

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

Official Report
(Hansard)

*Published under the
authority of
The Honourable George Hickes
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 8, 2006

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Civil Service Employees–Neepawa

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

These are the reasons for this petition:

Eleven immediate positions with Manitoba Conservation Lands Branch, as of April 1, 2006, Crown Lands and Property Special Operating Agency, are being moved out of Neepawa.

Removal of these positions will severely impact the local economy with potentially 33 adults and children leaving the community.

Removal of these positions will be detrimental to revitalizing the rural and surrounding communities of Neepawa.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing current technology, as an example, Land Management Services existing satellite sub-office in Dauphin, in order to maintain these positions in their existing location.

Submitted on behalf of Dennis Birch, Ray Haines, Bill Nagle and many, many others.

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

**Removal of Agriculture Positions
from Minnedosa**

Mr. Larry Maguire (Arthur-Virden): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

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

Removal of these positions will severely impact the local economy.

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

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing current technology in order to maintain these positions in their existing location.

This petition is signed by Byron Mason, Cheryl Marcino and Howard Trott.

Civil Service Employees–Neepawa

Mr. Denis Rocan (Carman): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Eleven immediate positions with Manitoba Conservation Lands Branch, as of April 1, 2006, Crown Lands and Property Special Operating Agency, are being moved out of Neepawa.

Removal of these positions will severely impact the local economy with potentially 33 adults and children leaving the community.

Removal of these positions will be detrimental to revitalizing the rural and surrounding communities of Neepawa.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing current technology, i.e., Land Management Services existing satellite sub-office in Dauphin, in order to maintain these positions in their existing location.

Signed John Dobreen, Kim Cochrane and Dorothy O'Donnell.

Crocus Investment Fund

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

The background to this petition is as follows:

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This is signed by C. Mollard, D. Mollard, R. Mollard and many, many other fine Manitobans.

* (13:35)

OlyWest Hog Processing Plant

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

The background for this petition is as follows:

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by Alana Knowles, Charlene Barker, Colin Olson and many others.

TABLING OF REPORTS

Mr. Speaker: Order. I am pleased to table in the House the Reports of Members' expenses for the year ended March 31, 2006, in compliance with section 38(1) of the Indemnities, Allowances and Retirement Benefits Regulations.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I will table the Supplementary Information for Legislative Review '06-07 Manitoba Justice.

Hon. Greg Selinger (Minister of Finance): I would like to table the following reports: Supplementary Information for Legislative Review, the '06-07 Departmental Expenditure Estimates for the Manitoba Civil Service Commission, Manitoba Enabling Appropriations and Manitoba Employee Pensions and Other Costs, as well as the '06-07 Revenue Estimates.

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I would like to table the Manitoba Agriculture, Food and Rural Initiatives 2006-2007 Departmental Estimates Expenditures.

Hon. Scott Smith (Minister of Intergovernmental Affairs and Trade): Mr. Speaker, I would like to table the Supplementary Information for Legislative Review 2006-2007 Departmental Expenditure Estimates for Manitoba Intergovernmental Affairs and Trade.

Hon. Eric Robison (Minister of Culture, Heritage and Tourism): Mr. Speaker, I am pleased to table the 2006-2007 Departmental Expenditure Estimates for the Department of Culture, Heritage and Tourism. I am also tabling the 2006-2007 Departmental Expenditures Estimates for Manitoba Sport.

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, I would like to table the Supplementary Information for Legislative Review for the Departmental

Expenditures Estimates '06-07 Manitoba Education, Citizenship and Youth.

Hon. Theresa Oswald (Minister of Healthy Living): I would like to table the Supplementary Information for Legislative Review '06-07 Departmental Expenditures Estimates for Healthy Child Manitoba and for the Manitoba Seniors and Healthy Aging Secretariat.

Point of Order

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

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, on a point of order. I realize we have over 40 hours left of the Estimates time, but the government knows full well that we are not even going to be able to question the government on these reports because of its neglect in handling government business.

Why is the government tabling these reports when they know full well—

Mr. Speaker: Order. Points of order are to point out to the Speaker a breach of a rule or a departure from our Manitoba practices. That is not a point of order.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of honourable members to the public gallery where we have with us from Niakwa Place School 107 Grades 7 and 8 students under the direction of Mrs. Kirsten Morris, Mrs. Darlene Flett, Mr. Brian Graeb, Mrs. Gisele Rohatynsky and Mrs. Lisa Bakos. Also included amongst the students is John Schwartz who is the son of Todd Schwartz, the Consul and Principal Officer of the United States Consulate in Winnipeg. This school is located in the constituency of the honourable Member for Southdale (Mr. Reimer).

Also in the public gallery from J.R. Walkof Elementary School we have 72 Grade 5 students under the direction of Mr. Gerald Letkeman. This school is located in the constituency of the honourable Member for Pembina (Mr. Dyck).

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

ORAL QUESTIONS

Health Care System Hallway Medicine

Mr. Hugh McFadyen (Leader of the Official Opposition): My question is to the Minister of Health. In 1999, in what is in all likelihood the most famous broken election promise in Manitoba history, the Premier (Mr. Doer) asked Manitobans to read my lips—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (13:40)

Mr. McFadyen: Thank you, Mr. Speaker. In 1999, in what is probably the most famous broken promise in Manitoba political history, the Premier asked Manitobans to read his lips, that his government was going to end hallway medicine in six months with \$15 million.

Well, seven years and \$1.5 billion later, we have a spectacle of the Premier indicating in this House earlier this week that there are zero patients in the hallways of hospitals in Manitoba, while his own minister's Web site tells a completely different story. The minister's Web site indicates that, on average this year, there are seven patients waiting in the hallways as of 8 a.m. These are the department's skewed statistics. This is after the invisible ink that they use on the tallying machine in Winnipeg's hallways.

So, given the fact that his own department's statistics indicate an average of seven patients waiting in hallways in Winnipeg and given the fact that decent, honest Manitobans who have visited hospitals over the last week are reporting patients languishing in our hospitals' hallways, how can the minister say with any credibility that there are zero patients in Winnipeg hallways when the facts tell a completely different story?

Hon. Tim Sale (Minister of Health): Mr. Speaker, I think most Manitobans know that the most famous broken promise was the promise not to sell MTS. I lined up at the back of this Legislature when that promise was broken by the twisted interpretation of the rules of this House. That was the dark day of broken promises.

Last year there were 5.7 people on average in hallways in Manitoba's six hospitals. That is less than one a day. The member is not reading the Web site

correctly. That is a weekly number, it is not a yearly number.

Many, many days of the year, there is no one in the hallway in most of our hospitals. The numbers, for example, for the last week in Concordia: Thursday, zero; Friday, zero; Saturday, one; Sunday, zero; Monday, one; Tuesday, zero; Wednesday, zero; Thursday, zero. That is the real world out there. We have fewer than one on average.

Yes, Mr. Speaker, there are people in the hallway during the busy periods. They are on their way to a ward, they are on their way to be diagnosed, they are on their way to be treated. The nature of emergency medicine is it is very busy, but people do not live in the hallways anymore as they did when they were in government.

Mr. McFadyen: Well, Mr. Speaker, the Premier was saying two days ago, zero patients in the hallways for all of Winnipeg. Now the minister is telling a different story. He is singling out one hospital using the phoney data-gathering techniques that were put in place by the spin machine opposite.

Given that three weeks ago at a Concordia fundraising dinner, an emergency room nurse who spends her time working in the hallways of the hospitals in Winnipeg indicated, and this was at a dinner that was attended by the Minister of Health and the Premier (Mr. Doer). She said at that dinner three weeks ago that on any given day there are six to 12 patients waiting in hallways in that hospital's ER. That is just one of seven hospitals in Winnipeg, Mr. Speaker.

* (13:45)

So, given that the nurses are saying there are people in the hospitals, given that the minister's own stats are saying there are people in the hallways, Mr. Speaker, how can they maintain any semblance of credibility on this issue when the Premier continues to spin, when what we require is a government that is prepared to acknowledge the facts, admit there are problems and spend their time and their energy serving Manitobans instead of serving lip service to this House?

Mr. Sale: Mr. Speaker, when the Premier stood in the House and made that comment, he was commenting absolutely correctly: Sunday, June 4, zero; Tuesday, June 6, zero. There was no one in the hallway on those days at 8 a.m. in the morning. I could go through our hospitals day after day after day and talk about zero, zero, zero—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. We have a lot of guests in the gallery, and we have the viewing public. They have taken their time to come and hear the questions and the answers. I need some co-operation from all the members.

Mr. Sale: Thank you, Mr. Speaker. We put enormous resources into our emergency departments to recruit 47 more nurses, to have triage nurses in every department, to have re-assessment nurses in every department. We have served the patients of Manitoba to the very best of our ability. Yes, there are issues but, in 1998, the member who is now the head of the opposition, as chief secretary to Premier Filmon—

Mr. Speaker: Order.

Mr. McFadyen: The minister's own statistics which we certainly are sceptical about, but even if we rely on the minister's own Web site statistics which show that the average number of patients languishing in hallways in hospitals went from four in 2004, to six in 2005, to seven in 2006, we have a problem that is getting worse, not better, in terms of hallway medicine in the city, Mr. Speaker.

As I said, we even question the methodology that they use to gather their stats, when we look back and we look at a quote from a senior ER nurse at Victoria General Hospital who said, and I quote: Rather than publishing the real stats, they are doing things to make it look good. I actually told my manager one morning that I would not lie for them. They wanted me to report no hallway patients even though there were six people in the hallway. This is a senior ER nurse at Victoria Hospital. So even if we accept the minister's statistics, which we are sceptical about, the problem is getting worse, not better.

When is the government going to get on to the job of honouring their commitments to Manitobans to fix hallway rather than spinning Manitobans with political glossy advertising campaigns?

Mr. Sale: Well, Mr. Speaker, let us talk about spinning Manitobans for a moment. In 1998, when the member, now the Leader of the Opposition, was principal secretary to Premier Filmon; in December of 1998, that government had a poll done and paid for by the Department of Health, public funds, paid for by the Department of Health, that asked the following question: Generally speaking, do you approve or disapprove of the job the Filmon government has done in the last year or so?

They put public money to ask political questions out of my department. So let us not have any lectures from them about how to fix the health care system.

Health Care System Hallway Medicine

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the Premier (Mr. Doer) has said that he will not call an election until he can check off more of his promises. Well, their biggest promise was to end hallway medicine in six months with \$15 million. We know there still are patients in their hallways even according to their own Web site. But, instead of telling the public that hallway medicine is alive and well, they try to paint a rosy picture by fudging the numbers. In Estimates, the Minister of Health said that he supported this way of counting hallway patients, that he had no problems with it.

I would like to ask the Minister of Health: Why did he not mention this in a quarter-million dollar propaganda piece? Why did he not tell the public in his quarter-million dollar propaganda piece that hallway medicine is still alive and well—

Mr. Speaker: Order.

Hon. Tim Sale (Minister of Health): Mr. Speaker, let us look at Grace Hospital for May and June of this year.

This is a 30-day period: Tuesday, the 23rd of May has a zero against it; admitted patients in the hallway, zero. The last day that we have a record for is Thursday, the 8th of June, which is today. It has a zero, Mr. Speaker, and, in between, they are all zeros. Every single day for the last month, counting the same way over the last number of years, Grace Hospital, zero for 31 days.

You know, Mr. Speaker, exactly the same is true for the Health Sciences Centre. For Victoria Hospital, it is true for the same period of time for the same 31 days. It is a serious issue and we will always work to have hallway numbers—

Mr. Speaker: Order.

* (13:50)

Diagnostic Testing Wait Lists

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, those numbers do not represent accurate numbers of patients in hallways because those

numbers are fudged. So the minister can stand there, but they are not true numbers.

Another election promise was to cut MRI waits to eight weeks. MRI waits today average 11 weeks, worse than they were in 1999. I guess the Premier (Mr. Doer) cannot check that one off from his list.

So I would like to ask the Minister of Health: Why did he not mention in his quarter-million dollar propaganda piece that the waiting lists for MRIs have gone up? Why has he not been open with the public about those numbers?

Hon. Tim Sale (Minister of Health): Mr. Speaker, counting in the same way that we did in the year 2000, we have the same methodology. When there is an empty treatment room, when there is no one in a treatment room, that room is available for a patient. Many of the times when a patient is in the hallway in the afternoon, evening or during the night when they come in during the night, they are waiting to go to X-ray, they are waiting to go for ultrasound, they are waiting to go for some form of treatment or they are waiting for the results of a diagnostic test to know whether they should be discharged.

The difference between now and 1998 is that they do not stay in the hallway for a week. They rarely stay for more than a night, Mr. Speaker. Very occasionally they are there until noon, but most of the time they are in a ward or they are back home. They do not live in the hallway like they did when they were in government.

Mrs. Driedger: Mr. Speaker, I think the minister just answered the question. Patients are still in hallways. The problem is that he does not count all patients. He selectively counts patients and then fudges those numbers.

Another election promise was to slash CT scan waits to two weeks. CT scan waits today average 12 weeks, almost triple what they were in 1999. I guess the Premier cannot check that one off either.

So, Mr. Speaker, why did the minister not mention this in his quarter-million dollar propaganda piece? Why did the minister say they were making progress in slashing diagnostic waits when, in fact, those numbers are going up? Why did this minister mislead in that area as well?

Mr. Sale: We are one of the few provinces that publishes all of the wait times, and if the member would care to look, waiting times for magnetic resonance imaging have come down from over 20

weeks down to 11 weeks. For stress MIBI tests, a dramatic reduction; for bone density tests, more than a 50 percent reduction; for heart surgery, a 66 percent reduction; for pediatric dentistry, over a 60 percent reduction.

For hips and knees, we are seeing the waiting list coming down for the first time from 41 weeks down to 36 weeks, a thousand more hip and knee procedures this year than last year. We are not perfect but, boy, are we making more progress than was ever made during the 1990s.

Mr. Speaker: The honourable member for Charleswood, on a new question?

Mrs. Driedger: On a new question, Mr. Speaker.

Mr. Speaker: On a new question.

Healthcare System ER Physician Shortage

Mrs. Myrna Driedger (Charleswood): It is hard to believe this Minister of Health when there is so much misinformation put out there by him, Mr. Speaker. Our Winnipeg ERs are critically short of doctors. Patient safety is an issue.

Yesterday, the Minister of Health said that he has no intention of closing any Winnipeg ERs. As a former nursing supervisor in an ER, this whole situation is very alarming to me.

I would like to ask the Minister of Health: Can he tell us how he is going to guarantee that patient care and patient safety will not be compromised with this critically acute shortage of ER doctors?

Hon. Tim Sale (Minister of Health): First of all, Mr. Speaker, patient safety is the responsibility of the whole system. It is the responsibility of the marvellous nurses, technicians, physicians who care for our patients in a humane, compassionate and clinically excellent way when they show up in our ERs. That is where patient safety starts and that is where it needs to be maintained.

I have the commitment of our system that they work at that every day. We are not perfect. No system is, but patient safety and the care of our patients in ERs is our first job. It is the job we are focussed on. Every summer there are issues. Every summer when they were in government, there were issues. They went so far as to try to close Seven Oaks Hospital. There were diversions daily during the time they were in government and pile-ups in the

ER like it was a traffic jam on 401 outside Toronto, Mr. Speaker.

* (13:55)

Mrs. Driedger: Mr. Speaker, on Tuesday night, the Seven Oaks Hospital almost had to close its doors because of a lack of doctors. Dr. de Faria, the head of the Seven Oaks ER, yesterday said that this year it is a lot worse than it has ever been.

I would like to ask the Minister of Health to tell us: Could this 2006 ER crisis have been avoided if he had not glossed over the 2004 ER crisis?

Mr. Sale: No Health Minister that I know in this country glosses over ER crises. We discuss these crises every time we have a meeting. My colleague, the Energy Minister today, never glossed over a crisis when he was Health Minister. He responded to every one of them like we all do. You sit down, you work with the Manitoba Medical Association, you work with the nurses, you work with the hospital administrators. You try and make sure that people use emergency services appropriately, that they use Health Links and Info Santé, that they are aware of what their options are for critical care at Misericordia or at the Pan Am Clinic, which last year saw 24,000 patient visits in one year. We never gloss over crises. We work hard at them, and we do very well in managing them, Mr. Speaker.

Mrs. Driedger: Mr. Speaker, they did gloss over it. They cherry-picked the easy issues so they could then say they did something. They refused to call an external reviewer to come in and look at this information.

Yesterday, Dr. de Faria said, and I quote, I am pretty worried because I think what is going to happen is that we are going to tire the remaining physicians out of the system. If that is the case, we are going to go from a crisis to a disaster to a catastrophe.

I would like to ask the Minister of Health: How could he have so grossly mismanaged this issue? How could they have dropped the ball so badly on something that now patients' lives could be in danger?

Mr. Sale: As a former nurse, I would ask the member to think carefully about the amount of fearmongering that she is doing in this House today. All health issues are potentially full of risk. No one's health is without risk.

But, Mr. Speaker, to suggest that somehow the sky is falling day after day after day when day after day after day waiting lists are coming down; ERs are opening, reopening, staying open; new ambulances are in the system; new hospitals are being built and are being enjoyed by many people in Manitoba.

To suggest that somehow this system is in any sense less effective than it was when they were in government when we lost 117 doctors, 1,800 nurses, closed I think 500-and-something beds, the Misericordia Hospital, it will not wash.

Education System Grade 3 Diagnostic Assessment

Mr. Hugh McFadyen (Leader of the Official Opposition): In what I would suggest the third-most famous broken NDP election promise from 1999, the Grade 3 guarantee, my question is for the Minister of Education.

Mr. Speaker, in April of 2002, the Department of Education released their Grade 3 assessments showing disappointing results. The then-minister, the current Member for Brandon East (Mr. Caldwell), to his credit, spoke very candidly, and he said, I quote: The results obviously point to a need to improve student outcomes. It does show me we have work to do system-wide. That is the former Minister of Education, the current Member for Brandon East.

Well, just recently, we have had new members come out of the Department of Education on Grade 3 diagnostic results, and in the mathematical category, where we have eight different comparisons, the results have gotten not better, but worse. In four out of eight categories, the results have gotten worse, Mr. Speaker, in terms of student performance between 2001-02 and 2005-06.

When will the minister indicate to Manitobans that he is going to get serious about improving the levels of education for Manitoba's young people? When are they going to stop the spin? When are they going to get on with providing a high quality of education for Manitoba's young people?

* (14:00)

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): I would like to thank the member opposite for finally expressing an interest in the Manitoba public education system. It has been a long time coming that we have had a question in this House.

Now the member talked about math. Well, let us talk about math. The resources necessary to properly fund and resource an education system in the province of Manitoba was not \$1.6 million net as invested by members opposite over five years. We are investing more in our education system; \$155 million more in the base. We have increased funding for professional development, more teachers, which is something members opposite cut out by virtue of a bill that allowed school divisions to lock teachers out for professional development purposes. We are resourcing the education system. We are basing our decisions on research. That research is part of the assessment process that we are engaged in at this time, and that has been through stakeholder consultations, Mr. Speaker.

Mr. McFadyen: Mr. Speaker, we have the evidence, four years on, and the results are getting worse and not better. The minister is talking about stakeholder consultations after seven years in government. Stakeholder consultations is the best he can come up with in response to numbers that show Manitoba students doing worse and not better after four years of effort or lack of effort on the part of this government.

Given that we have a situation today where only 57 percent of Manitoba Grade 3 students have met expectations when it comes to identifying and describing mathematical patterns, how can the minister suggest that 57 percent of students meeting expectations is acceptable? When is he going to start taking responsibility for fixing the education system in Manitoba?

Mr. Bjornson: Mr. Speaker, the difference between our philosophy and the philosophy of the members opposite was they were intent on exit-level testing, standardized tests. What we want to know is at the front end, by having assessments at the beginning of the process, where we need to better resource the system, these are entry level assessments. They are done at the beginning of the year, and that is the research that we need to base our decisions on resources in curricular improvements.

With respect to the success of the Manitoba education system, in 1998-99, there were 73.2 percent graduation rates under our government; '04-05, the graduation rate is 83 percent. We are on the right track. We are properly resourcing education. We are working with our stakeholders. We are making the system better.

Mr. McFadyen: Mr. Speaker, I do not think there is any pride to be taken in graduating more students by virtue of lowering standards in our school system. That is their approach. They have a different philosophy, and the minister is right about that.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. McFadyen: Thank you, Mr. Speaker. The minister is right. They do have a different philosophy. It is the same philosophy they apply to their entire government which is do not ask, do not tell, do not know; if we just put our heads in the sand and we do not produce any numbers, then nobody can accuse us of doing a lousy job.

Well, given that only 55 percent of Grade 3 students met expectations when it comes to solving addition and subtraction story problems, 55 percent of Grade 3 students meeting expectations, the rest falling short of expectations, how can the minister stand up with a straight face and say they are doing a service to Manitoba students when only 55 percent are meeting expectations in this very important area?

Mr. Bjornson: It is curious that the member opposite would say do not ask, do not tell. I mean, we did release a report that talks about the results of our efforts. Our philosophy is to put the resources at the front end. Not only are we resourcing the curriculum appropriately by providing more resources for teachers, more professional development for teachers, these are all parts of that critical puzzle that improves the learning outcomes and we are committed to improving learning outcomes.

Members opposite cannot stand in this House and tell me improving learning outcomes is going to be obtained by cutting funding to education, which they did in two out of five years. Freezing funding to education is not going to improve outcomes in the education system, Mr. Speaker. Our commitment is to a quality system. We are seeing the results, and we will continue to work to make it better, unlike members opposite who kept cutting the system.

Education System Grade 3 Diagnostic Assessment

Mrs. Heather Stefanson (Tuxedo): I would suggest that the Minister of Education reads his results because they are not getting better. In fact, in many areas they are getting a lot worse. We are very, very concerned about our children in Manitoba.

Mr. Speaker, the 2006 results for the Grade 3 assessment in reading and numeracy show that there has not been an improvement in student outcomes. In fact, in the 2006 report it states, and I quote: Students had the most difficulty with the recall of subtraction facts. These results are consistent with those found over the last four years. Four years later and two ministers of Education later, we are still seeing that 60 percent of Grade 3 students do not meet expectations when it comes to subtraction facts.

I would like to ask the Minister of Education: If he knew there was work to be done four years ago, why has he not done anything?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, we have been working with the department to develop appropriate curriculum. We have been working with the department to provide appropriate resources. We have been working with teachers around professional development opportunities. The results are consistent with the results that we had four years ago.

Members opposite need to understand that it requires investment, it requires commitment. It does not require simple math lessons of zero, zero, minus 2, zero, minus 2.2, Mr. Speaker. That was their math. Our math is funding at the rate of economic growth, providing the resources, providing the supports. Our system is getting better, and it is the hard work of the teachers in this province that is going to continue to improve that system.

Mrs. Stefanson: They are working with the departments, they are having round table discussions, there are reviews taking place. It has been seven years and our children are no better off as a result of these tests. They show that our students are no better off today than they were when they took office. Shame on them.

Mr. Speaker, I quote from the press release from the 1999 election campaign. One of the promises made was that they guaranteed every child will be reading and writing in their Grade 3 year. Yet another broken promise. What we see in this report was that in their assessments in 2002, only 60 percent of children were meeting expectations when it came to reading competency.

Mr. Bjornson: Mr. Speaker, you know, we have had so many different initiatives underway right now that recognize the different obstacles to learning for students in the province of Manitoba.

We have introduced a new English as an Additional Language one because often we have new Canadians who have difficulties with learning competencies in an additional language of English. We have introduced a more effective children's initiative. We have introduced a Community Schools Initiative to build capacity. We have introduced the Aboriginal Education Action Plan, because we need to do a better job in improving outcomes for Aboriginal learners. These are all part of a collective effort to improve the outcomes.

I must tell you, Mr. Speaker, their \$1.6-million net investment to the entire system does not compare to maybe one program that we have offered to try and improve outcomes.

Mrs. Stefanson: Mr. Speaker, 60 percent of Grade 3 students' reading competency in 2002, only 60 percent meet expectations; in 2006, only 60 percent meet expectations. Those are bad results. It goes to show that they are not meeting their guarantee they made to Manitobans in the 1999 election campaign, seven years later.

I would like to ask the Minister of Education: Does he think that these are positive results? We sure do not, Mr. Speaker. We are concerned about our children in Manitoba. We want them to succeed. Why do they not, and why will they not give them the tools that they need to succeed?

Mr. Bjornson: Mr. Speaker, part of our K to S4 agenda for student success includes research, and the research gives us the tools we need to make the decisions that will serve our students better.

Members opposite obviously were not worried about that because they talk about standardized testing as being the be-all and end-all in assessment for students. But, Mr. Speaker, if they were to read some of the latest research about standardized testing then they would understand that formative assessment, classroom-based assessment, entry-level assessment is the appropriate direction to take to address students' learning needs.

They locked teachers out of professional development. They cut funding. We are doing a job resourcing the education system, building community capacity, working with our stakeholders. Our system is getting better. More students are graduating than ever before in this province.

* (14:10)

Red River Floodway Springfield Aquifer

Mr. Cliff Cullen (Turtle Mountain): Yesterday the Minister of Water Stewardship made several statements spinning this government's commitment to protecting water quality in Manitoba. However, we have seen no action when it comes to communities like the Rural Municipality of Springfield. Their drinking water is at risk because of this minister's billion-dollar floodway project.

Mr. Speaker, why has the minister done nothing to protect the ongoing contamination here in Springfield's aquifer?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, we are not going to take lectures from members opposite who voted for The Water Protection Act and now are going around the province saying they would scrap it and the key recommendations or, I might add, who, in committee the other night, they voted against dealing with illegal drainage.

You know, we have municipalities, we have conservation districts, the many producers across the province crying for help in terms of making sure we enforce our drainage regulations. They voted against that.

Mr. Speaker, their approach is to go back to the 1990s in terms of water quality. On issues like the floodway, we are moving forward. In fact, we have been working to protect Manitoba's water. I suggest they join us for a change instead of only criticizing.

Mr. Cullen: Mr. Speaker, this minister's failures go on. The Clean Environment Commission's report on the floodway expansion recommended that waste water discharges into the floodway be monitored and controlled. The Springfield aquifer is at risk of contamination from raw sewage entering the floodway.

Is this important component of the CEC report being addressed?

Mr. Ashton: I find it amazing that the members opposite are now quoting from the same Clean Environment Commission report that the Leader of the Opposition (Mr. McFadyen) completely ignored to reference last week in terms of the city of Winnipeg primary dikes. It is amazing. He tables letters from 2003, he tables the CEC document. What the CEC did do, Mr. Speaker, it dealt with the

primary diking in the city of Winnipeg, recommendations 11(1), 11(2).

I do not know where the Member for Turtle Mountain has been the last period of time, Mr. Speaker, but we changed the design of the floodway to ensure that we did not impact in terms of aquifers. I know they do not really support the floodway. I know the only thing they are concerned about is that one issue with the floodway, but we have been building the floodway expansion and protecting the aquifers. He should maybe take a lesson and read the CEC document fully.

Mr. Cullen: Well, Mr. Speaker, our leader has quoted from the report, so obviously he has read it. I am just wondering if the minister has read this report.

Under the environmental licence granted the floodway expansion, a peer review team was to be in place by February of this year. This group was to be established to monitor ground water information and contamination during work on the floodway. It has been almost a year since the licence was issued and this peer review team has not even been established. Local residents are left without answers on the environmental implications of the floodway expansion.

Why is this minister ignoring the requirements of the environmental licence?

Mr. Ashton: Mr. Speaker, not only have I read the Clean Environment Commission document, I have it here. I can go through it in terms of detail.

I can also perhaps invite the member opposite to recognize that one of the key things we did with the floodway, one of the reasons we put in more bridge work is we have gone wider rather than deeper to minimize the impacts in terms of the aquifers. We put in contingency funds also to ensure there will be compensation if there are any impacts. That did not happen in the sixties, no fault to the Roblin administration. It was not considered in those days but we have been working on this.

I suggest the member get his facts straight and, maybe not only read the report like I did, but find out what we have done since 2005 because we are dealing with the aquifer concerns in the R.M. of Springfield.

Crocus Investment Fund Public Inquiry

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, as all of us are aware, it was the gross negligence of the government that ultimately led to over 33,000 Crocus shareholders to lose tens of millions of dollars.

I think it is important to recognize just how much money was allocated out through the Manitoba tax credits. Mr. Speaker, \$36,630,000 was issued out through the Crocus Investment Fund in the form of Manitoba tax credits. This is a great deal of money.

I am asking the Minister of Finance to acknowledge just how much money we are talking about as a direct result of government neglect. I ask the Minister of Finance: What is it going to take for this government to do the right thing and call a public inquiry?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, the information the member quotes is information I provided him on the amount of the tax credits from the Crocus Investment Fund. The member implies that the money was wasted. Many companies were financed through the Crocus Investment Fund, many jobs were created and retained in Manitoba. A great deal of economic activity has occurred and is still occurring by many of the investee companies in Manitoba.

The membership recognized that labour-sponsored venture capital has played an important role in growing the Manitoba economy and still does play an important role in growing the Manitoba economy. Those tax credits have contributed to growth in the Manitoba economy and the jobs that we benefit from today inside of Manitoba.

Mr. Lamoureux: Mr. Speaker, what I recognize is \$36,630,000 of Crocus Investment Fund, Manitoba tax credits, that is what I acknowledge.

The venture capital is important to Manitobans for a lot of the reasons that the Minister of Finance has said. The only way in which we are going to have credible venture capital funds into the future is Manitobans have to know the truth as to why the government messed up.

My question to the Minister of Finance is: In order to salvage the future of venture capital funds,

we have to know the truth. Will he acknowledge the need for a public inquiry today?

Mr. Selinger: Mr. Speaker, I acknowledge all forms of government investment or tax breaks need to be accounted for, which is why we amended in 2001, The Auditor General Act of Manitoba and put specific clauses in his act that would allow him to pursue tax dollars into labour-sponsored venture capital funds. As a result of that legislative authority, he has pursued, through a 245-page report, an investigation into Crocus.

All of the recommendations have been made to government. We have followed up on through the vehicle of an implementation committee for the report that brought in people outside of government. All those recommendations have been brought forward in legislation last spring and again this year, Bill 51 or 52, whatever the number was last spring, and Bill 37 this year. We have followed through on all of those recommendations.

Mr. Lamoureux: Mr. Speaker, \$36 million put at risk because of government neglect. The whole concept of venture capital in the province of Manitoba put at risk because of government neglect.

Mr. Speaker, 33,000 Manitobans are going to suffer the consequence of government negligence in the tune of \$60 million. If any of these issues are going to be resolved, a public inquiry is necessary in order to uncover all of the truth.

When will this government do what is in the public's best interest and not in the best interest of their own political party and their personal relationships, the people who support them, the people who donate to them and the people who organize for their political party? It is time to stand up and do what is right for all Manitobans. Put Manitobans' interests first.

Mr. Selinger: Mr. Speaker, I am assuming there was a question there. I think the member was asking why are we not doing what is right for Manitobans and I will suggest to him the following.

First and foremost, we banned corporate union donations. The largest recipient of political donations from the Crocus Fund was the Liberal Party. I know they are a little disappointed by being cut off from

that source of finance, but in the interests of all Manitobans we banned corporate union donations.

Secondly, those tax credits were made available to the investors, the individual Manitobans who invested in that fund. They have taken those tax credit rebates and they have put them back into Manitoba's economy through the purchase of goods and services that they have made.

Conservation Government Initiatives

Mr. Rob Altemeyer (Wolseley): My question is for the Minister of Conservation. Given the recent antics of members opposite, membership from the Flat Earth Society must be skyrocketing.

Yesterday the Conservative Member for River East (Mrs. Mitchelson) called for the withdrawal of our Bill 11, which will help citizens across this province reduce their energy bills, save on their energy consumption and help reduce greenhouse gas emissions. Meanwhile, their federal Conservative counterparts in Ottawa are ripping up climate change programs faster than they can be created.

Fortunately for Manitobans, they have a very progressive government on environmental action. We have become an international leader on multiple fronts. I am wondering if the minister might be able to share any new news on this front with members of this Chamber.

Hon. Stan Struthers (Minister of Conservation): Our government made a very clear commitment to list the woodland caribou as threatened under our act, and today, Mr. Speaker, we have done that. We also committed to including the people who actually live in the area, and we are doing that too. This is another step in our quest to protect the woodland caribou.

In April, we released a strategy for conservation and recovery. Our budget this year, which members opposite for some strange reason voted against, was there to add two additional biologists to help us in this decision making. Manitoba Hydro and Tembec have supported us in this, but most of all, treaty rights have not been infringed.

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

MEMBERS' STATEMENTS

Building Manitoba for the Future

Ms. Kerri Irvin-Ross (Fort Garry): In 2003, Manitoba voters looked at our government's track record. They recognized our successes. They also recognized our commitment to building Manitoba for the future. And what was that result? Manitobans re-elected our government with one of its biggest majorities in history. At this three-year anniversary, it is time we now take stock of the commitments made to Manitobans and the progress our government has made.

We have continued to improve our health care system. We have 1,300 more nurses practising than in 1999, over 200 more doctors and 150 more technologists. But we did not just hire more skilled professionals and technicians, we are giving them the tools they need to provide the best care, sooner closer to home.

We have five more MRI machines than in 1999 and waits for MRI scans has gone down to 12 weeks from 21. This year 38,000 MRI scans will be performed in Manitoba, up from 6,400 in 1999. Wait times for cancer treatment, reduced to one week from six and a half weeks in 1998. We have expanded and modernized 66 health care facilities including the Brandon Regional Health Centre, the Health Sciences Centre and the Selkirk Mental Health Centre.

We have strengthened and diversified our economy. We are making it easier for younger people to stay in Manitoba. With new bursaries, scholarships, cutting-edge high-tech programs, as well, 1,400 more apprenticeships, our Premier has led the way in providing hope for our youth. We have made Manitoba an even more affordable place to live while ensuring our communities remain safe and secure. Mr. Speaker we funded 94 more new police officers.

The conclusion is clear. In 2003 Manitobans were right. They elected a government that lets its record speak for itself.

Hallway Medicine

Mrs. Bonnie Mitchelson (River East): I am absolutely amazed that the Premier (Mr. Doer) and the Minister of Health (Mr. Sale) can stand in their places and put the kind of information on the record that they have this past week over hallway medicine.

Mr. Speaker, the Premier, the Minister of Health, MLAs on the government side of the House and the opposition side of the House were at the Concordia Hospital fundraising dinner just a few short weeks ago when they talked about expansion of their emergency department, and a nurse from Concordia Hospital stood and spoke at that dinner and indicated that on any given day in the hallways of emergency at Concordia Hospital there were six to 12 patients, and it was time that they needed and required expansion. Then we hear the Premier, after listening to that at Concordia Hospital, having the gall to stand in this House and go against what nurses are saying and indicate that the numbers are zero, zero, zero at Concordia Hospital.

Who are Manitobans to believe, Mr. Speaker? Are they to believe the front-line nurses who have hands-on information or the spin that comes from this Minister of Health and this Premier? I say shame on them. How could they possibly live with themselves when they know full well that the real facts are extremely different from what they are saying in this Legislature.

Mr. Speaker, it is insulting to the professionals, to the front-line workers and those who work very hard to try to ensure patient safety. I would ask this government to stand up and tell the truth in this House, rather than standing up and putting that kind of information on the record that does a disservice to the nurses, to the doctors and to those who are working so hard on behalf of patients who need their care.

Metropolitan Kiwanis Courts

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, I rise today to acknowledge the residents, volunteers and directors at Metropolitan Kiwanis Courts who attended Question Period last week and took part in a tour and discussion at the Manitoba Legislature.

Recreation director, Sue Tamblyn, along with volunteers, Jim and Laurine Eifel and Kiwanis Courts residents Joan McLeod, Cy Brooker, Nina Bailey, Marg Caux, Marjorie Taylor, Pauline Tomblin, Dorothea Miller, Joyce Frame, Mary Thompson and Pearl Haas all came down to witness politics in action and learn more about the political process.

It was a great pleasure for me to host this group and provide a question-and-answer period to them prior to our own Question Period. I was thoroughly

impressed with their level of interest and enthusiasm for politics and felt it refreshing to see a group of seniors in the gallery in contrast to our more common tours of high school and junior high school students. I think this demonstrates that seniors continue to be active and engaged in our communities, full of ideas and insights that can contribute to public policy.

The Metropolitan Kiwanis Courts is enriched housing for seniors that provides affordable housing along with recreational activities and services such as housekeeping and congregate meal programs. Educators are also brought in to talk to residents about issues relating to health care, security and personal finances with high participation from residents. The Courts have been ahead of the curve for years in providing this type of housing environment which is a tribute to the dedication of its directors to provide dignified living for seniors.

Mr. Speaker, I would like to thank the residents of the Metropolitan Kiwanis Courts for visiting our Legislature, many for the first time, and hope they continue to be politically active and engaged for many, many years. Thank you.

Manitoba Air Show 2006

Mr. David Faurshou (Portage la Prairie): I rise today to inform the House of a spectacular event that took place in Portage la Prairie this past weekend. I feel very fortunate to have been able to attend the Manitoba Air Show 2006 to see first-hand an awe-inspiring display of aerial acrobatics that I will never forget, and I am sure others that witnessed it will not either.

Whether it was aerial acrobatics of pilots such as Bill Carter, Julie Clark, Kent and Warren Pietch or the death-defying stunts of the SkyHawks Parachute Demo Team, the power and speed of the CF-18 Hornet Demonstration Team or the amazing performance of Canada's Snowbirds, this air show had something for everyone who was interested in aeronautics, with more than 11,000 persons in attendance to bear witness to this awe-inspiring display. All of the proceeds of Manitoba Air Show 2006 will go to non-profit organizations and local charities in Portage la Prairie, making this an even more important event for my constituency.

Mr. Speaker, this year marked the return of the Manitoba Air Show to Southport Aerospace Centre for the first time in 10 years, and this return would not have been possible without the hard work and

dedication of more than 300 volunteers who made this event such a success. I would like to particularly thank the efforts of Hayden Henwood who was the executive director of the Manitoba Air Show committee, Lieutenant Colonel Darryl Shyiak who acted as air operations boss for the day, as well as Ernie Shwaluk who directed the massive volunteer effort undertaken. I would also like to thank each of the over 50 sponsors that lent their support to the Manitoba Air Show.

Mr. Speaker, I was very proud to see this event return to Portage la Prairie after a 10-year hiatus. I also look forward to the return of the show to Southport Aerospace Centre in the future. I would like to encourage all my fellow members of the Legislative Assembly to attend next year's event that will truly be an awesome event. Thank you, Mr. Speaker.

Canadian Diabetes Association Reception

Mr. Harry Schellenberg (Rossmere): Mr. Speaker, I was pleased to recently attend the reception hosted by the Canadian Diabetes Association informing members of the Legislature, civil servants and the public about the prevalence and cost of diabetes and ways to prevent the disease and better assist those afflicted with it. The reception was attended by many MLAs including the Minister of Health (Mr. Sale) and the Minister of Healthy Living (Ms. Oswald).

Thousands each year suffer from diabetes in Canada. The number of people affected by Type 2 diabetes, which can be prevented or delayed, is rising dramatically. Diabetes takes a heavy toll both on the individuals who suffer from it and on society at large. Adults with diabetes are twice as likely to die prematurely compared to persons without and incur medical costs that are two to three times higher than the person without it. It is estimated that diabetes costs the Canadian health care system \$13.2 billion every year and the costs are rising.

Mr. Speaker, clearly, diabetes poses a major problem which is why the Canadian Diabetes Association should be commended for their work raising awareness, providing services and support to individuals affected by diabetes since 1953.

Mr. Speaker, I am proud to be part of a government that is addressing the problem. Recently, our government partnered with the federal government to introduce a new diabetes and Chronic Disease Prevention Initiative in Manitoba. This is a

\$6-million prevention initiative that will reduce chronic disease and bring down the cost to the health care system. Through the Department of Health, our government also has a Diabetes and Chronic Diseases Unit to co-ordinate prevention and control of diabetes.

Mr. Speaker, I thank the Canadian Diabetes Association for their work to raise awareness about diabetes. I hope that through co-operation, we can one day achieve the elimination of this disease. Thank you.

ORDERS OF THE DAY (Continued)

GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Would you please call the following bills: 41, 33 and then if we can go to report stage. It is report stage day and if we could start with 21 and then 36, and then I think we will do the rest in order as they appear. Then we will be into the five o'clock questions.

Mr. Speaker, would you also canvass the House to see if there is leave for the Estimates for Water Stewardship to be considered in 255 from, I think it is 4 till 5, from 4 till 5 while the House considers bills this afternoon?

Mr. Speaker: Is there leave for the Estimates of the Department of Water Stewardship to be considered in Room 255 this afternoon from 4 p.m. to 5 p.m. while the House considers bills. Is there agreement? *[Agreed]*

Mr. Mackintosh: Would you also canvass the House to determine if there is leave to move Agriculture to the Chamber for Estimates for tomorrow, with the change to apply permanently, ahead of Transportation and Government Services?

Mr. Speaker: Is there agreement to move Agriculture and Food ahead of Transportation and Government Services into the Chamber for tomorrow, and that change to be permanent? Is there agreement? *[Agreed]*

Mr. Mackintosh: On the final order of business, it is understood that we will go into Supply tomorrow, and, as I recall, I do not think that means we go into Supply today, but just to announce, then, that Supply begins tomorrow at 10 a.m.

Mr. Speaker: Okay, tomorrow morning, we will go into Committee of Supply, and in the Chamber will be Agriculture and Food, and Room 254 will be Justice, and Room 255 will be Health for Committee of Supply. That is to start at 10 a.m., tomorrow.

SECOND READINGS

Hon. Tim Sale (Minister of Health): I move, seconded by the honourable Attorney General (Mr. Mackintosh), that Bill 40, The Medical Amendment—sorry, Mr. Speaker, this is the wrong motion. It should be The Pharmaceutical Act.

Mr. Speaker: While we are waiting, I just want to introduce the order of bills that we will be doing for the members that were jotting them down.

We will start off with Bill 41 and 33. Then, we will do report stages of Bill 21 and 36, and then we will do the rest of the report stages in the order as they are listed. Okay?

An Honourable Member: Bingo.

Mr. Speaker: I heard a bingo. Okay, very good.

Bill 41—The Pharmaceutical Act

Hon. Tim Sale (Minister of Health): I apologize for my confusion on that bill. I move, seconded by the honourable Attorney General (Mr. Mackintosh), that Bill 41, The Pharmaceutical Act; Loi sur les pharmacies, be now read a second time and be referred to a committee of this House.

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

Motion presented.

Mr. Sale: Mr. Speaker, I believe this bill is a bill that is supported by all members of the House. I am looking forward to a brief debate, and I will be brief in my remarks. We have worked very closely with the Pharmaceutical Association whose name will change under this act to the College of Pharmacists, who annually renew the licences of and provide supervision and professional development for over 1,150 pharmacists providing patient care in a wide variety of settings but, particularly, in our very complex acute care settings where pharmacists play an increasingly important role in areas of heart care and cancer care, where the drug regimens are extremely complex and extremely sensitive to particular patient needs.

Mr. Speaker, the act updates the complaint and discipline procedures modelled after the recently updated College of Physicians and Surgeons Act. It is the standard model for most professional bodies regulated by a college. Members, I think, already have found that the issues in the act are extremely similar to those in the other professional acts that have been recently updated.

In terms of changes that I think are important and that I hope members will all endorse, the scope of practice for pharmacists meeting certain qualifications and practising in particular settings will be expanded to include the prescribing of drugs and the ordering of diagnostic tests, drug and device selection, drug administration and drug regimen reviews within specific approved scopes of practice.

The bill also allows pharmacists the authority for dependent and collaborative prescribing and for certain classes of pharmacists to have independent prescribing practice in certain practice settings, Mr. Speaker.

We have the capacity and regulations to deal with the obvious problem in this regard, and that is the potential for self-dealing. We recognize and the pharmacists recognize that this is an issue, and there will be clear regulations in that regard.

I would just note that the only jurisdiction in Canada that has advised that they will be considering expanding the scope of practice of pharmacists is Alberta. This will be the first such expansion in Canada and, I believe, a very worthwhile move.

* (14:40)

Some of the other things the legislation will do is to improve access to health care in rural and northern communities by allowing pharmacy operations to include licensed offsite facilities as part of a pharmacy's practice. So, for example, in a northern nursing station, a section of that station could be a pharmacy that would be under the supervision of a licensed pharmacist, and therefore make the whole process of making drugs available to residents of that community simpler and more timely.

The act will also expand the pharmacist's role to include the ability to order a limited number of diagnostic tests, Mr. Speaker. There have been, of course, many changes in the health care system since this act was last updated, and pharmacists are increasingly a central part of the care team of most patients.

I, specifically, can say that in the last few years when I have had to get a prescription, I have appreciated the teaching and the very clear information that has been given to me by pharmacists about the medication that I have been prescribed. I hope that is the experience of all members, and, certainly, it is one that all Manitobans will value.

Mr. Speaker, the college will also have the authority, should it chose to do so, to establish a system of pharmacists' profiles similar to the physician profile system established by the College of Physicians and Surgeons to make available to Manitobans information about discipline matters that may have affected a particular pharmacist.

There will also be the requirement of an annual report which is a new requirement, Mr. Speaker. The minister will have the authority to designate in regulation practitioners who are authorized to sign prescriptions, recognizing that increasingly groups like optometrists and nurses are also people who have the capacity and the scope of practice to enable them to prescribe safely within their scope of practice.

Statutory rights to prescribe drugs have been or will be expanded to include midwives, extended practice nurses, registered clinical assistants, optometrists and pharmacists who meet certain requirements and practice in certain settings, Mr. Speaker.

The complaints process has been substantially updated. We will require the college to have one third of the members publicly appointed, Mr. Speaker. So I think this act is worthy of rapid consideration by this House. It has been worked on very hard by the College of Pharmacists, if I may give them their new name.

I want to thank, in particular, the Registrar, Ron Guse, who has worked very closely with the College of Physicians, the college of nurses and our staff to bring this act up to date and in line with current practices.

I endorse this act to the House, and I hope all members will give it speedy consideration.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I have some comments on Bill 41, The Pharmaceutical Act.

First of all, I want to compliment those who have worked hard for I think five or six years to be

able to bring this forward. There is a substantial amount of effort that has gone into this, and it certainly I think is a pretty good step forward. I have a number of comments about the act, but certainly we are supportive of the principle of this act and we will look forward to the time when it goes to committee and has hearings.

Let me talk about, first of all, I think it is a good thing that there is a transition to a College of Pharmacists, the establishment of a College of Pharmacists of Manitoba, even though we have had that in the Manitoba Pharmaceutical Association. To call it a College of Pharmacists is certainly appropriate and desirable. So this is a good move.

I have some concerns with various aspects of the act which I will go into detail. First of all, I see the statement that the college must carry out its activities in the public interest, serving and protecting the public interest, that there is need for a broader statement here of the goals of the college and of what is in the public interest. We who are MLAs here have some pretty heated debates at times as to exactly what is in the public interest. I think it would have been smart to lay out some of these details.

First of all, I would presume that pharmacists would have a goal of supplying to the public, when needed, high-quality pharmaceutical products. So quality is an issue.

The pharmacist would have a goal: safety in terms of the provision and the providing of pharmaceutical products. We have a DPIN system and other ways of looking at safety: protecting people from interactions between different drugs that may be prescribed and so on. But certainly safety is an important issue.

I would suggest, particularly around the debate that we have been having recently, that access and an important statement with access, that the College of Pharmacists should have a role in ensuring an adequate number of pharmacists to serve the people in Manitoba, and that there should be a goal that people in Manitoba wherever they are should have access to pharmaceuticals. I would suggest that one of the goals here would be to ensure lifelong learning, continuing education with regard to the practice of pharmacists in Manitoba, and clearly that would be an important component one would expect of the college just as other bodies of a similar nature try to ensure that people are up to date with the information they have.

Second, I would comment on the registry, the profiles and the panel decisions. What I see here is a bit of a problem because there is a tendency in the reporting of information and the gathering of information for the registry and the reporting in the profiles and the decisions of the panels to be focussed on negative. That is where there are problems in the system. I believe that there should be at least an equal focus on positive and commendable goals and achievements by pharmacists. I think it is very important, when we are providing public profiles, when we are gathering information in registries, that we should look in a systematic way at the sort of information that would indicate that a pharmacist has indeed not just met a base standard but is following best practices: the ability to note awards, for example, for exemplary practices; the ability to note the pharmacist who has a business which is certified by ISO 9000 or other international certifications; the ability to note continuing education and achievements in continuing education which are also important to be recognized and a profile that a pharmacist clearly has kept up to date, is knowledgeable on the latest information with regard to drugs and other pharmaceutical products.

So I would suggest that this is an aspect that we need to look at. It does not apply necessarily only to pharmacists, but it certainly applies to pharmacists. I would suggest that decisions of the panel should be designed not only to look at problems but to look at where pharmacists can be commended for exemplary practices. It is important that we establish, build upon and promote best practices among pharmacists, and this surely should be a part of what is done under the College of Pharmacists. Let us not focus too much on the negatives and the problems. Let us focus, at least equally, on ensuring that we have ways of recognizing, identifying best practices and promoting them and moving them forward.

* (14:50)

I would suggest that there is an area in this bill which looks at interchangeable products. I have some concerns about how this section is indeed worded, and hope that there will be some suggestions which come forward in terms of improvements at the committee stage. Now, when we have interchangeable products, the reality is that, in a pretty high proportion of cases, these products are indeed interchangeable, but, certainly in some cases, they are not interchangeable. That is to say they may have roughly the same effect, but you may have a patient or person who is allergic to one but not the other.

You may have somebody who has specific side effects on one, but not the other. You may have somebody who has drug resistance to one but not the other. You may have somebody who, for whatever reason, gets better benefit from one but not the other.

So I would suggest that there needs to be a way of looking at this and not where somebody is allergic to product A but not product B and product B happens to be more expensive, that under the formulary, under the pharmaceutical coverage, there will be limited coverage on a drug which is absolutely essential for somebody who is allergic to A and can tolerate product B.

So I am concerned that this bill may limit coverage in a few instances where the, quote, "interchangeable product" is in fact not really interchangeable at all for that particular person. So I think there needs to be clear, specified reasons under some circumstances and the ability for full coverage of products which are absolutely essential when an individual has unacceptable side effects or is allergic or has a particular problem with medication A but not medication B. I think that these provisions and the approach in terms of interchangeable products is generally good, but there needs to be some specific areas where I think this could be handled better than it is.

Next, I want to talk a little bit about the provision of services in northern Manitoba. There have been concerns in the way that dispensing and pharmacists have actually not been present in First Nations communities. You have had nurses providing, dispensing drugs. This looks as if there may be a step forward in starting to address this issue, but clearly there does have to be a much better approach to the provision of pharmaceutical services in isolated communities, particularly in northern Manitoba, and we are talking essentially with provision of pharmaceutical services at a distance.

Clearly, this provides for the opportunity for offsite. There are obviously questions about does offsite have to be in Manitoba or can it be elsewhere. Clearly there are and have been some issues about dispensing for individuals who are travelling, visiting Manitoba, and there have been, as we are all aware, some issues around Internet pharmacies.

I would hope that in the committee stage we would have presentations which would deal with some of the aspects of how this bill will address and help us move forward in the appropriate use of the Internet in terms of improving the quality of drugs

and the availability of drugs to Manitobans and when and where the Internet, et cetera, is appropriate and how it can be used.

So, with these words, Mr. Speaker, we have general support for this bill. We believe that there are some areas which can be improved and need attention and that would be helped by some additional attention, but we certainly commend those who put a lot of effort over many years into this bill and hope that these areas can be addressed.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wanted to take this opportunity to speak to Bill 41 at this time, primarily because I do see that there is merit for this bill going to committee.

I have had the opportunity to talk to a couple of individuals that have expressed a great deal of concern in regard to the passage of Bill 41. Quite frankly, I can understand and appreciate why it is that these individuals that are out there, I believe, that go beyond just the two people that I had talked to, want to see this legislation ultimately passed and become law. It has a very significant impact on our pharmacists in the province and, generally speaking, it is in principle very positive. So I can appreciate why it is that so many people that are out there would like to see Bill 41 pass.

Having said that, Mr. Speaker, I have had the opportunity to talk and try to explain in terms of what it is that is happening inside the Legislature, and why this bill is, in fact, at risk of not passing by June 13. I think that it is important, out of all the pieces of legislation that the government has attempted to get through the Legislature, this particular piece of legislation in terms of the processing of it is probably the most abusive in terms of our rules if the government expects that it has to pass. The issue that we are debating here today is something that has been there for years, and if you talk to the stakeholders, what you will find, as the stakeholders will tell you, they have been working on this for years. They have been wanting the government to bring in legislation that would, in fact, enact it for a lengthy period of time now, and one has got to question in terms of why it is it took them so long.

Mr. Speaker, you recall in the last session, in fact, we passed legislation that dealt with dental hygienists, as an example, and there have been some other health care areas where we dealt with associations, scopes of practices and so forth, all of which had, in essence, the consensus of the House

and went through the normal practices of the House in order to ultimately become the law in the province of Manitoba.

Bill 41 is truly unique. On the one hand, we have a bill that would be of benefit for Manitobans. On the other hand, we have a government that is trying to abuse the rules of this Legislature, Mr. Speaker. You know, for Bill 41 to have actually been passed, and you go to the agreement. The one that I would suggest that you take a look at is point 5, and it states that all government bills introduced after April 13 and not given Royal Assent before the end of the Fourth Session of the Thirty-eighth Legislature are to be reinstated during the Fifth Session of the Thirty-eighth Legislature at the stage they are at when the Fourth Session is prorogued.

Mr. Speaker, in essence what it is saying is that, if a bill is introduced after April 13, they are going to have to re-introduce the bill. It is going to have to start the process over again. In fact, even if it is after that stage, the only real guarantee is that that bill in question would be continued in the following session which we do not know. That could be as early as June 14; it could be as late as, I suspect, late fall, in November. That is what would have happened if it would have been brought in after April 13.

Mr. Speaker, this particular bill was introduced for the very first time on May 18. The government brings in this legislation and expects, then, that every member inside this Chamber is going to accommodate its sloppy handling of a very important issue. Then, if the opposition members do not support the sloppy way in which this government is bringing forward this legislation, not the content, but the way in which they are processing it, well, then, we are against the pharmacists of our province.

*(15:00)

An Honourable Member: Shame.

Mr. Lamoureux: I agree with the minister. It is a shameful way; it is a shameful way of handling the legislative affairs of this Chamber.

Mr. Speaker, I would ultimately argue it is a very slippery slope. If government believes that it can bring in legislation at the last minute, and then expect to see that legislation become law and, if it does not become law, then to put the blame on members of the opposition, that is a disservice to the principles of democracy in the province of Manitoba.

So, you know, Mr. Speaker, we are in a bit of a dilemma here. We recognize that this bill which creates the College of Pharmacists of Manitoba, this bill that provides some tangible things for our province on merit and principle should become the law, that this bill should pass and it should have the support of all members. Yet, on the other hand, you listen to the Leader of the Liberal Party (Mr. Gerrard). He raises a number of concerns, maybe some things that could even make the legislation a little bit better. We then go into committee stage which affords opportunity for people outside of this Legislature to participate and contribute to this particular bill. But what the government is doing is if you take a look at the whole legislative agenda, you look at the budgetary process, you have a Minister of Health (Mr. Sale) who brings in a bill on May 18, given everything else that is happening in this session, and demands attention be given to this bill, and that this bill better pass, or else. The "or else" is that we are the ones that are going to be blamed because this bill did not become law.

Well, Mr. Speaker, shame on this government. This government has been sitting on this for years. They have been sitting on it for years. To bring it in at this stage in the game, what I would ultimately argue is walk on the rights and roles and responsibilities that members of this opposition—If the government backbenchers do not care in terms of process, that is one thing, but, in opposition, my role is to as much as possible look into what is being debated inside this Chamber to try to make things a little bit better, to try and ensure that there is proper accountability.

Mr. Speaker, the Minister of Health's bill is a good bill in principle, but it is not the only piece of legislation that is here. In fact, it is not the only good piece of legislation that is going to have a wonderful, positive impact on Manitobans. There are numerous bills that are good for all Manitobans, that merit the attention of this Chamber and that should be passed. In virtually all, I believe it might even be all, I am not 100 percent sure, but I suspect that this particular bill, with the exception of the budget bills that are always brought in at the end, was introduced last. This is the last one from what I understand. Mind you, one could never be surprised, or should never be surprised, but, May 18, it is the last one that comes in. And now they say we have to have it passed because it is for the betterment of all Manitobans.

Well, there are other bills. This one that I want to highlight is the FASD bill, a private members' bill

that I have introduced. Or I could talk about the Good Samaritan bill that the Leader of the Liberal Party has introduced, or we could talk about even bills within the Conservative Party that have been introduced, Mr. Speaker. There are other bills that are equally as important in some ways and, in some ways, even more important some might argue, than this bill.

Yet the government, Mr. Speaker, has to have it their way. It is their way or the highway.

Mr. Speaker: Order. Second reading is to deal with the principle of the bill before us, and the bill before us is Bill 41, The Pharmaceutical Act. It is the principle of the bill that members should be debating.

Mr. Lamoureux: Thank you, Mr. Speaker. I appreciate your interjection on it because The Pharmaceutical Act will pass second reading today and we support it passing second reading. We support it in most part because of what it is going to create, the College of Pharmacists of Manitoba. We support it for the idea of having annual reports. We support it because of issues like the scope of practice being dealt with. There are many good reasons to support this piece of legislation. There are a lot of issues in health care today that we need to stay on top of and fetal alcohol syndrome is one of those issues. The need for pharmaceutical attention with individuals that have FASD is that much greater. There is more of a dependency. Yet there is opportunity as this bill is good, we want to and we encourage its passage. We want to see things done in a fair and appropriate way inside this Chamber.

My intentions were not to speak long on Bill 41 because, Mr. Speaker, I do believe that there are some other pieces that we would like to be able to get to today. So, with those few little words and expressions that I have been able to give in terms of some frustration on the way in which the government is manipulating this Chamber, I am going to leave it at that and we will see when it actually gets to committee and see what happens in terms of if we can ultimately get it through this Legislature. I would encourage the Government House Leader (Mr. Mackintosh) to maybe sit down with members of the opposition and see if in fact there might be other ways that we can accommodate. Suffice to say that in principle it is a good bill and should, in fact, have been introduced long ago. Thank you.

Mrs. Myrna Driedger (Charleswood): Thank you, Mr. Speaker. I am pleased to have an opportunity to make some comment on Bill 41, The Pharmaceutical

Act, and the modernization of this legislation. I would like to indicate that we support the principle of this bill and look forward to its moving on to committee to hear comments from the public.

I would indicate, however, that it is too bad that the government did miss their deadline to ensure passage of this bill and that it is the good will of the opposition that is allowing it to go through. This legislation has been worked on, Mr. Speaker, I am told, for about five years. So I am surprised that it has taken this long for this government to get the bill forward. I am surprised that it has taken them this long to call second reading of this bill.

I do feel that the pharmacist profession is a significant one and I would have expected, because of the significance of the pharmacists within the health care system and the role that they play, I would have expected that this bill might have come along sooner than it did in terms of its modernization. I am glad to see, though, that it finally is here today.

Mr. Speaker, I am also surprised, I guess, to find that it has not been managed as well through the process as a number of other bills have been, and it has seemed to have taken this government a while in order to bring this bill forward. It is too bad, though, that it was not brought forward in a more timely fashion which would have actually guaranteed passage through this legislative session.

Mr. Speaker, I have very high regard for pharmacists. I have worked side by side with that profession for years during my 23 years as a nurse, and I have always believed that there is an untapped capacity to enlarge the scope of their role and to get that profession more integrally involved within all of the roles within the primary health care service delivery.

* (15:10)

I think that through some of the modernization of this legislation and the expansion of the scope of practice of pharmacists that, indeed, what will happen is that there will be a very good opportunity to see an improvement of primary health care in this province.

One of the things that I am particularly pleased to see is that patients with chronic illness like diabetes might soon be able to get regular prescriptions approved by a pharmacist, rather than

enduring long waits in a doctor's office. The proposed amendments are going to allow patients on a continuous care plan to have their prescriptions renewed by the pharmacist and eliminate the need for a visit to the doctor's office just to get a refill. Not only is this going to be very, very good for patient care, I think it is also going to be good for improving the efficiency of the health care system. I think it is going to be good, especially in the situation where there could be a pandemic. What this would do, then, is allow an improvement in terms of how challenges are met within the health care system.

So this particular aspect of the bill, and my congratulations to the people that were working on this legislation that saw the opportunity to bring such an enlarged scope of practice within the legislation. My congratulations to all of those people because I think that this is very futuristic thinking, in terms of what we can do to improve the health care system as a whole in Manitoba. But I think it is going to be so good for patients with chronic conditions who have enough challenges in just facing their own illness, without having to worry about what happens every time they need to have a prescription filled. I think it will be very, very good for patient care.

The legislation also creates a college of pharmacists of Manitoba to replace the Manitoba Pharmaceutical Association and, by virtue of that, does update the complaint and discipline process, modeling it after the College of Physicians and Surgeons of Manitoba. Again, that is another aspect of this legislation that is going to be very good for our health care system and good for the public. I would like to indicate that we are very supportive of that, again because of the significance in the role of pharmacists within the health care system. It is too bad that it has taken almost five years, or over five years, in that vicinity I am told, to actually have this legislation before us because some changes certainly could have been made in a more timely fashion.

There is the aspect also where there is an improved access to health care in rural and northern communities by allowing pharmacy operations to include licensed offsite facilities as part of a pharmacy's practice. Again there, Mr. Speaker, that is good for patient care; that is good for primary health care and the efficiency of the system; and it does look at innovation and modernization of how we can do things. When you look at the opportunities for making our health care system more innovative, and you look at more integration of services and

professions, and professions getting along and working together—keeping in mind always that the patient is at the centre of all of this, and what we need to do is always keep that patient in mind, and get past the issue of turf wars—I think we will see there are great opportunities for improving patient care.

I am particularly pleased about the opportunity it is going to provide for allowing collaborative practice between pharmacists and other regulated health care professionals, practitioners with prescriptive authority, which, I understand, are doctors, extended practice nurses, registered clinical assistants and midwives. Certainly, doing something like this and having more of a collaborative practice is where all of the research points us to go, if we want to see improvements in the health care system.

So I think that is going to, amongst the other aspects to this legislation, is certainly going to improve patient care and improve efficiencies in the system. I think it will create interesting dynamics, I think, amongst the practices for professionals. I would even imagine that, once all the professions out there got used to working very well together, that we could see some very, very exciting things happen in health care.

Mr. Speaker, along with the other members that have spoken on this, I would urge passage. Our caucus, certainly, is committed to seeing this bill pass. I would like to commend the Manitoba Pharmaceutical Association for their good work in helping put this legislation together.

It is too bad, though, that so much angst has been created around the way the government has been handling issues lately, or lack of handling of issues, because if the government was going to be transparent and accountable, there would have not been some of the things going on in this House that have actually gone on in order to see this government forced into accountability. It is too bad, in opposition, that we have to do some of the things we do while working within the parameters of what we are able to do.

If the government had called an inquiry into Crocus a long time ago, all of this legislation would have had full and complete debate in this House, and it would have been moving forward in a much more timely fashion. Certainly, the angst they have created by not doing what they should do as an accountable government has really put a lot of people on edge in this province, a lot of health care professionals, and it

really does rest with the government for their unwillingness to look at doing the right thing for the people of Manitoba. As I said, what it has done is create a lot of angst amongst many people out there.

I hope, though, that what we can see happen today is the government making a commitment to ensure that this bill does go through. They have certainly taken a long time to bring it forward for second reading, and we have been looking for this, actually, for a number of weeks now. The bells have not been ringing here for a long time, and this government has had many opportunities to get this bill in on time to guarantee passage. They have had many opportunities to bring it forward for a second reading and they have not done that.

So I would indicate that it is only by the good will of opposition that this bill is going to go through, and it is because we have such high regard for improving patient care and for the role that the pharmaceutical profession will play in that.

So we look forward, Mr. Speaker, to this bill getting to committee for further input from the public. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is second reading Bill 41, The Pharmaceutical Act.

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

DEBATE ON SECOND READINGS

Bill 33—The Northern Affairs Act

Mr. Speaker: Bill 33, The Northern Affairs Act, standing in the name of honourable Member for Inkster, who has 27 minutes remaining.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wanted to put a few words on the record before Bill 33 passes into committee.

It was interesting, earlier this morning, we were in committee on Bill 32, and Mr. Harper gave a wonderful presentation on MKO. It was interesting when you contrast that to the press release that was issued out by the government on Bill 33.

Mr. Conrad Santos, Deputy Speaker, in the Chair

I would like to share the quote, one from Mr. Harper in committee, and one from the government press release which was on April 11 in reference to

Bill 33, the minister stated, and I quote: "The existing act has not been comprehensively reviewed since it came into effect in 1974. The proposed legislation reflects the input gathered through consultation with northern communities." That is what the minister indicates in his press release dated April 11, Mr. Deputy Speaker.

* (15:20)

Just a few hours ago in committee, I listened to a presentation. It is on a bill that is substantially different, but a bill which the same minister is ultimately responsible for. Mr. Harper, who represents MKO, made a wonderful presentation. I am going to turn to page 3 in his presentation. It is about four paragraphs down and it states, and again I will quote: MKO and TLEC have each expressed concerns to the Minister of Aboriginal and Northern Affairs (Mr. Lathlin) and the Minister of Conservation (Mr. Struthers) regarding the lack of meaningful consultation and the lack of collaborative transparency between government and the First Nation parties to the affected treaties and agreements that have characterized the development, introduction and consideration of Bill 32.

So it is interesting, you have a gentleman that is well respected representing individuals up in northern Manitoba in essence saying that the government is not listening to them, is not acting on what it is that they are talking about. In essence, you know, in committees they go, oh, yes, there were some meetings. They did attend some meetings, but there was no indication whatsoever if the government was actually even listening to what was being said, Mr. Deputy Speaker. One would have thought that whether it was Bill 32 or Bill 33, that the government would have done consultation.

In fact, I might even have, you know I do have the press release for Bill 32, and if I could, I would read it just to see if in fact they say that they consulted. I suspect that they have. At least the government will tell you that they have. So I would hope that the discussions there would have been more tangible in regard to Bill 33 because it does have a fairly significant impact on settlements, calls into or puts into proper place or into an order unincorporated communities and incorporated communities. It is a modern update of significant legislation that has an impact on thousands of Manitobans. One would hope that the minister did do some consultations.

If one does a comparison of Bill 33 to another very important issue to northern Manitoba, was the Manitoba Northern Flood Agreement. Under that flood agreement even the presenter made reference, he talked about the flood agreement in essence being treated like a treaty agreement which highlights the importance of that particular agreement. You know, you look at it, and I had done an Internet search on the Manitoba Northern Flood Agreement and that one started in 1975 and quote right from—this one actually comes from the Government of Canada: "Federal-Provincial Lake Winnipeg Churchill Nelson River Study Board reports on post-project impact assessment and recommendations."

Mr. Deputy Speaker, this is back in 1975. That was a year after this particular legislation was last overhauled. I do think that we need to work a little bit more proactively within our northern communities and that we do need to be more genuine in listening and bringing forward legislation that better reflects the interests of all. I am anticipating, in principle, that this legislation does have support, but I was surprised and having said that, I say in principle, having said that, there was a great deal of concern on another bill that the minister actually introduced. Am I going to be seeing the same thing or witnessing the same thing once again in committee? Well, we do not know, and I guess we will not find out until it gets to committee.

But it is an important issue and, for that reason, in part, plus I believe there is a willingness to get on to third reading report stage, because we have not even had that opportunity with only a few days to go, so I think it is best if I will leave my comments at that and look forward to seeing Bill 33 going to the committee so that we can actually get into report stage. Thank you, Mr. Deputy Speaker..

Mr. Deputy Speaker: Is it the pleasure of the House to adopt this?

The question before the House is the second reading of Bill 33, The Northern Affairs Act; Loi sur les affaires du Nord.

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

REPORT STAGE AMENDMENTS

Bill 21—The Public Health Act

Mr. Deputy Speaker: We are moving to report stage of Bill 21.

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 21 be amended in Clause 106(1) by adding "or was grossly negligent or grossly incompetent" after "bad faith".

Motion presented.

Mr. Deputy Speaker: This is a debatable motion. The time limit is 10 minutes for all members.

Mr. Gerrard: Mr. Deputy Speaker, I bring forward this report stage amendment because I believe that it is important that there is some level of accountability, and to waive all liability, except in the case of bad faith, is not appropriate. Now, we are certainly dealing with The Public Health Act and we are dealing with matters which may be of urgent public health importance, but I would look here and suggest to you that this clause 106(1), which basically says, as follows:

No action or proceeding may be brought against the minister, the chief public health officer, a director, a medical officer, an inspector, a health officer, a public health nurse or any other person acting under the authority of this Act, the regulations or a municipal by-law for anything done or not done, or for any neglect,

(a) in the performance or intended performance of a duty under this Act, the regulations or a municipal by-law; or

(b) in the exercise or intended exercise of a power under this Act, the regulations or a municipal by-law;

unless the person was acting in bad faith.

* (15:30)

Now, I believe that it is important that there be some liability for people acting under this act. This act will cover a wide range of actions, and it is important that people not be completely free of liability. I would suggest to you, for example, that a surgeon doing an operation with good intentions makes an error. At the moment, that is subject to legal liability, and that this should not be exempt from legal liability or actions under this Public Health Act, and that the clause "bad faith" is not sufficient, but that there needs to be for certain things which are done grossly negligently or grossly incompetent, there should be the potential to have liability for doing such actions. Clearly, these are only intended to be used in the most extreme

circumstances, but I suggest to you that a minister knowing that there is a potential for liability will act in a bit more prudent way. So will all the others who are working under this act than if they were to believe that they were completely free of liability except in the issue of bad faith.

So there is a problem in proving bad faith, and certainly this is part of the reasons why it is important to have grossly negligent or grossly incompetent action subject to some level of liability. There is, I suggest, for some of the people covered under here; a medical officer, for example, might be subject to some level of liability for malpractice or incompetence. Under most of the provisions under which medical service is provided and current laws, but it could certainly be subject to censure by the College of Physicians and Surgeons. But here there is an issue. Are you going to completely remove somebody from liability? Which act will have precedence under the circumstances? Hopefully, the Minister of Health (Mr. Sale) will clarify which acts have precedence when there is something done in the name of public health, and public health can be pretty broad.

So let us hear what the minister has had to say. I have put the case clearly. I do not believe the minister should be above the law. The minister should be subject to some liability when there are actions which are grossly negligent or grossly incompetent, and the word grossly is included so it is not, except in the most extreme of circumstances, that this would come into play under the amendment. Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Question?

An Honourable Member: Question.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Deputy Speaker: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: Those opposed, say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In the opinion of the Chair, the Nays have it. I declare the amendment lost.

* * *

Mr. Deputy Speaker: The next bill for—oh, there is a second amendment.

Mr. Gerrard: I move, seconded by the MLA for Inkster (Mr. Lamoureux),

THAT Bill 21 be amended in Clause 106(2) by adding "or is grossly negligent or grossly incompetent" after "bad faith".

Motion presented.

Mr. Gerrard: Mr. Deputy Speaker, the clause that we are amending, 106(2), refers to a person who provides assistance under this act, has the same protection as a person referred to in subsection 1, unless he or she acts in bad faith.

This we could look at as having some equivalents in terms of the bill that we put forward in terms of Good Samaritan legislation because we are talking about a person who provides assistance, who may come forward off the street or be a volunteer. The person is perhaps not adequately defined. It could be somebody who is employed perhaps even in the public health system. But to the extent that we are talking about volunteer or somebody who gratuitously comes forward and provides services under this act, there is a similarity to what we have put forward and, indeed, interestingly enough, what the MLA for St. James put forward after I and the MLA for Inkster put forward our Good Samaritan bill.

The MLA for St. James put forward her bill after we did, and we have had that debate, but the point here is that in our Good Samaritan bill we provided for protection from liability except when there was an action which was grossly negligent. It was not enough to have whether your intentions are good or bad. One had the presumption that if somebody comes forward as a volunteer to try and help somebody out under circumstances which may be covered under this act, this is equivalent to somebody who is a Good Samaritan. Yet, when we put forward our legislation on the Good Samaritan bill, and I think it is also that the language was similar in the bill put forward by the MLA for St. James, that there was not protection from liability where there was gross negligence.

Mr. Speaker in the Chair

Mr. Speaker, I think that this is important, that this government, clearly, is putting forward a bill which, in a sense, makes the presumption that people acting under this bill can do no wrong. One of the presenters who came in and who saw this said to me, these NDP think they are God, think they cannot make any mistakes, that they have no accountability.

Mr. Speaker, we have seen time and time again where this government has been incompetent. I would suggest to you grossly incompetent. There needs to be a mechanism to hold individuals to account when they are grossly negligent. We put that in the Good Samaritan bill. It should be in this bill. That is what we are doing with this report stage amendment.

* (15:40)

The government may get up and say that they do not want this amendment. They may get up and say: We can do no wrong; we are the NDP. Well, we on this side know very differently. There needs to be accountability. The NDP may reject accountability, but we have the experience to suggest to them that there needs to be accountability. We have watched what has happened on the other side for the last six and a half years. We know that there needs to be accountability in terms of what happens at the provincial government.

This government, in putting forward this bill and a variety of other bills, is going to extreme lengths to protect themselves and that, I suggest to you, Mr. Speaker, is a very serious issue and a very serious problem. That is why we have put forward this report stage amendment, because we believe in The Good Samaritan Act that we put forward. The government has failed to help us even pass The Good Samaritan Act.

We believe in the approach that Good Samaritans should be protected from liability except where there is gross negligence. That principle should apply here in The Public Health Act as well as in Good Samaritan acts, as it does in Good Samaritan acts, I would suggest to the minister, in virtually every other jurisdiction in which they have been written.

Not protecting somebody for gross negligence is a fairly standard approach. This government has taken a non-standard approach to protect themselves and to protect people acting under these acts because—[interjection] No, here we are talking about volunteers, people who come forward as Good

Samaritans, and we want to provide them with protection from liability, but not as extreme as the Minister of Health (Mr. Sale).

The Minister of Health, clearly, in putting forward this act believes that he can do no wrong. Well, that is not our view, and we believe that in legislation we need to reflect the view that there is accountability, that there needs to be accountability, and that is why we have brought forward this report stage amendment. I would hope I would have the support of other members in supporting this report stage amendment. I would hope that I would have the support of the MLA for St. James, because her language and her Good Samaritan bill are similar to what I have in the report stage amendment.

So I wait and hope that the MLA for St. James will comment on this report stage amendment because it will do a piece, but it will not be the same as the kind of Good Samaritan legislation that we have put forward and that she has put forward because this makes the presumption that people under this act should be protected from liability even where there is gross negligence. I suggest, Mr. Speaker, that people should be protected from liability, should be protected from liability under all sorts of circumstances, but not where there are actions which are grossly negligent. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I, too, want to speak to this amendment. I must say right up front I am surprised that the government has seen fit not even to respond to amendments. I like the challenge that has been put from the Member for River Heights (Mr. Gerrard) in terms of hearing from the Member for St. James (Ms. Korzeniowski) because, as he was addressing the amendment, I took the liberty to pull the Member for St. James's Bill 204, because what this amendment does is it talks about the importance of acknowledging gross negligence. That is what the amendment is all about, the principle of accepting the fact that, at times, unfortunately, there is gross negligence.

I know the Minister of Health had taken some exception to it saying, well, these are civil servants. Mr. Speaker, I, for one, have a tremendous amount of respect for our civil servants. I like to think that our civil service is second best to no other civil service. It is not a question about the quality of the whole civil service. I like to think that the Minister of Health is not that naive to believe that when you have thousands of civil servants, each and every one of those civil servants is incapable of being grossly

negligent. If he does believe that, I would give the Minister of Health some advice by saying that, at times, civil servants do make mistakes. After all, we are all humans, not perfect.

The Deputy Speaker of this House has given speeches on not being perfect because we are, indeed, all humans. *[interjection]*

An Honourable Member: Quoted it from the Bible.

Mr. Lamoureux: Quoted it from the Bible I believe is where he got it from. Mr. Speaker, it is the same thing in terms of civil servants. There are civil servants that, on occasion, have been negligent, and where they have been grossly negligent, why would the government want to waive any sort of liability launched against that civil servant? I do not understand that.

I had a chance to speak about this in second reading. In speaking on it, I used examples of gross negligence. The ultimate gross negligence of this government is in regard to the Crocus fiasco, Mr. Speaker. I guess maybe that is the reason why they do not want to incorporate those words. I do not quite understand it. Obviously, it is a Cabinet thing. The Cabinet has decided, do not use gross negligence. That is the reason why, I believe, they are even too scared to talk on the amendment because that means they have to say gross negligence. So, because of that fear of even saying gross negligence, the government is not even responding to the amendments that are being put forward by the Member for River Heights.

Well, then we have the Member for St. James. This is why I believe that it is just a Cabinet rule, Mr. Speaker, just pertains to Cabinet. Other members can say it. Why? Well, let us look at the explanatory notes from the Member for St. James on another bill. It is very short and I will even start on the halfway point: The person will not be liable to pay damages in a lawsuit started by the victim unless the person was grossly negligent.

Mr. Speaker, the Member for St. James (Ms. Korzeniowski) has something here. I think that the Member for St. James should be talking to some of her Cabinet colleagues.

That is why it was interesting. The Minister of Health (Mr. Sale) is walking around the exit doors, and he takes the shot of, well, we are talking about civil servants, to the Member for River Heights. Well, Mr. Speaker, so only volunteers are allowed to

be grossly negligent and be held accountable? Is that what the Minister of Health is saying? We know it is all about civil servants, but we also are in the real world. We realize that people do make mistakes and sometimes there is gross negligence, i.e., the Premier (Mr. Doer) of our province, Becky Barrett, and many others that were grossly negligent on the Crocus file. How gross? Well, we are talking tens of millions of dollars. *[interjection]*

An Honourable Member: Sloppy gross.

Mr. Lamoureux: Sloppy gross, as one member has pointed out. But that is a word which they are having a difficult time addressing. It will be an interesting process if the intent of the government is to avoid any use of that term.

* (15:50)

I believe that this is a resolution, or an amendment, that warrants the passage of this Chamber. It is too easy for us just to walk over it and say no. How do you justify to the constituents, which you want to represent, by saying it is okay for a civil servant to be negligent to the degree, Mr. Speaker, that it is just not acceptable? To what degree are you prepared to say that they should not be held to account for that?

Mr. Speaker, remember the Walkerton. Lives were lost and the issue of negligence came up. This government would ultimately argue that there should not have been any consequence to the employees. That is what this government would ultimately argue. I think that the government needs to reflect on, yes, we have the best civil servants in the world, but there are at times negligence that occurs which people need to be held accountable for, and what this particular amendment does is it gives better definition, better clarity as to when that could occur.

For that reason, Mr. Speaker, I support the amendment, and believe that the government should join me, the Member for River Heights (Mr. Gerrard) and the Member for St. James in supporting this amendment. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for River Heights.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

**Bill 36—The Youth Drug Stabilization
(Support for Parents) Act**

Mr. Speaker: Bill 36, The Youth Drug Stabilization (Support for Parents) Act, amendment by the honourable Member for River Heights.

Hon. Jon Gerrard (River Heights): I move, seconded by the MLA for Inkster (Mr. Lamoureux),

THAT Bill 36 be amended in Clause 22 by adding "or was grossly negligent or grossly incompetent" after "bad faith".

Motion presented.

Mr. Gerrard: Mr. Speaker, this is a report stage amendment to The Youth Drug Stabilization Act, an important act which we hope will make a significant contribution.

This particular section which provides protection from liability says:

Protection from liability

22 No action or proceeding may be brought against an addictions specialist, the co-ordinator, a reviewing officer or any other person acting under the authority of this Act for anything done or not done, or for any neglect,

(a) in the performance or intended performance of the duty under this Act; or

(b) in the exercise or intended exercise of a power under this Act;

unless the person was acting in bad faith.

Our report stage amendment would add "unless the person was acting in bad faith, or was grossly negligent or grossly incompetent."

Now, I think it is important to point out that the persons who are protected from liability include any

person acting under the authority of the act. That would include the minister. That would include the Premier (Mr. Doer) to the extent that he might be acting under the authority of this act, but he would certainly include the minister.

It is another example of how the government is bending over backwards to protect themselves from any liability for things that they have done which are grossly negligent or grossly incompetent. It is an attempt by this government to avoid any form of accountability.

Why is it important to put in here "grossly negligent"? Well, I suggest to you that what is important is that people who are acting under the authority of this act are aware that, if they do something which is totally egregious in being grossly negligent or grossly incompetent, there will be some mechanism to hold them to an account. That is why it is important that we accept and adopt this report stage amendment. If people are provided with authorities for which there is no accountability, I suggest to the members of this Chamber that that is not a good situation for anybody, the reason being, as has been demonstrated all too often in the past, that power which has no checks and balances, which there is no way of holding accountable, has all too often been abused. It is important, whether under this act or whether under the other acts that we are dealing with, that there be some level of accountability, some level of liability, for actions which are grossly negligent or grossly incompetent.

Now, the members will note that we do not say for actions which are negligent or incompetent. It is not ordinary negligence or incompetence that we are actually concerned about here for having some liability. It is actions which are grossly negligent or grossly incompetent. This is the most extreme of actions which can be done. The most egregious of actions which might be done under this bill that there is some level of accountability, that there is some level of liability.

I think that it is important that that level of liability be there as a reminder to people that they are not all powerful. They do not have the ability to do things which are inappropriate, which are negligent, which are incompetent in a gross way without having some level of liability. We need certain checks and balances when we pass legislation, when we pass laws. It is appropriate and we agree that people who are acting under this act be protected from liability for minor things that may be done, that maybe show

incompetence or negligence. But where things are done which are so totally, grossly negligent or grossly incompetent, we believe that there has to be some level of accountability.

Now, I would hope that there would be some members of the Conservative Party who would stand up and speak to this, because the Conservatives have been silent on this issue of accountability. It is unusual for the Conservatives not to be ready to talk about accountability. The only explanation that we have come up with for their silence is that maybe the Conservatives have some misguided view that they might, at some point, be government in the future of Manitoba, and that they might want to protect their own butts, or protect their own ministers from gross incompetence or gross negligence. I would hope that, at least, one of the members of the Conservative caucus would get up and support our efforts in the Liberal Party to get some level of accountability where there is gross negligence or gross incompetence.

* (16:00)

What I think is important, and I am trying to make this case, is that we are dealing with youth under a drug stabilization act. We are dealing with youth who are very vulnerable. We need to have the protection for those youth.

If an addiction specialist for some reason was to sexually abuse one of the youth who was detained under this act—we would hope that it would never, never happen, and hopefully it never will, but there needs to be some level of accountability. I have heard of charges like that under the children in care under Child and Family Services. So we should take the precaution here that we need to protect the children who are very vulnerable, who are being put in a centre against their will, because at that particular time they have become addicted to drugs and very likely will have a pretty upset, disturbed state of mind. We need to help these children. We do not want to put them in a position where the people who are responsible for these children will be free of any accountability even where they are grossly negligent or grossly incompetent.

So I suggest, Mr. Speaker, that there may be some individuals on the government side who have good intentions. We know that good intentions can sometimes go badly wrong, but in this case one of the big reasons for inserting these clauses is to protect the vulnerable children who we want to

protect and help under this act, children who have become addicted to methamphetamine and other things. We should help and consider those children first.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I appreciate the Leader of the Liberal Party asking me to put some comments on the record. Certainly, we are one of the proponents of this legislation. We brought it forward to the government for an idea.

I am not turning a tin ear to the leader's comments. I think that these are things that are open for discussion, but I certainly need no admonishment from the member because when I looked up in my legal dictionary the term "gross negligence," I saw a picture of Gagliano and Chuck Guité.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, the Member for Steinbach did not disappoint me. I think that it is great that he got up and took a position on it. Using Chuck Guité is probably a good example as to why it is that we need to incorporate gross negligence.

That is, in essence, what is being asked of the government once again. I know that there are going to be a number of amendments to try to deal with this issue of gross negligence. All I really want to do is just emphasize the importance for the government to at least respond to the amendments that are being brought forward because there is a great deal of effort and thought that goes in it. Much like government expects opposition members to respond, we expect that the government would have something to say on amendments.

It is an amendment that, as I say, you can look at the previous comments they put on the amendment just prior to this, and you could virtually apply a lot of those to this very same amendment, Mr. Speaker. I will leave it at that. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved to Bill 36, The Youth Drug Stabilization (Support for Parents) Act, moved by the honourable Member for River Heights.

THAT Bill 36 be amended in Clause 22 by adding "or was grossly negligent or grossly incompetent" after "bad faith".

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Bill 4—The Dangerous Goods Handling and Transportation Amendment Act

Mr. Speaker: Bill 4, The Dangerous Goods Handling and Transportation Amendment Act, amended by the honourable Member for River Heights.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Clause 9 of Bill 4 be amended in the part of the proposed section 30.2 after clause (b) by adding "was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence, or" after "person".

Motion presented

Mr. Gerrard: Mr. Speaker, there are some particular reasons for bringing forward this amendment. It is, first of all, similar to other amendments which we brought forward which would provide for some level of liability. That is, what we are suggesting here is that there should be some level of liability where there is gross incompetence, gross mismanagement or gross negligence.

I would suggest, Mr. Speaker, that it is probably particularly important in this bill because this bill deals with the handling of dangerous goods and the transportation of dangerous goods. This is an area where we need individuals who are going to be working under this act who will be particularly skilled and who will be particularly careful. There may be transported under this act dangerous chemicals, lethal nerve poisons perhaps. There may be radioactive chemicals. There may be some

circumstances where there are waste chemicals from reactors transported under this act.

Certainly, when we are dealing with chemicals which can be dangerous, and I would suggest that we can look no further than what happened last weekend, where fertilizer components were used or were stockpiled as part of an effort to make bombs. When we are dealing with dangerous chemicals, hazardous chemicals, we need a very high level of duty of care. And, of course, that is why we have developed an act in this area. That is why we have put in fairly careful regulations in this area, and that, of course, is fundamentally why we are upgrading this.

* (16:10)

But the accountability needs to be not just on the part of those who are companies, individuals handling chemicals, but on the part of those who are administering the act, because, if we have people who are administering an act, who are grossly negligent or grossly incompetent, then we could have, because of the way that they acted, a very dangerous plutonium spill, or perhaps more commonly, a spill with chemicals that may be cancer-causing, which would not be as recognizable, would not be as easily identified, but would be marked, presumably, as dangerous goods.

But it becomes very important that there be some level of accountability. We are not looking at a level of accountability for just some minor negligence, or some minor incompetence, or some minor mismanagement of the situation. What we are looking for is a level of accountability when somebody administering the act that acts in a way that was grossly negligent, grossly incompetent, grossly mismanages a circumstance.

I believe that it is important that there be an understanding that people, who are providing services delivering, trying to deliver safety under an act, need to know that there is some level of accountability, that there is not an absence of accountability. That is why we are bringing forward this amendment, and that is why we are bringing it forward under this act because, when we are dealing with hazardous chemicals which could cause innocent bystanders major problems, which could create situations where it may be that the inappropriate handling by somebody working under this act could result in a spill of a deadly nerve gas, for example, and people might be killed, that it is important that we move beyond just good intentions,

and that we move to ensure that there is some level of accountability where people perform the most egregious acts, whether for good intentions or not.

Somebody who caused major problems, maybe death, maybe poisoning under this act, virtually no liability for that, and there needs to be some level of liability. I think that is important that people know that they are not above liability, that they are not above the law. I am disappointed in the attempts repeatedly now of this government to avoid accountability, to avoid accountability even where there is gross negligence of the most outrageous nature. An individual who is so grossly negligent as to cause a massive spill of plutonium and major impact in terms of radioactivity, an individual who is so grossly negligent has to cause a release of nerve gas into somewhere where it should never have gone. These are matters where there needs to be some level of accountability.

It is a mistake to put the minister, it is a mistake to put people acting under an act, essentially without having the usual approach to accountability. I think that we will find that, at some future time, we have people using the clauses put in by this government to escape accountability, and there will be a public reaction which is so strong that we will have to put back into these clauses some level of accountability.

That is why I am speaking now and that is why I am bringing forward these amendments now is because we need that accountability for good law. It is that we need that accountability for good government, and this government, I believe, is making a fundamental mistake in trying to avoid accountability. It is an issue which we see as of critical importance, and we will continue to talk about this because in our view it is bad when government sees and has legislation which removes the normal approach to accountability.

So we have more amendments of this sort in other bills. We may or may not get to speak on them because there is a variety of other amendments coming first, but I think it is important to emphasize that this is not an issue which is going to go away. Because in the future, if this law passes there is going to be some extreme examples. People will realize that this government made a mistake in not putting the liability there.

Mr. Kevin Lamoureux (Inkster): Thank you, Mr. Speaker. I wanted to put a few words on the record in regards to this amendment. It is an amendment

that I believe has been consistent with other amendments that have already been moved, and I suspect that there is even going to be a few more amendments dealing with the issue of accountability.

Mr. Speaker, there is a great deal of concern on our part that something needs to be done in regard to the whole issue of accountability. In the explanatory notes of Bill 4, it states it very clearly that a liability protection provision is added to protect persons acting in good faith under the act from the civil liability for their actions.

We see the value that is there and that it is necessary to protect our civil servants from liability. We acknowledge that and welcome that, Mr. Speaker. The concern that we have has been stated time and time again and I am going to attempt to do it yet again. It is that there is a need to acknowledge as much as we want to protect our civil servants from liability because of actions that they might have taken in good faith that we need to see legislation to protect them.

On the other hand, Mr. Speaker, I think that we need to also acknowledge that at times you will see abuse within the civil service, albeit a very, very small percentage, and I would emphasize that it is a very small percentage. Having said that, that it is a percentage that does need to be addressed with the issue of accountability. I do not believe that we should be exempting them, whether it is today, a year from now, 10 years from now from any sort of accountability that would prevent them from being held liable. That is why I am concerned with regard to how this government is not proceeding in addressing the issue of gross negligence.

I would like to give a couple of examples. Some of these examples were very well publicized when they occurred. It was not that long ago where we saw a plane crash. Fortunately, it crashed in an area that was commercial, as opposed to residential, but I can still see the yellow ribbons from the television newscast where everything was kind of roped off, as concern in regard to what was actually in that plane prior to its crashing, and the impact that it could have had had there been a dangerous commodity on that, Mr. Speaker. It really heightened the level of awareness in terms of just how significant some of these goods that are being transported are, and the potential harm that could be caused.

* (16:20)

Mr. Speaker, what we saw immediately was an emergency response from our finest, whether it is our police services or ambulance to our fire departments, these are the response teams that are sent out, and there are certain expectations that are there. Part of those expectations is that, in fact, other civil servants that are responsible in certain areas are doing the jobs that have been assigned to them, and in many ways, we have other emergency type of workers that rely on that.

There are certain protocols that are put into place, Mr. Speaker, protocols that are established. You work with the public sector and the private sector to ensure the element of safety at all costs. You know, I have seen, again, through our news, where we have had train crashes, and whenever you see the black long tubes, in particular, there is some sort of chemical that is in there. One has got to be concerned in terms of whenever you get a train accident, and you see those sorts of chemicals seeping out and going into fields.

It was not that long ago when PCBs was an issue, more than it is today. I can recall, maybe it was on a schoolyard, where there were concerns about PCBs and the immediate reaction of getting in there, removing the sand or the infected dirt. We recognize just how hazardous some of these chemicals are that are out there. It is not to say that they do not serve a purpose. They serve a purpose. We do not question that at all. Manitoba Hydro—one of the things that comes, by-products with the development of hydro, especially in the past, Mr. Speaker, was PCBs, and the safe transportation of things of that nature was of critical importance.

Even the issue of nuclear waste. In Manitoba we do have nuclear waste, and there are processes put into place to protect the citizens of our province. We want to make sure that when you are transporting this kind of stuff that people are, in fact, going to be protected. I think it is very important on all of us to ensure that the civil service is as accountable as possible, and 99.9 percent of the civil servants that would have some sort of an obligation to deal with this treat these types of chemicals with the deepest respect. After all, they are, in most part, the ones that put in the protocols.

It was not that long ago there was an incident with the health lab, concerns about viruses where, I believe, it was a Purolator or one of the courier companies in a van that had a vehicle accident. Once again, you see on the news these people all dressed

up in apparel that was probably more fitting back in the early seventies as seen on the moon, Mr. Speaker. These people are well protected, and they are protected for a good reason because of the chemicals and the viruses that are out there and the harm that they cause. I think it becomes even that much more important. Everyone here would acknowledge the importance of our health lab on, I believe it is actually on William, I believe that is the street of the address of the lab, and the positives by having that lab located in the city of Winnipeg, but the reality is that it deals with deadly viruses. Some of the worst viruses in the world end up coming to our city. It becomes that much more important that we are diligent in the way in which these viruses are being transported, whether it is from the airport, or a train station to the health lab. And it is not to promote fear. All we are really doing is just saying that, look, at times there might even be negligence. All we are saying is that where there is gross negligence, the government needs to recognize that that is not acceptable in the sense that you are going to be open for liability.

I would like to think and believe, as I say, in most part, that the amount of negligence within our civil service is minimal, and we know that. There is no more negligence or gross negligence being conducted, I believe, in our civil service, than any other civil service in the world. It does not mean that we should exclude amendments like this. I think this complements the legislation, and I would suggest to you that the amendment should pass. At the very least, I think that we need to at least hear the rationale as to why the government is not bringing them forth. Thank you, Mr. Speaker.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is amendment to Bill 4, The Dangerous Goods Handling Transportation Amendment Act brought forward by the honourable Member for River Heights (Mr. Gerrard).

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been lost.

House Business

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

Hon. Gord Mackintosh (Government House Leader): House business, Mr. Speaker. I would like to announce that at the Monday morning meeting of the Standing Committee on Social and Economic Development already called to deal with Bill 34, the following bills will be also considered: 25, Consumer Protection Amendment Act (Payday Loans); 29, Degree Granting; 32, Real Property; 33, Northern Affairs; 41, Pharmaceutical.

Mr. Speaker: It has been announced that, at the Monday, 9 a.m. meeting of the Standing Committee on Social and Economic Development already called to deal with Bill 34, the following bills will also be considered by that committee at the 9 a. m. meeting: Bill 25, The Consumer Protection Amendment Act (Payday Loans); Bill 29, The Degree Granting Act; Bill 32, The Real Property Amendment Act; Bill 33, The Northern Affairs Act; Bill 41, The Pharmaceutical Act.

Bill 11—The Winter Heating Cost Control Act

Mr. Speaker: Report stage amendment to Bill 11, The Winter Heating Cost Control Act. The honourable Member for River Heights, with his amendment?

Hon. Jon Gerrard (River Heights): I have decided to withdraw the amendments on Bill 11, and we can move on to the next one.

Mr. Speaker: Is there leave for the honourable member to withdraw the amendments to Bill 11?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted, so the amendments have been withdrawn.

Bill 12—The Highways and Transportation Amendment Act

Mr. Speaker: Bill 12, The Highways and Transportation Amendment Act.

The honourable Member for River Heights, with his amendment?

Hon. Jon Gerrard (River Heights): I move, Mr. Speaker, seconded by the MLA for Inkster,

THAT Bill 12 be amended in Clause 3 by adding the following after the proposed subsection 8.1(3):

Authorized employee must act equitably

8.1(3.1) When taking action under subsection (2) or (3), the authorized employee must act fairly and uniformly in respect of all properties, and the owners of all properties, adjacent to the departmental road.

* (16:30)

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux)

THAT Bill 12 be amended in Clause 3 by adding the following—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, I rise here to move an amendment which really supports a fundamental principle of fairness and justice in the way people are treated along a stretch of highway or departmental road.

I move this amendment because it has come to my attention that there have been instances where departmental employees have acted in a way that was clearly not uniform, that disadvantaged one individual or one landowner versus another, and I felt that it was particularly important to put in this legislation an amendment which would provide for the principle, which I would hope that all members would support, that people should be treated equitably along a stretch of highway, that one person should not be told that they have to do things which are totally different from what everyone else along the same stretch of highway is being asked to do.

We had a presenter at the committee stage who gave an example of how she was treated very differently from others along the same stretch of road, that she had some decorative rocks that were adjacent to the road that were fairly similar to what others had along this whole stretch of road, and yet

she was told that she had no option but to remove these, and what we are asking for in this amendment is that there be a principle of fairness in the action adopted by the department of highways in ensuring that there is good responsibility, good accountability, good procedures followed along roads and highways in this province.

I think all of us, I would hope, maybe the government does not, but all of us would ascribe, hopefully, to the principle that there should be some fairness in the way people are treated, that people should not be singled out and treated differently than others along the same stretch of road, that we should not have situations where some people are allowed to have signs and others are not, and some people are allowed to have trees or rocks or what have you, that if there is a distance from the road that we need to make sure it is clear of obstructions, that that distance has some level of uniformity along the road.

Clearly, it is highly desirable that people are treated with a level of fairness and equity. That is all this amendment is about. It is saying, no matter where you are in Manitoba, if we have got a stretch of road, and you have property along that, that there is a principle here that you should be treated equitably in comparison to others who have property along that stretch of road, that we should not have one set of rules for one person, one set of orders for one person, and another set of orders for somebody else, that there needs to be a fundamental principle of justice, a fundamental principle of fairness.

You know, so far what we have seen with this NDP government is we have brought forward a number of amendments, a number of amendments because we believe fundamentally they have brought forward some pretty sloppy legislation which needs improvement. And here is a good example. You know, there was a presenter at committee stage. The NDP were there or had representatives there, but they do not appear to have been listening. They did not bring forward any amendments to address the concerns, and that is why we are doing this today. We are bringing forward an amendment to this bill which would say, you know, people have to be treated with some level of equity and fairness. Is this too much? No. It may be that they want to be able to go after somebody differently than somebody else.

But, surely, if we are dealing with a stretch of highway, it makes sense to have some level of uniformity in the way people are treated, some level of fairness and equity. That is really all that we are

asking for. That is all that we are saying should be there, that bills should set out, should adopt certain principles, and one of those principles is fairness, and one of the other principles that we have already talked quite a bit about today is accountability.

When we look at bills and when we bring forward amendments to bills, what we are trying to do is to create legislation which treats people more fairly. It says if you have property in eastern Manitoba, recreational property, the Minister of Conservation (Mr. Struthers) I think may be quite familiar with the unfair way in which certain people have been treated, and what we are saying is that there should be some level of fairness. The Minister of Conservation through his actions may have treated people unfairly, but we are saying, look, there is an opportunity here to pay some attention, to listen to people at committee stage and to make changes so that people can be treated more fairly. If we have, for example, a recreational area, people have recreational property along a lake, you have a highway, let us have a highway where there is some level of uniformity not only in the way that people are treated, but when we are looking at the attractiveness of the highway, when we are looking at the quality of the experience of people coming by, that it makes sense to have some level of uniformity, equity, fairness in the way people are treated.

Surely it is not too much to ask to have fairness and equity in the way government works. I know that is not the way that this government has operated in the past, and that is pretty sad. But there is an opportunity to address this issue. There is an opportunity to make a difference, to do things differently. They want no accountability. They do not want people screened by legislative committees so that their qualifications can be assessed, and they have not responded in terms of trying to move us forward in having a fairer environment for people.

So what I would say, Mr. Speaker, is this is an amendment for people, not for government, that we should help people and not just think about the rights of government. We should think about the rights of people. That is what we should be doing here, is trying to make sure that people have rights, that people are treated fairly and equitably. That is why we have moved this amendment.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for River Heights to Bill 12, The Highways and Transportation Amendment Act.

THAT Bill 12 be amended in Clause 3 by adding the following after the proposed subsection 8.1(3):

Authorized employee must act equitably

8.1(3.1) When taking action under subsection (2) or (3), the authorized employee must act fairly and uniformly in respect of all properties, and the owners of all properties, adjacent to the departmental road.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

The amendment has been lost.

**Bill 13—The Conservation Districts
Amendment Act**

Mr. Speaker: Bill 13, The Conservation Districts Amendment Act, the amendment moved by the honourable Member for River Heights.

The honourable Member for River Heights, to move his amendment.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 13 be amended in Clause 3(1) by adding the following at the end of the proposed subsection 3(2):

Before being appointed, every prospective member of the commission shall appear before the Standing Committee on Legislative Affairs.

Motion presented.

* (16:40)

Mr. Gerrard: Mr. Speaker, our intent in moving this amendment is that we provide a little bit more openness and transparency about the way people are appointed to boards and commissions and in this particular way, a commission. But, as members have seen in our efforts in the Liberal Party, we have looked at the sort of changes that need to be made in the way this government works and the way the provincial government works.

We have said that we should have accountability with a number of the amendments that we brought forward. The NDP has voted against accountability time after time after time. We have said that there should be fairness and equity in the way laws are applied and the NDP have voted against fairness and equity. Now we are bringing forward an amendment which basically says it is time to have a government which is a little bit more open and transparent and that people can know who the government is appointing to boards and commissions.

We know that the NDP are doing everything that they can to have every possible decision that they can make be made behind closed doors. What we are saying is that it is time to move some of these decisions into a more open forum, to have people who are appointed to commissions come before a legislative committee. We are not even saying that the legislative committee has to vote. What we are saying is that these people should come before the committee so that the people who are in this Legislature can get to know the people who have been appointed to boards, can understand better their backgrounds, can ask them some questions. You know, the NDP seem to be afraid of people asking questions. They certainly seem to be afraid of a more open government, and that is really what we are trying to achieve here is a change in the nature of government in this province.

Mr. Conrad Santos, Deputy Speaker, in the Chair

We have gone from accountability to equity and now to openness. We will see how the NDP vote when this comes forward, whether they want to continue to hide their decisions behind closed doors or whether they are ready for a more open process in which people who are appointed to boards come before a legislative committee, talk a little bit about who they are, what sort of background they have got, what sort of qualifications they have got for serving so that we can understand that this is a commission which will have a balance in terms of representation, that it will have people who have got some expertise

in different areas which are particularly important for the actions of the commission.

This sort of openness is not a big step, but at least it would be better than we have now. This government, time and time again, when the issues have come forward has chosen the "behind closed doors" approach, hide decisions, made them in secrecy. We would not want anybody to know what we are really doing. Certainly, that has been a problem that we have seen. It has been a problem which has developed and become worse and worse in terms of bills to reduce accountability, in terms of bills that do not provide equity and fairness. Now we will see where this government stands when it comes to some openness, some scrutiny of people who are appointed.

It is quite clear that we will have better government when MLAs are able to have some level of scrutiny. It is appropriate that in this province, we move forward in having some level of scrutiny, some level of openness, some ability to question people who are moved and appointed to boards. It is not enough that the NDP continue to appoint people behind closed doors. What is better is that we have some level of more open government.

So the NDP have a choice when they vote. They can vote here for more open government, or they can vote for a closed, secret, behind closed doors type of government. We will see which way they vote. We will be able to watch because we will hear whether they vote yea or nay. I know that we will see how the Conservatives will vote too. You know, they have actually been silent, abstaining on issues of fairness and issues of accountability, unusual for them. *[interjection]* They spoke, they spoke, but when it came to a yea or a nay, they were silent. Well, that is their right. They can decide that that is what they want to do.

Mr. Speaker in the Chair

We are the party which is going to put forward important ideas like accountability, fairness, openness. We are going to do what we can to try and make Manitoba a better place. Notwithstanding what the other parties may do or act or vote, we are determined that there are ways we can improve this province. We are going to work very hard to try and have a province and a provincial government which works better. That, after all, is why we are here.

So we are asking the government on this occasion to look carefully and support us. Let us

move our province forward. Let us have a little bit more open government here. Let us see what we can do to have some evaluation of people who are going to be appointed, not just by the government side so that they can put in place party hacks without any real screening. *[interjection]* Brian O'Leary-gate, right? It is to the benefit of all to have some level of screening. Interestingly enough, it actually protects the party in power because it means that they do not have the unfettered right to appoint people totally behind closed doors. Let us move forward in terms of a more open government, a government where opposition members are allowed to ask questions of people who have been appointed, so that we can have more assurance that people who are appointed really have the qualifications that they should have to do the job.

So that, Mr. Speaker, is the point that I want to make and that is why we want to move this amendment.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for River Heights to Bill 13, The Conservation Districts Amendment Act.

Is it the pleasure of the House to adopt the amendment?

An Honourable Member: Agreed.

An Honourable Member: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

* * *

Mr. Speaker: The next amendment, the honourable Member for Inkster.

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

THAT Bill 13 be amended in Clause 2 by striking out "is not employed" in clause (a) of the proposed definition "public representative" and substituting "is not currently employed, and has not been employed within six months of his or her appointment,".

Motion presented.

* (16:50)

Mr. Lamoureux: Mr. Speaker, I think that what you will see is that this particular amendment is somewhat in keeping with the amendment that was there previously, and I did not want to speak to the one that the Member for River Heights just introduced because I am concerned in terms of time. I want to be able to get this one on and if I can kind of bring both of those amendments to this one.

Mr. Speaker, this amendment is again about accountability and it is about transparency. It is not appropriate just to say that for a public representative in terms of an appointment has not been employed by the Province. I think that you have to broaden that. It is not good enough just to quit one day and then go ahead and get the appointment the following day.

I think that there needs to be a time period. I have seen time periods that have been a lot greater than what it is that I have suggested. Six months, I think, is an appropriate amount of time between an appointment and leaving the employment in this situation. I would like to hear what the government might have to say in regard to why that would not be the case.

The other amendment that I did not get to comment on, Mr. Speaker, very briefly, I think that we need to have more scrutiny of all appointments. The heckling of the Member for River Heights was on one or two names. The reality is there are hundreds, and as one member from the government side said, a thousand appointments that government makes. I think that we need to get a higher sense of accountability of the appointments that are, indeed, being made. Manitobans would then be better served.

Mr. Gerrard: I think that there are some sensible changes as we are suggesting here that can be made to improve the nature of legislation. We see that some of it drafted by the government was done a little sloppily and we are just trying to clean up some of these matters, so that the legislation will actually work better and protect citizens better, provide for reduced possibilities of significant conflicts of

interest and certainly we would hope that this measure would have support from the government.

So far the government has been, I would suggest, rather arrogant in not listening to people who have made presentations. They have been rather arrogant in assuming that they can do no wrong and do not need to be held accountable, arrogant in assuming that they should not open up government, arrogant in assuming that they have a mandate which does not include fairness and equity and we would suggest to the government that it is time to start paying attention and improve the legislation instead of being quite so arrogant.

So we would hope that the government would consider this amendment. It is a reasonable common sense change that will improve the legislation.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Inkster to Bill 13, The Conservation Districts Amendment Act.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

An Honourable Member: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion the Nays have it. The amendment has been defeated.

* * *

Mr. Speaker: The honourable Member for Inkster, with a second amendment.

Mr. Lamoureux: I move, seconded by the Member for River Heights (Mr. Gerrard),

THAT Bill 13 be amended in Clause 3(1) by adding "and no more than twelve" after "at least nine" in the proposed subsection 3(2).

Mr. Speaker: It has been moved by the honourable Member for Inkster, seconded by the honourable Member for River Heights,

THAT Bill 13 be amended in Clause—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Lamoureux: Mr. Speaker, I believe that this is a good positive amendment and, unfortunately, it appears to fall on deaf ears. The Member for Burrows (Mr. Martindale) constantly does answer. I do hear him saying nay and so forth, and I guess he is being very diligent in making sure that no amendments get through this Chamber as proposed by members of the opposition. So he is doing a good job in terms of preventing opposition members, I must say, from being able to pass through any sort of amendments. So I commend him on that.

I am not sure, Mr. Speaker, what his constituents would have to say. So maybe on this one, maybe the Member for Burrows could hold back on saying nay and see if the others are going to say nay, because he seems to lead them. I must say they all follow right after you. So I think this is a leader potentially in waiting. Unfortunately, the Premier of the province has not recognized that in terms of bringing it into Cabinet, but—[interjection] Okay, if the member feels it was a cheap shot, my apologies.

Mr. Speaker, this particular bill puts a limit to the number of people who can be appointed to the commission. What the legislation does is it creates a minimum. It says it has to be at least nine. Well, one could ultimately argue, nine is a good number to go by. It is a nice odd number, and so forth. What I found surprising is the fact that there was no limit. Having participated on many boards in the past and having had a great deal of dialogue, one of the things that I have noticed is that the larger the board, at times it can become very complicated in terms of getting some of the issues dealt with in a timely way, in some cases. We have no indication from the government other than what they envision with this commission, that it be at least nine members.

I would have liked to have seen some sort of indication from the government as to what would be the outside number, the maximum number of individuals that they would like to see on this

commission. Are they going to have a commission of 20 people eventually, 15 people, 25 people? We do not know. Maybe failing the acceptance of this particular amendment, the minister would provide the courtesy of standing up and telling us what he envisions as being the most in terms of numbers of people on this particular commission.

I think that it is a reasonable amendment, pretty straightforward. Members should be able to understand it, and I would encourage members to actually vote in favour of this amendment. Much like the previous amendments, there is a great deal of thought that goes to these amendments, and if it makes the legislation better, why not accept it? People outside of the government benches can come up with good ideas. All we want is the government to recognize that and start allowing some of these amendments to pass.

With those few words, Mr. Speaker, I am prepared to end my remarks.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Inkster (Mr. Lamoureux).

THAT Bill 13 be amended in Clause 3(1) by adding "and no more than twelve" after "at least nine" in the proposed subsection 3(2).

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

An Honourable Member: Yes.

Voice Vote

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

An Honourable Member: Yea.

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

Some Honourable Members: Nay.

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

The amendment has been defeated.

Bill 14—The Water Rights Amendment Act

Mr. Speaker: Amendment to Bill 14, The Water Rights Amendment Act.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux),

THAT Bill 14 be amended in Clause 11 by adding "was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence, or" after "bad faith" in the part after clause (b) of the proposed section 24.1.

* (17:00)

Mr. Speaker: Order, please. The hour being 5 p.m., I am interrupting proceedings in accordance with the sessional order adopted by the House on June 9, 2005. At this time, I will be putting the questions required to conclude report stage and all bills that are at that stage without further debate or amendment.

In the case of report stage amendments that have yet to be moved, the sponsoring member is to move the amendment, but will not have the opportunity to debate it, nor will other members have the opportunity to debate the amendment.

I will put the amendment to the House for a decision to be made. This process will continue until all report stage amendments are disposed of without seeing the clock.

The amendment moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster,

THAT Bill 14 be amended in Clause 11 by adding "was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence, or" after "bad faith" in the part after clause (b) of the proposed section 24.1.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Bill 15—The Emergency Measures Amendment Act

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 15 be amended in Clause 3 by striking out "and" at the end of the proposed clause 2.1(a), adding "and" at the end of the proposed clause 2.1(b) and adding the following after the proposed clause 2.1(b):

(c) posting on the Internet the following information in respect of each of the plans and programs maintained in the registry:

(i) relevant emergency services contact numbers,

(ii) a synopsis of the information that is appropriate for public dissemination and that enables residents of the affected area to become familiar with the plan or program and to make preparations in accordance with it,

(iii) the process for making changes to the plan or program,

(iv) the name and contact information of a designated person for residents to contact if they wish to obtain more information or to recommend changes.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux)—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Bill 16—The Corporations Amendment Act

Hon. Jon Gerrard (River Heights): I move, seconded by the MLA for Inkster,

THAT Bill 16 be amended by adding the following after Clause 44:

44.1 The following is added after section 260:

Review of Act

260.1(1) Within five years after this section comes into force, the minister shall undertake a comprehensive review of this Act that involves public representations and shall, within one year after the review is undertaken or within such further time as the Legislative Assembly may allow, submit a report on the review to the Assembly.

Periodic reviews

260.1(2) The minister shall undertake a review of this Act that meets the requirements of subsection (1) within five years after the report of the last review of this Act was submitted to the Assembly.

Mr. Speaker: The honourable Member for River Heights is seeking to move a report stage amendment that would add the provisions to include a review of The Corporations Act after five years and to also include periodic reviews of The Corporations Act.

I must advise the House that the amendment is procedurally out of order according to *Beauchesne* Citation 698(1): An amendment is out of order if it beyond the scope of the bill.

Although the proposed report stage amendment does deal with The Corporations Act, it is seeking to add a new provision to The Corporations Act that was not included as part of the provisions contained in Bill 16.

In addition, the proposed review might also create the expenditure of public funds which would be contrary to *Beauchesne* Citation 698(6). Therefore, I rule that the report stage amendment is out of order. Consideration of the amendment can only proceed if the member obtains the unanimous consent of the House for the amendment to be considered.

Mr. Gerrard: I ask the House for leave to proceed with the amendment.

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: No.

Mr. Speaker: It has been denied.

Bill 19—The Agri-Food and Rural Development Council Act

Mr. Speaker: We will move on to Bill 19, The Agri-Food and Rural Development Council Act and the first amendment.

Hon. Jon Gerrard (River Heights): I move, seconded by the MLA for Inkster,

THAT Bill 19 be amended in Clause 3 by adding the following after clause (c):

(c.1) to undertake research and analysis of existing provincial programs that affect the economy of rural Manitoba, including, without limitation, programs that affect the agricultural and agri-food sectors;

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Mr. Speaker: The next amendment, the second amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 19 be amended by replacing Clause 4(1) with the following:

Members of council

4(1) The council is to consist of

(a) the president of Keystone Agricultural Producers;

(b) the president of the Association of Manitoba Municipalities; and

(c) no more than nine other persons, each of whom is appointed by the minister for a three-year term, and at least five of whom must be representatives of primary producers.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Voice Vote

Mr. Speaker: All those in support of the amendment, say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

* * *

Mr. Speaker: The honourable Member for River Heights, with his third amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 19 be amended by adding the following after Clause 4(1):

Ministerial appointments to council

4(1.1) The following rules apply to the persons appointed under clause (1)(c):

(a) a member cannot serve more than two three-year terms consecutively;

(b) unless a member is being re-appointed for a second consecutive three-year term, a person cannot be appointed as a member unless that person has first been nominated as a potential member by a nominating committee consisting of a sitting member of each political party represented in the Legislative Assembly.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Voice Vote

Mr. Speaker: All those in support of the amendment, say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

* * *

Mr. Speaker: The third amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 19 be amended in Clause 5 by adding, "but not less than four times each year" after "co-chairs".

Mr. Speaker: It has been moved by the Member for River Heights, seconded by the Member for Inkster—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Voice Vote

Mr. Speaker: All those in support of the amendment, say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Bill 20—The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act

Mr. Speaker: The first amendment.

Hon. Jon Gerrard (River Heights): I move, seconded by the MLA for Inkster,

*THAT Bill 20 be amended in Clause 5 by adding "was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence, or" after "person" in the proposed section 32 of **The Family Farm Protection Act**.*

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

* * *

Mr. Speaker: The honourable Member for River Heights, with a second amendment.

Mr. Gerrard: I move, seconded by the MLA for Inkster,

*THAT Bill 20 be amended in Clause 8(1) by adding "was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence, or" after "person" in the proposed subsection 13(1) of **The Farm Lands Ownership Act**.*

* (17:10)

Mr. Speaker: It has been moved by the honourable Member for River Heights (Mr. Gerrard), seconded by the honourable Member for Inkster (Mr. Lamoureux)—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Bill 24—The Consumer Protection Amendment Act (Government Cheque Cashing Fees)

Mr. Speaker: We will move on to Bill 24, The Consumer Protection Amendment Act (Government Cheque Cashing Fees). The honourable Member for River Heights, with his amendment.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 24 be amended in Clause 2 by adding the following after the proposed section 166:

Information to be posted

166.1(1) A person affected by an order of The Public Utilities Board must, at each location where the person cashes or negotiates government cheques, post a prominent sign that clearly and understandably sets out the applicable rate, formula or tariff for determining the maximum amount that the person may charge, require or accept as a cheque cashing fee.

Internet posting

166.1(2) If a person maintains an Internet site that advertises or represents that the person cashes or negotiates government cheques, the person must prominently post on the site the information required to be posted under subsection (1).

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

**Bill 30—The Fires Prevention and
Emergency Response Act**

Mr. Speaker: The amendments to Bill 30, The Fires Prevention and Emergency Response Act.

The honourable Member for River Heights, with his first amendment.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 30 be amended in Clauses 18(1), (2) and (3) by adding "reasonable" before "costs of an action or measure" wherever it occurs.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

* * *

Mr. Speaker: The honourable Member for River Heights, with his second amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 30 be amended in Clause 41 by adding "was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence, or" after "person".

Mr. Speaker: It has been moved by the honourable Member for River Heights (Mr. Gerrard), seconded by the honourable Member for Inkster (Mr. Lamoureux)—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

* * *

Mr. Speaker: The honourable Member for River Heights, with his third amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 30 be amended by replacing Clause 43(3) with the following:

When order or notice sent electronically

43(3) When service is by electronic mail or fax under subsection (1), the order or notice is deemed to have been received only if an electronic confirmation of delivery to the person's electronic mail address or fax machine is obtained, and in such a case service is deemed to have occurred on the date of the confirmation.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Bill 31—The Animal Diseases Amendment Act

Mr. Speaker: Bill 31, The Animal Diseases Amendment Act.

The first amendment, the honourable Member for River Heights.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 31 be amended in Clause 2(a) by adding "—who must be a veterinarian—" after "person" in the proposed definition "director".

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Mr. Speaker: The second amendment, Bill 31, the Animal Diseases Amendment Act.

Mr. Gerrard: I move, seconded by the MLA for Inkster,

THAT Bill 31 be amended in Clause 4 by adding "or animal feed" after "animal" wherever it occurs in the proposed clause 6(2)(b), except in the proposed subclause 6(2)(b)(i).

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment is defeated.

Mr. Speaker: Third amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 31 be amended in Clause 4 by adding the following after the proposed subclause 6(2)(b)(i):

(i.1) make any examination of the animal feed that the inspector believes is reasonably required

to determine whether the feed represents a risk to cause a disease,

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux)–

Dispense? Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yea.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment is defeated.

* * *

Mr. Speaker: Fourth amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 31 be amended by adding the following after Clause 5:

5.1 The following is added after section 19:

Review of this Act

20 Within two years after Bill 31, introduced in the Fourth Session of the 38th Legislature, entitled *The Animal Diseases Amendment Act*, receives royal assent, the minister must undertake a comprehensive review of the procedures under this Act and their associated costs and must, within two months after the review is completed, or within such further time as the Legislative Assembly may allow, submit a report on the review to the Assembly.

Mr. Speaker: The honourable Member for River Heights is seeking to move a report stage amendment that would add provisions to include a review of *The Animal Diseases Amendment Act* after two years. I must advise the House that the amendment is procedurally out of order according to *Beauchesne's* Citation 698(1). An amendment is out of order if it is beyond the scope of the bill.

Although the proposed report stage amendment does deal with *The Animal Diseases Amendment Act*, it is seeking to add a new provision to *The Animal Diseases Amendment Act* that was not included as part of the provisions contained in Bill 31.

In addition, the proposed review might also create the expenditure of public funds which would be contrary to *Beauchesne's* Citation 698(6), therefore, I rule that the report stage amendment is out of order.

Consideration of the amendment can only proceed if the member obtains a unanimous consent of the House for the amendment to proceed.

Mr. Gerrard: I ask for leave with the unanimous consent of the House.

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: No.

Mr. Speaker: It has been denied.

Bill 35–The Public Schools Finance Board Amendment and The Public Schools Amendment Act

Mr. Speaker: With amendment, the honourable Member for River Heights.

Hon. Jon Gerrard (River Heights): I move, seconded by the MLA for Inkster,

THAT Bill 35 be amended in Clause 3(1) by replacing the proposed subsection 2(2) with the following:

Members

2(2) The Lieutenant-Governor-in-Council must, on the recommendation of a committee of the Assembly, appoint seven persons to the board.

Composition of committee

2(2.1) The committee of the Assembly established to recommend members of the board must

(a) reflect the proportional representation of members by political party in the Assembly; and

(b) include at least one representative from every political party that is represented in the Assembly.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux)–

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yea.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

The amendment is therefore defeated.

Bill 37—The Labour-Sponsored Investment Funds Act, 2006 (Various Acts Amended)

Mr. Speaker: The first amendment.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 37 be amended in Clause 23 by replacing the section heading for the proposed subsection 10.1(1) with "Minister to appoint administrator".

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux)—

Mr. Speaker: Dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment has been defeated.

Mr. Speaker: Second amendment.

* (17:20)

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 37 be amended in Clause 23 by striking out everything in the proposed subsection 10.1(3) after "hold office for" and substituting "five years."

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux)—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

An Honourable Member: No.

An Honourable Member: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment is therefore defeated.

Mr. Speaker: The third amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 37 be amended in the proposed subsection 10.1(4) of Clause 23 by striking out "The minister may" and substituting "The minister must".

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

An Honourable Member: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment is therefore defeated.

* * *

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 37 be amended in Clause 23 by striking out "The minister may" in the proposed subsection 10.1(5) and substituting "The minister must".

Mr. Speaker: It has been moved by the honourable Member for River Heights (Mr. Gerrard), seconded by the honourable Member for Inkster (Mr. Lamoureux)–

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment is therefore defeated.

* * *

Mr. Speaker: Amendment No. 5.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 37 be amended in Clause 23 by adding the following after the proposed subsection 10.1(6):

Immediate reports

10.1(7) The administrator must report immediately to the minister any matter that he or she determines ought to be reported to the minister.

Minister must inform the Assembly

10.1(8) If the minister receives a report from the administrator under subsection (7), the minister must, within 15 days,

(a) table a copy of the report in the Assembly, if the Assembly is sitting; or

(b) if it is not, send copies to the members of the Assembly.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster–

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. The amendment, therefore, is defeated.

* * *

Mr. Speaker: Amendment No. 6

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 37 be amended in Clause 28 by replacing the proposed clause 15.3(3)(a) with the following:

(a) it is rescinded or revised by the court on an appeal under section 15.5; or

Mr. Speaker: It has been moved by the honourable Member for River Heights (Mr. Gerrard), seconded by the honourable Member for Inkster—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

An Honourable Member: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. Therefore, the amendment is defeated.

* * *

Mr. Speaker: Seventh amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 37 be amended in Clause 28 by replacing the proposed section 15.4 with the following:

Application for review by administrator

15.4(1) Within 90 days after receiving a notice of assessment or reassessment, a labour-sponsored venture capital corporation may dispute it by filing with the administrator a notice of objection setting out the facts and the reasons for the objection.

Assessment may be confirmed, varied or rescinded

15.4(2) After reviewing the notice of objection, the administrator must confirm, vary or rescind the assessment or reassessment.

Notice of administrator's decision

15.4(3) The administrator must notify the corporation of his or her decision and must provide written reasons for the decision.

No reassessment after objection to administrator

15.4(4) After the corporation files a notice of objection with the administrator in relation to the assessment or reassessment of a penalty, the penalty cannot be further reassessed except as permitted or required by the court on an appeal under section 15.5.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. Therefore, the amendment is defeated.

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Mr. Speaker: That should take care of all the report stage amendments.

COMMITTEE OF SUPPLY

WATER STEWARDSHIP

* (16:00)

Madam Chairperson (Bonnie Korzeniowski): Will the Committee of Supply please come to order. This section of the Committee of Supply meeting in Room 255 will now resume consideration of the Estimates for the Department of Water Stewardship, which last met on June 2, 2006, in another section of the Committee of Supply.

It had been previously agreed that questioning for this department would follow in a global manner.

The floor is now open for questions.

Mr. David Faurshou (Portage la Prairie): Madam Chairperson, I wondered if the minister could give an update in regard to the proposal for the Treherne Dam on the Boyne River.

Hon. Steve Ashton (Minister of Water Stewardship): Before we started officially, I was just anticipating which of the great visionary projects that the member has raised in the past would be raised.

I could probably give a fairly extensive run-through of some of the background of the dam, but I was going to suggest, because I know we only have an hour and I know that members opposite do have a fair number of questions, that what I can do is I have accumulated a couple of questions where I am undertaking to give a written response rather than spend 10, 15, 20 minutes. I have a very detailed briefing note, which I am sure the member would be very interested in working on, and I know it is certainly an issue.

The MLA for Portage la Prairie has worked with the committee, so I know he has a great deal of interest in that. But, rather than spend the next 10, 15 minutes on it, what I will do is I will just give a very brief indication that, certainly, we are aware of the potato industry. Certainly, there is an important element there. One only has to look at the land values in Portage which are very much driven by the potato industry and the diversification of agriculture that is taking place, and I think that is very important at a time when agriculture is going through some challenges.

We are continuing to work with the committee. It is a large project and I think the member is certainly aware of that. I believe the committee is trying to gain the support of Portage councils. So I think there are some local issues there, but I am not going to get into local politics here.

I can give a more detailed update but suffice to say, I think the original estimated cost is \$43 million. It is a major project and if the member is interested in more detail, I can respond in writing. But I do want to acknowledge, I know it is one of the issues that he has certainly raised locally.

Mr. Faurshou: I appreciate the minister's response and we will look forward to discussing that further. In regard to the water control, the Assiniboine River Diversion was operated extensively this year. I have raised this with the minister, but for the official

record, Minister, are you aware that currently there has been yet no contract let to clean up the Delta Beach area, which is the southern shores of Lake Manitoba?

Mr. Ashton: I certainly want to acknowledge that the member has raised this directly with me, and I certainly appreciate that. I know that it is of concern to his constituents, also the many seasonal residents of the area.

I know the member is quite aware of the work that was done on the Portage Diversion this year or over this past 12 months, actually, and I think it has improved the hydraulic capacity. I think that was a very significant concern to people, to ensure that we get the maximum benefit from the Portage Diversion.

I know the member did raise that in the past, but I certainly appreciate him having raised that, and I will certainly be responding to the member directly in terms of that.

Mr. Faurshou: I thank the minister for that. I do know there is a recognition that the lake is very high, and it does make difficult the clean-up of the shoreline. But the department would know better as to the release through the Fairford as to when, potentially, the lake may be able to accommodate clean-up.

*(16:10)

The other issue: I just received another letter from the Rural Municipality of Portage la Prairie once again asking progress of the potential diversion of waters out of the Rat Creek because you, I know, are very aware of the thousands of acres that were flooded last year from the overtopping of the banks of the Rat Creek last summer. There is a request for the co-operative funding of an engineering study to divert the Rat Creek waters along CP main line trackage to the Assiniboine River floodway, which is already an existing channel. They are approximately 3.5 miles apart.

Mr. Ashton: I appreciate the member who again has raised this issue. I just wanted to, by the way, the department advises in terms of the clean-up, that, obviously, we work closely with the R.M. of Portage, and, once the Assiniboine diversion is shut down, we will be looking at the clean-up, obviously, given that members are more than aware of the high levels of Lake Manitoba, but also the continued operation of the diversion, which does, indeed add to

debris. Then, clearly, it will be a priority as soon as the diversion is not operational.

So, if the member wants to pass on to his constituents, I am sure that the R.M. of Portage is aware of that, but I think it might be very useful information. It is a bit delayed this year, of course, because of the extended period of the operation of the Portage Diversion. Although I do not want to point again to—we often talk about the floodway, but I think this is another year in which the Portage Diversion has played a very significant role. People tend to forget the combination of the Shellmouth, the Portage Diversion and the floodway. The original floodway was very much a part of a very ambitious vision. Obviously, the discussions go back to the fifties and sixties, but the construction in the sixties and seventies. So I think that is very important.

On the Rat Creek diversion that is under study by our regional staff and the Whitemouth CD, the feasibility study is under way. So it is, certainly, something that is being looked at. Just in a general comment, if very briefly, I can certainly indicate that one of the things we are trying to do, following the experience of the last couple of years of very unusual types of flooding—you know, we have gone from a drought 2.5 years ago to extended summer flooding last year, and some very significant spring flooding this year. We are looking at some of the proposals that have been discussed, probably for many years in the local areas, but also, particularly, recognize some of the changes in agriculture and the changes in both weather and drainage patterns. Certainly, this is what we are looking at right now in terms of feasibilities.

Mr. Faurshou: Madam Chairperson, I do not know if the minister attended, the other morning, the presentation by Dr. David Barber, who is the research chair on Arctic and consideration of global warming, but he said that Manitoba can expect more precipitation in the future. So we should bear that in mind.

Just because I have not asked a question regarding the Holland No. 3 dam, Mr. Minister, does not lessen the support that I have for that project and the cost-effective structure that it is. For the benefit of all Manitobans, I still encourage the minister to consider that project, even though I believe it is getting fairly pricey. Mr. Kostyra, I think, priced it out at about \$80 million in '88, but I think it is considerably more than that today.

I want to thank the official opposition critic, the Member for Turtle Mountain (Mr. Cullen), for the opportunity here today. Thank you.

Mr. Ashton: Well, I think the member points to a very important aspect, the escalating costs of construction. We are certainly seeing that on the floodway, but I will not get into that. Perhaps the critic will.

The reality is, too, by the way—and just a very brief comment on this. I have had some discussion with the federal ministers. I personally believe that, certainly, with my experience as a minister and as an MLA that there should be real consideration to an expanded role for PFRA. PFRA, in its former days, was much more capable of moving on significant projects. This being one of them. I am not picking on this as, maybe, the most feasible or even feasible, but, quite frankly, the federal government, compared to, say, the sixties and seventies, is doing far less in water. There are PFRA programs, but they are a shadow of their former selves.

So the bottom line here is we could use that, or I think there may be some interest from the new federal government. Certainly, the new federal government has a significant representation from western Canada, and I think that, if you ever talked to anybody in rural western Canada, they would point to water issues being fairly important. Many of these larger projects, certainly, would have, 30 or 40 years ago, been considered under the PFRA programming that was available then.

We do have PFRA programming, but it is nothing compared to what it was. So I just want to flag that that is a broader issue, but we are raising it.

Mr. Cliff Cullen (Turtle Mountain): Madam Chair, it is certainly a pleasure to participate in the Estimates process in Water Stewardship. I hope you will bear with me as a new critic to the Water portfolio. I will certainly endeavour to learn about this portfolio. I know my esteemed colleague from Emerson has been quite passionate over the years about his water issues, and we certainly look forward to sharing his knowledge about water over the next few months to come.

I guess, in kind of general questions, just for my background, for information purposes, looking at the Estimates booklet, I would just like to get a little clarification on some of the departments, if you will, inside your department, Mr. Minister. I am just

looking for some clarification on the role of the Prairie Provinces Water Board and who sits on that board and the kind of the role that that board plays.

Mr. Ashton: I will do that, and I neglected, if I could just read quickly, I will respond to one outstanding question from the Member for Portage la Prairie (Mr. Faurschou). I will just read it into the record while we get a bit more detailed information for the member.

The Member for Portage inquired about the potential summer of the 2005 flooding of the land used for the agricultural research at the University of Manitoba Glenlea facility. He asked if improvements to the inlet of the floodway as part of the expansion project would reduce artificial flooding. Just briefly, the U of M's Faculty of Agriculture and Food Services, Glenlea Research Station lands were not flooded by the summer of 2004 floodway operation which caused artificial flooding up to 759.5 feet above sea level in June. The land in question was flooded in July of last year as a result of heavy summer rainfall. That naturally raised river levels to a peak of 762.4 feet ASL. So, under the floodway rules of operation, the maximum permitted level for summer operation is 760 feet. I think that deals with the technical situation last year.

Now the floodway expansion specs reduced somewhat the extent of summer flooding necessary to achieve the same level of benefit to the city; the same benefit-achieved maximum permitted summer operational level of 760 feet above sea level would be achieved at 759.2 feet ASL. Alternatively, if the expanded floodway is still operated to the 760 levels permitted under the rules of operation, the river level in the city would be reduced by an additional three quarters of a foot or more, further lowering the risks and consequences of basement flooding within the city. I appreciate the Member for Portage raising that. I hope that will deal with his concerns.

The next question is in terms of the board itself. By the way, I just want to note that this is a structure that we have been pointing to, and it has been around, I believe, since the 1940s. We see it as being a bit of a model in the sense of it brings together three jurisdictions that are all part of the same watersheds. I mean, that is always the issue for Manitoba, being downstream, whether it will be in terms of quantity issues or whether it would be in terms of quality issues. Steve Topping is here. He is our rep on the board. Just to give you a sense of who is on the board: in addition to the three provincial

reps, obviously, from Alberta, Manitoba, Saskatchewan, PFRA is on the board, as well as Environment Canada.

* (16:20)

The key thing really that it is responsible for is the apportionment of inter-provincial waters on an annual basis, and it monitors and sets water quality objectives at the provincial boundaries. So it does have a very significant role on the quantity side, the apportionment side, which is critical for us, obviously being again downstream. It does have some roles in terms of quality, but I certainly put forward that it could provide a bit of a model for what we would call for, which is actually a more co-ordinated national strategy for water. There is no national water strategy right now. The previous government had been moving later in its term towards a more watershed-based approach; it announced one basically in the election when it was too late to implement.

I think this could provide a structure that may be used as a bit of a model because it has been around since the 1940s and has played a fairly significant role, we think, in ensuring that apportionment issues are very much front and centre, and that is important for us being downstream again, given many of the challenges in the upstream areas in terms of droughts and water allocation. It does result in Manitoba having, not just a seat at the table, but having a more significant role in terms of planning.

Mr. Cullen: I thank the minister for that. Going through the Estimates book, it looks like there was a considerable change in the Manitoba Water Services Board over this year. Is that now a Crown corporation?

Mr. Ashton: Basically, it is a Crown corporation and has been for quite some time, I guess. I am not sure of the establishment date as a Crown corporation. The change in the SYs are really just in terms of making sure they are consistent with other Crown corporations so the really significant element is just the way in which the SYs are presented, but essentially there is no major change to the Water Services Board over the past year in terms of its function or its mandate.

Mr. Cullen: I notice the Office of Drinking Water, too. I understand there is some pending regulations coming forward under some of the legislation there. Can you give us some idea of where we might expect

those regulations under the drinking water act, I believe it is?

Mr. Ashton: Yes. They have been drafted. They are in the final review stage so they will be brought in very soon. There was a fair amount of consultation on the specifics back and forth, and we are very close to the final bringing in of the actual regulations themselves.

Mr. Cullen: I would like to, I guess, continue a discussion on where I was at in terms of Question Period today on some of the floodway initiatives. I know one point we were trying to raise here and under the Clean Environment Commission report, and it is item 7.11. There was a reference in there to monitoring the discharge, I believe, from the city of Winnipeg into the Red River Floodway. I think the actual phrase was that as a condition of the waste water licence, "the City of Winnipeg regularly monitor and report on the water quality of all City of Winnipeg outflows into the Red River Floodway Channel. These public reports shall be made on a quarterly basis. The City shall take remedial action when provincial water quality guidelines are violated."

So the question then is: Is in fact that particular section of the Clean Environment Commission report being adhered to?

Mr. Ashton: By the way, I do have the CEC report, and I have read it because I know the member did ask that question. But just in case that got lost in the give and take of Question Period—maybe I need to get a life here, but, mind you, it has not hit bedtime reading yet. I have read the report, and this is actually a non-licensing recommendation, so the member knows, 7.11.

By the way, this is one of the issues I did raise in terms of the City of Winnipeg primary diking and the other ancillary projects of the City of Winnipeg. Those, indeed, are also non-licensing recommendations. The Clean Environment Commission, actually 11.1 and 11.2, and in fact there is a common connection in that in this case this involves the City of Winnipeg. It references the wastewater licence for the City of Winnipeg, obviously not the Floodway Authority itself, and the report, the CEC report, is broken down very specifically in terms of licensing recommendations and non-licensing recommendations.

If the member does look, the common element here is indeed that this deals with the City of

Winnipeg and is certainly an issue that came about in relation to the floodway, similar to the primary dike issue which is addressed in 11(1) and 11(2). Once again, this is not something that is a licence requirement of the Floodway Authority, but it certainly would make sense given the concerns that were raised.

I thought the Clean Environment Commission, by the way, on pages 71 through 83, in its report from June of last year, did give the subject a fair amount of consideration, the issues in regard to the aquifer and some of the related issues that were raised by the municipalities. The member mentioned one of them today.

So, again, this does not impact directly in terms of the licensing of the Floodway Authority, but we certainly as a provincial government accepted the report and its basic principles and would certainly recommend that that be seriously considered by the City of Winnipeg. Again, this list is a condition of the City of Winnipeg wastewater licence.

I should mention, by the way, that the key element there is that we do have a licensing of the wastewater facilities. We have the first licensing of the West End facility. The two other facilities are being licensed, and that is again a result of the CEC, the post-2002 hearings. That is very important because I certainly believe that that should have happened earlier, but the wastewater facilities are being licensed.

So in this case, it is a non-licensing recommendation because largely it deals with the wastewater licence of the City of Winnipeg. But clearly, we believe this would make sense, and I do not think there has been any indication from the City itself of any objection to that.

Mr. Cullen: I guess what the minister is saying then is that there is no monitoring of these outflows into the floodway at this time.

Mr. Ashton: What I am saying is it is a non-licensing requirement in terms of the Floodway Authority, but certainly it is in the report, and we do not see any reason to expect that the City itself would object to that.

Again, the Clean Environment Commission report has a number of other recommendations in that non-licensing category, and in many cases they do deal with issues that are outside of the scope of the Floodway Authority directly but do make sense.

Certainly, what I am saying in this particular case is this is basically a recommendation that involves the City of Winnipeg's wastewater licence and certainly they would be considering it in their licensing process with both the City and with the Clean Environment Commission. I believe they have indicated that they are prepared to do that currently. So it has not been an issue of objection from the City.

I am just advised that, in consultation with Conservation, they are monitoring that right now.

Mr. Cullen: I thank the minister for that response. As part of the licence for the floodway expansion, clause 33, there was to be a peer review team put in place, and I believe the team was to be in place within six months of the actual granting of the licence, which occurred, it was back in July, I believe, last year, 2005.

So there should have been a review team in place, we understand, in January of this year. Can the minister update us as to the status of the peer review team?

* (16:30)

Mr. Ashton: We had a brief opportunity in Question Period. One of the advantages of Estimates, despite the shortage of time with the Estimates, is a bit greater ability to deal with some of the detail of the question that was asked.

I mean there are 10 licensing recommendations. We have dealt with the non-licensing recommendations in place. This is one of them. We have put forward, working with Conservation, a proposed process in terms of that. I think it is important to recognize, by the way, that this should not be taken in isolation with the other recommendations which, for example, recommend a comprehensive base-line study that is 7.1. The base-line information would be put through this peer review team. The monitoring, that is 7.2, again, that would be very much part of the mandate of the peer review committee.

In fact, if you look at the recommendations on 7.8, they really take the previous recommendations of 7.1 through 7.8 and basically establish a peer review team. We used this process, by the way, with the development of the floodway itself on the engineering side. It was a similar concept of actually reviewing the work that had been done by the engineers, so we are very close to putting this process in place. The key is recognizing again this really follows monitors, the recommendations from

7.1 through to 7.7, and we have been committed. I do not know if the member reads previously in the report, you will see that we announced, even before the Clean Environment Commission hearings, \$11-million mitigation fund. We have committed to a public liaison committee, health risk analysis, and I think we have met all the requirements in terms of time lines currently and will continue to do so. This will indeed follow because our recommendation is basically to implement 7.1 through 7.7.

The greatest area, by the way, and I mentioned this in the House, is the degree to which we have redesigned the project. It will have 1-in-700-year protection, but we did that with a process that involved raising the bridges and widening rather than deepening the floodway channel itself. That is important because that avoids much of the concern that we would have ended up replicating what happened in the 1960s where the municipalities, and they were quite right, there was damage to the aquifers. The Clean Environment Commission reported, and quite rightly, also pointed to the fact that, even with a small risk, it could have very significant consequences.

So right from day one, even before the Clean Environment Commission hearings, we have indicated that the environmental impacts on aquifers are a major, major concern for us and will continue to be so. This peer review committee will, in fact, be part of that and will be up and running shortly, but I want to stress that many of the concerns, we believe, have already been dealt with in the planning stage, the EIS stage. There was fairly significant discussion of that. I have met with municipalities themselves, and our commitment is not just recommendations 7.1 through 7.7, but the actual recommendations of the peer review committee as well. In fact, the peer review committee, I think, is important to the municipalities. I know I have talked to a number of the reeves and councillors because they felt it was important to have some outside verification as well, not just from the Floodway Authority or from Water Stewardship, and indeed that is what the committee were involved in. We are very close to putting it in place along with, most importantly, the actual recommendations themselves.

Mr. Cullen: Madam Chair, clearly, in my view, and I am referring to the licence itself, where the licence states under Section 33 that the licensee shall, within six months of the date of this licence, provide to the director for approval a proposal for a peer review team to undertake several reviews. So, now that we

are—what are we, we are 11 months past the actual date of the licence itself, has the Manitoba Floodway Authority put together a review team?

Mr. Ashton: As I indicated, within the deadline, we made the proposal to Conservation, which is consistent with The Environment Act, and we are waiting for their response.

Mr. Cullen: Madam Chair, so I guess the approval then—you have submitted some names to the Department of Conservation. Conservation will then approve those particular names for this peer review team. Is that my understanding?

Mr. Ashton: Yes, and I think the member has read the licensing requirements. In keeping the licensing requirement, we have put forward that proposal to Conservation, which, in this case, is the licensing department. The proposal was submitted to Manitoba Conservation, actually, I believe in January of this year. So, basically, the Floodway Authority is living up to this condition and all conditions of the licence.

Mr. Cullen: Further to that, Section 34 then also deals with a public liaison committee. Have the minister and the Manitoba Floodway Authority provided information to the department in that regard as well?

Mr. Ashton: Yes, indeed. In fact, that predated the peer review team. In fact, we did submit to Conservation the original proposal, and they requested additional clarification on appointment of public members. I know this probably relates to some of the very significant interest from municipalities in the area. So a response is pending, but we have received the preliminary response requesting clarification. So, again, in the public liaison committee, we have complied with the conditions of the licence of the board of proposal.

Mr. Cullen: I think these are two very important components to this licence. It really deals with the public and how they view and have knowledge of the project as it develops. So I think it is very important we talk about base-line ground-water information. We understand the project is moving along. Quite frankly, some of that work probably should have been done prior to earth being moved and those sorts of things.

In our view, certainly, there is cause for concern. Clearly, there appear to be some issues here that should be addressed fairly quickly, and I am just

wondering if the Floodway Authority is putting some pressure to the Department of Conservation to try to expedite this process so that citizens in the area have some reassurance that their ground water is being protected.

Mr. Ashton: I think it is important to stress again here that the commitment is there in terms of the substantive recommendations. I just want to remind the member again that, under the comprehensive base-line study, the ground-water monitoring program assures us that there is no additional ground-water leakage. The health risk analysis, the protocols to deal with adverse water quantity and quality effects through the construction phase, procedures to deal with adverse water quantity and quality effects, and also the arm's-length appeal body to deal with issues that arise—the issues that the member is raising—we have identified through the peer review panel; also, the other issue that he made reference to, certainly, we will be doing that.

But the key thing is that the front-end work was done on this. If the member goes back to even reviewing in the Clean Environment Commission report, but even prior to that, the EIS is available—it is available on-line—I sort of recommend it to the member. It was subject to a fair amount of consideration. The municipalities as well did engage consultants. I know Springfield and East St. Paul and St. Clements did bring in their own consultants. What the CEC reflects, I think, is not that the work has not been done in this area, but, notwithstanding the more general commitment that this is absolutely critical, in fact, on base-line study, KGS is already doing the base-line work as part of their contract to the Floodway Authority, so that is underway. They have also been sharing the information with experts in terms of ground water.

* (16:40)

So I want to stress that the baseline work is being done. A lot of the technical work was done before. A lot of the recommendations, the baseline work is being done as we speak. The consultative process will indeed be up and running based on that baseline information, based on the work that is being done.

So I think the key thing here is we are not only keeping within the timelines of the licence but I think keeping within the spirit of the licence and the spirit of the project, which is to minimize environmental impacts but to be very aware that we have to monitor

throughout the project, including, by the way, the construction itself. We recognize there are issues resulting from that. I would not want basically anyone to think that anything else is happening other than dealing with that.

We also have a 24-hour response line as well. So we have a situation established to deal with any urgent or emergent situations. I think we have had five calls on the line and none were related to any of these matters or actually to the Floodway Authority itself. So we also have a process in place to deal with any real or perceived emergencies that are out there on any issues related to ground-water quality. So we have a lot of this up and running already.

Mr. Cullen: The minister alluded to the appeal process, and I do know there are a number of appeals "pending," which, I guess, would be the proper term. I know it is not his department necessarily to review these appeals, but these appeals started back in August there. There was certainly some concern from these appellants regarding issues and recommendations around the CEC report that may not have been fully implemented under the terms of the licence.

So there are some serious concerns out there. I am just wondering if the minister shares some of those concerns that these corporations have brought forward in terms of—I guess from my view it is kind of a timing issue, if this thing is going to drag on for a year in terms of appeal. I know we do not want to hold up the work on this, but, obviously, there are some very important issues that these corporations feel should be addressed.

Mr. Ashton: I think it is important to stress it is an arm's-length process. The process is underway. We are preparing a response to the appeals, and I believe next week that response will be filed. So I think it would be inappropriate to comment beyond that other than to recognize the fact that this is probably, again, pointing to what I said earlier, that we do have the appeal body up and running, and this is its function, is to provide an arm's-length process where these kinds of concerns can be given the scrutiny that they deserve.

So there will be a response. I do respect it is arm's length, again, so I am not going to comment necessarily on the substantive elements of the appeal. I think that might jeopardize the arm's-length side.

So I appreciate the member having raised the point, but I do think it would be ill-advised if we

were at Estimates to respond on what is a separate process that has been set up, as I said, and is doing its job.

Mr. Cullen: I just want to change gear a little bit. Certainly, I want to talk a little bit about agriculture and also we have the Agriculture critic with us as well. So we want to touch a little bit on some very important issues to rural Manitoba and, in particular, The Water Protection Act, and under The Water Protection Act, the water quality management zones and the regulations that are being imposed under the act.

I know the minister has had certainly quite a bit of feedback. The department has had quite a bit of feedback. It certainly has been a contentious issue at the least in Manitoba. I am just wondering, now that the minister has had a chance to review some of the input from the public, where he is at in terms of bringing forward changes to the regulations, and what they might look like, and when we as Manitobans might expect them and, if there will be further consultation when these new amended regulations are brought forward.

Mr. Ashton: Madam Chairperson, first of all, I think it is important to note that I have stated this before, and I just want to start from the premise that The Water Protection Act was passed by the Manitoba Legislature, and it was passed unanimously. One of the key elements of the act was the development of water quality management zones, one of the key principles of the act. We remain committed to the act and the principles including, in this particular case, the Water Quality Management zones.

I think the very basic recognition that if we are going to improve water quality in this province we all have to be part of the solution, we all have to recognize the degree to which we are facing some huge challenges with nutrient overload and other water quality issues. I really want to stress on the record: it is not just a question of Lake Winnipeg. There are lakes, rivers, and streams in every part of this province that are under stress. We have rivers like the La Salle River, where I believe we are 170, 180 percent increase in nutrients. Now compare that to, say, Lake Winnipeg at 10 percent, and you will see how significant that is.

I want to put on the record, as well, that we have had two full rounds of consultation. By last count, I think in the range of 35 public meetings. That is in addition, by the way, to public meetings that were

held on The Water Protection Act. I made the point myself of meeting throughout the province; that is in addition to the legislative committee hearings where we did have a significant number of presentations and some amendments that resulted from that. So I think that is important to put on the record.

I also think it is important to note that we indicated we would take the time to do it right. It is not normal practice—it certainly was not with the previous government—to have two separate rounds of consultations, but we recognized that there is some fairly significant issues that need to be raised, and I think the feedback we have been receiving at the public meetings has been useful. It has also been a very important way of getting information out on the water quality management zones because I think it is very much something that is a part of the current process itself.

I indicated that if you compare the first document to the second document, the second round of consultations, based on the concerns that were expressed in the first round, we put out a number of specific issues that were raised by Manitobans at meetings in the second round of consultations. I have received a report on that, and in addition to that, there have been ongoing discussions with various stakeholders and I note, for example, a recent backgrounder from Keystone Agriculture Producers which just point to recent discussions of the Department of Water Stewardship.

I have indicated, right from day one, that we certainly welcome the participation from Manitobans generally, and in this particular case, certainly, from KAP and the groups that are represented by KAP, and I think the member will check the public record in addition to the more recent communiqué from KAP. I think there has been a fair indication the degree to which we have been working on a number of proposals that have been coming forward with the same basic end goal, and that is to avoid nutrient overload, to work with all sectors because not only is agriculture not the problem, it is already part of the solution. That has been very much the spirit of the discussions regarding the, not just the zones, but also the alternatives to zones that have been put forward.

There have been a number of very interesting suggestions put forward by KAP and we are meeting on a weekly basis pretty well. I think the last meeting was held not that long ago and I think it is reflected in the official comments from KAP itself.

* (16:50)

Certainly, we respect the views of all Manitobans. So, when I made the statement earlier that there was no artificial deadline in terms of the zones, it does not mean we are not going to be committed to the basic principles of water protection through the zones, but it means taking the time to get it right. We have been at the consultation now since the fall of last year, early fall. We had two rounds of consultations and I think, if I was to categorize the discussions that are ongoing right now, I would say that the same spirit that you are hearing from KAP, I think, reflects, certainly, our sense of the discussions, and I do believe there may be some areas where we can move forward, areas of common ground, and respect those discussions. So I think you will see, as we do proceed on those consultations, that there will be further refinement of the basic principle in a way that ensures that we move ahead with water quality, and that we have minimal impacts on all stakeholders in the province, because I do stress again, it is municipalities, it is homeowners, in some cases industrial or recreational developments that are all very much impacted.

Mr. Cullen: I do appreciate the minister's comments. This is a very, very significant issue in rural Manitoba, and I do not think I can overstate that enough. If these regulations are brought forward as proposed, and, in particular, I am looking at Zone 4 areas, it will have very, very serious ramifications for rural Manitoba, and very serious repercussions in terms of what business is carried out and what type of agricultural operations are carried out. It will have a significant impact on land values, and finances for producers, finances for municipalities.

So I think it is important that we stress that you, certainly, take your time and consult with as many people as possible. Yes, we hope to get this right. We do, too, think that agriculture can be part of the solution. We, certainly, have seen a move in the right direction. I think of the environmental farm plans as one very effective tool for producers to recognize sensitive environmental situations that they may have on their farm. I think it is a great process to go through. Then, from there, the federal government has certainly come to the table with incentives, once producers do go through that particular process.

I know the 11 issues that the Keystone Agricultural Producers and their 18 commodity groups brought forward. There are a number of

issues there to try to address. I know one of the issues they brought forward was, kind of, incentive packages, if you will; a little carrot versus the stick approach. I am just wondering if the minister has allocated any money in his budget for some assistance in that regard, in terms of bringing forward these regulations and then providing some incentive or assistance to producers.

Mr. Ashton: The short answer is, yes, we have allocated money, additional money this year, which tops up the ability of the BMPs to develop the farm plans, and I think that is important. We did indicate, when we brought the act in, it was not just about regulation. It was also about incentives.

I do want to stress that one of the ongoing areas of discussion, identified in the second round of consultations, is in terms of the accuracy of the mapping. I do think it is incumbent on all of us to focus on the real concerns. There have been various reports that were not substantiated in terms of any cost elements there, the real concern coming from farm sectors. An inaccurate representation of what is a Zone 4, and that is a legitimate concern that has been very much a part of the discussions. In fact, the member, I know has looked, as I am sure he has, at the second round of consultations, there was specific reference there as one of the issues of consultation about embedding maps in the legislation, and not embedding, in this particular case, maps that would not provide the accurate reflection of what is Zone 4.

If you look at what a Zone 4 is, in terms of its actual definition, we are dealing with swamps, very high areas in terms of slopes; we are dealing with sand dunes that were a real concern that came forward at the hearings. This is a legitimate concern that we are looking at right now. Our discussions are about areas that, perhaps, might have had characteristics of a Zone 4 at one point in time, but do not have currently. That is where KAP has put forward, I think, some very useful ideas on how to deal with that, without throwing out the concept here of the fact that there are certain sensitive areas that need protection. We are committed to protecting sensitive areas. That is why we are not going to scrap the regulations, per se, but there were a lot of very legitimate concerns that were expressed. I do not want to stress consultations about that. You make the time and the effort to give people the chance to actually put their feedback forward. We did that with the act. We are going to do it with the regulations. We have been listening, and it is certainly an issue

that has been discussed fairly extensively in rural Manitoba, and that is what consultation is all about.

So I think there is some ability here to add to the incentives that are already in place between Agriculture and our department. This is where we also deal with the very specific concerns about the regulations. I just want to stress we have had some very fruitful discussions between the department and KAP on behalf of the many commodity groups and individual farmers that it does represent. I am actually optimistic that we will be able to certainly respond to some of the very real concerns that were expressed and indeed I do want to characterize the discussions as being quite productive up until this point in time, but they are ongoing so I do not want to preclude any of the issues that are being put forward. You know, there is ongoing work, and in terms of incentive, certainly that will continue to be a key part of our approach in the future.

Mr. Cullen: Madam Chair, I appreciate the minister's comments. I think it is important to recognize that I think, even the information that the province has put out, agriculture contributes to less than 15 percent of the phosphorous loading and, when I say agriculture, that also includes a lot of, I guess, what I would call cottage country. The natural runoff, I guess, is included in that 15 percent so it is certainly a relatively small component, albeit I know producers certainly want to do their share to protect the water quality in Manitoba.

The minister did allude to someone sent him programs. Is that part of the riparian tax credit that you have announced? Is that part of your budget in here? I guess we are trying to get a bit of a sense of the short-term funding and then is there something in place for long-term funding as well?

Mr. Ashton: If I could clarify, the original requirement for the riparian tax credit, that comes out of our finances budget. The funding that is in place here is a top-up for the development of farm plans, and I am sure the member is aware of BMPs and what this does is it provides 25 percent, up to 5,000, and that is over and above other assistance that is available to producers for that purpose, so this is a top-up that very specifically recognizes that there are increasing demands that focus on water quality issues, so our department has been part of the solution as well along with agriculture, and I think the member is quite right, there is some real movement at the national level on this as well.

Mr. Cullen: Madam Chair, I see the time is running short here. Just one question on the conservation districts and funding. Can you give me a bit of a sense of where you are at in terms of funding conservation districts, if you see more funding being available to conservation districts for programs and operations?

Mr. Ashton: We have gone from nine to 17. The member knows that. We have increased the funding proportionally. CDs are increasingly getting outside funding. That is very encouraging, but I have said publicly, and just very briefly I will restate it again, that we see obviously a key role for the CDs of watershed-based planning, and certainly we would see additional resources available for those watershed-based plans. We are already working with a number of CDs, so I think the member will see over a very short period of time there will be additional funds available for CDs and, certainly, over the next five, 10 years I see CDs having a much more significant role than they have had up until now.

Mr. Cullen: Madam Chair, one brief question to the minister. I know we certainly have some issues in the

constituency of Turtle Mountain with Pelican Lake, Rock Lake and the Pembina River that I know the minister has said he was going to be out and attend Turtle Mountain. We look forward to having him come out once session is complete. We will give you the tour of the area and some of the great things that we are hoping to do in that particular area of Manitoba.

Mr. Ashton: I suppose I took the ultimate rain check on this. I was going to go last year, but we had those major summer floods but this year, I look out, okay it is raining again, but I will be out this summer, guaranteed.

Madam Chairperson: The time being five o'clock, I am interrupting proceedings.

The Committee of Supply will resume sitting tomorrow (Friday) at 10 a.m.

IN SESSION

Mr. Speaker: The hour being past 5 p.m., we will now recess, and we will reconvene in Committee of Supply at 10 a.m. tomorrow (Friday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 8, 2006

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