest to the Premier that he should do the right thing, as he has done on the others. If keeping an open mind was to stand up on turning down the PST with one way to fund his education program, he was very quick to say no. I would ask him to keep the same open mind and ensure that if there is any forced unionization of non-unionized companies with respect to the floodway, that his open mind would do the right thing and say, "no, we are not going to go down a road of forcing any companies to pay union dues or forcing any workers to be part of a union."

Mr. Doer: I am not going to make any further comment until we get a copy of the report. I will

keep an open mind until I receive it, and then I will keep an open mind after that.

Mr. Murray: By keeping an open mind, would you indicate that you do not believe that business would be served in Manitoba to have forced companies be part of a union?

Mr. Doer: I will defer all comments until I receive the wisdom of the report from the wise person who is providing it.

Mr. Murray: But, again, I just simply asked the First Minister, very simply, this is not a matter of putting Wally Fox-Decent in anything other than, I would say, he is a wonderful Manitoban. I think we are blessed, frankly, and the First Minister would know that he served the previous Tory government extremely well, very, very well, as he has done, I believe, on numerous occasions with your government. I think he is a Manitoban who is an extraordinary person. But, again, I say this because this is not about Mr. Fox-Decent in the sense that it is more an issue on where we go as a province, on how we send a signal about our openness to business or how we feel business can best function in the province of Manitoba. I would say to the First Minister that, yes, we are going to keep an open mind. He says that, but I would be troubled, as I think a lot of Manitobans would be very troubled, if he believed keeping an open mind meant that a company that does not pay union dues or have workers who are part of the union would be forced, against their will, to do exactly that. At that point, I think, we would get into a whole other debate as how does that fall under the definition of an open mind.

Mr. Doer: Well, I am waiting for the report and I have made no comments beyond that. The member opposite is waiting for the report, has already stated his views, his conditions, before he reads the report and the rationale. I would argue that the closed mind remains with the member opposite and the open mind remains with myself. But that might be a biased analysis and I am not going to make any further comments about what is in the report. I have not received it. I have not read it. Even the member opposite knows more about the timing of it and, maybe, he will table it in the House tomorrow like he did with the education draft report.

* (15:10)

Mr. Murray: I do say that, again, if the First Minister believes that having a closed mind means not forcing companies to be part of a union against their will, or forcing workers who are out there trying to earn a living to pay union dues, maybe my daughters might convince me of having a closed mind, but that is a closed mind that, quite frankly, I would respect only because it comes down to the very fundamentals of forcing somebody to do something or forcing some company to do something against their will. I just find it disappointing that the First Minister, the Labour Minister (Ms. Allan), who, I do not believe, has any involvement in this process, will not take a personal opinion on it as what they believe is the right thing for workers. I guess I would ask in a general way, Mr. Chairperson, through you to the Premier, in a general, way the value, and I say this because I know the First Minister has some involvement as the head of a union, and I believe he performed that function well. It is not a function that I know a lot about, but I assume that he performed it very well. Could the First Minister, with his experience as being the head of a union, explain the value of paying union dues?

Mr. Doer: Well, this is totally outside of the parameters of my job. Quite frankly, as a Premier, you are on the, quote, "management side" of the table. I have probably been there longer than on the employees' side. In fact, I was even an arbitrator when Peter Lougheed was Premier in Alberta before I got elected and then was on the Niagara Institute teaching business and management, different issues of collective bargaining.

The bottom line is, mediators provide reports. Usually, a mediator with credibility and skill is able to craft a report that is a proper balance of the issues. You know, when mediator reports come down, our own feelings are, quite frankly, somewhat in perspective to the fact that this is a mediator's report provided by a mediator with credibility. That is an individual that I have a lot of respect for.

I am not going to comment any further until I see the report. That is all that I can do. There has been a lot of talk, a lot of slogans over the last period of time.

I would point out to the member opposite that the floodway is not yet licensed by the Clean Environment Commission. If we were to proceed

with its expansion without a licence, we would be breaking the law. As we are doing that, we are doing other work in terms of the engineering work. We are doing a number of things simultaneously to ensure that we can proceed. The bottom line is I will await the report.

Mr. Murray: I do not think that anybody has even remotely indicated that we should proceed without the results of the Clean Environment Commission. I think that is not accurate. I think the First Minister knows that. I think this comes down to a fundamental, perhaps an issue about ideology and what sort of makes you get involved in public life, what makes you want to be the leader of a particular political party. I mean, that is in my mind really where, you know, decisions are made.

I think that I said earlier, and I would say again, that I definitely believe that Bill 44 that was brought in by your government was wrong, I think, in terms of workers' rights, the ability for workers to decide whether they want to join a union. Again, it is not a matter of being anti or pro; it is a matter of just saying workers should have that ability within secret ballot to choose what they want to do.

If everybody says, well, it is ideological, you are on a certain path if you are opposed to allow people to have a secret ballot to decide if they want to be part of a union. Somebody can make that claim, and if they can make it stick, so be it. Again, it comes down to what you believe as the leader of a party or a member of a party, a political party, what you believe. On this issue it really comes down to what your values are I guess in terms of how you believe, the ideology of a discussion.

Mr. Chairman, the Premier and I, we have had numerous debates. We had, I thought, a very good debate on health care. I thought his comments and his comments as of yesterday, with a federal election campaign on, health care hopefully gets to be brought to the forefront. I know the current Liberal leader brought his proposal forward yesterday, and the First Minister very politely and adeptly sort of, you know, gave his answer. That is fair enough. I am not here to have a debate on behalf of any of the three or four, I guess I should say, federal leaders. It comes down to what is it that you believe, what do you think, how do you think this province can move ahead and be more prosperous?

If there is an indication that forcing companies to be part of a union means we, as a province, are going to move ahead or be more prosperous or attract more business or in fact allow those businesses that are currently out there and the ones that I spoke to, that feel this would be a nail in the coffin for them, it is not something they just think is bad. I think it is something that they think is absolutely against democratic principles of how you run a business.

That, to me, is the debate that we should be having in the Legislature. It is a debate about do you think that is the right way for us to go in Manitoba, to have companies being forced to pay union dues? The First Minister will accuse me of being close minded because I am opposed to it. But I am prepared to take a position on the basis that I do not think it is the right way for companies to flourish and grow in the province of Manitoba. I might add at the end of any collective bargaining agreement that comes forward for non-unionized workers, it is always fascinating that it is the workers that end up having to dip into their earnings to pay the union dues.

We have some hardworking Manitobans in the heavy construction industry who currently do not pay union dues. The chance that they might be successful in what I think is going to be a very major project for Manitoba, it is a very important project for this province, but I do say that to force anybody in business to have workers who currently do not pay union dues go into their pockets to cover off union dues because they are not part of a union but are forced to do so, you know again, a Premier with respect in what might come down in any report. How anybody can see that as fair, and I will challenge Mr. Fox-Decent on the fairness of trying to force somebody to pay union dues.

Again, I want to be very clear, this is not about, and I will not let the discussion be about Mr. Wally Fox-Decent whom I have utmost respect for. It really comes down to you as the Premier of the province of Manitoba and how you might see that as either fair or unfair to the workers that currently are not paying union dues. To me, it is not a complicated discussion. It is something that is very much a belief of how you see business moving in the province of Manitoba.

* (15:20)

Mr. Doer: The member will note that I was not making too many comments about the various promises that are being made in health care. I would note that I think Alberta was the only other province that chose to not comment on every pronouncement and counter-pronouncement and counter-counter-pronouncement in the federal election. Realizing what I believe to happen, what I would want to happen, may not happen and whoever is elected on the morning of June 29, if somebody does receive a clear mandate or has to cobble together another combination thereof, I no matter what my beliefs are, would have to work with the government of the day.

Similarly, I have not seen the report. I do promise it will be released very quickly. I promise if we get it today, as the member opposite is alleging, and I have no reason to believe his intelligence is not correct, then we will release it by the end of the week as you have asked because I think that is our responsibility, to be as transparent as possible with this report and the rationale in it.

Mr. Murray: Well, I guess the big difference in that sort of approach is that, as we sit in concurrence on this wonderful May day in Manitoba, you are the government of the day and so those decisions can be made by you as the Premier of the province of Manitoba. I mean, that is the elected right that you have and we all know that. Knowing that there is the possibility that there could be some reference to any sort of forced unionization, that is a decision that would come forward to you. Just looking at some form of consistency with respect to two other reports that we have talked about, that you have taken the position on, and those positions were, in fairness, against a recommendation, but that was a position that you took and we respect your decision on it, certainly. It comes down, then, to being the government of the day, being in a position to make decisions that are the right things for Manitobans, the right thing for business, the right thing for workers who currently are not involved in a union. It comes down to the belief or the sense that the Premier, as the government representative for all Manitobans, how you would interpret any recommendation that would suggest that people who are not part of a union should be forced to pay union dues.

Maybe there is a window that says, well, in fact, I do not know how we are going to do this, but you will not be actually, have to be part of a union, but you are going to have to pay union dues. I just see

that as a question that you as the leader and as the Premier of the province of Manitoba, despite what recommendation might come forward, should be able to take a position on because of what you think is the right thing to grow business in Manitoba.

Mr. Chairperson: Before we proceed any further, on matters of procedure, the system is designed in such a way that people who ask questions and the people who answer, they do not face one another. The use of a second person, "you, you, you," I have counted that seven times, is a departure from the rules. It should be the Premier or the First Minister, in the third person, if we are to be within the spirit of the rules. I have been ignoring it, but when it persisted to the seventh time, I had to say something.

Mr. Doer: Well, thank you, and I have been called a lot worse, but I appreciate the Chair's advice.

I am going to wait for the report, at maximum, two more sleeps for the member opposite unless he has already got the report which took place, of the draft report. A stakeholder's report is different. This is a mediator's report, a professional mediator, respected mediator, and let us just wait for the report.

Mr. Murray: Well, thank you, Mr. Chair, and I think just for the record, because you stood up in this position and you gave me those seven "yous," I think that is pretty much where it is at, but I thank you.

I would ask the First Minister then, was there a draft report that Mr. Fox-Decent put forward as opposed to a final report.

Mr. Doer: The last draft report I have received was in the House with education funding, tabled by the member opposite, I believe. So I have not even got the copy of the draft report in education financing.

Mr. Murray: Well, I think that you know we saw a report that came in from a committee on the Department of Education with respect to funding. I am always interested to see a report that says final at the bottom and draft at the top. That is a little bit like, I said maybe and that is final. But, regardless, what we saw in that report were specific recommendations which the First Minister has basically disallowed or said he would not support or go along with because under his term he calls the fact that, well, it is only a draft, so we will wait for a final report.

Can he assure us or can the Premier assure us today that there was no preliminary report, no draft report, any kind of report that would have been presented to the government with respect to the final report that Mr. Fox-Decent was going to bring forward on the expansion of the floodway?

Mr. Doer: Well, I was just looking through my materials to make sure there was nothing after Question Period that I would have received in my little work package here. Just quick looking, quick scan of it, I have nothing since he started asking me questions that would be inconsistent with my previous answers. I have not received a, quote, "draft" preliminary report.

The last draft report I received was the one tabled in the Legislature on education financing. I knew of course beforehand watching Ms. Duhamel's comments that she had mentioned there was a draft report around. I did not even bother, you know, we thought that the committee should continue doing its work without intervening until it was tabled in the Legislature to comment.

The member opposite seems to think that we are going to receive the report today. I am not aware of any other report before the report that we are receiving today is received. If he is right, that we are going to receive this report or the report today, then this report, the report, Mr. Fox-Decent's report, will be released in 48 hours.

Mrs. Bonnie Mitchelson (River East): Mr. Chair, I was listening to the Premier in a couple of previous answers. I heard him make reference to a draft report and said something to the Leader of the Opposition about maybe he has received the draft report, if I can recall. We will have to check Hansard when it comes out. A very direct question to the Premier is this: Was there a draft report from Wally Fox-Decent on the floodway that was presented to government?

Mr. Doer: Well, as Premier of the government I am not aware of any draft report. I was referring to the term "draft" in the sense of the education financing report, which I was aware of when I received it. But I expect a report to be issued by Mr. Fox-Decent. I certainly am not aware of, nor have I received a, quote, "draft" report, nor have I received, would I expect to receive a draft report, nor would I expect there would be anything but a report without the word "draft" in it.

Mrs. Mitchelson: So then the Premier is indicating clearly that no one in his government has received a preliminary report, an interim report, a draft report from Wally Fox-Decent?

* (15:30)

Mr. Doer: What I am aware of is there were meetings that went on between various parties, between Mr. Fox-Decent. I am aware that Mr. Fox-Decent took ill, I believe for a period of time, and that since he has been back in better health he is writing a report and submitting it to the government, which we will submit forthwith to the public. I am not aware of any other document, but that is all I am aware of.

I mean, I just make a point of saying that we are going to release the report when it is public and it has been my experience that if there are draft reports floating around, they usually get released by the opposition before they get released by the government. Not that we would have ever done that, but it has been my experience that if there are reports floated around for purposes of people stating their opinions they eventually end up in either the newspaper or in the Legislature.

I am only aware of the parties meeting, the person skilled in the task, considering the issues. I do not know what the exact back and forth is with some of the parties and participants in the discussions. I expect a report. Not a draft report. My expectation is that, shortly, there will be a report, in which will be the report of the mediator, period, nothing else. Now unless something else happens that I do not know about.

Mrs. Mitchelson: Mr. Chair, the Premier is indicating that he is not aware. Can he assure this committee today that none of his ministers have received a preliminary report, an interim report or a draft report from Mr. Fox-Decent?

Mr. Doer: Well, I can inquire. I know the Minister of Water Stewardship (Mr. Ashton) is lined up, and is the third minister today. So I am sure he will be asking the individual the same question. I have not received one, and I can say that with certainty here. I can say with certainty I do not expect to be receiving one. I do expect to be receiving a report from the mediator that will be ultimately released and I committed to release it within 48 hours.

I think, and I know that and I am not even sure in the way in which it is planned on being released. I do not even know the answer to the question. Does the mediator release it or does the government release it? I just committed that with whoever releases it, it will be released within the 48-hour period. So I cannot even answer. If you ask me the next question: Who is going to release it? I cannot even answer that question. I am just waiting for the report with an open mind.

Mrs. Mitchelson: I do not want to pursue this too much longer but I guess my question then would be, the Premier indicates he has not received a report. Has he had discussions with any of his ministers around any recommendations that might be in the report that is coming from Mr. Fox-Decent?

Mr. Doer: No, it has not been discussed. I mean, we do not have time to discuss reports that we have not even received; we have lots of issues to deal with. You know, we are dealing with them. We are working on a meeting of other health care ministers and provincial finance ministers. It is going to take place in Toronto this weekend, and we are dealing with some of these big issues that we think are very important and we have been acting accordingly.

If the Leader of the Opposition (Mr. Murray) is correct and we are receiving the report today, then the report is going to be released in 48 hours. We will have an argument about, well, obviously, given the member's position, argument about what is in it or maybe not an argument about what is in it. So I do not know.

I do think it was unfortunate that Mr. Fox-Decent did have a little setback with his health. I do know that it was our preference to have it public as soon as possible. I think he had some meetings and then had a little bit of a setback. I just want to respect that in terms of the timing.

Mrs. Mitchelson: I just wanted to ask the Premier whether he has had any meetings or discussions with Mr. Fox-Decent during the process of him undertaking the mediation process and developing a report.

Mr. Doer: No.

Mr. Murray: Thank you very much, Mr. Chair and, through you to the Premier, just to clarify. The

reason I would like to clarify is that when we saw the so-called final draft document on the education funding that came forward, I think it is important just to get on the record that the Premier is indicating that whatever report he is going to receive, and I understand that it is coming forward today, whatever report he receives, that it is his understanding that it is not a draft report. It is a final report and that is the report that will be tabled and made public.

Mr. Doer: I am not sure whether it is going to be a draft report that we make public, or a draft report that Mr. Fox-Decent provides to the parties, or a final report. I am not sure of that point. All I know is that he and we want to bring this mediation exercise to a state of recommendations. That is what I would imagine he is going to do, but I am imaging it, I have not received a report yet so I just do not want to speak for him.

I think it is different from the so-called stakeholders because even the draft report that was provided by the stakeholders certainly did not have the concurrence based on media reports from the municipalities, especially rural municipalities. In terms of what was being proposed in this so-called draft report, did not even have consensus from some of the participants in it. That is a totally different issue than a one-person mediator.

When we get what I think is going to be a report today as the Leader of the Opposition has alleged with some knowledge I assume, or if I do not get what he is alleging I am going to get today but get it tomorrow, we are going to try to get it out quickly, very quickly. I said in the House "very quickly" and he asked whether that meant by the end of the week. It is our goal to get it out at the end of the week, plain and simple.

* (15:40)

Mr. Murray: I appreciate that, the response from the First Minister. I think it is important that we are all on the same page on this issue in the sense that there is not any discussion about what might be floated as anything that becomes a draft. We just need to know that the First Minister's understanding that what comes forward from Mr. Fox-Decent is the report that will be made public, that there was no sort of discussion to say that this was really a draft and so he has asked us to sort of hold off in the process and

that there will be another report or there will be another report coming.

I know that these things can get more complicated than they should, but I think from our perspective, because we are waiting with some concern about how this report is going to come forward. I say concern on the basis that we hope that there is no sort of forced unionization in it.

On the basis that I asked the First Minister (Mr. Doer) on the education report, if he had given any parameters to those people to go out and look at how to fund education in Manitoba, did he or any of his staff or a minister give any indication to Mr. Fox-Decent as to any expectation that should come out of this report?

Mr. Doer: Well the report, and again, I do not want to create a kind of sense of uncertainty about a report, but members opposite are asking me questions, and I do not know what the term is going to be used on the report I am going to receive allegedly today. I did not even know allegedly I was going to receive it today. But I did know it was imminent so it is not outside of the ballpark.

I did commit us to releasing it by the end of the week. I do not want to sound like somebody else who is in political office but what "it" is I do not know. Having said that, to paraphrase the "it" is comparison, I do not want to begin that but I have not read anything.

He is a credible mediator. What Mr. Fox-Decent brings to the exercise is his independence, his experience and his credibility of having been able to work with both business and labour in jobs in the past. I know he worked on other proposals for the people of Manitoba last year when he did some really good work on workplace safety and health. One of the participants in the mediation exercise was one of the members of the panel as I recall it in terms of workplace safety and health legislation.

I did receive a letter from Mr. Lorenc about the credibility. He sent me a letter. I sent him back a letter about Wally Fox-Decent and his independence. He sent me back a letter applauding the appointment. From there they met to discuss, and we will find out where it goes. I do not expect this thing to be like the Education Finance Report that takes four years and still has not got a consensus.

Mr. Murray: Could the Premier indicate if there were any terms of reference at all given to Mr. Fox-Decent?

Mr. Doer: I will check the paperwork. I think he was given the responsibility of being a mediator in this obvious issue but I will check to see. I am not sure of what kind of, if there is anything in writing or anything from the minister's office.

Again I did not meet with Mr. Fox-Decent. I will have to check my correspondence. The only correspondence I responded to was, I think, that I responded to Chris Lorenc. Actually, he is the only person I replied to in terms of some issues that he asked to be considered. I think I did respond to that and he responded to it positively. I do think there is some of that language and I guess one can consider that to be part of the considerations he had.

There are some letters that probably the Leader of the Opposition already has in his possession. I am sure he would have those in his possession, but if he does not, I will read them and then I would have to inquire under The Privacy Act whether the individual who I sent a letter to that the Leader of the Opposition might be already in possession of, is willing to give a copy to the Leader of the Opposition, after he might already have a copy of the same letter. I will check that out.

Mr. Murray: So, again, just to sort of recap, the Premier is indicating that there is no specific set of terms of reference, although there may be some form of terms of reference that may have been given to Mr. Fox-Decent. On the basis that you get numerous lawyers involved, I mean, I think the terms of reference, I would think, would be something that would be public. I do not think there would be any reason to have that as something that would not be public.

I would hope that the Premier would table anything that had terms of reference around it with respect to direction for Mr. Fox-Decent, and I use that, again, I come back to the report on education where I just find it interesting that there were no terms of reference that would have been given to a group that would go out and work diligently for a couple of years only to come up with a recommendation that, clearly, was not one that the First Minister, at this point anyway, prepared to accept.

Again, just in the overall scheme of questioning, I just would like to know that, if there were any terms of reference, if the First Minister could acknowledge that if there were any terms of reference, whether it was done through Cabinet correspondence or Cabinet document. The reason that I think the question is important, Mr. Chair, is just to get a sense, was Mr. Fox-Decent given direction? Was he given an open mind, as the First Minister likes to make reference to, or were there any parameters at all that he was asked to, under those terms, go out and, with respect to the direction or terms that were given to him, to try to mediate the situation?

Mr. Doer: Well, I will have to take as notice the paperwork involved and as I recall there were letters that I signed, I think I signed the letter. For sure, I signed at least one letter, and I want to make sure. If the Leader of the Opposition does not already have a copy of it then I will inquire of the individual who I signed the letter to, under the Privacy Act, to get his permission to provide that to the member.

Mr. Murray: Mr. Chair, I wonder if I could ask the First Minister (Mr. Doer), I thought it was very interesting, the other day in the House he was asked a question, and it was from the Member for River Heights (Mr. Gerrard). I thought the First Minister's response was very interesting when he talked about health cuts. The First Minister, in his response, said, and I did take it out of Hansard because I thought it was important.

"He," Mr. Chair, just a reference to the minister, at that time he was a minister, but currently the member from River Heights, "He cut \$240 million out of the health care budget in Manitoba in 1995. How many doctors did we lose? How many nurses did we lose? What was the impact of patient safety in Manitoba?"

In 1995 when the current Premier was Leader of the Opposition, how many doctors do you think that the federal government cuts cost Manitoba in terms of doctors and nurses that you were concerned about with the question from the member from River Heights?

* (15:50)

Mr. Doer: Well, the member might want to recall that the reduction in the medical schools took place

in Manitoba in the early 1990s, prior to the federal budget. In fact, the reductions in the budget, I think the reductions took place after Trudeau left office and Prime Minister Mulroney came into office, the formula was changed from GDP plus a certain percentage; it would be GDP at a lower amount. Then the provinces cut, not all provinces but the province of Manitoba cut, the medical school in the early 1990s, I believe the number went from 75, or maybe, I cannot remember the number, either 84 to 70 or 74 to 60. I will double-check that number, because I know, in our first term, we reinstated that number and then we reinstated another number beyond that. You should know in 1995 we said publicly that the amount of money cut from the provincial budget by the federal government was the equivalent of closing every hospital in rural and northern Manitoba. That was echoed the next day by then-Minister of Finance Stefanson. That budget, as I recall, came out in February of 1995. In March of 1995 the former Minister of Finance, Mr. Stefanson, and the former Minister of Health, Mr. McCrae, came out and said, and I quote, in March of 1995, "That as horrific as the federal government cuts are, we will not be reducing our expenditure in health care based on the federal government and there will be no reductions." So I just wanted to go through a little history here.

An Honourable Member: Not you, but we are trying to accommodate your ministers.

Mr. Doer: We are always appreciative of accommodations. I have not even had a chance to chat with some of my ministers yet.

Mr. Ron Schuler (Springfield): My first question to the Premier is this: Has he had the opportunity to meet with the board of the River East Transcona School Division?

Mr. Doer: We have had a couple of false starts, but I plan on meeting with the board within the next month on the issue of the letter they have written on capital requests.

Mr. Schuler: Has the Premier had the opportunity to meet with the Sunrise School Division?

Mr. Doer: There is a number of 37 school divisions in Manitoba. I was meeting with the River East school division in my capacity as an MLA.

Mr. Schuler: I would like to ask the Premier if he can tell us what the status is of the joint services agreement that has been in place between the Sunrise School Division and the Transcona-Springfield School Division that came into place because of the amalgamation of school divisions put forward by his government.

Mr. Doer: It exists.

Mr. Schuler: Does the Premier know when this current agreement expires?

Mr. Doer: I will get the exact date but I do know there was a concern about how long it was initially. Well, first of all there was a concern that it would not apply without putting it in legislation. We did put it in legislation, notwithstanding the fact the member opposite argued that we were going to lose in court and was wrong. Having said that, we did think as an act of good faith that should be in legislation as opposed to being in administration. There are about six items I want to discuss in the next period of time with the Minister of Education (Mr. Bjornson), and this is one of them. It is still an item that I have to discuss with him.

Mr. Schuler: As the Premier may know, one of the difficulties with my community is that the Springfield component of Transcona-Springfield normally had access to the Transcona services. So for instance, in École Dugald you went to Grade 8 with your French immersion and then you accessed the immersion schools in Transcona. In fact, if you stood on the outside boundaries of Springfield with a really good throwing arm and a real fast ball, you could almost hit one of the schools. If the agreement lapses there is anywhere from an hour to an hour and a half bus ride from certain areas to French immersion programming in the Sunrise School Division.

I know when the Premier had the opportunity to hastily drive through the constituency of Springfield on his way to other points during the election, in fact, parents met up with him and laid this out for him and explained to him that as he would be on his way to Beausejour and that is where some of the programming might be, that he would enjoy the ride in comfort of the beautiful van that he had, a luxury that the students would not indeed have.

In fact, they would not drive straight as a crow flies, or as straight as you can on the highways. In

fact, a bus would meander back and forth picking up students.

So I know the Premier is well aware of it and I am sure that he knows that it is a serious issue for the students. For no fault of the children, they had no say in this. Somehow they go from a 10-minute car ride or a 20-minute bus ride to an hour and a half bus ride simply because of the powers that be decided to change boundaries.

Can I ask the Premier if he will endeavour to ensure that the agreement does stay in place? That would be making the case for the program, which is a really good program in École Dugald, and more importantly for the children.

Mr. Doer: Well, certainly the logic of what the member says is why we put in the legislation to begin with. The logic also speaks to the issue of how extending that condition and I will be discussing this with the Minister of Education (Mr. Bjornson). But certainly, I think there was a concern that this could be whimsically removed if we did not put it in the legislation. So we did put it in the legislation. I think it was for a five, well, no, I want to check the dates, whether it was three or five years. But I do know that it is to the advantage of the existing schools who would be partially empty or programs that would have less students, and it is to the advantage of the students to have a longer period of time. I certainly indicated that to some parents, not hastily, that were quite feisty I might point out. I can assure the member opposite, the bus was not very comfortable. It might have been a nice sign, but it was an awfully uncomfortable bus. I would not recommend it to anybody.

I thought it was kind of interesting when the Leader of the Opposition and I showed up at Nick's in the same, identical bus. But, having said that, the bottom line is I do agree. I do think that there was recognition of the special circumstances of the immersion students in the legislation. I do want to discuss that with the Minister of Education. I will be very specific when I report back to him, but in all fairness to the existing Minister of Education, we have not gone over that since the legislation, since he has been sworn in. It is on one of my items. I think it was almost a year today, or close to a year today, we were discussing that in the evening, in the twilight of a beautiful, much warmer and drier evening in June.

* (16:00)

Mr. Schuler: In fact, the meeting that the Premier had with the parents, I have a beautiful photo of that; one of my staff had taken a picture of it. We just wanted it as a memento to prove that the Premier, albeit to use the facilities in Oakbank, that he had, in fact, been in my constituency. I am corrected, he did come in one other time to eat a hotdog in East St. Paul, but that was at a private union membership-only barbecue, but, that is okay. I mean, at least we could claim he had been there twice, and we were happy to welcome him. In fact, I was hoping he would go out and canvass. I was more than willing to even canvass with him or after him or before him, but, alas, he disappointed me in that respect.

I just want to ask one last question and then I will pass on to the other members on committee, because this is in fact very important. It is very important to the children because it is about their future. It is also very important for the parents. It is not just about the French immersion program. It is also about the other services that were provided.

Springfield Collegiate obviously did not have all of the services built onto it, although it is a fairly full school, because the services were provided in the school division, and, really, why would you duplicate it when it was a fairly close bus ride into the city? Transcona had the schools. They had the room, beautiful facilities.

The agreements are coming close to an end. From what I understand from the Minister of Education, he believes that they will expire June of 2005, which really does not leave us a lot of time. Should these expire, there are sensitivities, because it involves the school division that the Premier resides in, that is, River East Transcona, a school division that I also have half my constituency in, and it involves Sunrise. I am aware of the sensitivities between the two of them, in that the benefit of one should not be the hardship of the other.

This has to be something that government has to be involved with, because again this was not a choice of either school division. It was not a choice of the children. In fact, the former minister from Brandon East came out to the meeting in Oakbank. I would fail him on everything else in his ministerial duties, but I do give him passing grades on having the courage to show up for the meeting. It was a big one.

The Leader of the Opposition (Mr. Murray) was also there.

It was a big meeting, and it was emotional. People were out there, and they felt that they were fighting for their children's future, and they were. It was real democracy in action. The things they said to that current minister are now coming to pass.

I would ask the Premier that, when he meets with his minister, when he meets with the school divisions, this be a win-win. This should not be the punishment of one to the benefit of another, because in the end this is really about the best interests of the children.

I ask the Premier that it not just be about immersion. It is about the package, because a lot of shops were not built, a lot of services were not provided in the R.M. of Springfield because they were provided in Transcona, which made economic and financial sense at the time, but with the split now has created great hardship.

So I leave that with the Premier and ask if he could endeavour to stand up for the children of Springfield. Certainly they are near and dear to my heart. I get to go out and see them and read to them and speak with them. The parents have on many occasions with very serious tones, with tears in their eyes expressed frustrations and concerns, as we all have concerns and issues about our children, and so they should.

I know the Premier does not fault any member of this committee coming forward with passion making the case that government ensure that this be done in an appropriate fashion, be done in the best interests of all of those involved.

Mr. Doer: Well, the member opposite is not accurate about how many times I was in his constituency. My daughter plays soccer in the area. I know he likes to look for the bus, but sometimes some of us get to get off the campaign trail and actually go meet with people in the community. So, when one gets off the bus, when the member from Springfield is seeking out the bus with his binoculars, it does not mean to say you are not in the community enjoying what normal people do. That is not a campaign. I would suggest to the member opposite his sightings were not always accurate.

Secondly, I do recall once, only once, and I would pass this on to the member opposite. The former-Leader of the Liberal Party was quite dismissive about the member from Selkirk, about his chances of winning in the election, and being quite confident about their own electoral success versus the other person's success. It is a good lesson for all of us, because a couple of weeks later the member from Selkirk was an MLA and the then-member from St. James was a retired MLA. The Member for River East (Mrs. Mitchelson) might remember that scene in the House.

Thirdly, Mr. Chair, I think that we put legislation in the bill because of the unique circumstances of the children in that area and the transportation issues in that area, and I will talk to the Minister of Education (Mr. Bjornson). I will look at the timing of the act, but I think putting something in the legislation was an attempt to show that we had listened to the parents, and that commitment goes beyond the member from Brandon East. He was obviously concerned about it.

I will look at the ability to work with the member opposite. I am sure we can get co-operation from other parties, but I will discuss it with the new Minister of Education. There is no intent on our side to have kids going in the opposite direction for the immersion services. We know that when you reduce the school divisions by a third, you can try to make it the best possible for children, but it is not going to be perfect. I would say today in this committee that it was not perfect, probably a point that would be confirmed by members opposite.

Mr. Murray: I am delighted that the Minister of Water Stewardship has joined. I wonder if I might, and I want to be careful how I choose my language here, we are not exactly finished having discussions with the Premier, but I wonder if I could, through you, put a question to the Minister of Water Stewardship.

I wonder if the Minister of Water Stewardship could indicate if he has received the report from Wally Fox-Decent on the floodway.

Hon. Steve Ashton (Minister of Water Stewardship): As I indicated earlier in Question Period, and this has not changed, I actually have been in the House all afternoon as Acting House Leader, so I cannot confirm whether it has been

received. Certainly, I indicated in questioning in the House, once it is received it is our intention to release it fairly shortly thereafter. I will be able to check, presumably once we are finished in this committee, whether it has been received this afternoon. But whether it is received today or not, we are certainly hoping it will be received fairly shortly.

Mr. Murray: Can the minister indicate to the committee whether he has, or anybody in his department, has had any discussions with Mr. Fox-Decent prior to Mr. Fox-Decent presenting this report?

Mr. Ashton: Well, Mr. Chairperson, I think the member knows that Mr. Fox-Decent has been asked to work with stakeholders on a number of important issues and, in fact, the report will be out, as we said, hopefully fairly shortly.

I do want to put on the record as well, and I think the Leader of the Opposition acknowledged that the delay has been essentially because of some personal factors that Wally Fox-Decent was dealing with that led him also to cancel, pardon me, not to cancel the hearings, but not to participate in a number of the hearings for the Workers Compensation review. So it has certainly been unavoidable from his side. We did not put any artificial deadlines on the process because, certainly, we trust in Mr. Fox-Decent's judgment in terms of this kind of a process. He has a fair degree of experience, as the opposition will know, in terms of working with some very significant issues, everything from Meech Lake through to many ongoing labour disputes. So he certainly brings some very significant skills and I do know he has been working on that diligently. I am hopeful that if the report is not in the office this afternoon that it will be in very shortly as well.

*(16:10)

Mr. Murray: Mr. Chair, I wondered if the minister would just comment more, I guess, on the way his department runs, but knowing that this is a fairly important issue raised in Question Period and as we sit here, that nobody from his staff might have made him aware that, I think, a fairly substantial report, I think we all acknowledge that, some couple of hours after the question that, in fact, the report has been received or not.

Mr. Ashton: Well, clearly, I mean, I know we are not supposed to talk about the presence or absence of

members but when I came into the House I was also acting House Leader so I actually have not physically been in my office today and I did mention the reason why I was not in earlier. I am not asking to be excused but remember there was the personal reason with the graduation. Once I am out of this committee, I will actually be going to my office to be able to determine then.

I actually, because I was not in, again, was not where I actually had been called for this committee, and initially was planning to be in my office actually about nine minutes ago, at which time I would be able to determine if it has been received. So certainly I will be in my office sometime this afternoon. I want to repeat again that hopefully it will be received fairly soon.

We certainly understand the difficult circumstances behind the delay and once it is released, I know the Premier (Mr. Doer), I am sure, has indicated the same response to the Leader of the Opposition (Mr. Murray), that our intent will be to release it, you know, fairly quickly. So we are not going to look for any major extensions in terms of the process. It has gone a little bit longer than, perhaps, was initially anticipated but these things do happen. We are certainly going to, hopefully, get the report fairly soon and once I am finished in this committee, I am not trying to drop a subtle hint here, but once I am finished in this committee I shall be going straight to my office to determine what has been happening in my office all day in terms of that.

Mr. Murray: Does the minister communicate with his office with his BlackBerry?

Mr. Ashton: I do, although I am relatively new at this so my facility on typing is somewhat limited. I recently got a BlackBerry about several months ago. I am not sure if the Leader of the Opposition is suggesting I BlackBerry my office at this point in time, I am not sure if that is appropriate. It may take me a while to do it but I am starting to become more proficient on it. I am used to larger keyboards. I am quite used to using my thumbs.

Mr. Murray: I just would like to get a very clear answer from the minister with respect to any meetings that may have taken place once Mr. Fox-Decent was engaged in the process, whether he or any of his department staff met with Mr. Fox-Decent and gave any sense of direction or any sense of terms

of reference around this issue of forced unionization or forcing workers to pay union dues with respect to his final report on the floodway?

Mr. Ashton: Well, I think the Leader of the Opposition (Mr. Murray) is aware of the background of this and I know, certainly, the members opposite seem only to have one focus on the floodway, which is to ask questions on this particular subject, and I find it amazing, quite frankly, given all of the other very significant developments that are taking place right now with the floodway.

We are at the point now of finalizing pre-design. We recently made a very significant announcement that is going to have a huge impact in reduced impact on ground water. Again, it was actually a government member, the Member for Selkirk (Mr. Dewar), that asked that question. We are moving ahead in terms of the environmental assessments. Once again, some significant interests not only in Winnipeg but in the valley itself.

Quite frankly, I am, perhaps not surprised, but disappointed that members opposite have not asked questions on those matters related to the floodway. In fact, I do not think I have been asked a single question, perhaps last session. I should correct myself in terms of that. I think there were some questions from the Member for Morris (Mrs. Taillieu) on floodway compensation.

We also have two bills before the Legislature. As I have indicated before, I think we have been very clear and up front. The Premier has in terms of Wally Fox-Decent. Wally Fox-Decent is somebody who has a great deal of respect from anyone who has ever dealt with him and he also has a great deal of credibility in this province. Certainly, I do not think anyone, even the members of the opposition are questioning that. He is engaged with the process.

We are going to be getting a report shortly. I can tell you that Wally Fox-Decent is somebody that has a tremendous amount of integrity and will put forward, I am sure, a report that will reflect his discussions with the various stakeholders and also his judgment, his recommendations. I am not going to assume anything other than the fact that Wally Fox-Decent will do that.

I note I have seen more closely Wally Fox-Decent's work, for example, Mr. Chair, the previous

commissioner's report. Actually we did not have a commissioner in those days, but we had a commission reporting on MLAs' salaries. I think it was a very good example of his work, but probably the best example was in terms of Meech Lake. I know the member is anxious to see the report. So am I. It was delayed through circumstances that were beyond anybody's control, and I have every confidence that Wally Fox-Decent will have shown good judgment in terms of, not only the process itself, but the report.

I await the report. As I indicated, we will release it quite quickly as well. I think the Premier has made that commitment, and I can certainly confirm that that is our commitment as a government.

Mrs. Mitchelson: Thank you very much, Mr. Chairman. I would just like to ask the minister a couple of very direct questions and hopefully he will be direct in his answers.

Can the minister indicate whether he has received from Wally Fox-Decent any preliminary report, any draft report, any interim report?

Mr. Ashton: Mr. Chairperson, we have already committed to (a) the process, and (b) to releasing the report when it comes out. I mean, members opposite I know are anxious to see the report released. We have committed to do that. We will do that. This is a report that we are not going to do anything other than within a very short period of time review it and release it. Members opposite will not be filing Freedom of Information requests.

Certainly, I remember similar concerns being expressed when we were in opposition in terms of the government which the member was a part of. I do not know what more the members want other than the fact that we have committed in this case to releasing the report very shortly after it is received. The Premier made that commitment earlier, and that is the position of this minister and this government. The Premier speaks for the government.

Mrs. Mitchelson: Mr. Chair, the minister did not answer my question. Has the minister received any preliminary report, any interim report, any draft report? It would just take a simple yes or no. If the answer is no, that is fine. If the answer is yes, that is fine. Very direct question, just requires a very simple answer, Mr. Chair.

Mr. Ashton: Mr. Chairperson, and I know the members opposite have questioned the process, not necessarily Wally Fox-Decent. I know the members opposite, in terms of other issues, I thought it was quite remarkable when they tabled a report in the House, and then asked questions on a report that had not been filed.

Mr. Chairperson, I indicated in the House that the report has not been received. The report will be released when it is received, fairly shortly. That is a commitment that we do not have to make as a government. We think it is important. I think there is a significant amount of interest, certainly with the stakeholders in terms of that. Quite frankly, I think it is rather unfortunate that some of the lines of questioning call into question the judgment of Mr. Fox-Decent.

Mr. Fox-Decent, I believe and I want to stress again, has the confidence of this government, the confidence of Manitobans. The report will be released. Mr. Fox-Decent's report will be released very shortly after it is received. That is a commitment, by the way, that we did not always see from members opposite when they were in government.

Mrs. Mitchelson: But, again, the minister has not answered the direct question. There will be a report released. Has he received anything to date, prior to what he is expecting?

* (16:20)

Mr. Ashton: Well, pardon me, I indicated before in questioning in the House that as soon as we receive Wally Fox-Decent's report we will be putting it out. I do not quite frankly understand what part of that answer the Member for River East does not realize.

I mean, if the report has been received this afternoon, I will be able to determine that when I return to my office. Whether it is received today or tomorrow or the following day, I think the Premier has made the commitment to not only have the report reviewed by government, but to release it. That is not a commitment we take lightly. So once the report has been filed by Wally Fox-Decent, it will be released and will be released, as the Premier said, very shortly after the report.

That is, I think, not only good, common sense in terms of the process, but I think it is what anyone

would expect in this case, given the interest. Quite frankly, I am not quite sure what aspect of this the member has difficulty with. I think Wally Fox-Decent has our trust in terms of his judgment in terms of proceeding with this matter. I certainly hope that members opposite would as well have the same level of trust. Certainly, Manitobans do. I could refer the member to certainly correspondence that has been copied to various people from various stakeholders indicating their support for the process, public statements that have been made. Mr. Fox-Decent has our confidence, period.

Mrs. Mitchelson: Mr. Chair, it is not confidence in Mr. Fox-Decent that we are questioning. We are questioning the credibility of the minister when he cannot answer a very straightforward question. What is he hiding? Has he received anything prior to what he is anticipating receiving today or tomorrow or the next day?

Has there been a preliminary report? Has there been a draft report presented to the minister? Simple question: Yes or no. Is he going to be truthful with us or is he going to try to hide something from us? It should be a very straightforward answer. If the minister cannot answer that, then we are definitely questioning his credibility, his honesty, his up-front indication of what the events have been to date. If there is nothing to hide, just be straight up, yes or no. Has he received anything from Mr. Fox-Decent?

Mr. Chairperson: Before we proceed, passion is all right. We can be as passionate as we can. But to question anybody's, any member's honesty, I think, is close to the line. I just caution everybody to be careful about their language.

Mr. Ashton: I need no lecture from the member opposite in terms of that. We put in place the process with Wally Fox-Decent. We indicated we will release the report. I indicated I have not been in my office today. If it is sitting there today, it will be reviewed forthwith. I know that members opposite want to play politics with the floodway. That is the true agenda in terms of this case. I, quite frankly, have not seen this kind of exaggerated rhetoric. *[interjection]* I know the Member for River East (Mrs. Mitchelson) wants to heckle me from her seat. That is fine, but I can indicate that I have rarely seen such extreme rhetoric, at times, in terms of this.

Members opposite should talk to Manitobans about the floodway. If they would care to attend any

of the committee hearings, I would suggest they do that, the public meetings that we have had throughout the province. I will tell you what they are asking about, by the way. They are asking about real concerns in terms of groundwater. The kind of issues that members opposite have not been asking. They have asked real questions in terms of what is going to happen in the next part of the process, the environmental assessment.

If the members opposite were to check in terms of the public hearings that have taken place, they will find that Manitobans, maybe with a few exceptions, I think this issue may have been raised by some Manitobans, are concerned about the employment opportunities for the floodway. We are talking about thousands of jobs. I indicated in terms of the one issue they have been concerned with, that as soon as we get Wally Fox-Decent's report, if it has been received this afternoon or if it is received within the next day or two and I certainly hope that is the case, members opposite will get it. I am not going to take members opposite lecturing members on this side in this case where we have committed to release the report very quickly after its receipt. That is something that was not standard practice in the government that member was part of for 11 years.

Without taking up the time of the committee, I think the member will recall many processes where members opposite did not release those reports. If the report is in my office as we speak, or if it is in my office tomorrow, we have indicated we would be very up front with it in terms of reviewing it and releasing it forthwith. The Premier said that. The Premier speaks for this government, and this minister, quite frankly, has the same approach.

I do not know what could be more up front in this particular case than to release Wally Fox-Decent's report which, whether it has been received in my office this afternoon or it is received tomorrow or the day after, forthwith. This is not in due course. This is not some time in the future. The Premier has made some very specific commitments, and the member can yell all she wants from her seat, but I am not going to short circuit Wally Fox-Decent's process in this particular case and I am certainly not going to take any lectures from members opposite.

The member opposite knows that Wally Fox-Decent has the confidence of all of the stakeholders he has been working with, certainly has the

confidence of Manitobans, and whether the member wants to throw barbs at me politically, the issue here is Wally Fox-Decent. The process has been put in place. All stakeholders, I think, have publicly indicated they support this. I am not sure what part of that the members opposite do not support, but Wally Fox-Decent was delayed because of personal circumstances beyond his control. Members opposite, I think, are quite aware of that. The report, whether it has been received by my office this afternoon or tomorrow, will be released, as was committed to by the Premier.

Mr. Murray: Mr. Chairperson, I know the Minister of Water Stewardship uses time to put comments on the record, but I do think the honourable member from River East was not making reference, we understand, that if there is a report that is in his office, he will make it available according to the Premier before the end of the week, and we appreciate that.

I think the question, though, is not so much about this specific report, the piece of paper whatever it may come under, but the question is leading up. I would ask it very simply to the minister: Did he have any meetings with Mr. Fox-Decent? Was there an interim report, any kind of a draft report that may have come forward prior to this report we are all wondering about, whether it is in his office as we speak or about to be in his office? It is leading up to this particular document, to quote the Premier, "the report, the final report" that Mr. Fox-Decent is going to deliver.

Were there any preliminary, draft reports that the minister may have received prior to this report that we understand has been delivered to the minister's office?

Mr. Ashton: As I indicated, if that has been delivered to my office today, I have not had that opportunity. By the way, just to check my BlackBerry, there was no indication in terms of Mr. Fox-Decent's report having been filed with my office this afternoon. I may be wrong in terms of that. *[interjection]* I have a staffperson that has come down after listening to these proceedings and I have indicated that once that report has been received, it will be released. I think the Premier has made that commitment.

* (16:30)

Mr. Murray: Again, I think both the honourable member from River East and I believe the line of questioning that we are taking here—I will just wait until the minister has returned.

I think the question is not about the report that, as I understand it, is going to be received tomorrow. It is about between the time that the minister indicated that in fact there would be a project labour agreement on the floodway, which meant that people would have to pay union dues, that was what the minister had indicated. Then I think the Premier had indicated something different, and so through that conundrum, I think confusion, it was then decided that Mr. Fox-Decent should be brought into the process to try to bring some sense of direction as to where this was going to go.

So between Mr. Fox-Decent being asked to be the mediator on this process, and there is a report that we understand, as I believe the minister has confirmed, will be here tomorrow, during that time frame did the minister or any of his staff meet with Mr. Fox-Decent?

Mr. Ashton: When the Wally Fox-Decent report was commissioned, if that is the appropriate word—when Mr. Fox-Decent started this process, I think the member will note that in the House both the Premier and myself, any time we have been asked questions in terms of this matter, we have certainly indicated that we trust Mr. Fox-Decent's judgment and that this report, his recommendations, will have a significant consideration in terms of how we proceed forward.

In fact, it has been the members opposite that have continued to bring this into the public arena, which is their right. I mean, they have tabled petitions; that is their right as members of the Legislature. They have raised questions on this and only this issue. I can tell you that we are not going to get into the kind of situation members opposite urged before.

Even before we have got the report, their position is very clear. They want us to take various hypothetical circumstances that may or may not be part of the report and then make decisions before we receive that report. We have indicated, quite frankly, that we are going to receive the report, review the report and that that report will play obviously a very significant role in terms of where we proceed in terms of the floodway, not only in terms of the

matters that the members have raised but also in other areas. We have some very significant decisions that we will be making in terms of education and training, and also some of the tendering issues which I know the members opposite I believe have raised on occasion as well. But that is of interest to the stakeholders in particular and also to Manitobans as a whole.

I can tell you that we are going to respond by releasing that report when it is received. I can confirm, as I said a few moments ago, from staff, it has not been received. If it is received tomorrow, I think the Premier has made commitments in terms of releasing that report.

Mr. Daryl Reid, Acting Chair, in the Chair

Mr. Ashton: Quite frankly, any further discussion in terms of this only avoids the fact that the report, once it is in my office, will be in the public domain very shortly afterwards. I would suggest that we can then continue in terms of the debate. The members can continue in terms of their statements on the issue after this point in time. If that is their only concern with the floodway, they have no interest in other areas, so be it. But the report, we are expecting it imminently. It will be released. Quite frankly, any discussion over and above that in terms of the content, it may make the members feel good politically to raise these issues. That is their right. They can do it.

The report, once it is released, I would suggest members opposite give Wally Fox-Decent some credit in terms of his processes and his ability to work with people from differing backgrounds. I am sure members opposite are aware of his background. Members opposite had contact, those who were in government, with Mr. Fox-Decent. So, quite frankly, I am surprised with this line of questioning which seems to be aimed at getting into debate once again on this, that or the other. The report will be released. We are expecting it imminently. The report will be released very shortly afterwards. That is what the Premier said. That is our position.

Mr. Murray: I think this is most interesting when a very straightforward question about was there any meeting that took place between the minister, his staff, or direction with Mr. Fox-Decent prior to this final report, that might indicate whether there was a draft or preliminary report, the fact that the minister

refuses to acknowledge that. Again, I think what it says, frankly, is perhaps there was a meeting and perhaps there were meetings, or there was direction. I think, as the Member for River East (Mrs. Mitchelson) said, just very simply, was there an interim report. I think if the answer was yes, that is an acceptable answer; if the answer is no, which again is a very acceptable answer, but an absence of giving any straightforward answer to a question about whether there were any other meetings, or there was a draft report prior to this, I would say that anybody going down the line of questioning, whether the minister finds it surprising, I guess that is his right.

But I think what it does say, very simply, is that there may be something that the minister is not prepared to come forward with, in a very direct question on the issue on whether there was any meetings that were held, any direction given or, specifically, whether there was an interim or any draft report given to the minister prior to this final report. It is not a matter of lecturing. It is not a matter of doing anything, other than to the minister of asking a very straightforward question that simply requires a yes or no answer.

Mr. Ashton: Well, it is obvious I think that members opposite do not have full confidence in Wally Fox-Decent. The reference was made in terms of direction. I was not in the committee earlier in terms of some of the questions, but I think there were some questions asked in terms of the initial parameters of Mr. Fox-Decent's process. Certainly, I think we have been very public in terms of that. Mr. Fox-Decent has been looking at a number of issues, some of which members have raised. Also, in other areas as well, he has been working with the department, in this case not the department because it is the Floodway Authority which is responsible for constructing the floodway, and stakeholders. Quite frankly, I find it rather remarkable that, really, the direction that this question is aimed at, in this particular case, obviously trying to call into question the process and the report.

I can tell you I will not be a part as minister of, in this particular case, their agenda, which seems to be aimed at criticizing, or imputing various motives. The bottom line here is Mr. Fox-Decent is respected for his independence, his judgment. I think it has been reflected by comments from all the stakeholders. That is how we deal with things, I think, in

this province, the members opposite have a different approach perhaps, but when we end up with disputes, I think in this case, as a government we recognized that rather than proceed unilaterally as a government, that we maybe needed to take a step back. We needed to bring in Wally Fox-Decent. We needed somebody who had the respect of the stakeholders and would put in place a process. Quite frankly, that process is going to lead to a report that is going to be out, released virtually as soon as we receive it. I indicated we will have a very quick turnaround on that. Quite frankly, the members opposite, I think, would be far better off, even if they are going continue to raise these questions, to wait for the report. I know they are frustrated by the delay. So are we.

It is not the fault of anyone, I can tell you that. It was certainly not anything that was a result of anything involving us as a government. There were personal circumstances. But once it is released, members opposite can look at the report. If they do not have confidence in Wally Fox-Decent to have the judgment and to have an appropriate process then let them state that. They can criticize ministers of government. They can criticize people in the House. That is fine; that is their prerogative. But essentially here it is Mr. Fox-Decent who has been involved with the process, and the process is almost at a conclusion in terms of the fact that we are expecting the report imminently. I think we have been very up front with that. So, quite frankly, members opposite can throw mud into the water, if I can use that analogy, all they want in terms of this. But Mr. Fox-Decent, I think, has the credibility to function in terms of the process that we put in place in respect to the stakeholders and he is bringing his report in and we will be releasing it.

Mr. Chairperson in the Chair

* (16:40)

Mrs. Mitchelson: I would just like to go back to the Premier (Mr. Doer) for a minute, and I want to give the Premier credit for answering up front to questions that were posed and the very simple, direct questions that we are asking the Minister of Water Stewardship (Mr. Ashton) right now, were asked of the Premier. We asked the Premier whether he had received any draft or interim reports, preliminary reports. He indicated very clearly: No, he had not. He was up front. He was straightforward. He was

honest with us. We asked the question of the Premier whether, in fact, any of his ministers had received any draft or preliminary reports and he indicated to us that he would check with his ministers and answer that question.

I wonder if the Premier, right now, could take a minute to speak to his Minister of Water Stewardship. I do not think the question is that complicated, Mr. Chairperson. If the Premier might just take a minute to ask his minister, to get the confirmation, and let us know now, we could get on with other lines of questioning. I think that the Minister of Water Stewardship has talked around in circles. He has not been nearly as straightforward and up front in answering the questions as his leader, his Premier, has been. So maybe we could just take—I am sure it would not take more than five seconds of a break. The minister could, maybe, answer the question to his Premier, then the Premier could answer for him to us, because he does not appear to be prepared to answer the straightforward question: yes or no.

Mr. Chairperson: The question is directed to whom?

Mr. Doer: I did say that the question was to ministers and I will inquire to ministers, as I gave the undertaking to the member opposite when she asked me whether I had received a draft report. The answer is no. The question was as ministers receive draft reports I said I would inquire. I guess, in my view, everything is going to be dealt with when we get the report. I had about an hour exchange about what my philosophical views were, and I did not express any. I do not think there is any grassy knoll here. I just think that, I will inquire, I will find out. That is what I promised to do and I will do it.

Mrs. Mitchelson: Mr. Chair, again, I want to say to the Premier that I respect his straightforward answers. He did not beat around the bush. I mean, he had significant philosophical discussions with the Leader of the Opposition (Mr. Murray) around positions. I respect those kinds of discussions. But when it comes down to just very basic straightforward questions, the Premier was very forthcoming. He indicated very clearly what he had received and what he had not received and what discussions he had had and which discussions he had not had. I respect that.

I guess my question then becomes the credibility of the lead minister responsible for this file on the

floodway. I think we have gone on for over half an hour now in asking very basic, simple, straightforward questions that did not take very long to ask, and the minister has talked around in circles without being open and straightforward with members of the Legislature.

When Cabinet ministers are given ministerial responsibility, and I believe the Premier would agree with me, when straightforward questions are asked and they have ultimate responsibility, they should be able to answer those questions.

So I guess again, I am saying to the Premier, could he just take a few seconds to ask his minister, who has significant responsibility on this file to just answer the questions maybe for him, because he appears to not want to be up front and open and direct in his responses.

Mr. Doer: I would point out that the last draft report I received was actually from the members opposite when they tabled a report in the House from stakeholders. So what if that report was in one of the government departments and I did not obviously know about it until the members opposite tabled it? Well, I was a little bit surprised by some of the recommendations. I was dealing with them as they arose in the Question Period.

Mediation to me is usually quite different than that. There is an example where the government, i.e., Cabinet ministers, did not have a draft report. The people that were allegedly senior officials, who I found out later were not senior officials, but rather were technical, were not junior either, but they were technical people, but not members of the committee. They were not senior members of the government on the committee. They were technical advisers to committee, a little subtlety there in terms of the question, I remember now going back on it. Thirdly, even members of the stakeholders' committee, Stu Briese, was very opposed to some of the changes on the treatment of commercial taxation and its impact on farmland.

There is an example where there was a, quote, "draft" report that we, Cabinet ministers, all the Cabinet ministers you asked, did not have a draft report in their hands. Now, that did not mean to say there was not—I mean, it was in your hands. You might have a draft report that we do not have and do not know about.

So there is an example where I want to be. I know that I have not read a draft report. Secondly, I do not know about ministers. I would assume normally in mediation—well, I do not know how this works all the time. Do parties get a draft report? Do they look at it? Do they comment on it before a final report is made? I do not even know the answer to that question.

So I want to be a little cautious. I think I did say I would take it under advisement, but I did not receive a draft report. I will inquire about ministers, in the plural. I would point out that there has been an example within the last four weeks where members opposite had a draft report that the Cabinet ministers did not have. I think they quite enjoyed that little act of surprise. That did not mean to say that we did not want to have the report, especially when members opposite started asking questions of them. I was trying to read that report as fast as I could.

I just want to be sure about the question, because when I say I am going to inquire about whether the minister had a draft report, I would want to be sure and would want the minister to be sure. When the Leader of the Opposition asked me the question or you asked me the question, I would want to be sure about it, and I am prepared to look at it. I know the former minister has received reports in the past where she received them forthwith, and she has received draft reports in the past that she did not get forthwith. But it was in her department, yes, but did the minister have it, no. So I am going to be careful about it.

Mrs. Mitchelson: I really appreciate that response from the Premier. Again, he indicated very clearly that he has not read a draft report, he has not received one and he has not read one. I guess I would ask the Minister of Water Stewardship (Mr. Ashton), would he be as open and as honest as the Premier has been and just indicate to us whether he has received or read a draft report.

* (16:50)

Mr. Ashton: Mr. Chairperson, the members opposite know and I think it has been public knowledge that we commissioned the report. In this case Water Stewardship commissioned the report. It is certainly in the interest of Floodway Authority and this is where I am, quite frankly, puzzled at the line of direction of the members opposite.

We called in Wally Fox-Decent because of his independent judgement, because of his respect in the community. I am not going to get into details in terms of discussions I have had with Wally Fox-Decent because, certainly, by the clear fact that we brought him in, there was a communication with Wally Fox-Decent. The members are aware of that, but I think the members ask the question whether direction was given to Wally Fox-Decent. I assume the members are referring to, in this case, what Wally Fox-Decent is doing in terms of the process, certainly, in terms of the basic parameters, but he is in there because of his independent judgement. He is a mediator, someone that can bring people together. Certainly, in this particular case, I do not think Wally Fox-Decent takes directions from anyone in terms of his role as a mediator. A mediator in this particular case can only maintain credibility if that is the case.

So, when the members opposite ask the question in terms of direction, clearly, Mr. Fox-Decent is in this process to deal with the stakeholders. Quite frankly, in this particular case that includes the Floodway Authority, not the department, by the way, I think members opposite are confused about the structure, and presumably Mr. Fox-Decent has had discussions with the authority. I do not ask every single employee in the authority as well. Quite frankly, it is not a question of hiding anything. In this particular case, it is a question of the process. The process has involved all stakeholders and, certainly, the communication has been there right from day one including from the minister's office, but the members kept asking about the report.

I indicated that the report has not been received this afternoon. It will be out, hopefully, shortly and will be released immediately after that. Quite frankly, beyond that I am surprised that members opposite are asking all these detailed questions because they seem to be aimed at questioning the validity of the process and Mr. Fox-Decent's judgment. I certainly hope that that is not the case. I will accept any and all criticisms. As a minister, it goes with the territory. But in this particular case we have been very up front and I can, if the members wish, get correspondence from stakeholders and from the Floodway Authority that have documented that. We commissioned the report and we are a part of it as well, the Floodway Authority is part of that.

Mrs. Mitchelson: But again, the minister has talked around in circles and has not answered a question.

Many processes that happen within government, and I certainly understand that, have interim reports or draft reports that are presented. I mean, it is not an unusual occurrence. It is not anything that the minister should be ashamed of or try to hide or try to evade answering. He is a minister of the Crown. He has sworn to give straightforward answers, answer questions and be accountable.

I am not sure what he is evading or what he is hiding. He certainly appears to not understand, yes or no. The Premier (Mr. Doer) certainly understands and the Premier has been very forthright in his comments. I have difficulty understanding why a minister that has been given the responsibility by this Premier is afraid to answer the direct question.

As I said, in many processes there are different stages through a process where reports are presented that are not final documents. Yes, sometimes they get into the hands of people that should not have those reports before the government gets them. That does happen. We have seen that happen over the years with different governments in place.

I guess I am really struggling, wondering what the motives or the intentions of this minister are. Certainly he has been given significant responsibility. We are not questioning Mr. Fox-Decent or his ability to mediate in many different areas on many different issues. All we are asking for is a straight answer and we can move on. I would be prepared to let this go, but I am not prepared to let it go without some sort of a straightforward answer from this minister who has significant responsibility.

Maybe I could ask one more time. Was there a preliminary report, an interim report, that was presented? You know, the minister may not have seen or may not have read a report. That is fair ball. There may be some internal workings, I know the Premier indicated that sometimes there are officials at different levels that might have access to those reports that ministers have not seen or Cabinet has not seen, and that is fair ball. I understand that. All I am asking is this: Has the minister seen or read a preliminary or interim report?

Mr. Ashton: I think the member may not have heard the comments that I put on the record just a few minutes ago but I indicated, we commissioned the report. I commissioned the report as Minister of Water Stewardship and certainly have talked to Mr.

Fox-Decent and I indicated as well that Mr. Fox-Decent has been in touch with all the stakeholders including, I assume, the Floodway Authority. In that particular case, I do not know who Mr. Fox-Decent has talked to and who he has not, either in the Authority or the stakeholders, other than the fact that I assume he has talked to an exhaustive list.

I am surprised at some of the line of questioning here because the real issue is, if the question was have I talked to Wally Fox-Decent, I indicated that earlier on. It is fairly consistent with the process. We commissioned, I commissioned Wally Fox-Decent to deal with that. Certainly there has been ongoing contact, at a minimum, in terms of his personal circumstances, to find out what is happening in terms of the report. If the member is talking about the report, I have checked with my office and it has not been received. It will be released. I do not think anyone would expect to give direction to somebody that is an independent mediator in terms of this particular case. Mr. Fox-Decent, I have seen him before, is not someone who uses anything other than his independent judgment.

If the big question members opposite were concerned about was whether I have had discussions with Wally Fox-Decent, yes. I set up the process back about a month ago. I am not sure what part of that members opposite have difficulty with. Perhaps they feel that is untoward interference. Well, we set it up because we recognized as a government, quite frankly, the situation that was developing, a lot of friction, a lot of concern, and this is coming from people that are going to be key players in terms of the floodway. Certainly, there have been discussions, but the report that the members opposite have been asking about for the last month has not been received, and I just confirmed that with my office. It has not been received as of this afternoon.

Mrs. Mitchelson: Mr. Chair, and I thank the minister for, at least, indicating there have been discussions, and that is fair ball. I guess, then, the only outstanding question is did he receive an interim report.

* (17:00)

Mr. Ashton: Mr. Chairman, I am not going to get into the details of any discussions that I have had in terms of with Wally Fox-Decent outside of what is in the public arena, and the fact that Mr. Wally Fox-

Decent has, I think, a reputation for independent judgment. I think the members opposite are quite aware of that, and I think someone who was a Cabinet minister for 11 years certainly understands that as well.

I can also indicate that I have not given direction to Wally Fox-Decent. You do not give direction to somebody that, in this particular case, well, would not take it anyway, so, has a degree of independence, I think is well respected, and if the members opposite want to question Mr. Fox-Decent's report based on the fact that there have been discussions, well, if the member opposite cares to look at the origins of this report, I as minister specifically asked Wally Fox-Decent to do this report because of his reputation for independence. Quite frankly, I find it unfortunate that members opposite would see that as being untoward.

Clearly, we have been in communication, I have been in communication, with Wally Fox-Decent. I cannot speak for the authority other than the fact that I assumed they would be part of it. The authority is one of the stakeholders. They are building the floodway, they are the ones that have to work with any of the issues that are being proposed here in terms of projects, agreements, et cetera. So, I can undertake to find out which members of the authority have talked to Mr. Fox-Decent, but I have no doubt that he talked to members of the authority. Certainly, I have talked to Mr. Fox-Decent starting from when the process started.

Mr. Glen Cummings (Ste. Rose): It is one of the reasons that the minister and the Premier (Mr. Doer), what little I heard of his comments—one of the concerns that I have about this process is that it appears to be a policy issue more than it is a practical dispute about general policy direction in government that is now being asked to be dealt with by a professional and very highly regarded individual. It is not your normal challenge that you would give to someone like Mr. Fox-Decent in terms of settling a dispute.

I wonder, can the Premier or the minister share what guidelines they would have given Mr. Fox-Decent, or did they just open the door and say, go in there and tame the lions?

Mr. Doer: I answered the question previously with the Leader of the Opposition (Mr. Murray). There is

some correspondence arising from stakeholders and notwithstanding the fact that members opposite might have correspondence already, I would want to follow due process in terms of letters that went back from one stakeholder to the government and a return reply to that individual a few days later. I think I have to talk to the person who I wrote and who wrote me. I did mention that to the Leader of the Opposition (Mr. Murray).

There was a consultation. It became public by one party that was not pleased to hear the idea of having various arrangements in place ahead of time, before the tenders. They, in turn, went public. After it went public, there was discussion in the Legislature.

It was our goal at that point, when people were having debates about the appropriateness of what was being proposed in terms of predictability of getting the event done on time, we brought in a mediator. There were some public requests. I think the term "independence" was requested by us with Wally Fox-Decent. It was provided by us and it was acknowledged by one of the stakeholders that was calling for it. But I did answer the question earlier.

Mr. Cummings: Most importantly, I did not want to leave the Minister of Water Stewardship's comments about whether or not we were questioning the competence of Mr. Fox-Decent or even his capability of handling the issue, and that is why I wanted to reference the fact that this seems like a decision that needs to be made around policy more than a dispute as would normally be seen to be the case when mediation is undertaken.

Can we assume from the minister's response over the last few minutes that he has not had any preliminary results of the mediation report given to him?

Mr. Ashton: First of all, if I could, I would just like to remind the member, and I know he knows this, I do not mean this as a criticism. Mr. Fox-Decent was part of the Meech Lake process, bringing all members of this House, three parties with differing views on Meech Lake, together; was the head of the MLAs' allowance commission which reported in the mid-1990s; head of the Workplace Safety and Health review.

I am not saying we will hold any of these items against Mr. Fox-Decent or praise him for the result,

but I just want to remind the member opposite of the Workplace Safety and Health Review that Mr. Fox-Decent was the chair of which resulted in an unanimous recommendation. And this is Workplace Safety and Health, business and labour, once again some very significant policy issues, and that Mr. Fox-Decent is also the current chair of the Workers Compensation review. He is reviewing The Workers Compensation Act.

So Mr. Fox-Decent has certainly shown a very unique ability to act, not only as a mediator. Certainly, I am sure I could provide members with a list of the various disputes that Mr. Fox-Decent has been able to bring together in terms of mediation, but he has been able to apply those mediation skills to very significant policy issues. I think the Premier put on the record, "We may have a lot of heat over some of the issues that are being put forward on the floodway." Mind you, it is not Meech Lake, and I think Mr. Fox-Decent's abilities speak for themselves.

I want to get back to what I said before in terms of this, I checked with my office. As of this afternoon we have not received Mr. Fox-Decent's report. We are expecting that report soon. We have indicated we will release it. I have been very up front.

Quite frankly, I was puzzled, still am, that the members opposite do not understand that when we put this in place, essentially I asked Mr. Fox-Decent, in this case as Minister of Water Stewardship, to set up this process and to bring forward a report, to work with all the stakeholders.

Certainly, I have been in communication with Mr. Fox-Decent but he was brought in because of the very fact of his tremendous integrity. Believe you me, anybody that has ever known Mr. Fox-Decent or dealt with Mr. Fox-Decent will know that he is somebody that I believe, and when I heard the reference to direction, I hope members opposite were confusing the terms. I mean, I hope they were referring to the initial terms, the original parameters for Mr. Fox-Decent's process, because clearly we set some parameters in place. The Premier has indicated we have correspondence to that effect, correspondence that went to stakeholders.

So, if they were just confusing the two, I do not know, but I suspect that what the members opposite

are after here is whether someone has been directing Mr. Fox-Decent. I can tell you, Mr. Fox-Decent does not get directed. In this particular case, yes, there has been communication back and forth. Certainly, I was very concerned about the process itself. We understand his personal circumstances, but the bottom line here is, Mr. Fox-Decent's report, once it is out, will be, I believe, a report with integrity, a report that will reflect not just the stakeholders' views, but the kind of independence we would expect from Mr. Fox-Decent.

I would hope members opposite, perhaps they want to criticize me, that is fair ball, but would not want to suggest that Mr. Fox-Decent would be directed outside of the general parameters, because that has not been the case. I was surprised by the use of that term, but then again I have been somewhat surprised by this whole process to some degree in the sense that it seems to be the one and only issue that members opposite are concerned about, but I take it for what it is worth.

Mr. Cummings: Well, once again, Mr. Chairman, I realize why it is wise not to engage this minister in any particular debate, because he likes to take the slightest opening and exit through it. Of course, I was referring to the original parameters of the undertaking that Mr. Fox-Decent was taking on. That said, I think we have some serious questions about what the minister is undertaking as Minister of Water (Mr. Ashton), and I would like my colleague to proceed.

* (17:10)

Mr. David Faurshou (Portage la Prairie): Mr. Chairperson, I appreciate the opportunity to question the minister in regard to his portfolio, although we are still, as I believe the minister recognizes, finding the crossover points between himself and Conservation. Respecting that that will take some time, there are questions that I would like to pose on the considerations within water strategy here within the province of Manitoba.

First off, I am going to be very straightforward in consideration of the expansion of the floodway. It is, for the record, going to have the component of water level control at summertime level capabilities. In other words, will the expansion project of the Red River Floodway have the ability to control summertime water levels that we see at The Forks?

Mr. Ashton: What I could suggest on this is if the member is interested in arranging a technical briefing on this. The reason I am saying this is because there are various components to the floodway. I think most people are aware of the main element, which is the expansion of the channel itself. What we are looking at, though, are some various other elements that could be part of it. Recreation is one of them. The summer levels could potentially be part of it as well.

The key issue in terms of any of the recreational issues and the summer levels is impact in terms of riverbank erosion, et cetera. A fair amount of work has been ongoing on that, the technical level, because, clearly, we are not going to do anything outside of the core mandate of the floodway that may have an anticipated or unanticipated impact on riverbank stability.

If the member is interested in sort of a more detailed, technical briefing on where we are at in terms of that, I can arrange that, but generally that is being treated as a separate issue from the floodway, related to it, obviously. It can be part of the explanation but it will be very much something we will look at in terms of the specific impacts. We are clearly not going to do anything that is going to aggravate an already difficult situation for people facing riverbank stability.

Mr. Faurchou: Well, Mr. Chair, I appreciate the answer, and I am certain that the minister has seen the headlines where the City of Winnipeg has put forward the figure of in excess of \$80 million that would be required to address some of the erosion concerns as they now threaten existing infrastructure here within the city limits. It is of paramount concern that stable, summertime flows stem the tide of riverbank erosion, because if once the riverbank is wet there is nature soil particle adhesion and it is only when the riverbank dries out, and then it is once again exposed to the current, that erosion takes place. There is very little erosion if there is a stable water flow at stable levels.

This is something that is recognized as vitally important for the riverbank but also now to the economic activity that we are seeing within the city derived from our rivers. They traverse the city here and the water taxi is just one example that has shown the interest in having more activity on the river. There was a water taxi that was established and the proprietor expected part-time employment. He now

has full-time employment plus he has four full-time employees as well as multiple boats now because of the demand that he has seen come from that service. I want to make absolutely certain that the minister comprehends the necessity of having the ability to control summertime flows of water on the Red River. If the minister wants to comment on that, then I will move on to the Assiniboine.

Mr. Ashton: I certainly know the concern and why this has been on the agenda. What I can indicate to the member is that we are finalizing the pre-design stage right now. What that means is, essentially, that we are now taking a lot of the direct floodway issues and the related issues and determining where we can proceed.

I will give you another example and the reason I do that is just to give you some idea of the complex issues we are dealing with. Already we have been able to through the pre-design stage to determine that we are not going to have to deepen the channel, as was expected, to up to six feet. We are looking at two feet or less. There is very much a trade-off in this case with raising up bridges. We are able to raise the bridges and that in itself helps us increase the capacity. What we are looking at now is a finalization of this and various floodway-related proposals. We have had a number of discussions with different municipalities including the city that are looking at what I would call related flood-proofing initiatives and we are considering those right now. Once we finish this pre-design stage, which will probably take a matter of a few more weeks, we will actually be in a position to make some further public announcements on the latest version of the floodway.

This remains on our agenda. It has not been taken off the agenda, but again, the issues we have to look at, there are issues such as riverbank stability, for example, and any other impacts on water quality in the city of Winnipeg, partly it is an environmental issue, but we are very aware of what has been happening in terms of riverbanks. I will probably be in a better position to answer a lot of these questions within about a month, because I would say that we are no more than a month away from the next stage of the pre-design stage.

Mr. Faurchou: Well, I appreciate the minister's candid response in regard to the situation that the floodway expansion is in at the present time. But I

want to say at this juncture in time with the Premier present my appreciation to see that there has been an expansion within Cabinet that shows the importance of our greatest natural resource in the province of Manitoba by the creation of the Water Stewardship ministry. I, for one, would like to commend the First Minister (Mr. Doer) for his foresight in that respect and the establishment of this ministry.

I do, though, want to ask the First Minister in regard to water and available water frontage that the First Minister made mention of in the '99 election that he would like to see 1000 more cottage lots and waterfront properties being made available. Then there was a couple of years thereafter that the First Minister put forward into the Throne Speech that it would be a commitment of his government to see 1000 more cottage lots being made available.

The Conservation Minister now made the announcement back on May 14 regarding this particular initiative and saying there were 700 this year, 300 to follow. But in examination of those particular cottage lots within that announcement, there are only 7 cottage lots within that announcement that are within a two-hour drive of Portage and Main.

This is what the vast majority of Manitobans would like to see, is cottage lots available that are within a reasonable drive and accessible and serviced. As we get farther and farther away into the undisturbed wilderness within our province, services are harder and harder to come by and more expensive to put in place.

So now I want to ask the First Minister, was he aware that there are only seven lots that were made mention of in that announcement within that two-hour drive.

Mr. Doer: Well I have been aware that the commitment we made in opposition and then in the election of '99 has been slower to implement than we would have liked. It required all kinds of old mining stakes to be looked at, old decisions that had been made past already on planning decisions to prohibit cottage development.

We have spent some time and effort on this. We are not nearly to the place we want to be. We do acknowledge that, as I say, there have been former government decisions on planning that have been

restrictive to us. There have been former mining stakes that are problematic.

My belief is with 110 000 lakes, now having said that most of them are in the North. Most of the south is prairie and rivers and streams and most of the North is lakes, so there is by definition a bit of a separation of distance. But we are not finished with this by any means, and we are not satisfied with the speed nor with the full announcement.

We think that the public wants us to proceed in this way. They want us to proceed with the camp lots the way we are trying to do it, but I am not going to stand up and say mission accomplished on this front today, or tomorrow.

* (17:20)

Mr. Faurshou: I thank the Premier for recognizing that the job is not yet accomplished. So I am going to lead the First Minister down the way insofar as what the management of our greatest natural resource here in the province of Manitoba should entail. Not only the existing initiative of making certain that the water flow on the Red River gets to Lake Winnipeg in an expeditious fashion and creates the least amount of disruption of normal daily lives through inundation, flooding, but I would like to ask the First Minister, and the Water Stewardship Minister as well has alluded that we are still in the preliminary discussion stages, as to how extensive and expansive the floodway expansion is going to be, the final design is yet to be cast in stone.

That leads me to believe that potentially we can still discuss something that I brought forward at the Clean Environment Commission, that being the other projects that in minister Eugene Kostyra's report that was tabled back in 1988, the South Hespeler report, a number of upstream dams on whether it be the Pembina River, Assiniboine River, or the Souris River; these afforded substantial flood mitigation as well as water retention for not only industrial or domestic, but also recreational and agricultural use.

I will come forward with a project that is just upstream from my own constituency. That is the Holland No. 3 Dam, which effectively, if put in place, would resolve a lot of our issues that we have here today. The First Minister would see those thousand cottage lots within that economical driving range of Winnipeg. As well as easily serviced, they

would be sand beach as well as retaining water for agricultural, domestic, industrial and recreational uses. It would be on the Assiniboine River. It would afford the controlled flow at a downstream position that would allow a stable flow of water in the city of Winnipeg that ultimately we spoke of as being a critical concern to the city of Winnipeg because of the riverbank erosion.

I am pleased to see my honourable colleague from Emerson here as well, who has raised on numerous occasions the Pembilier dam consideration. So I would like to ask the minister very specifically is the book still open for consideration to these other projects that would have a significant impact. In fact the projects, this South Hespeler report stated that 10 percent of the flow that we see here in Winnipeg from either the Assiniboine or the Red River would be controlled with these other specific projects.

Mr. Doer: Well, the member asked me the question. I am not as conversant as our Minister of Water Stewardship (Mr. Ashton) is on this proposal. Obviously, if it was that easy, members opposite would have done it in the 11 years they were in office. I would point out that we have improved the gates at the Shellmouth Dam. That has improved the capacity of flood protection and also water stewardship, particularly in the one in ten years where the water levels are too low in the Assiniboine River to maintain a proper balance of nutrients and water.

So we have taken that measure. We felt that was the most cost-effective measure on the west side, both for flood protection and for irrigation and water stewardship. Of course the member opposite knows it had a great direct benefit into the decision that Simplot made, notwithstanding how many people are on south beach, and I am not on south beach, obviously. I am on north beach and I am going to stick to it.

I am not sure of the cost benefit of the Holland proposal. I am always willing to look at documents that would excite us. I mean, there are lots, there are lakes that we can develop. Ironically, sometimes our biggest objectors, and I am sure the former minister of Natural Resources would know this, some of our biggest complainers about developing lake areas are people that already have cottages on those lakes.

So we have to be, we have to keep working at it. *[interjection]* Yes, that is right, that is right. Well, there is a lot of all of that, but I am not sure of the exact cost benefit of the proposal. I am sure it does not come for nothing. One thing that we do have that we did not have before is—I recall the water hearings dealing with the diversion of water out of the Assiniboine River back in the early 1990s. At that time, the former Clean Environment Commission Chair, Mr. Dale Stewart, commented that there was not enough data about the Assiniboine River to justify that decision.

Well, I think we have a lot more information on the Assiniboine River now. That is part of what we did before the Simplot decision and after. There is more information available to us now than we had before. As I say, the data was pretty sparse, but the minister might want to comment more directly on the Holland Dam.

Mr. Ashton: In three minutes or less, actually I will probably be even shorter than that, I think the key issue with the floodway expansion is we are proceeding based on the recommendations that came out of the IJC review, the subsequent engineering work, and the decision to proceed with the floodway expansion. That does not mean there are not other worthwhile projects out there that could be part of that. The Member for Emerson (Mr. Penner) and I had some discussions on a couple of those in committee and in Fargo as well, so I want to acknowledge that. I am not in any way shape or form, in terms of this, suggesting these are not worthwhile projects, obviously you have to look at funding, cost benefit ratios, there are various things that could be done.

But, the prime focus in terms of the floodway is the floodway expansion option, not the Ste. Agathe option. The member is correct, the Shellmouth Dam is an important part of the flood protection, along with the Portage Diversion in terms of Winnipeg. There may be other items down the line. We are not closing the book on flood protection, on retention. The Member for Emerson raised this again as well. I think there are some real issues out there in terms of looking at retention. There are other options. I know the Premier has raised this even in the context of some of the Devils Lake issues in the U.S.

So the simple answer is a lot of projects, good potential projects are a part of the floodway

expansion, but that does not mean they cannot be considered in their own right.

Mr. Faurschou: Well, I appreciate both the First Minister (Mr. Doer) and the Water Stewardship Minister recognizing that there is merit, but what we have to really, truly, honestly do, is to have a formula that evaluates and puts quantitatively the importance of recreation and domestic, industrial, agricultural uses of water, in addition to flood mitigation. We have to look at the whole picture. I know the First Minister would like to see the floodway expansion as a major accomplishment within his tenure as Premier, but I can say that if the Premier looks a little farther a field, the construction of the Holland No. 3 Dam or the Pembilier dam, or the dam on the Souris, or the Zelena Dam up on the Shell River, could be recognized as significant accomplishments as well, with a significant benefit to all Manitobans in the south and would potentially solve the thousand cottage lots as well.

But, I am glad the minister mentioned, I am just changing up for just a moment here, because I do not know when we will get together again, but I want to make certain that the First Minister has been updated after your meeting with Mr. Joe Belford in North Dakota, that the Devils Lake now has exceeded the all-time recorded history water level. It has now

reached 1448.5 and I believe overnight has risen to .7 so, we are within two feet now of the established capacity of the existing dikes. The water level has risen almost 2 feet in the last 45 days. In addition to that, this historic level now has added another 5 000 acres now inundated by the Devils Lake water. Just to comprehend, 5 000 acres, you know that is 9 miles square. That is a huge area that was formerly farmland and people had their farmsteads there.

So this is something that I want to leave with the minister and, hopefully, we can carry on at another junction in time, because it is vitally important.

Mr. Chairperson: The hour being 5:30 p.m., committee rise.

IN SESSION

Hon. Dave Chomiak (Minister of Health): I wonder if it is agreeable to the House that we call it 5:30.

The Acting Speaker (Mr. Schellenberg): Is it the will of the House to call it 5:30 p.m.? *[Agreed]*

The House is now adjourned and stands adjourned until tomorrow (Thursday) at 10 a.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 26, 2004

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