

Fifth 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, Hon.	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.
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	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.
VACANT	Kirkfield Park	

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, December 4, 2006

The House met at 1:30 p.m.

PRAYER

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

Bill 12—The Public Schools Amendment Act (Regional Vocational Schools)

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): I move, seconded by the Minister of Competitiveness, Training and Trade (Mr. Smith), that Bill 12, The Public Schools Amendment Act (Regional Vocational Schools); Loi modifiant la Loi sur les écoles publiques (écoles professionnelles régionales), now be read a first time.

Motion presented.

Mr. Bjornson: Mr. Speaker, I'm pleased to introduce this legislation today to ensure the stability and longevity of technical vocational education in Manitoba.

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

PETITIONS

Removal of Agriculture Positions from Minnedosa

Mrs. Leanne Rowat (Minnedosa): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

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

Removal of these positions will severely impact the local economy.

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

This petition signed by G. Kartanson, J. Robinson, B. Taylor 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.

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's investigation, the RCMP investigation and the involvement of our courts, collectively, will not answer the questions that must be answered in regard to the Crocus Fund fiasco.

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

We petition the Legislative Assembly of Manitoba as follows:

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

Mr. Speaker, this is signed by E. Miranda, N. Miranda, J. Miranda and many, many other fine Manitobans.

COMMITTEE REPORTS

Standing Committee on Social and Economic Development

First Report

Ms. Marilyn Brick (Chairperson): Mr. Speaker, I ask leave to present the First Report of the Standing Committee on Social and Economic Development. *[Agreed]*

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Social and Economic Development presents the following as its First Report.

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

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

Meetings:

Your Committee met on Monday, December 4, 2006, at 10:00 a.m. in Room 255 of the Legislative Building.

Matters under Consideration:

Bill 2—The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi

Bill 4—The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées)

Bill 5—The Personal Investigations Amendment Act (Identity Protection)/Loi modifiant la Loi sur les enquêtes relatives aux particuliers (protection de l'identité)

Bill 6—The Registered Retirement Savings Protection Act/Loi sur la protection des régimes enregistrés d'épargne en vue de la retraite

Bill 9—The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended)/Loi sur le droit de visite des grands-parents et apportant d'autres modifications (modification de la Loi sur les services à l'enfant et à la famille)

Bill 38—The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization)/Loi modifiant la Loi sur la Société d'habitation et de rénovation (fonds destiné à la revitalisation des logements)

Committee Membership:

Hon. Ms. Allan

Ms. Brick (Chairperson)

Mr. Hawranik

Ms. Korzeniowski

Hon. Mr. Mackintosh

Mr. Martindale (Vice-Chairperson)

Mrs. Rowat

Mr. Schuler

Hon. Mr. Selinger

Mr. Swan

Mrs. Taillieu

Substitutions received during committee proceedings:

Mr. Caldwell for Hon. Ms. Allan

Mr. Reid for Ms. Korzeniowski

Public Presentations:

Your Committee heard two presentations on Bill 2—The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi, from the following organizations:

Shannon Martin, Canadian Federation of Independent Business

Darlene Dziewit, Manitoba Federation of Labour

Your Committee heard two presentations on Bill 4—The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées), from the following organizations:

Deborah Green, Polo Park/Cadillac Fairview

Laura Kwiatkowski, Rogers Communications

Your Committee heard one presentation on Bill 6—The Registered Retirement Savings Protection Act/Loi sur la protection des régimes enregistrés d'épargne en vue de la retraite, from the following organization:

Shannon Martin, Canadian Federation of Independent Business

Written Submissions:

Your Committee received one written submission on Bill 2—The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi, from the following organization:

William Gardner, Manitoba Employers Council

Your Committee received two written submissions on Bill 4—The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées), from the following organization:

Lanny McInnes, Retail Council of Canada

Ed Bachewich, Private Citizen

Your Committee received one written submission on Bill 5—The Personal Investigations Amendment Act

(Identity Protection)/Loi modifiant la Loi sur les enquêtes relatives aux particuliers (protection de l'identité), from the following organization:

Joel Heft, Equifax

Your Committee received one written submission on Bill 9—The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended)/Loi sur le droit de visite des grands-parents et apportant d'autres modifications (modification de la Loi sur les services à l'enfant et à la famille), from the following organization:

Eileen Britton, Grandparents Requesting Access & Dignity Society, Manitoba Chapter

Bills Considered and Reported:

Bill 2—The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi

Your Committee agreed to report this Bill without amendment.

Bill 4—The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées)

Your Committee agreed to report this Bill without amendment.

Bill 5—The Personal Investigations Amendment Act (Identity Protection)/Loi modifiant la Loi sur les enquêtes relatives aux particuliers (protection de l'identité)

Your Committee agreed to report this Bill without amendment.

Bill 6—The Registered Retirement Savings Protection Act/Loi sur la protection des régimes enregistrés d'épargne en vue de la retraite

Your Committee agreed to report this Bill without amendment.

Bill 9—The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended)/Loi sur le droit de visite des grands-parents et apportant d'autres modifications (modification de la Loi sur les services à l'enfant et à la famille)

Your Committee agreed to report this Bill without amendment.

Bill 38—The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization)/Loi modifiant la Loi sur la Société

d'habitation et de rénovation (fonds destiné à la revitalisation des logements)

Your Committee agreed to report this Bill without amendment.

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

Motion agreed to.

TABLING OF REPORTS

Hon. Dave Chomiak (Minister of Justice and Attorney General): I am pleased to table the following annual reports: The Manitoba Office of the Commissioner of Law Enforcement Review Agency (LERA) Annual Report 2005.

Mr. Speaker, I'm also pleased to table the Annual Report of the Manitoba Law Foundation, Twentieth Annual Report 2005-2006.

Hon. Kerri Irvin-Ross (Minister of Healthy Living): Mr. Speaker, I'd like to table the following Annual Report for the Healthy Child Manitoba Office for the year ended March 31, 2006.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I'd like to draw the attention of honourable members to the public gallery where we have with us from Gimli High School 26 visitors under the direction of Mr. Scott Powers. This school is located in the constituency of the honourable Minister of Education (Mr. Bjornson).

Also in the public gallery we have 45 grade 9 students from Maples Collegiate under the direction of Mrs. Dawn Wilson. This group is located in the constituency of the honourable Member for The Maples (Mr. Aglugub).

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

ORAL QUESTIONS

Crocus Investment Fund Communication with Advisers

Mr. Hugh McFadyen (Leader of the Official Opposition): To the Premier: Last Thursday, he indicated in the House that any representation he received regarding Crocus as of 2002 purported that it was strong. Can the Premier please indicate who was representing in 2002 that Crocus was strong?

Hon. Gary Doer (Premier): Well, I could show the member articles in the financial press. In fact, I remember one article that said that the valuation of Crocus was accurate, the corporation was doing well; in fact, I remember saying the only thing that was a problem in the past were some spectacular losses. In fact, the article went on to quote Isobord, Winnport and Westsun. They all were projects of, co-investments made by members opposite. Certainly I was involved with Mr. Chipman with the conversion of the Moose issue to the new entertainment complex and certainly, Mr. Speaker, things were positive with that proposal.

* (13:40)

Mr. McFadyen: Mr. Speaker, the Premier is indicating that he was relying on newspapers in 2002 to tell him that Crocus was strong. His then-minister, MaryAnn Mihychuk, indicated that as far back as the year 2000, people had flags and were raising issues of concern.

So my question to the Premier is: Given that as of Thursday he was indicating that all of the representations in 2002 were that Crocus was strong, was he getting briefings from his Minister of Industry and Trade, Ms. Mihychuk, in 2002, that Crocus was strong?

Mr. Doer: Ms. Mihychuk was on the public record during that period of time.

Mr. McFadyen: Mr. Speaker, the Auditor General indicates through his investigation of this scandal that there were sufficient red flags to justify a detailed review in the latter part of 2002 and that civil servants within his own government were aware of problems at Crocus as of 2002.

So, if those people were briefing the Premier in 2002 that Crocus was strong, was it civil servants who were telling him that Crocus was strong in 2002?

Mr. Doer: The issue of red flags was dealt with in Public Accounts last year. It's old news. The question was raised by members of the opposition. The so-called red flag in the e-mail, well testified, I think it was December 10 last year by the Auditor General that the so-called memo; well, not every e-mail in government goes to Cabinet, but it was clearly identified that it did not go to a Cabinet minister.

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

Mr. McFadyen: So, if it wasn't his Minister of Industry and it wasn't his civil servants that were briefing him in 2002 that Crocus was strong, I wonder if the Premier could indicate: Was it Tom Ulrich advising him in 2002 that Crocus was strong?

Mr. Doer: I just want to deal with the issue raised last week. You were dealing with all kinds of false statements last week about the solidarité transaction. Again in committee last week, with the 150 "given" this, "given" that, which was absolutely false all the way through; Mr. Speaker, the solidarité transaction, the questions were asked again, a year ago. The Auditor General said that the government would normally and properly believe the accounting statements made by Pricewaterhouse, I think it was, and also the underwriter's statements made by I believe it was Wellington West. So again, these old questions I find passing strange.

Mr. McFadyen: Mr. Speaker, if it wasn't his minister and it wasn't his civil servants and it wasn't Tom Ulrich, I wonder if the Premier could indicate, was it Pat Jacobsen who was advising him in 2002 that Crocus was strong? If it wasn't Pat Jacobson, then who was it?

Mr. Doer: Mr. Speaker, I would point out, and I know that members opposite— *[interjection]*

Mr. Speaker: Order.

Mr. Doer: —the issue of performance and valuations are well identified in the Auditor General's report. The member opposite is going over some old issues, Mr. Speaker. Let me quote one Clayton Manness—

An Honourable Member: Answer the question.

Mr. Speaker: Order.

Mr. Doer: Let me go to Mr. Clayton Manness in March 18, 1993. Let us look at this differently; let us take our best business minds and heads within our community, and rather than entrust somebody—let me make this point—within the civil service, and rather than entrust the political interference that sometimes can squirrel around that decision made, let us have some trust in our community leaders, business leaders, to make the right decisions. These are the people who are skilled. This is the whole basis of the legislation that was brought in, in 1993. If you want to ask these questions about performance and legislation, ask your caucus members who brought it in, Mr. Speaker.

Mr. McFadyen: Mr. Speaker, the Premier indicated on Thursday—this is not old news—he said on the

record in this House on Thursday that he had been in meetings where Crocus was discussed in 2002 and, previously, that David Woodbury, his close political adviser, was in those meetings as well. He was told, and it was represented to him, that Crocus was strong.

I would just like the Premier to indicate, leaving aside what he was reading in the newspapers at the time, if he would just answer directly who it was who was advising the Premier in 2002. If it wasn't MaryAnn Mihychuk, if it wasn't his other advisers, was it Alfred Black who was advising him in 2002 that Crocus was strong?

Mr. Doer: Mr. Speaker, all of these issues have been dealt with in the Auditor General's report. The member opposite is on this massive fishing trip on issues that have already been investigated by the Auditor General. I know logic doesn't play any part in the recycled questions being proposed by the member opposite, but if somebody, if an organization is proposing to get more access to funds to have a superfund, it doesn't come to your office and say, our fund is in trouble. It actually would argue the other way. Having said that, we still said no to the superfund.

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

Mr. McFadyen: The Premier doesn't seem to want to answer this question. Based on what he said in the House on Thursday, he said, and I quote: "Any representation to us purported that it was strong," in reference to the Crocus Fund; "any representation to us purported that it was strong."

Now, I've asked him whether a number of individuals had provided him with that advice and that representation. I wonder if the Premier can just answer the question directly.

If it wasn't any of the individuals we've already discussed, was it his minister, the Member for Brandon West (Mr. Smith), who purported to him that Crocus was strong? If it wasn't Minister Smith, who was it?

Mr. Speaker: Order. I've reminded members many times in the past, when making reference to other members in this House, it's ministers by their portfolios or other members by their constituencies, not by their names.

Mr. McFadyen: Thank you, Mr. Speaker. I had to ask whether it was the Minister of Competitiveness, the then-Minister of Industry, who advised him.

Mr. Speaker: I thank the honourable member for that.

Mr. Doer: Yes, Mr. Speaker, I was just looking back over the "given" this and "given" that, and "given" this other point that was made in *Hansard*.

I know the member opposite is still not correct in his first false statement about Ontario Hydro being not interested in Manitoba hydro. Every day he just keeps going on a fishing trip. He uses his little moot court exercise, and then goes: given, given, given, given this.

I just want to, for purposes of those people who weren't around a couple of years ago when all these issues were identified by the Auditor General and for purposes of those people who weren't at the Public Accounts Committee last year when the Auditor General was present. The member opposite says: The Premier was privy and aware of the fact that a solidarité transaction was entered into in order to bail out the fund. Well, the Auditor General got asked those questions last year.

There are a number of false statements in his preambles and, Mr. Speaker, I don't give them any credibility at all, none whatsoever. If you want to use a general answer for the general questions you've been asking, every one of the pieces of your fishing trip has no credibility with any member on this side. And it's all covered in the Auditor General's report.

* (13:50)

Mr. McFadyen: This is not a trick question. The Premier indicated to the House on Thursday that he was advised in 2002 that Crocus was strong. For whatever reason, he doesn't seem to be able to identify anybody who was advising him in 2002 that Crocus was strong because all of those who had information, including his then-minister, didn't think Crocus was strong.

His own minister, MaryAnn Mihychuk, was saying in 2002 that they were aware of problems. I know he likes to refer to the Auditor General's report, but the Auditor General says that: Through our recommendations, we have suggested that a more in-depth review of certain issues and transactions may be warranted. The Auditor General's review was limited; it didn't deal with the issue of political accountability. It dealt with four

specific areas. They didn't even interview the Premier or the Premier's minister.

So I just wonder if the Premier can indicate, given his very direct statement on Thursday that it was purported to him that Crocus was strong in 2002, can he indicate to the House directly who it was advising him in 2002 that Crocus was strong.

Mr. Doer: The former minister was quoted, but the Conservatives were telling us that the fund was strong; the Conservative Party of Manitoba, members of the Conservative caucus. One John Loewen: We received information this morning that satisfies us that the share price they're selling at today is, in fact, a fair evaluation. One Stu Murray, when asked: Are you comfortable the way Crocus does their evaluations? Yes, we are. The bottom line is we're satisfied with valuation.

A number of people in the financial community were saying that. A number of people in the business community were saying that. A number of people in the economic media were saying that, Mr. Speaker, and so the members opposite had a good caucus on this. Thank you for the question.

Crocus Investment Fund Premier's Knowledge of Problems

Mr. Hugh McFadyen (Leader of the Official Opposition): So far the Premier (Mr. Doer) has indicated that his sources, the reason he thought Crocus was strong, was because he was relying on newspapers, the former Leader of the Opposition and the former Member for Fort Whyte. Well, thank you very much.

Well, his own minister was saying that they were aware of problems, Mr. Speaker. So, given that his civil servants knew there were problems, given that his own minister knew there were problems and given that none of those people who had inside information and who were actively involved with the fund were telling him that it was strong as of 2002, how can the Premier expect anybody to believe that he thought the fund was strong in 2002? Will he now confirm that he has the losses of 34,000 Manitobans on his hands?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, the member knows full well the issues that were raised with government were issues of liquidity and pacing. Issues of valuation and performance were never raised. There was a general consensus in the public, including by his former Finance critic, including by the former Leader of the Opposition,

that the fund was in fine shape. That was the popular consensus. Now the member wants to turn that around and suggest that all these other individuals had concerns with specific respect to the valuation and the performance issues of the fund.

If he has a specific quote that the performance or the valuation was at question, he should put it on the floor. He likes to confuse a whole bunch of matters together and then suggest that we're trying to—

Mr. Speaker: Order.

Crocus Investment Fund Communications with David Woodbury

Mr. Gerald Hawranik (Lac du Bonnet): On Thursday, the Premier indicated that he had macro meetings on Crocus where community representatives were involved and other Crocus representatives were involved, including Mr. Woodbury. Since the Premier met with Mr. Woodbury, I asked the Member for Brandon West (Mr. Smith), the minister responsible for Crocus a year prior to the collapse of Crocus, I asked the Minister of Competitiveness how many meetings did he have with Mr. Woodbury regarding Crocus.

Hon. Gary Doer (Premier): Mr. Speaker, the member opposite has still not apologized for—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: I know being factually correct is not a requirement of being a Conservative critic, but the Conservative critic has still not apologized for saying that the government would not recover one cent of Maple Leaf money. This wasn't Isobord. We had protection for the investments that were made and every cent has been repaid. We're still waiting for your apology.

Mr. Hawranik: Mr. Speaker, we on this side of this House are waiting for the Premier's apology for his promise to eliminate hallway medicine within six months and \$15 million. Where is his apology?

Clearly, the Premier had meetings with David Woodbury regarding Crocus and, clearly, the Member for Brandon West, the minister responsible for Crocus, had meetings with David Woodbury, particularly since he was the minister a year prior to the Crocus collapse.

So I ask the Member for Brandon West, the Minister of Competitiveness: When did David

Woodbury warn him about the pending collapse of Crocus? Was it late 2003 or early 2004?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, now that we're going back to see who has done their homework, we're still waiting for the whistle-blower legislation from the Member for Lac du Bonnet. When is he going to put it on the table?

There are some very specific quotes here from some notable members of the community. Yes, the bottom line is we're satisfied with the evaluations; Stu Murray, February 15, '02. How about this? We received information this morning that satisfies us that the share price they're selling at today is, in fact, a fair evaluation; John Loewen, February 14, 2002.

If the members have any concerns about public statements, perhaps they'll check with former members of their own caucus.

Mr. Hawranik: Mr. Speaker, I asked the Minister of Finance to check with the members of his caucus, the Member for Brandon West. He's the guy who can answer the question.

The Minister of Industry from 2003 to 2004, just prior to the collapse of Crocus, had to be warned about the problems at Crocus. Surely the minister had to be in the loop, particularly since David Woodbury was providing information to the minister, and in spite of all the ministerial shuffles of the Premier (Mr. Doer).

So I ask the Member for Brandon West, the Minister of Competitiveness: Why did he ignore all the advice he was receiving about the impending collapse at Crocus?

Mr. Selinger: Well, the member obviously hasn't been paying attention. One of the Auditor's recommendations was to separate monitoring from promotion. They were confused roles under the legislation that members put into this House with respect to venture capital. We've done that separation now. The minister responsible for monitoring is the Minister of Finance. The member should know that and direct his questions accordingly.

However, if he wants to know who had confidence, how about this quote: To the best of our knowledge, information and belief, the financial statements of Crocus Investment Fund and the Auditor's Report, together with this prospectus constitutes full, true and plain disclosure of all the material facts; Wellington West Capital, the underwriter for Crocus Investment Fund. I will have

another useful quote for him on his next question, Mr. Speaker.

Crocus Investment Fund Communication with Deputy Minister

Mr. Leonard Derkach (Russell): Mr. Speaker, I'm sure today that members of the media, Manitobans and, indeed, the shareholders are wondering what it is that is tying the Member for Brandon West (Mr. Smith) to his chair and why he can't get up to answer a question. So, I'm going to try to place my question directly to him as succinctly as I can.

When he was appointed as Minister of Industry and Trade in 2003, and when he took over the portfolio from MaryAnn Mihychuk, MaryAnn Mihychuk admitted that many red flags were raised to her by her officials and, I'm assuming, her deputy minister. This minister inherited the same deputy. I want to ask him whether he had discussed that issue with the deputy minister regarding the failings in Crocus.

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, if the members are really searching for the truth in this matter, they will know that the Auditor General's report was explicit: There was a confused set of roles that were located in one department, monitoring and promotion, and that those roles should be separated. The members opposite confused those roles.

We separated those roles in legislation that we brought before this House and was passed by this House. Monitoring is now placed under the authority of the Minister of Finance. Promotion is now placed under the authority of the Minister of Competitiveness. The members had confused the roles. Inaccurate information, unclarity about what they were supposed to do, was inherent in the way they drafted the legislation. If they hadn't put confused legislation in front of this House, we may have averted some of these problems.

Draft Legislation for Accountability

Mr. Leonard Derkach (Russell): I would like to quote the former minister, then responsible for Crocus, MaryAnn Mihychuk, when she said, and I quote: I think that we try to be responsible and move from within to make changes. I would argue that, indeed, we were preparing a third piece of legislation to make it moving in a more accountable fashion. She was then asked the question: Who killed it? She said: That's not for me to say because I was moved from the portfolio.

Mr. Speaker, the person who took over the portfolio was the Member for Brandon West (Mr. Smith), the now minister who is responsible for Crocus. I want to ask this minister whether he is the one who ignored the red flags that were raised to him by his officials and whether he is the one who killed the legislation. The question is directed to him as minister responsible.

Hon. Greg Selinger (Minister of Finance): The member would benefit enormously by having taken a few moments to read the report. On 148, we concur that IEDM, the Department of Industry, no matter who the minister was, we concur—this is the Auditor speaking—is not responsible for the Crocus Investment Fund's performance.

There was no information available to the public, to the monitor or the promoter about performance. That is very clearly stated in the Auditor's Report. If the member would take the time to read that, he would realize that, once again, he's gone fishing with no bait on his hook.

* (14:00)

Communication with Deputy Minister

Mr. Leonard Derkach (Russell): Mr. Speaker, the Member for Brandon West (Mr. Smith) was in charge of Crocus between October 2003 and November 2004. During that period of time, Crocus went through tremendous problems and indeed was in deep trouble.

This minister has never answered a question, Mr. Speaker, and he is now in charge of Crocus. I want to ask him whether officials from his department, including his deputy minister, raised with him the concerns of Crocus that MaryAnn Mihychuk alluded to when she was moved from that ministry.

Hon. Greg Selinger (Minister of Finance): In the preamble to the question, the member was just dead wrong again. He said the minister was responsible for the Crocus Fund. The former Minister of Finance in the former Conservative government said he didn't want government running this fund. He wanted the community to run it. So, perhaps, the member will ask himself where he was when that legislation was introduced. Did he miss that speech by his former Minister of Finance?

Mr. Speaker, one of the leading spokespersons for the plaintiffs in the class-action lawsuit says the following: The long and short of it is that it's just too hard to attach legal liability for what went wrong

with Crocus to the provincial government. They weren't the ones signing off on the prospectuses and the financial statements. That's what the people taking the class-action lawsuit think themselves.

Crocus Investment Fund Communication with Deputy Minister

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, the minister responsible for Competitiveness is, obviously, the weak link in this mysterious milieu that we see around Crocus.

We've been asking and asking for somebody to stand up and take accountability for the knowledge that they would have had. This minister had the same deputy minister as the minister who preceded him. That minister should have been briefed, would have been briefed and would have had knowledge on the occurrences at Crocus.

I ask the Minister of Competitiveness to stand up and acknowledge whether or not he had any briefing from either David Woodbury or Hugh Eliasson.

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, there's really only one weak link in this discussion and that is the unwillingness of the members opposite to actually read the report put out by the Auditor, to actually consider any of the facts of the evidence put in front of it. You have a script that comes in to you. You have to pursue these questions no matter what the answers are. It is a very nice script. The only problem is it bears no relationship to reality.

The report was very clear. There was no information on valuation. There was no information on performance. You folks set up the fund as an independent body, and then you had a poor process for monitoring what was going on.

Mr. Cummings: Well, Mr. Speaker, the shareholders in Crocus don't see this as a have-to-ask question. They would like some answers. They would like to know the truth about what happened in this massive collapse around the Crocus fiasco. They had a letter from Pat Jacobsen raising concerns about what was going to happen in 2001. Mr. Eliasson, who is highly regarded on this side of the Chamber, was the deputy who would have been made aware of that because of his reporting responsibilities. The Minister of Competitiveness would have been in a position to have received information about the difficulties at the Crocus file.

Mr. Speaker, we've had nothing but dodging the questions, other ministers answering. I asked the Minister of Competitiveness.

Mr. Selinger: The member is absolutely correct. The shareholders do need to know what went wrong. What went wrong: Isobord, Crocus lost \$7 million on a co-investment with the former government; Westsun, Crocus lost \$21 million on an investment with the former government; Winnport Logistics, \$6.7 million of losses on a co-investment with the former government. That is what went wrong. Your investments went in the tank.

Minister's Knowledge of Problems

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, where I come from, if it walks like a duck and sounds like a duck, it is a duck.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Cummings: Mr. Speaker, Minister Mihychuk said there were pacing issues, reporting issues and people raising red flags. This government has done nothing but avoid answers. They've been refusing, the Minister from Brandon West has been refusing to get up. He's been hiding behind his Premier (Mr. Doer) and his Minister of Finance. If the public does not yet realize that the minister knows, I'm standing up to say, we're standing up to say that he knows when things were going wrong at Crocus. He won't take responsibility. Will he stand up today and tell us what he knew?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, we fully accepted responsibility for the confused roles that were designed into the legislation by the former government and we corrected that problem. Now the member says if it walks and talks and looks like a duck, it's a duck. It's very clear that the members are quacking up the wrong pond here because if we want to know what went wrong, it was those failed investments in the '90s. It was the poor design of the legislation, it was the lack of monitoring that was done under that legislation. These matters have been corrected in the legislation we brought forward, so the member should stop quacking.

Manitoba Health Research Council Government Support

Hon. Jon Gerrard (River Heights): Mr. Speaker, a good health care system requires proper investment in health research as a cornerstone for improvement.

The Manitoba Health Research Council is the lead agency of the provincial government in supporting health research in our province.

For seven years now, I've been calling on this government to pay attention to health research, and for seven years, this government has done astonishingly little to support the MHRC. In fact, provincial funding to the MHRC today is the same as it was in 1989. Adjusting for 17 years of inflation, the MHRC has essentially lost 30 percent of its real funding. Indeed, if the amount was adjusted for inflation and the proportion of the health care budget, it would now be some 4.7 million, not 1.9 million.

I ask the minister: Why has the NDP government paid so little attention to the Manitoba Health Research Council?

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): Mr. Speaker, I'm pleased that the government is doing things with this. I met with the council, they just presented me with a report. I've accepted the report and we're moving on it.

A couple of years ago we increased it by \$200,000. We're increasing our concern on the fund and we're working together with the research industry; not only to broaden and expand it; not only to get more co-operation; not only to encompass not just government but private-sector foundations, research organizations, universities, to create an overall scope, an overall plan to move research forward.

I don't think it's one pillar. It's a number of groups working together to enhance the research, because together we may do \$30-million worth of research, but there's about \$140 million of research in the province a year. I think what we have to do is work together, co-operate and then get more bang for our buck.

Mr. Gerrard: Mr. Speaker, as a direct result of this government's failure to properly support the MHRC, Manitoba is slipping ominously in health research support. Let's compare this government's record with Saskatchewan. Here's a shocker. The funds this government provides to the MHRC are just one-third of what the Saskatchewan government gives to the Saskatchewan Health Research Council. If this government would have kept up with Saskatchewan, it would be investing \$6 million annually in the MHRC. As a result of this government's seven years of neglect, while the number of national CIHR grants

accepted for Saskatchewan researchers has gone up 5 percent a year, in Manitoba, the number of grants accepted has decreased by one percent a year. Terrible.

Can the minister explain to us why this government cannot even keep up with Saskatchewan in funding the Manitoba Health Research Council, our health research council?

Mr. Rondeau: To correct the member, in the year 2004-2005, the Province directly spent \$26.9 million on R&D. That's up 62 percent from 1999. In the Budget 2005, we boosted R&D tax credit by 33 percent to encourage R&D in the private sector, and what we want to do is we want to grow the industry.

Just for the information for the members opposite, Manitoba is home to 41 new companies. That's a growth of 10 percent in two years. We're one of the fastest-growing life sciences sectors in the country, if not North America, and we're growing at a rate higher than average.

So what we're doing, Mr. Speaker, is we're working, not just with government, we're working with government, universities and private sector to expand the whole industry. It's not just a government responsibility. What we believe we can do is work with others, co-operate with others and then win—

Mr. Speaker: Order.

* (14:10)

NDP Nomination (The Maples) Premier's Actions

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, the chief of staff from the Premier's Office used intimidation and bribery in order to intimidate a candidate out of running inside The Maples. This candidate then, in a personal letter addressed to the Premier of this province, sent it to try to get this Premier to stand up for some democratic principles and to do what was right.

I am confident the Premier read the letter because he has said to this Chamber that he forwarded it to Elections Manitoba. Mr. Speaker, how could he forward it to Elections Manitoba if he didn't know what it is that he forwarded? The Premier has read the letter.

My question to the Premier is: Did you provide a copy of the letter or show it to anyone else other than Elections Manitoba?

Hon. Gary Doer (Premier): Mr. Speaker, the member opposite said he was aware of this issue in September of 2006. I assume he's got a letter that he sent to Elections Manitoba if he cared about this issue as much as he purports to have cared about it. I'm confident that, in terms of dealing with any matter, I have acted always consistent with the laws of Manitoba in sending anything, if it is alleged, properly to Elections Manitoba.

Point of Order

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

Mr. Lamoureux: Yes, Mr. Speaker, on a point of order. The Premier is imputing motives on my behalf. *Beauchesne's* is very clear in terms of imputing motives by saying that I did not bring this to attention. I have brought it to the attention of this Legislature, and I put forward a very simple question to the Premier. I believe Manitobans deserve an answer to a very simple question.

So I would suggest to the Premier that it is not in order to imply—

Mr. Speaker: Order. The honourable Government House Leader, on the same point of order?

Hon. Dave Chomiak (Government House Leader): Yes, thank you, Mr. Speaker. I listened very carefully to what the Member for Inkster stated. The Member for Inkster came into this House and made serious allegations about individuals, just hurly-burly. Then, when the Premier responded by saying he takes action and said to the Member for Inkster: What action do you take? The member said: You're imputing my motives. There are motives and there are actions. The member was not dealing with the actions that took place. The Premier indicated that if there was anything involved, he took actions. The member did nothing.

Mr. Speaker: Order. On the point of order raised by the honourable Member for Inkster, he does not have a point of order. It's clearly a dispute over the facts.

Dutch Elm Disease Government Initiatives

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, as Winnipeggers, we know that elm trees provide shade, add grace to the Winnipeg environment and add to the property value of Winnipeg real estate. These trees have been threatened through the introduction of Dutch elm disease, which is carried by the elm bark beetle.

Can the Minister of Conservation please explain to the House what recent steps he has taken to protect this valuable resource?

Hon. Stan Struthers (Minister of Conservation): Mr. Speaker, certainly here in Manitoba many, many, many communities can boast of absolutely beautiful canopies; canopies of Dutch elm disease, including our capital city here of Winnipeg. I want to give some credit to municipal leadership for their role in guarding the canopies, the elm trees that we've been working on together.

I want to make sure that I include in this statement here today our pleasure in working with the Coalition to Save the Elms on their five-year Adopt-a-Tree Program here on Broadway; elm trees that go from Osborne right through to Main Street. We've committed \$160,000, Mr. Speaker, to help in protecting and in maintaining those trees along with \$23,000 of research for the university.

Crocus Investment Fund Minister's Responses

Mr. Hugh McFadyen (Leader of the Official Opposition): Over the past two Question Periods, Thursday's and today's, we have put 20 questions to the minister responsible for the Crocus act, the Member for Brandon West (Mr. Smith). He's refused to stand up on a single question. We have a situation of tens of thousands of Manitobans who are out to the tune of \$100 million today as of the valuations that we're now getting in the course of the Crocus lawsuit.

Now we have had 20 questions and no answers coming from the minister. We know that he was prepared to stand up and get out of his seat when he got a "Spirited Energy" question on Thursday, so we know he hasn't lost his voice and that he's capable of answering questions.

So my question to the Premier is: Given the seriousness of the issue, and given that the Premier presumably still believes in the concept of ministerial accountability, why will he not take the muzzle off his minister for Crocus? Why will he not allow his minister, the Member for Brandon West, to respond to questions about this Crocus scandal?

Hon. Gary Doer (Premier): Given that 20 questions had 20 false premises in the preamble, Mr. Speaker, would the members opposite take the muzzle off and read the Auditor General's report so we don't have to go through this repetitive moot court process every

day, and we can get on with the business of Manitoba.

Mr. McFadyen: The Premier wants us to read the Auditor General's report, so let's do that. Let's do that, right here, Mr. Speaker.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. McFadyen: Here is what it says. Page 5 of the Auditor General's report, May 2005, and I quote: Through our recommendations we have suggested that a more in-depth review of certain issues and transactions may be warranted.

The Auditor General didn't interview the Premier, didn't interview the ministers, dealt with four specific issues, nothing to do with political accountability. Mr. Speaker, the question related to political accountability, the actions of what he and his members knew and what they did with it comes down to a very important point. We have the former minister, MaryAnn Mihychuk, saying that as far back as 2000, and I quote: People had flags and were raising issues of concern. This is the former minister.

He can shuffle the ministers all he likes. He had the same deputy minister in place briefing the Member for Brandon West. So will the minister responsible for Crocus, the Member for Brandon West stand up on his feet today? Will he answer our question? Why did he ignore the red flags when he was briefed when he became minister responsible for Crocus? Why will he not stand up today and take responsibility?

Mr. Doer: I'm glad the member has got up to page 5. For your homework tonight, please read up to page 11. He'll find in the report, on page 11, from the Auditor General: We concur that the IDEM, the Industry, Economic Development Ministry, is not responsible for CIF performance. CIF would be the Crocus Investment Fund performance. It also talks that in our view, there's a review of the highlight of the gap between CIF's management and investment practices and the legislative roles.

Mr. Speaker, on to the issue of political accountability and legislative roles. If the member opposite goes back, he will find in the report, or goes forward in the report, and maybe for Wednesday's homework, he will read that the legislation that was brought in by members opposite in 1993 and, yes, not corrected by us, had dual roles between the monitoring in the Industry Department and

enforcement under that legislation. I'll be able to answer the next question in a minute.

* (14:20)

Mr. McFadyen: Well, the Premier has read up to page 11; let's fast forward to page 145. Let's go right up to page 145. We're 134 pages ahead of him. Let's look at what it says on page 145. It says, and this is a quote: Of note is that in January 2002, an official from the Department of Finance suggested that CIF's—that is Crocus Investment Fund's—continuing request for legislative amendments may be a sign of management issues and that an independent review of CIF's operations may be in order.

This is the red flag they ignored. The civil servants knew all about it. His officials knew about it. David Woodbury knew about it. Everybody who was briefing him knew about it. His minister knew and that is why he is not standing.

You know, members opposite are talking about fishing, we're talking about ducks, Mr. Speaker. We've got a chicken in the member opposite for Brandon West. Something is awful.

Mr. Speaker: Order. All members in this House know that each and every member in this House is an honourable member. All members in this House are honourable members and should be treated as such. When making reference to other members, one side or the other, it's ministers by their portfolios, other members by their constituency.

That comment put on the record by the honourable Leader of the Official Opposition, I ask you to withdraw that comment.

Mr. McFadyen: Mr. Speaker, I did intend to make the point that something was awful—

Mr. Speaker: Order. As the Speaker, when I ask for a withdrawal, I ask for an unequivocal withdrawal with no debate. I ask now for an unequivocal withdrawal of the comment.

Mr. McFadyen: Mr. Speaker, I withdraw the reference to the chicken.

Mr. Speaker: I thank the honourable member for that.

Mr. Doer: Mr. Speaker, the problem with repetitive questions, it requires us to give repetitive answers.

The issue of the e-mail was asked at committee. The Auditor General, before the committee, dealt with the issue of the e-mail. The Auditor General

testified at committee. It's in *Hansard*. I will provide it to the member opposite tomorrow. He said, and I quote: The e-mail never went to any minister in government.

It was an e-mail between officials. It was identified in the report as an issue of red flag. It was never received, certainly by myself or the Minister of Industry, and that was clarified completely in the committee.

Mr. Speaker, I have to admit to members opposite that there might be thousands of e-mails in the public service between officials, sometimes agreeing with what we do and sometimes maybe not. We don't get them all. I don't think that former ministers of government got every e-mail in government either. People use their judgment of what they're going to advise you of, and what they're not going to advise you of. We have an excellent public service working in Manitoba. It provides us with a great deal of advice, and they were never charged with the responsibility for managing the fund.

The members opposite, when they were in government, appointed Mr. Kreiner, and then they appointed Mr. Umlah to manage the fund. They put up a structure that had the officers of the company report to the board of directors. The board of directors was established under a memorandum agreement, passed and signed off by one Eric Stefanson in 1993-94. I can table that memorandum for the members opposite.

It's because, as a former minister said, this was set up as a fund to be arm's length from government. It wasn't a fund managed by civil servants and managed by Cabinet. Performance is clearly identified as an issue under the purview of the officers and the board of Crocus. Valuation is not only an issue of the officers and board of Crocus; it's an issue for the underwriters, one Wellington West, a company very familiar with members opposite and the auditors. Auditors were never second-guessed by us, nor was the underwriter who testified to the veracity of the values of the shares under a legal process before the Securities Commission.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Fort Garry Women's Resource Centre

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, today, I would like to speak about a very important

resource in my constituency, the Fort Garry Women's Resource Centre. It recently celebrated its 20-year anniversary and was the recipient last month of the City of Winnipeg safety award for the development and delivery of a self-defence course.

Given the recent federal cuts to the Status Of Women, including staff in Winnipeg, it is essential that we recognize the important role of women's centres in supporting and empowering women. I have heard great things from the residents of St. Norbert who have participated in programs offered by the centre. They call the centre a welcoming environment that encourages the development of new skills, helps build self-esteem and fosters healthy relationships, while introducing them to a variety of resources they can access to assist them in the future. I would like to congratulate the women who access the resources at the centre that help them make positive changes in their lives.

I would also like to express my gratitude to the staff of the Fort Garry Women's Resource Centre, including Sharon Hunter, Executive Director, and the board of directors, including Heidi Magnusson-Ford, Janice Nagazine, Sandra Morrison, Lorna Kirkness, Deb Fay, Allison McCullough-Butchart, Michelle Periera, and Dana Thiessen, who work so hard to keep the centre operating in a nurturing, family-friendly fashion.

The drop-in centre runs a variety of programs for my constituents that includes a weekly program for moms so they can meet other moms in the community while their children play. The centre offers counselling and programs such as Women & Midlife.

I would like to congratulate the centre for offering workshops, education and special events dealing with issues such as domestic violence and childhood abuse. Thank you very much, Mr. Speaker.

International Day of Disabled Persons

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I'd like to recognize today as International Day of Disabled Persons. This day has been established by the United Nations in order to celebrate and acknowledge the experience and capabilities of people with disabilities. Furthermore, it is meant to foster public awareness, understanding and acceptance of disabled people and the struggles they must face in everyday life.

The theme of this year's disabled persons' day is "E-accessibility." Specifically, the use of information technology in providing equal opportunity for disabled people is the focus. It is hoped that, through the use of such technologies, disabled persons will be able to compete on a more equal footing in today's information-based economies. It is also the focus of this day to raise awareness that, although IT technologies may help to level the playing field for disabled persons, much more work must be done in order to make such technologies accessible for the blind and visually impaired.

It is also a good day to call to this government's attention its own record on improving the lives of people with disabilities. While we on this side of the House recognize the need to support all persons with disabilities, whether they decide to remain in their home communities or reside in an assisted-living facility, it would seem that this government does not share that opinion. I hope that the government will take this opportunity to finally recognize the importance of community-living initiatives in improving the lives of Manitobans with disabilities.

Therefore, Mr. Speaker, I'd like to, once more, congratulate all those involved with the International Day of Disabled Persons, as well as wish them all good luck with their continued goal of obtaining equal rights and opportunity for disabled persons. Thank you.

* (14:30)

Mr. Cris Aglugub (The Maples): Yesterday was the International Day of Disabled Persons. The annual observance of this day aims at increased awareness of gains to be derived from the integration of persons with disabilities in every aspect of political, social, economic and cultural life.

Accessibility refers not only to physical environment, but also to information and communication services. This government appointed Manitoba's first minister responsible for Persons with Disabilities (Mr. Mackintosh) and established the Disabilities Issues Office.

I am pleased that our government will be increasing access to the Manitoba Legislature for citizens with disabilities. For too long people with wheelchairs have had to come in the back door and go down to the basement in order to enter the Legislative Building. The construction of a Tyndall stone ramp at the front entrance will improve access

for those who have difficulties climbing the steps including those with strollers and wheelchairs.

Manitoba was the first provincial government to require new government buildings to exceed building codes related to access for the disabled having adopted the Universal Design Institute's *ACCESS, A Guide to Accessible Design for Designers, Builders, Facility Owners and Managers*. Ninety percent of public government buildings are accessible and we are working to ensure 100 percent accessibility.

On the information and communication front, the Legislative Assembly now provides closed captioning of Question Period televised coverage for the hearing impaired, and Manitoba has implemented a policy on Web site accessibility to meet the needs of disabled citizens.

Mr. Speaker, my constituency, The Maples, is a host to both the Bill Arnott and the Tranquility housing co-ops for people with wheelchairs and with other disabilities. I therefore understand how important it is that we work together to ensure accessibility for all citizens.

I am proud to be part of a government that recognizes the importance of these issues. Thank you, Mr. Speaker.

Assiniboine Valley Flood Compensation

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I wish to voice concerns over the lack of action by this NDP government in addressing the need for adequate flood compensation for the artificial flooding suffered by landowners in the Assiniboine Valley in 2005 and 2006.

On several occasions this past spring, members of the opposition demanded that the Premier (Mr. Doer) meet with flooded farmers in the region. The Premier refused to do so until July, well after the flooding receded. At that time he promised to get this issue dealt with immediately and the chairman of the Assiniboine Valley producers' committee at that time and the western producers said, we're just hoping that what he said at the meeting is what's going to happen.

It's been over four months and the Assiniboine Valley landowners are still waiting. In fact, Mr. Speaker, they've submitted yet another request to the Premier for another meeting to learn what, if any, decision has been made on their behalf for flooding that occurred in both '05 and '06. They haven't received a response.

The Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk) requested information on the flooded acres and received it last spring, so the NDP cannot say they are uninformed of the situation. Neither the minister nor the Premier or anyone else in their government had any type of compensation package available for '05 and '06 or any future predictable plan, and the longer the situation goes on the worse it gets.

Mr. Speaker, the vice-chair of the Assiniboine Valley producers' committee referred to the destruction caused by flooding in the June 20, 2006, edition of the *Russell Banner* stating: The Assiniboine watershed has seen more destruction in the past 12 years so that much of it is now beyond the point of repair.

Mr. Speaker, the members on this side of the House tried to draw attention to the problems of the Shellmouth Dam last spring. Despite these attempts all the former Minister of Water Stewardship wanted to do was argue with us over snow melt versus storm surges and natural versus controlled releases of water. This is not an issue of technicalities; this is a matter of artificially flooded farmland.

The delayed seeding had cost farmers in the area hundreds of thousands of dollars. With the net farm incomes in Manitoba down \$185 million from the previous year, the worst level in Canada, they can scarcely afford the loss. This year the federal government came forward with a significant relief program for flooded acres. It's time this NDP government did likewise.

Typhoon Durian (Philippines)

Mr. Conrad Santos (Wellington): Mr. Speaker, this Member for Wellington rises today with a heavy heart to recognize the tragedy that has befallen the people of the Philippines.

Over this weekend the country was hit by a typhoon with winds as high as 265 kilometres per hour, compounded by torrential rains, volcanic ash and debris. This typhoon dubbed Durian has caused tremendous damage and destruction in a short amount of time. Durian has poured destruction upon thousands of family homes. In some cases the disaster has taken the lives of people in entire villages.

The Philippine National Red Cross reported that more than 1,000 people have been killed by this unusually severe weather. The president of the Philippines, Gloria Macapagal Arroyo, declared a

state of national calamity. This declaration serves to increase the government aid that is required for the extensive search and rescue efforts that are now underway.

I commend our country, Canada, for recognizing this humanitarian crisis and sending a timely donation to the country. I hope that all of us in this House will keep the Philippine community in Winnipeg in our hearts and minds as they anxiously await news about their family members, relatives and friends back home. May we all remember the burden that the Philippines have to bear this week. May we all walk with the Philippine people in solidarity as they mourn for this loss.

This Member for Wellington humbly asks, Mr. Speaker, for this House to observe a minute of silence in recognition of the lives of many Filipino people that have lost their lives over these past few days.

Mr. Speaker: Is there a willingness of the House to rise for a moment of silence for the members in the Philippines that have lost their lives? [*Agreed*] Please rise for a moment of silence.

A moment of silence was observed.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Dave Chomiak (Government House Leader): I want to thank everyone in the House for their co-operation.

I'd like to call Orders of the Day in the following manner: Bill 34, debate on concurrence and third readings, then report stage amendments of Bill 29, 33, and 41; following that, Mr. Speaker, second readings, Bills 11, 39 and 40; after that, if we're still proceeding, debate on second readings, notably 3, 7, 8, 10 and 28.

DEBATE ON CONCURRENCE AND THIRD READINGS

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

Mr. Speaker: Resume debate on concurrence and third readings on Bill 34, The Public Interest Disclosure (Whistleblower Protection) Act, as amended, standing in the name of the honourable Member for Inkster.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, this is interesting legislation in the sense that there is a need, and what I would like to be able to talk about in addressing this particular bill is to express some concerns that we have had now for a good while, since in essence the fund had collapsed. I guess we're approaching the two-year mark where it was actually frozen. In fact, it might even be right at that two years. I know it was on December 23, in fact, that I was sent a letter which was signed by Alfred Black and Peter Olfert to try to give this Legislature some assurance that things are okay and not necessarily to push any panic buttons.

* (14:40)

Mr. Speaker, this is an issue that I believe the government is moving in the wrong direction on. I believe that the Crocus Fund issue—that's why we have this legislation—does need more attention. We need to do what we can to find out why it is that actions were not taken in order to save the potential of millions and millions of dollars. We all participate in debates, and have all sorts of dialogue with our constituents. I believe that there are individuals throughout the province, in every riding; indeed, there are MLAs that have invested in the Crocus Fund. At the time, there was a great deal of promotion of the Crocus Fund and a great deal of reliability. People had confidence, in good part, in the fund because they believed that the government was doing what it was supposed to be doing, in terms of protecting the interests of the integrity of the program.

What offends me is the fact that, once everything is said and done, the bottom line is that there were red flags, red flags that surfaced and the government of the day ignored those red flags. It was not just one or two; there were numerous red flags, Mr. Speaker. As a result of ignoring those flags, millions and millions of dollars were lost. You've got to ask: Well, who were these investors? These weren't multimillionaires. They weren't individuals, in most part, that were generating \$100,000 a year in income. Most of the investors were the average person on the street. A good number of those investors were union members, people that really believed that this was something that they needed to be involved with.

I have had opportunity to talk to so many Crocus shareholders as they explained to me why it is that they invested in the fund, Mr. Speaker. There are a couple of things that I want to comment on that I found was a common theme that time and time

again, I heard. The No. 1 reason I believe why people invested in it was not of a selfish motivation of the tax credit, even though that would probably rank in the top three in terms of motivation. The primary reason seemed to be: Well, we live in Manitoba. We see this as being a government initiative, and we want to support Manitoba by investing and using this fund to make Manitoba that much better, to provide more opportunities in the province of Manitoba.

That was all done in good faith. In fact, Mr. Speaker, many union leaders throughout the province, Thompson, you name it, promoted the program, encouraged union members to participate. Non-union members, you know, whether it was Astra Credit Union, many other financial institutions, highlighted this program, again because they saw a program that had just wonderful opportunities. It was more than just making a dollar. These were people that were committed to making Manitoba, in part, a better place to live because they felt they were contributing, in terms of a venture capital, where there is so much of a need and a demand for venture capital. So they did that in good faith. Another motivation, no doubt, was the issue of financial gain. They were prepared to accept the fact that they could lose money.

Mr. Conrad Santos, Deputy Speaker, in the Chair

There was some tax benefit by them to be able to participate. It's not like they're saying: Well, we lost money; therefore, we want our money back. That is not the primary issue. The primary issue in terms of the money aspect and the losses that were incurred, Mr. Deputy Speaker, have more to do with the red flags and the government neglect. That is what I believe most Crocus shareholders feel that the government has really dropped the ball, because they know, and they're very much aware, the provincial auditor clearly showed that there was government negligence, that the government was indeed aware that there were some serious problems within the Crocus Fund. Yet the government did not take any action.

So, because of that lack of action, the individuals that invested in Crocus, I believe, have a case that has a great deal of merit in terms of that they should not be held 100 percent responsible for all the monies that were lost in the Crocus. That is the reason why we have the Province of Manitoba being sued by the Crocus shareholders.

You know, Mr. Deputy Speaker, I am concerned, and one of the concerns that I have is that the government will attempt to silence the issue even more by trying to come up with an out-of-court settlement on condition that everything be held top secret or that information not be released. That is a concern that I do have because I would very much like to see a public inquiry. Remember that there is another issue that is really important, that really hasn't been getting the attention that I believe that it deserves.

That is that the venture capital funds have phenomenal potential in areas in which other aspects of the financial market are very reluctant or hesitant to go into. By the government not being transparent, not seeking the truth in terms of the failure of the fund, Mr. Deputy Speaker, we are putting at risk the future of funds of this nature. In essence, we're putting future governments in a straitjacket in dealing with venture funds. We even put some limitations within the private sector and other would-be investors that would be looking at the venture funds as a possibility to promote. So many Manitobans have been burnt by the Crocus Fund, and those individuals, I would suggest, are going to have great reluctance if there is another opportunity to invest. That's the reason why we need to find out what actually took place.

You know, I've been introducing petitions every other day, last session virtually every day, Mr. Deputy Speaker, and one of the WHEREASes, and I'll state, says: That the provincial auditor's report, the Manitoba Securities Commission's investigation—and we know that's been delayed—the RCMP investigation, the involvement of our courts—I didn't say anything about Revenue Canada, and I wish I would have included it because I understand that Revenue Canada also has a role in this. Of course, I'd say that the courts, collectively, will not answer the questions that must be answered. The only way we're going to answer those answers is through a public inquiry.

I remember last session I was talking about the concern that we had in terms of their relationships with the Premier (Mr. Doer) and others that were directly or indirectly involved that might have had even some involvement possibly with the red-flag issues, Mr. Deputy Speaker. I talked a lot about that in the last session. You know the number of donors to the party, the way in which they assist in organizing and that special relationship that they have with the Premier and other members, quite

possibly of the Cabinet, and how that might have influenced what the government did or, more specifically, did not do. I believe that the government has in fact put the interests of its friends ahead of the public interest by not allowing for and calling a public inquiry that would deal with this.

* (14:50)

Well, Mr. Deputy Speaker, it was shortly after we had a rally, and I had one individual say to me: Well, you know, you didn't get very many people showing up at the rally at the front of the Legislature. I thought that that was somewhat disrespectful because, quite frankly, we're talking 30,000-plus people who did invest tens of millions of dollars.

Some of the e-mails and correspondence that I've received over the last little while have been fairly significant. In fact, had it not been for the issue dealing with the chief of staff at the Premier's office, I would have been raising some of the e-mails that I have received. I don't have permission to release their names, but I'd like to share with you some of the clippings that I actually cut out from I guess it would have been three e-mails in the last number of weeks since that rally. One of them states, and I quote: I have a lot of money invested in Crocus. I worked hard for my money raising three children on my own without any support. I don't believe I should be a victim of the government.

We had another one and I'll be brief with the quotes. It indicates: It seems to me more and more that Crocus is simply an Enron with a maple leaf attached. The other quote from an e-mail that I received—and I thought this was kind of an interesting one. I quote: If the fire trucks were dispatched when the alarm was sounded, the damage would be minimal. This, however, is not the case. A public inquiry is the order of the day.

Mr. Speaker in the Chair

Mr. Speaker, I have no reason to believe that these three e-mails that were sent were not legitimate. I think that it reflects a lot of the comments that I've been hearing, whether it was in attending the rally on the steps of the Legislature and talking to some of the investors, whether it's been on the telephone talking with investors or through e-mails. I've had letter correspondence. I've gone to events where individuals have raised the issue with me.

We even had petitions come in to try to ensure that the government is fully aware that they have a

responsibility, and that's one of the reasons why I read as many of the petitions as I can into the record and will continue to do that. I hope to read these petitions every other day because there are other petitions that I also want to read into the record, but I think every other day at the very least to continue to remind the government that we have people who want to know the truth. They want the government to get to the bottom of the Crocus fiasco. I support their desire for the truth, Mr. Speaker, and that's why it is that I will continue to raise this and use the Chamber to the best of my ability at ensuring that this issue continues to be part of the Chamber debate and through the Chamber to add to that broader public debate outside of the Legislature.

Mr. Speaker, many would ultimately argue that there are many reasons why opposition parties would be calling for a public inquiry in regard to Crocus and the allegations of, well, you're just doing this because you happen to be in opposition and you see that maybe we might be a little bit vulnerable. These are the types of comments that we would get from members of the government. Well, it goes far beyond just members of the opposition. We have had numerous independent media outlets talk about the need for a public inquiry.

A while back—and you'll be aware, Mr. Speaker, because actually it was through your office that it was indicated that I couldn't use the petition—I was making up a petition and what I was going to do is come up with some statements from the press in regard to quotes that I believe reflect very negatively on this government and its handling of the public inquiry, and I'll tell you, it was not that difficult. It was really quite easy just to go and pull article after article where newspapers are being soundly critical of the government and its reluctance to do what's important for the shareholders.

In fact, Mr. Speaker, *Hansard* can't report exactly what it is that I'm looking at right now, but I'll describe it by saying it's a legal-size piece of paper. I believe the font is like a six, might even be smaller than a six, and there's got to be a thousand-plus words on this sheet of paper. If I go through some of the WHEREASes, you know, I see the *Winnipeg Sun* is mentioned quite a bit; the *Winnipeg Free Press* is mentioned quite a bit. We have the *Brandon Sun* is also mentioned at least a couple of times.

Mr. Speaker, there is reference to the Auditor General's office. The provincial auditor is, again, an

independent office. These are just quotes directly that reflect negatively. If there are members of the New Democratic Party that would like a copy of this, I'd be more than happy to provide them a copy of it. I can tell them that it would probably depress them to read it. So, if they're up to hearing the truth, I'd be more than happy to provide them with a copy of the letter.

But it goes beyond the newspapers. I've heard it on radio. I've heard it on television. I've heard editorials from TV, I don't know if it was Global or CTV, it might have even been both, where they were commenting on the need for a public inquiry. I've heard, I believe it was on CJOB, or possibly, even one or two other radio stations suggesting, again, that there is a need for a public inquiry.

Mr. Speaker, there have been numerous individuals who are Crocus shareholders that want a public inquiry. There are Manitobans who are not shareholders that see that something has gone wrong here that want to see a public inquiry. There is a push to see a public inquiry. The unfortunate reality of it is that the person that has the authority and the power to call a public inquiry also has a vested interest to ensure that a public inquiry is not called. That, I think, is what's really put us in this awkward dilemma. When you have so many Manitobans, and you have so many politicians and independent third parties that are out there that recognize the value, why won't the government do the right thing and call the public inquiry?

Mr. Speaker, I truly believe that the former Prime Minister, Paul Martin, would have liked to have avoided having a public inquiry that we know as the Gomery inquiry in regard to what was taking place in the province of Québec, but he had the courage to do the right thing. As the Prime Minister, he believed that the truth was more important than the stability of the success of the Liberal Party of Canada. He put the interest of the public ahead of the interest of his own political party and, to certain degree, of his own leadership. What we're looking for is the Premier of Manitoba to do likewise.

*(15:00)

On a per capita basis, Mr. Speaker, one might be able to argue that the Crocus fiasco is larger, in terms of dollar loss, and just as negligent as what took place in the province of Québec a number of years ago. The unfortunate thing is that this Premier is not prepared to call the public inquiry. I believe I know why. I think that the Premier knows full well that, if

he called a public inquiry, it would only show virtually on every other day or every other week you're going to hear testimony that would ultimately show that the Premier and his government and his Cabinet knew more than what they're prepared to share with the public, and as a result, Mr. Speaker, it's going to reflect negatively about the government. It's going to uncover the cozy relationship between a few. It's not a few. Don't be confused.

A lot of people think that, well, the unions support the New Democrats. You know, the union worker, implying that it's the union worker, and that's not the case, especially on this issue, but it's the few within the union movement that have that special, cosy relationship with this government and this Premier (Mr. Doer). Manitobans would start to see that much more of it if in fact there was a public inquiry. That's the reason why the Premier, in part, doesn't want to have a public inquiry called.

You know, I was talking to a reporter a while back, Mr. Speaker, and they asked me the question: Well, why don't you think that the Premier's calling a public inquiry? My response was that I don't think this Premier will call a public inquiry unless he believes that the political costs by not calling a public inquiry will be higher than the political cost of having a public inquiry. As long as he can sit on the issue and try to keep it out of the public light, he believes that he will be able to keep control of it, just keep it in the can.

We've got to get through this next election is the mentality that this Premier has. Whatever we can do to keep things silent, don't let Manitobans know. Whether it's this issue or what took place in the Premier's chief of staff's office in regard to the nomination in The Maples, just keep it quiet. We don't want information known to the public because if it gets out, it's going to be to the detriment of this Premier's future electoral success. That is the reason, and I see that as completely self-serving.

It serves his interests and this political party's interest, but it's a disservice to the average Crocus shareholder, Mr. Speaker. The average Crocus shareholder is the individual that had faith in the government and believed that they were doing what they felt was important to the province of Manitoba while at the same time, yes, they thought that they would make some money, but that was not the primary motivation. They believed in the province of Manitoba, and the government of Manitoba has let them down.

Not only have they let them down, but they're stepping on them now, Mr. Speaker. The reason why they're stepping on them is because they're not prepared to address the concerns that they want addressed, and what they want addressed is they want to know the truth and the full truth. The government should be aware that there are 34,000 Crocus shareholders, and my best guess is that 30,000-plus of those Crocus shareholders are going to be voting in the next provincial election.

There're going to be at least two opposition parties that are going to demand justice on the Crocus file, that it goes beyond just this particular bill. There're going to be two political parties that are going to want justice, and if the Premier continues to hide, continues to prevent information from getting out, my best advice to him is that he is not going to win the next provincial election, and we're starting to see that because I follow the trends that are out there. I can tell you that there is more and more a mood for change.

As more and more people start to see just what sort of an association and a relationship that got this government to ignore the red flags, and as a result caused so many people, my constituents, everyone's constituents—that's why, you know, I've been heckled on numerous occasions on this particular issue, somewhat, maybe, unfairly.

Mr. Speaker, I believe it was a member from Brandon once had told me to pipe down or not raise my voice on the issues as much. I indicated to the member from Brandon: Now, look, I feel passionate about this issue. You've got to wonder why it is, or I even wonder if any of them, if any one of the 34 New Democrats raised the issue within their own caucus, because it is an issue. If they talk to Crocus shareholders, it is an issue. I've got to wonder what is it that they're telling their constituents. Are they saying to their constituents: Oh, don't worry; we'll get a settlement yet? You will get something out of it; trust me. Have faith that we'll do something. How do they justify their inaction? I don't know. That's why, when the member from Brandon had indicated to me back in June or May—I think it is the Member for Brandon East (Mr. Caldwell), I believe it is—that indicated that, and I said to him, and *Hansard* would show it because I even believe I raised it at that time, it is because I felt passionately about it.

I would like to see more NDP MLAs speak with passion in dealing with some of these issues that are

being raised, Mr. Speaker. I can tell you, if you are not going to stand up for your constituents, there are a number of you that are going to be not returning to the Manitoba Legislature. As a result, what is going to happen is that there will be a change, and there will be something more than this legislation.

Mr. Speaker, I see that my light is flashing, and I haven't even had the opportunity to talk about Pat Jacobsen. Pat Jacobsen was someone that, ultimately—you know, I don't believe that she would, in fact, be protected under this legislation. I would like to hear the government explain to me exactly how it is that she would be protected, and she is one of those red flags. It is truly amazing. Members need to read the affidavit that she signed off on. This government knew. This government ignored. They were negligent, and as a result of that, a lot of money was lost. Seniors, single moms, the average individual, the union worker, non-union workers, people that make \$30,000 a year to \$60,000 a year, that was the bulk of the investors. These are the people they're stepping on because they choose not to do anything in protecting the money that they had invested by ignoring the many red flags. I find that sad.

In the next provincial election, whenever it might be, as the Member for Thompson (Mr. Ashton) suggests, I am going to go out, and I am going to go and hug a lot of New Democrats. I am going to tell them about just how bad they are. Some have suggested that maybe I've already done that, and I can tell you there are a lot of Liberals that are out there getting that—

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

Mr. Ron Schuler (Springfield): Mr. Speaker, 34,000 Manitobans cry out that this Chamber hear at least some of their concerns of what happened to them with the Crocus fiasco, and we know that Bill 34, by extension, is a creation because of what happened with the Crocus scandal. The speaker previous touched on some of the issues.

* (15:10)

We've seen a government that's scrambled on an issue. They've been effective for a while to be able to spin the issue. They've been able to spin themselves, to a degree, out of the difficulties with the Crocus fiasco. We have found in the last several weeks that that is becoming less and less of an easy task for

them. They are finding it more and more difficult to just ignore the questions of the opposition. We have the Member for Brandon West (Mr. Smith), who is a minister who has first-hand knowledge of what happened in the entire Crocus scandal, staying in his seat as if he was glued to his seat and not getting up and addressing the issues and not getting up and addressing the questions being posed to him. In fact, there was one time on Thursday where the opposition on this side went to ask him a question on another issue. He got up and answered it, so we knew he hadn't lost his voice, he didn't have laryngitis, there wasn't a problem with him getting up because then we went right back and asked him another question about Crocus, and of course everybody else covered for him.

I know the Member for Brandon West. He is a congenial individual to speak to, and I am sure he is mortified, in fact, humiliated by the fact that he has to have the Premier (Mr. Doer) and the Minister of Finance (Mr. Selinger) get up and basically mop up for him. If you want a hockey analogy, he has been permanently moved to the penalty box, and that's where he sits as he watches his team captain and his goalie and everybody else trying to cover up for his failings for his mistakes.

I know that he is an individual that would probably love to get up and explain his involvement in the entire Crocus scandal, but the government won't allow it. They won't allow it, Mr. Speaker, because they know he is an individual that might actually break out and start telling the truth, and you can't have that. They can't have a minister of the Crown getting up and starting to tell people what he knew and when he knew it and exposing the government in this entire scandal.

We know how the New Democratic government, the Gary Doer government, treats whistle-blowers. Let's talk about Pat—*[interjection]* No, that's allowed. Let's talk about Pat Jacobsen from the Workers Compensation Board. Here is a woman of unbelievable character, a bright individual, someone we would love to have back in our province working for the Workers Compensation Board, who realized that there were problems within the entire system of what was going on, complained to the minister, was told to complain to her boss, and in the end lost her job. She was fired in quite an ugly fashion, if we could put it that way. Her professionalism was under attack, and it really was an unfortunate time. I can imagine in her personal life, in her home life, it was probably a very tough time. She probably second-

guessed herself at times. She probably self-doubted what she had done at times. I am sure family members, you know, as supportive as families are, they probably said: Are you sure you were right in what you did? In the end, time proved her to be absolutely right. She was, if you could use the term, dead right in her allegations. She was exonerated and has been proven to be honourable and an individual of integrity. The problems lie not with Pat Jacobsen but with the NDP government, with the Doer government. That's where the problem was.

So this legislation has come forward. We know that the legislation is terribly weak, and I don't know if this legislation would even have covered off Pat Jacobsen because actually it says you have to go back to your boss, where the problem lies and you have to tell your boss that with him or her lies the problem. So she probably would've gotten fired anyway considering who her boss was.

There are areas of this legislation that have to be improved, but at least it's a start. We have an NDP government. We know the Doer government has to pass legislation that protects them from themselves. They need legislation that says: Please stop me; stop me from doing all the bad that I am doing. In that case it's a piece of legislation that we believe should move forward, but at least it gives a little bit of protection. It doesn't give the kind of protection that is necessary and certainly not the protection that we find in other jurisdictions.

We believe, with the kind of scandals and the growing scandals that we have seen from the NDP, from the Doer government, that it's time to have some kind of protection for those individuals who see what's going on and are sickened and disgusted by the incompetence, by the mismanagement, by the kind of corruption that they see in government ranks and would like to come forward. At least it affords them some protection from having to lay down their jobs on the line, seeing that every time there's a scandal, every time more corruption is exposed by the New Democratic government, someone else loses their job.

Certainly, nobody on the NDP side, nobody on the government side seems to ever lose their job. When 34,000 Manitobans lose their pension investments, others lose their jobs and not the members opposite. So at least this affords some kind of protection, and we would like to see it proceed.

With those comments, I will sit down, and I will just close by saying to those 34,000 Manitobans, I

feel for you. It's a disgrace that your government, the NDP government lets you down, and we hope that we will change that coming the next election. Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I'd just like to indicate briefly that we will support this bill. We have tried to make amendments to make this more open, provide for more public reporting and accountability, but we were not supported by the government.

We have tried to get clear understanding of the institutions, education and otherwise who would be covered, to make sure that there is adequate coverage. We have tried to ensure that whistle-blowers at organizations like Aiyawin Corporation would be protected in the future. We have, to some extent, because of the government, been left in limbo. We have tried to ensure that this was a more workable bill than the present one, but we are nevertheless prepared to support it as a step forward. Hopefully, we could build upon this and improve it in the future. Thank you.

Mr. Speaker: Is the House ready for the question? *[interjection]*

Mr. Leonard Derkach (Russell): I think it's important to at least offer some comments with regard to this legislation. This is legislation that was not initially proposed by the government. I think this side of the House needs to take some credit for the fact that they have forced the government once again into moving on an issue that has been of concern to us because of the way this government has been conducting itself.

Mr. Speaker, there wasn't any need for whistleblower legislation and protection of whistle-blowers in the past until this government came to office.

An Honourable Member: Until 1999.

Mr. Derkach: And, in 1999, when this government came into office, it became apparently clear that the civil servants working for them would need to have some protection because of the cavalier way in which this government handled its employees. I think the glaring example of all of this is in the way in which they treated one of the senior female civil servants in this province, and who later came back and told the story about how badly she was treated, not by only her own minister but indeed by this government. That person was Pat Jacobsen. If that had happened under Conservative administration, we would hear howls from across the way, and those

howls would not cease for months and months and months.

Mr. Speaker, this government is so shameless that, indeed, they just simply tried to wash their hands of it and tried to point the finger at other individuals, whether it was the Workers Compensation Board, the management of Workers Compensation Board. The Premier (Mr. Doer) even tried to wash his hands of it by saying: Oh, well, I don't deal with every issue that comes out in front of me when someone decides to get rid of a civil servant or a senior manager.

Mr. Speaker, you have to ask yourself: Why was Pat Jacobsen relieved of her duties? Did she do something wrong? Well no. Nobody can identify what Pat Jacobson did that was wrong. As a matter of fact, she was an exemplary individual, an exemplary manager, and went on to British Columbia to again achieve significant, personal achievements with regard to her profession.

* (15:20)

Mr. Speaker, this government decided that she knew too much, and so therefore she had to be gotten rid of. The easiest way for that was to fire her, pay her out, get her out of the picture and also muzzle her from being able to talk as well, which is something that this government is noted for as well.

If we look at what the Premier himself was implicated in when it came to the issue of property development just north of the city here, where he was being sued by four individuals while he was still the Leader of the Opposition for activities that he undertook when he was Minister of Urban Affairs, which is a number of years ago, he stalled off all of that court action until he became the Premier. Then, when he became the Premier, he used taxpayer dollars to silence the individuals that were suing him and to have a non-disclosure clause written into the agreement. But he used over \$100,000 of taxpayer money for an out-of-court settlement.

This is the typical way this government deals with people in this province, with people that it has control over, Mr. Speaker. It just steam-rolls over those people who aren't able to defend themselves because they don't have the resources at their feet that this Premier and this government have. They're not shy about saying, yes, fight us as government, that sign, you can fight us forever. We'll just take you to court and we'll just keep—you haven't got as

much money as this government has, so we're going to win either sooner or later.

Mr. Speaker, if you check with Manitobans right through this province, especially outside of the city, people will tell you that that's characteristic of this government. They bully people. This is a government that bullies people. I'm not afraid to say that word. *[interjection]*

Well, Mr. Speaker, the Member for Brandon East (Mr. Caldwell) can make all the fun he wants of this, but this is the characteristic this government has taken onto itself because of the cavalier way that this Premier and his ministers have dealt with members of the public, members of the civil service, people who have been loyal to government. These are people who have worked for government, not just the NDP government, but government regardless of what stripe. These are loyal civil servants, long-time civil servants who do their job professionally. Today they seek out protection if they have to tell the truth because they know that they haven't got that protection under this government and they know that if, in fact, they are ever sought out by the government for having squealed on what kinds of activities politically this government undertakes, then they are without a job. What a way to deal with your employees. You are fired if you speak out against this government. You are fired if you tell the truth. You are fired if you warn the government about impending situations that could create a lot of difficulty for ordinary Manitobans. The government deals with these people by getting them out of the picture and firing them. Then it muzzles people at the same time.

Just look at how this government has been conducting itself with regard to the Crocus issue. Well, let's take a look at the Member for Brandon West (Mr. Smith). The Member for Brandon West was the minister responsible for the Crocus Fund between October 2003 and November 2004. Let's remember when Crocus stopped trading. It was December 10, 2004. Shortly after that, the member was relieved of his duties as minister responsible for Crocus, and yet during that period of time there is absolute silence. There is an absolute void in terms of information that is coming down to this Legislature, and today we ask the same minister, because he has once again resumed that responsibility of the Crocus Fund. We ask him questions in this House and he has neither the courage nor the ability, nor is he allowed by his Premier (Mr. Doer) to stand up and answer those

questions for which the Premier has said, you have responsibility for.

Well, ladies and gentlemen and Mr. Speaker, I appeal to the people who have invested money in Crocus to look at this scenario and to really understand what is happening here. If you have a minister of the Crown who cannot stand up and answer a question, then one has to ask himself or herself, what is the cover-up here? What is he covering up for? Why is he being shielded from answering questions in the House? Why is he being shielded from coming forward before the Public Accounts Committee and answering the very questions that he had responsibility for while he was the minister responsible for the Crocus Investment Fund?

Now, Mr. Speaker, the Minister of Finance (Mr. Selinger) very cleverly stands up in the House and tries to cast a smoke screen over all of this by saying that it is the Minister of Finance who has responsibility for monitoring. Well, nobody's asking questions about the monitoring issue. We are asking questions about what that member, the Member for Brandon West (Mr. Smith), the Minister of Competitiveness, knew about Crocus when he assumed the responsibility.

Today people like his own deputy minister and people like officials within his department have to be protected by whistle-blower legislation because, rightly so, they fear for their jobs. What does Mr. Hugh Eliasson know about his role in Crocus and how he as responsible deputy minister advised his own minister? Mr. Speaker, he's going to need protection because if he speaks out, the habit of this government is they will deal with him in the way that they dealt with Pat Jacobsen. That's what he fears.

Mr. Speaker, there are others in government as well: Mr. John Clarkson. I could name him, as well, because as assistant deputy minister, he obviously knew. He sat on the board. He knew what was going on in Crocus. He advised this government and he has a reason to fear. He has a reason to want this kind of legislation to be enacted.

But, Mr. Speaker, if you look at the legislation itself, at Bill 34, does it have the teeth that whistle-blower legislation should have? Let's examine that bill. It is nothing more than window dressing. If I were the media today, I'll tell you, I would find an interesting story in how Bill 34 does not address the real issues of whistle-blower protection; as a matter of fact, how it's a sham and how it is a joke, if I

could use that term, in terms of what real whistle-blower protection should be.

Well, Mr. Speaker, I say to this government that they have run their course. Manitobans are tired of this kind of government, a government that won't accept responsibility for its own actions, a government that makes pronouncements about things that it can never accomplish. The public knows that. The public can see through it. Yes, the Premier (Mr. Doer) may personally be a very popular individual, but let me say that this Premier has a long way to go in terms of accountability to Manitobans, the people he really is supposed to be standing up for, the little people out there who don't have the ability to fight big government. He has a responsibility to stand up for them and make sure that whatever legislation is brought before this Legislature, like Bill 34, that that kind of legislation has some teeth in it.

Mr. Speaker, we go through this from one to another. If you look at the Public Accounts process in this Province, if you look at any other jurisdiction across this land, this Province has the worst Public Accounts process in Canada. For years now we have been trying to work with government to try to put some teeth into the Public Accounts process because this is the process that is supposed to make government accountable, hold government accountable. This is the process that is supposed to bring people who are not political before the Public Accounts Committee to answer questions about what they knew.

But this government, once again, is afraid to put any teeth into this legislation. So it comes forward with legislation that talks about setting dates. Well, what does setting dates have to do with real accountability? Mr. Speaker, real accountability means that you take the Minister of Finance and remove him from that committee, and you bring forward people from administration who know what goes on, and you ask them the questions, the direct questions, so that they can answer without having any fear of repercussion about what they say.

* (15:30)

Mr. Speaker, when we talk about whistle-blower legislation, we have to bring to mind MaryAnn Mihychuk who was the Minister of Industry, Trade, in 2002. She was interviewed by CJOB, and I know that this person has a lot more to say than what she could say in that short interview on CJOB. She said she was prepared to come forward, sit in front of a public inquiry, have counsel at her side and answer

all the questions, because she said that as far as she was concerned, she had been advised about the problems in Crocus, and she and her staff were moving forward with legislation that would make the Crocus Investment Fund more accountable, more open and allow for individuals who were responsible for the management of Crocus to come forward with the kind of information that government needed. But, Mr. Speaker, when she was taken out of her portfolio, that portfolio went to the silent minister, the minister who has never answered one single question in this House or to Manitobans about what went on in Crocus.

Mr. Speaker, when we talk about whistle-blower legislation, we must make sure that this is the kind of legislation that is going to provide real protection for people in the civil service who want to come forward when government goes awry. At the present time, the way the legislation is written, these people have to report to their supervisors, and what do you think that's going to do?

That's what Pat Jacobsen did. She went to her minister. She went to her boss, first of all, who she found conflicted; then she went from him to the minister, and the minister then took this allegation, sent it back to her boss, and three days later she was fired.

Well, that's the kind of whistle-blower legislation this government wants to see? It has no teeth; it has no ability to protect people. But you know who it protects at the end of the day, Mr. Speaker? It protects a government that has been riddled with scandal, goes from one scandal to another and continues to hide problems from Manitobans. Manitobans know this; they know it too well. They're going to hold this government accountable in a short time. They're going to hold this government accountable for what it didn't do in this province, for the way it squandered the money, for the way it's dealt with people, the way it dealt with civil service people, strong people in management, the way it has squandered its authority in doing what it was elected to do.

With those few comments, Mr. Speaker, I will end my remarks on Bill 34. I know that there are others in this Chamber who want to stand and put a few remarks on the record with regard to this legislation. Thank you.

Mr. Glen Cummings (Ste. Rose): I think it's about time that we started calling a spade a shovel, regarding this bill, because the Member for Russell

just clearly stated some of the concerns that he has, and that I share, about the efficacy of this bill. But, if ever there was a document that put forward dozens of reasons as to why there should be an opportunity for the public to have the security of knowing that those who are concerned about what's happening in their area of responsibility in government have an opportunity to come forward and speak, it's the Auditor's report, and the number of Auditor's reports that we've seen on various issues the last couple of years with this government.

Mr. Speaker, my comments, however, aren't limited to the ineffectiveness of this bill. We believe that we need to push forward with this legislation because the government has its majority. If they truly want to pass this bill, then it should be passed, and we should deal with it with an eye to knowing that, probably, improvements will have to be made down the road.

But I can't let it go by without commenting that the Liberal caucus, I think, did a disservice to those who were trying to get to the bottom of the Crocus affair when they did not let this bill move forward at the end of the last session because we've lost six months in this past summer, when those who do have information about Crocus could've come forward and could've added to the knowledge base that we have about whether or not someone in government, someone in a responsible position in government could've foreseen the problems rising at Crocus and could've had a fair shot at reminding the government that it had a responsibility.

The government can say all they like about not being able to guarantee, or not in a position to guarantee the share values, but what government had a responsibility for, though, was to monitor, and fast-forwarding until the day that Crocus ceased to trade, the Crocus Fund was still presenting itself as a valuable investment on the eve of when they ceased trading.

That, I think, is from a very amateur perspective, but from the perspective of someone who is concerned about the public and whether or not they are being given a fair opportunity to appraise something that is seen, no matter how the structure is, as associated with government because a monitoring program was in place with the government, or at least that should have been in place because it's mentioned several times in the Auditor's report.

There were people in positions of authority in government who knew that there were problems in the offing, and while others have mentioned it many times—and every time I see the reference to the solidarity Fonds, my mind does tricks on me and I start thinking of the Fonz in the old TV show. The translation, unfortunately, from French—

An Honourable Member: The '80s.

Mr. Cummings: The '80s, yeah. That's when I had hair.

But the fact is, Mr. Speaker, to have portrayed that \$10-million transfer of money into the Crocus Fund, to portray it in the manner that it was, as soon as that became apparent, I would believe there were people who would have raised flags relative to that because no matter how we want to cut it, the details of that arrangement were not so much that the \$10 million came in, it was the conditions that came with them. Technically, in many respects, it appears that the Crocus board pretty much lost control of their actions because of the circumstances that the Fonds was requiring of them to meet before they made certain decisions. That was adequately pursued and, I think, referenced quite liberally by the Auditor. Put that in context, and, as I said, we could have been part way down the road today to knowing more about the responsibility around Crocus if we had had this bill moving forward sooner.

So I want to put my name firmly behind the demand for a public inquiry because the only way that people, beyond those who may be whistle-blowers who would take the opportunity to come forward if this bill is in place, beyond that, we will never know the true story about what happened at the Crocus Investment Fund, and we will never know whether or not there was political culpability in the occurrences at the Crocus Fund.

Sometimes there are people in the media, in the public forum, in this Chamber, who like to take the words "public accountability" and the term "political responsibility," and they say that those two are incompatible. Well, the fact is in good governance, that would not be incompatible, that, in fact, people assume responsibility and culpability for things that occur under their watch. It doesn't matter if you're the president of the bank or president of Shell Canada or the Premier of the province in this case.

The Premier (Mr. Doer) could and probably did look to his ministers for advice and comment on areas of responsibility that they were assigned. That

being the case, he either didn't get the report from them and they shielded their Premier, or he did understand what was going on through the likes of probably David Woodbury who was known to be a liaison within government, or another reason we need more information and more public accountability. Maybe we are, for some reason, maligning Mr. Woodbury unnecessarily. Maybe there're other aspects upon which the government received information that we have not yet been told about.

* (15:40)

But I do know that we have been told by a number of people that they've got a lot to say about Crocus, but they can't and won't until they believe they have some protection to not have them separated from their pay packet if they decide to raise concerns and if they're working within government or within an agency of government. So it's a very small step toward accountability by passing this bill, Mr. Speaker. The accountability that's been sorely lacking.

The fact that we saw today in the House, for about three days running now we have a minister who was undoubtedly there when information should and, I believe, did come forward concerning what was happening at Crocus. He would have been there when, in fact, he signed the agreement with Peter Olfert suggesting that there would be a superfund developed. He made announcements on radio about the process that they were going into. Now, all of a sudden, it becomes a defence for the Premier to say, but, but, but we didn't make the fund, and we didn't put it in place; so that proves there's nothing to it. Well, they came perilously close.

No one knows whether or not they stepped back from that because the fund manager said no, or did they for other reasons step back from it? Did they realize that, perhaps, the Crocus Fund was beyond being saved? Did they decide, in fact, it was too big a risk at that point to pull together those funds? You know, the Premier's protestations in this Legislature and other places, when he's talking about the non-event of the fund happening, that's his only answer: Well, it didn't happen; so, therefore, I can't see that we have any culpability there.

But the amount of money that we were talking about, Mr. Speaker, was huge, all the various sectors that were being looked at to invest, and where does this tie into Crocus? Well, it ties into Crocus that, likely, this would have become a revenue stream for

Crocus to administer, accept fees for, and would have led to a larger pool of money that they could have accessed.

Now, some of those sound like pretty honourable and useful objectives. But, when somebody starts talking about establishing a special fund utilizing a significant portion of the employer's pension payment for superfund purposes and puts his name to it, I don't believe in any government that someone would put his name to a simple document like that, but put his name to it, and then turn around and say, but I really didn't know what I was doing, or we really didn't intend to do it, or, really, because it didn't happen, I guess it doesn't matter.

Well, given the other events that were occurring, Mr. Speaker, it does matter. It's a matter where if, under this bill we do not get the information that we need and revealed appropriately to the public, then the only way it will happen will be under a public inquiry where people are required to face a few years in jail if they don't tell the truth. Perhaps the Member for Brandon West, the Minister of Competitiveness (Mr. Smith), is smarter than the rest of us because he doesn't want to perjure himself by putting anything on the record today, because he knows that down the road, perhaps, there will be a day of reckoning when he will face jail time or other punishments if he should be found not to be telling the truth and the whole truth.

There are enough people out there who have lost enough money that they will not settle for anything less. So, Mr. Speaker, this bill is an anemic version of what I believe proper whistle-blower legislation should be, anemic—[interjection]

Over in government, they're putting their stamp on this and they want to know what our version would be.

Well, let me tell you one of the things that would happen is we would have an opportunity to find out—

Some Honourable Members: Oh, oh.

Mr. Cummings: Yeah. Well, the government says that their bill is not anemic. I take it that's the basis of their comments. But the fact is that, if you don't have a meaningful protection in place—frankly, what we see in this bill, and I'm not going to go back and quote you the clauses, but what we see in this bill is still a situation where there is not appropriate protection for someone who sees a true travesty occurring in governance, and people are being misled, or dollars are being misappropriated, or

problems with management within government that are so egregious that they would like to get the matter out in the public in order to protect them from further losses and damages.

So, Mr. Speaker, if this is the kind of bill that the government is comfortable with, then let's go with it. But I am willing to bet, and I will take one last minute to point out, I will bet that this government will not enact this bill. They will advertise that they've now put it forward, and it will be passed, but they will not enact it. I dare one of the ministers in the current government to stand up and indicate a date when they would probably proclaim this bill, or enact it so that it truly will be in place. I am willing to further bet that it won't be enacted until the election is over and the government changes. That is the lack of confidence that I have in the purpose behind this bill. I heard a little chirping over there earlier, but, all of a sudden, it is getting quiet on the government benches. So I suspect I am right.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 34, The Public Interest Disclosure (Whistleblower Protection) Act.

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

House Business

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I wonder if I might have leave of the House to change the order so that we deal with report stage of Bill 41, The Pharmaceutical Act, prior to reverting toward 29 and 33.

Mr. Speaker: Is there leave of the House to change the order of report stage amendments? The honourable Government House Leader just announced that we will be changing the order of report stage amendments. We will first deal with Bill 41, The Pharmaceutical Act; then we will deal with Bill 29, The Degree Granting Act; and then Bill 33, The Northern Affairs Act.

REPORT STAGE AMENDMENTS

Bill 41—The Pharmaceutical Act

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

THAT Bill 41 be amended in Clause 1(1) in the definition "practitioner" by striking out "or" at the

end of clause (a) and adding the following after clause (a):

(a.1) a person licensed to practise medicine, dentistry, veterinary medicine, veterinary surgery or veterinary dentistry in a state of the United States designated in the regulations; or

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

THAT Bill 41 be amended in Clause 1(1) in the definition—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, Bill 41, The Pharmaceutical Act, was introduced initially on May 18, received second reading on May 31, went to committee June 12, and was reported to House from committee on the last day of the spring session, June 13.

Now, during the course of the five months between the end of the spring session and the beginning of the present one, we received many calls, e-mails and letters from pharmacists with respect to Bill 41. While there's clearly broad support for the large majority of Bill 41, which will modernize the practice of pharmacy in Manitoba, there were clearly a number of clauses which were contentious. So, as we as Liberals had indicated, we wanted to bring forward report stage amendments, and the other parties had not. We were the only party in a position to make report stage amendments without some level of all-party agreement.

Since the report stage amendments had to be presented in the Legislature before an important November 22 meeting of the Manitoba Pharmaceutical Association, we felt it was our obligation to table options so that the amendments would have the opportunity to be considered by pharmacists and, then, of course, by the Legislature.

* (15:50)

I was at the meeting of November 22. It was very clear that there was broad support for Bill 41, although there were some 45 percent or so of people present who were concerned, and sufficiently concerned to want to have a major discussion about elements of Bill 41.

The meeting itself did not debate the individual amendments. I heard afterwards that even some of

those who had voted for the bill were actually interested in having some of their amendments looked at. Indeed during the discussion one of the comments was that any amendment should be dealt with in the Legislature rather than in their meeting. So I am bringing forward these amendments for consideration here. We had the advice and comments from a variety of pharmacists and met with many individuals including the Registrar of the Manitoba Pharmaceutical Association, Ron Guse, and, indeed, many others.

This amendment looks at the situation with respect to what happens with an individual from Manitoba who goes to a state like North Dakota. If you have been seen by your physician in Manitoba and you have a prescription from your Manitoba physician, when you go to North Dakota as a tourist or a visitor and for some reason you need that prescription filled either because you've lost it or run out or something has happened, then you can get that prescription filled in a pharmacy in North Dakota.

So what this amendment would do would be to allow the government to make regulations so that it would recognize, on a reciprocal basis, a practitioner from North Dakota, that somebody who has seen, for example, a physician in North Dakota, individually has a prescription from them, could get that prescription filled in Manitoba, just the reverse of what would happen with a Canadian going down to North Dakota.

We thought this would be a good move to provide the opportunity for the government to have reciprocity in this sort of fashion, and that the working out of arrangements with a state like North Dakota, which is close by, would be a reasonable option to be pursuing. That's the reason for this amendment, and that's why we brought it forward.

An Honourable Member: Question.

Mr. Speaker: Is the House ready for the question? The question before the House is the amendment brought forward by the honourable Member for River Heights.

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

Some Honourable Members: Agreed.

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.

* * *

Mr. Speaker: Second amendment.

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

THAT Bill 41 be amended in Clause 5(5) by striking out "10%" and substituting "5%".

We have brought forward this amendment—

Motion presented.

Mr. Gerrard: Mr. Speaker, the purpose of this amendment was to take into account the comments that we heard that 5 percent of the membership on a letter, petition, coming to the association was sufficient to call a special general meeting. This was the basis for the call of the meeting on November 22. The act, as it had been written, had changed this from 5 to 10 percent, and what this would do would be to revert to the original.

I would make a note here that I have received correspondence which was actually a copy of correspondence addressed to Minister Oswald from the Canadian Association of Chain Drug Stores supporting this amendment. Certainly, we had support for this amendment from quite a number of pharmacists.

Mr. Speaker: Before recognizing the honourable member, I once again remind honourable members that, when making reference to other members in the House, it's not by name; it's by the portfolios they hold or by the constituencies they hold.

Hon. Theresa Oswald (Minister of Health): Just very briefly, we, too, recognize the importance of a professional organization having the opportunity to come together to discuss issues that affect them. We certainly look closely at the outcome of the November 22 meeting and acknowledge perhaps a split that may be seen in some of the support for this bill. We know that this particular issue cannot be

dealt with via regulation, and we are prepared to support 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 (Mr. Gerrard).

Is it the pleasure of the House to adopt the amendment. [*Agreed*]

The amendment has been carried.

* * *

Mr. Speaker: Next amendment.

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

THAT Bill 41 be amended by replacing Clause 6(3)(c) with the following:

(c) making practice directions, provided that the directions are approved by a majority of the members of the college

(i) present and voting at a general meeting or a special general meeting, or

(ii) voting in a mail vote or other method of voting conducted in accordance with the by-laws.

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

THAT Bill 41 be amended by replacing Clause—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, the gist of this amendment is that practice regulations would be ratified or approved by a vote of the membership, and it could be done either in an annual general meeting or at a mail vote so that there would be flexibility in so doing.

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

Some Honourable Members: Question.

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

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

The motion has been lost.

* * *

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

THAT Bill 41 be amended in Clause 15(3) by striking out "he or she considers advisable" and substituting "imposed by the council".

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

THAT Bill 41 be amended in Clause 15—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, the intent of this amendment is to look at the licensing and provide a situation where the council would impose the framework or the rules under which the registrar would make licensing decisions, and it would perhaps provide for less problems or less ability of the registrar to make decisions on an ad-hoc or arbitrary basis. That was the intent of the motion, to clarify the role of the registrar and the role of council.

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.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

The amendment has been lost.

* * *

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

THAT Bill 41 be amended in Clause 48(2) by striking out "before the day of" and substituting "at least 20 days before".

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

THAT Bill 41 be amended in Clause—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

* (16:00)

Mr. Gerrard: The intent of this amendment and the next one is to provide time, 20 days, for a person to be able to examine the evidence to be presented to prepare a response, and in the case of the alternate amendment, the person being investigated provide information on the testimony of an expert witness to be brought forward. The time lines are changed to 20 days so that individuals are not given material at the very last minute and can better prepare their case.

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

Some Honourable Members: Question.

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

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

Some Honourable Members: Agreed.

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 lost.

* * *

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

THAT Bill 41 be amended in Clause 48(3) by striking out "before the day of" and substituting "at least 20 days before".

The intent of this motion is similar to the last one, in order to give individuals involved—

Mr. Speaker: Order. The honourable member has to move the amendment first, and then speak to it.

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

THAT Bill 41 be amended in Clause 48(3) by striking out "before the day of" and substituting "at least 20 days before".

Mr. Speaker: It has been moved—

An Honourable Member: Dispense.

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

THAT Bill 41 be amended in Clause 48(3)—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, the intent of this motion is to give individuals involved time to prepare their case, rather than being presented with information at the very last minute.

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.

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

Some Honourable Members: Agreed.

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 lost.

* * *

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

THAT Bill 41 be amended in Clause 59(1)

(a) in the section heading by striking out "to Court of Appeal"; and

(b) by striking out "Court of Appeal" and substituting "court".

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

THAT Bill 41 be amended in Clause 59—

An Honourable Member: Dispense.

Mr. Speaker: Dispense? Dispense.

Mr. Gerrard: Mr. Speaker, this amendment is one of three which would restore the ability to make an appeal to the Court of Queen's Bench, rather than solely to the Court of Appeal.

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.

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

Some Honourable Members: Agreed.

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 lost.

* * *

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

THAT Bill 41 be amended in Clause 60

(a) in the section heading and in clause (c) by striking out "Court" and substituting "court";

(b) in the part before clause (a), by striking out "Court of Appeal" and substituting "court".

Mr. Speaker: It has been moved by the honourable—

An Honourable Member: Dispense.

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

THAT Bill 41 be amended in Clause 60—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, the intent of the motion here is to allow appeals to the Court of Queen's Bench, rather than solely to the Court of Appeal.

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.

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

Some Honourable Members: Agreed.

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 lost.

* * *

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

THAT Bill 41 be amended in Clause 61 by striking out "Court of Appeal" and substituting "court".

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?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, the intent of this amendment was to restore the ability to make an appeal to the Court of Queen's Bench, rather than just to the Court of Appeal.

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.

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

Some Honourable Members: Agreed.

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 lost.

* * *

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

THAT Bill 41 be amended in Clause 73(2) by adding the following after clause (a):

(a.1) designating states of the United States for the purpose of the definition "practitioner" in section 1;

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

THAT Bill 41 be amended—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, it is the intent of this amendment to allow individuals who are travelling to Manitoba from North Dakota who have seen their physician there and want to fulfil a prescription here in Manitoba to do so. It would provide for reciprocity, if the government so chose to designate a state like North Dakota. This is the reason for this amendment.

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

An Honourable Member: Yes.

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: No.

Voice Vote

Mr. Speaker: All those in 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 lost.

* * *

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

THAT Bill 41 be amended by replacing Clause 74 with the following:

Approval of regulations

74 A regulation under subsection 73(1) does not come into force unless it is approved by

- (a) a majority of members of the college
 - (i) present and voting at a general meeting, or
 - (ii) voting in a mail vote or other method of voting conducted in accordance with the by-laws; and
- (b) the Lieutenant Governor in Council.

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

THAT Bill 41 be amended—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, this was one of the amendments which, when I brought it forward, would provide for regulations to be approved by members, either at a general meeting or by a mail vote. It is one of the amendments which received support from members of the Manitoba Society of Pharmacists and would restore some level of democracy in the circumstances of the activities of the Manitoba Pharmaceutical Association. One of the things and one of the reasons why this is suggested at the initial setting-up of regulations, and we will go into the code of ethics as well in a separate amendment, that it is reasonable to have some enhanced democracy, with consultation with the members.

We have included the ability to have a mail vote so that you don't have to have an annual meeting for every regulation that comes along. You have the

ability to broadly consult, whereas sometimes at the annual meetings in the past, there haven't been all that many people present. So it does allow for some better democracy which is one of the things that quite a number of people were concerned about.

Ms. Oswald: Again, in accordance with the results from the November 22 meeting, and in broad consultation with the many powerful forces within the profession of pharmacy, we certainly do recognize that this amendment would continue the current practice. We know that those voices have been united in their desire to see the profession advance and develop and modernize, and we will respectfully accept 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.

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

The amendment has been carried.

* (16:10)

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

THAT Bill 41 be amended by replacing Clause 76 with the following:

Code of ethics

76(1) The college may, by resolution passed at an annual general meeting, adopt a code of ethics governing the conduct of members, students, interns and owners.

Incorporation by reference

76(2) A code of ethics may incorporate by reference, in whole or in part, any code, standard or other document, and it may incorporate it as amended from time to time.

Amendment or repeal of code of ethics

76(3) After notice is given in accordance with the by-laws, a code of ethics may be amended or repealed by a majority of the members of the college

- (a) present and voting at a general meeting or a special general meeting; or
- (b) voting in a mail vote or other method of voting conducted in accordance with the by-laws.

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

THAT Bill—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, the intent of this amendment is to recognize that there were significant numbers of pharmacists who were concerned about ensuring a level of participation in the approval of the code of ethics and its subsequent amendment. Certainly, this provision would provide for a vote by members of the Manitoba Pharmaceutical Association or the college, as it would become. This certainly would, in fact, restore what many have been asking for, which is a level of democracy at a time when there was some fairly strong feeling about the new act, putting this amendment in which it would ensure that there would be a vote, in terms of the code of ethics and the amendments to the code of ethics, that what this would do is restore a sense of democracy of the membership in terms of ensuring that they had the ability to approve a code of ethics or amendments to it.

I believe that this is a reasonable amendment, and I would hope that it will have support of the other members of the Legislature.

Ms. Oswald: Again, we look to the voices of the members of the profession. We recognize that this proposed amendment could not, in fact, be dealt with through regulation. It will ensure that voting on the code of ethics takes place. We know that there is support for this from the profession, and we are prepared to accept 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.

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

The amendment has been carried.

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

THAT Bill 41 be amended in Clause 92 by adding "or was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence" after "bad faith".

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

THAT Bill 41 be amended in Clause 92 by adding—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, it is the intent of this amendment to address one of the concerns that we and others have raised. That is that, when it comes down to liability issues, individuals should be liable, not just where there is an issue of bad faith, but where there is an issue of gross negligence or gross incompetence.

Mr. Speaker, I think, in terms of liability and ensuring accountability, this is a reasonable change, and, certainly, in the Liberal Party, we support ensuring that there is accountability. We have made this argument in a number of other bills. The government has not listened to us on those occasions, but we bring this forward again in this legislation believing that where acts were taken in showing gross incompetence, gross mismanagement, or gross negligence, there should be some level of liability.

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.

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

Some Honourable Members: Agreed.

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 lost.

* * *

Mr. Speaker: That takes care of report stage amendments to Bill 41, The Pharmaceutical Act.

Now, we'll move to Bill 29, The Degree Granting Act.

Point of Order

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

Mrs. Myrna Driedger (Charleswood): I guess, on a point of order, Mr. Speaker. I wonder if there might be some latitude to make a few comments on Bill 41, general comments.

Mr. Speaker: The comments for the bill will come in concurrence and third reading, when it's called. That'll be the final opportunity for members to make their comments, on concurrence and third readings.

Bill 29—The Degree Granting Act

Mr. Speaker: So we'll deal with report stage amendments to Bill 29, The Degree Granting Act.

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

THAT Bill 29 be amended in Clause 9(1) by striking out everything after "comes into force" and substituting "one month after the day it receives royal assent".

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

THAT Bill 29 be amended—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, the intent of this amendment was to give a month following the passage of the bill before it came into force. There are two parts, in terms of the coming into force of this legislation, and there are two clauses which deal with exemptions which will not come into force until January 1, 2007. By waiting a month, what will happen is that all the clauses will come into effect at approximately the same time because we expect this to pass before the end of this week. We think that this was a reasonable amendment and would provide

for easier implementation and coming into force of this bill.

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

Hon. Diane McGifford (Minister of Advanced Education and Training): The original bill includes that sections 2 and 6 would come into force on January 1. The amendment suggests one month after the bill is proclaimed. Given that it's December 4 today, I think that the amendment makes no sense. So I don't support the 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.

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

Some Honourable Members: Agreed.

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 lost.

Introduction of Guests

Mr. Speaker: Prior to calling the next bill, I would like to draw the attention of honourable members to the public gallery where we have with us members of the Manitoba Pharmaceutical Association, and also the College of Pharmacy of the University of Manitoba.

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

* (16:20)

House Business

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

Hon. Dave Chomiak (Government House Leader): I wonder if I might have unanimous leave of the House, Mr. Speaker, to move to concurrence and third reading on Bill 41.

So, upon receipt of the motion, I will return to this—

Mr. Speaker: Order. I have to recognize for *Hansard* records.

Mr. Chomiak: Thank you, Mr. Speaker. I will interrupt proceedings when the motion returns.

Bill 33—The Northern Affairs Act

Mr. Speaker: Okay. So I'll call Bill 33, The Northern Affairs Act, report stage amendment.

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

THAT Bill 33 be amended in Clause 98 by adding "or was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence" after "bad faith".

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

An Honourable Member: Dispense.

Mr. Speaker:—honourable Member for Inkster (Mr. Lamoureux),

THAT Bill 33 be—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Gerrard: Mr. Speaker, this amendment deals with the issue of liability and the exemption from liability. Under the current Bill 33, individuals would be exempt from liability except where there was bad faith.

We believe that it is good to have some level of accountability, and that the accountability should extend not just in terms of bad faith, but also in terms of gross incompetence, gross mismanagement and gross negligence. This is, I think, important in terms of overall accountability, and I would hope that the government would, indeed, support improved accountability and liability where there is gross incompetence, gross mismanagement or gross negligence.

Hon. Oscar Lathlin (Minister of Aboriginal and Northern Affairs): Mr. Speaker, members will recall that, following years of consultation and

review prior to introduction to this Chamber earlier this year, the bill passed second reading and committee stage this past June.

The amendment proposed by the MLA for River Heights this past June when his party stalled passage of the bill is, in our opinion, redundant, and, as such, does not improve the legislation in any way at all. As such, I will not be supporting the 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.

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

Some Honourable Members: Agreed.

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 lost.

CONCURRENCE AND THIRD READINGS

Bill 41—The Pharmaceutical Act

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Health (Ms. Oswald), that Bill 41, The Pharmaceutical Act; *Loi sur les pharmacies*, as amended and reported from the Standing Committee on Social and Economic Development, and subsequently amended, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Speaker: Are there any speakers?

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, Bill 41 is a significant bill that is before us today, and we are very supportive of the major tenets of the bill.

I would like to indicate that we have great respect and want to acknowledge the valuable profession of the pharmacists in our health care system. As Roy Romanow said, they are the most underutilized profession in the health care system.

As a nurse for many years, I came to value their expertise and abilities. I worked alongside pharmacists for many years. There have been many years where I have believed that their scope of practice should be expanded. I think that is a very exciting aspect to this legislation.

The Manitoba Pharmaceutical Association has played an integral role in developing this bill and in consulting with their membership, and should be congratulated for this effort and for their vision in addressing the evolving role of pharmacists in Manitoba. We certainly are seeing an evolving role in the profession of pharmacy. This is something that I am very supportive of. I have been, for many years, thinking that we need to move forward in recognizing the abilities that pharmacists have, and the underutilized abilities that they have, because through better utilization, through an expanded scope of practice, we are going to see better health care for patients and better access for patients. That really is a particularly great aspect to this bill. This bill, Mr. Speaker, is widely supported throughout the profession.

Of major significance is the creation of the College of Pharmacists. In today's day and age, this is where we do need to be going, in terms of addressing the challenges in health care. I think it is particularly significant that we are moving toward the creation of a college with a purpose of safeguarding the best interests of the public. I am pleased to see them join ranks with the nursing profession, the medical profession and others that have moved in the development of the college aspect to health care.

This bill also expands the scope of practice and allows prescribing of some drugs and ordering and receiving certain diagnostic tests. That is very, very popular anywhere I have spoken on this bill, in some cases, to some large gatherings and to some smaller gatherings, and there is some very, very widespread acceptance of this part of this legislation because this is what the public can understand. This is what patients can understand. There is a lot of excitement about what this is going to do to improve patient care and to improve access to care. This is a very forward-moving aspect to the bill. I think this is

going to be very, very good, not only for the patient, but, I think, also it will better utilize the talent of our pharmacy, students and the pharmacists that are already in the system. I am very pleased to see that particular aspect of the bill.

I also like the collaborative component of this because through this legislation it will allow collaborative practice between pharmacists and other regulated health care professions like doctors, nurses, nurse practitioners, midwives, registered clinical assistants. Again, with a collaborative effort, I think what we're going to do is move the health care system closer towards providing better patient care. This is a win for patients when we can have the expertise of all the different health professions come together and work in a collaborative effort to address the challenges they face before them as they deal with a patient. A lot of patients can be very complex in terms of their presentation into the health care system. I think, if we can properly and better utilize all of our talent within all of the professions, the patient is going to be the one in the end that is going to benefit from that.

This bill will also see an improved access to health care in rural and northern communities with satellite pharmacies, and that, too, is another win for patients. So this is all very good. All of these aspects are very good for patients because it is going to improve access to care, but not only improve access to care. I think once all of this comes together and really gels, not only will there be better access to care, but there is going to be improved quality of care. I think we will see a more efficient health care system, too, because we do know that there are a lot of patients out there that fall through the cracks because they do not have the proper knowledge or compliance with medications.

* (16:30)

Through some of the research I have done and the reading I have done, I think there is a great opportunity here through this model in collaborative practice where we are going to see much more improvement in patient care, the quality of care and safer patient care, which is becoming something that more and more of us are concerned with all the time, the fact that medications and some of our newer medications are very, very powerful. We have to be able to ensure that patients receive the level of education they need about it to ensure that they are compliant with it and understand when to take a medication, how to take a medication, what to watch

for. The best people to really teach patients about that are the pharmacists. So, when you put it all together, I think what we see here in this legislation is some good innovation in moving health care forward.

So there are very many good aspects to the bill and while some pharmacists have said that it is not perfect, it is moving in the right direction. There was some concern out there, certainly, that if for any reason this bill was stalled, that there was going to be a real loss in terms of not an easy opportunity to bring some of this legislation back quickly enough, to move something forward that needs to be moved forward, and that is legislation that will make patient care better, access better.

So in order to address some of these concerns that have been out there—and there are different factions within the pharmacy profession that have their interests in it. I would just like to acknowledge that every faction within the profession certainly has the right to have their views. I think it was good that all of those views were able to be brought forward and heard at different levels. I think because of everybody's knowledge about the value of this bill, there was great effort made to try to ensure that this bill would move forward. So there has been some give and take. There has been compromise at all levels, and there is a desire by this profession to have this bill passed today because everybody recognizes that the major aspects of this bill far outweigh some of the problems that might have been in it. Everybody is willing to work towards improving this as we go along to see that the regulations have good opportunity for members to hear about the regulations, to have their voices heard. I don't doubt there may be a few bumps on the road, but I think there is a real strong commitment by the pharmacy profession to move this forward, to work through the bumps that may be coming down the road.

I give them all a lot of credit for their willingness to compromise on some of this, for the give and take. I think that says a lot about the profession. I'd like to acknowledge the profession for their willingness to look at what they're going to try to do in moving this forward. The intent is to ensure that we keep the patient the centre of the focus, and based on all of that, Mr. Speaker, we support the bill with these amendments. We do accept the amendments as they were presented today, and we do encourage the pharmacy profession to work very diligently and co-operatively in developing the regulations. Then we will be very interested to watch

all of this move forward because in the end what we're going to see is something that I think is a big win for patients, and that is going to be an enhanced quality of care and it is going to be better access to care.

I think that, with health care professions working closely together, we're going to see a health care system that is definitely moving in the right direction. Thank you, Mr. Speaker.

Mr. Kevin Lamoureux (Inkster): I, too, just want to put a few words on the record given that when we had brought it through in second reading, Mr. Speaker, I think that the intent of the legislation, being of such a substantial nature, most MLAs, if not all MLAs, will recognize the valuable contribution that our pharmacists play as one of the pillars of our health care system.

I would ultimately argue a majority of MLAs would acknowledge that, in fact, there is an underutilization, that there is a level of professionalism that they have to offer that will continue to enhance the quality of health care throughout the province of Manitoba. We have seen that, and so we're encouraged that the legislation has been brought forward.

I have had correspondence through mail, e-mail, telephone. I even had one of my constituents show up at McDonald's to share her concerns in regard to the bill and the passage of the bill. Obviously, it's important to the industry, to the pharmacists, that they want to see the legislation pass, and we are going to see the legislation passed. I'm encouraged for that and its passing because the essence of it is good. I'm glad that we've had the opportunity, and the government saw merit to accepting a few amendments to the legislation which has even made it that much better. There's always room for improvement, but we recognize that it is a bill that does need to get passed.

The only other concern that I wanted to express was the issue of timing. I think it's important to recognize, Mr. Speaker, that the bill, itself, was introduced for second reading back on June 8 of this year. It literally came from nowhere, and it was expected that everyone would just kind of blow it by the Legislature. As much as we believe, and we want to support good legislation, there is a process, and by following a somewhat modified process we were able to, at least, ensure that Manitobans were afforded the opportunity to give that much more recognition for our pharmacists, and ultimately bring

to the attention of many of the pharmacists that there are some issues that are before the Legislature that have, generally speaking, a very positive impact.

I'm pleased that the government has made it a priority, in terms of passing it in the next day, as we will probably see it pass today. I'm especially pleased with the fact that there were so many pharmacists who stood up and took a note of what it is that we were doing, and those that I had talked to I'd given assurances that the legislation would be, in fact, accommodated because I believe that there was good will on all sides of this House, from all MLAs to recognize the value of this profession, and ultimately see this substantial bill get Royal Assent before Christmas, as I know it will.

Thank you, Mr. Speaker.

Mrs. Bonnie Mitchelson (River East): I just wanted to put a few comments on the record in support of Bill 41, and I just want to commend, I think, all parties within the Legislature for coming to some compromise. You know, very often people think that we are just controversial in this Legislature, and that anything that government introduces opposition opposes, but in reality there are very, very few bills, when it comes right down to it that you see major controversy on. This is one of those bills, Mr. Speaker, where I think we've come to good compromise, and as a result we move forward to modernize the pharmaceutical profession and the profession of pharmacy which is needed. It's overdue.

Other provinces have moved in this direction, and we're playing catch-up to some degree, but it is needed. We do need to move forward. We do need to modernize, but we also do need to listen to those who are involved in the profession, and, when they have some concerns about the total direction that a piece of legislation is moving, very often some amendments can make legislation even better. I believe that members of the Legislature have listened, and that we have a few amendments that can be accepted by all, and, quite frankly, it is all about compromise. It's about looking at what the legislation says; it's about trying to ensure that there is a democratic process and a fair process for those who are involved in having legislation that impacts their livelihoods and their lives looked at very carefully.

* (16:40)

You know, I think, Mr. Speaker, that we have now a piece of legislation that is a little better than it was when it was originally introduced, and that pharmacists will continue, as they historically have, to play a role in the governance of their profession. They will have an opportunity, as a result of the amendments, to vote on proposed regulations, to vote on a code of ethics which, I think, is important for them.

Mr. Speaker, I do very much value the pharmacy profession. I know that I, as just one individual in Manitoba, very often look to my pharmacist in my local drugstore, even if it's just for over-the-counter remedies. I like to be able to ask questions. I do know that I get the most professional advice, and good advice. I know many seniors have come to depend on their local pharmacy, and really believe that their pharmacist has become their friend when they can walk into a drugstore and get that personal attention and know that the person behind the counter is giving them the best advice for them in their situation.

I know that there are many seniors that go only to one pharmacy and to one pharmacist because they have developed that relationship. They are a very important, very often undervalued or underutilized part of our health care profession. I do know that, as we move in the direction that we're moving today, pharmacists will play an even greater role. I have the utmost respect for those in the pharmacy profession that know their medications, know how medications interact with each other, and do spend much time in promotion of healthier lifestyles and preventative options and alternatives to an illness.

I just want to say, with those few comments, thanks to all the pharmacists who work very diligently as part of our health care continuum. I hope that, as they move forward, I have every confidence that the regulations that will be developed will be accepted by the pharmacy profession, and we'll be able to move forward and modernize as we should do.

Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to say a few words about Bill 41, which is now in third reading. Hopefully, we will pass it quite shortly.

As Liberals, we support this legislation. We see that it is important in modernizing the practice of pharmacy in Manitoba. We know that the members

of the Manitoba Pharmaceutical Association have worked very hard over quite some time to go over the details, that this was, of course, presented toward the end of the spring session, that there were some pharmacists who felt that they had not been adequately consulted.

There was quite a bit of discussion over the course of the summer and the fall. Out of that, we have a bill which is substantially the same as what was initially brought in, but with three, three amendments recognizing concerns that have been brought forward over the last several months. So, with minor changes from the original version, we have a bill which, I think, all of us are, in this Chamber, ready to support.

It is an important bill in that it modernizes the practice of pharmacy, expands in some areas the scope of practice of pharmacists, recognizes the important work that pharmacists do, changes the name so that it now is formally a College of Pharmacists. It is very clear that it is an important regulatory body with a very important role in ensuring high quality of pharmaceutical services to Manitobans.

The bill provides for clarification and improvements in service to northern communities for a level of collaboration, which is good, with other health care providers.

As I said, it has had some intense discussion. I was at a meeting November 22, where there were several hundred pharmacists and, clearly, pharmacists in this province had been engaged in Bill 41 in a way that they have not been engaged in legislation for quite some time, if ever before. I would like to say a word of thanks to all those pharmacists from varying points of view who came forward and spoke about issues that they were very concerned about. Hopefully, the bill that we now come forward with, with the three amendments, will be one which is able to move the profession of pharmacy forward and which will work, recognizing some of the issues that have been brought forward.

Clearly, the approach, in terms of the regulations and the code of ethics which we now have, is somewhat similar to The Physiotherapists Act, and so it is not without precedent that there be a vote on the regulations in the code of ethics by members. Certainly, with this disagreement there has been controversy. This will be, I think, a useful way of ensuring that all pharmacists in the province have input into the regulations in the code of ethics.

I would like to just say one final word of thanks to the pharmacists in Manitoba, to those who practise the profession, those who are involved in teaching and research in pharmacy, and just say a thank you to all the pharmacists in Manitoba for the contribution that they make to our wonderful province.

So, with these words, and thanks to the ability of the government to work co-operatively with members of the Legislature in this legislation, I will pass on and say that we are in strong support of the legislation as it now is, and look for it to be moving forward to the benefit of pharmacists in Manitoba and to the benefit of all Manitobans.

Hon. Theresa Oswald (Minister of Health): Mr. Speaker, it's my pleasure to put some words on the record as we reach this stage with Bill 41. I'm very, very pleased to see the bill moving along, knowing how important it is that our pharmacists in Manitoba, who have worked so diligently towards this day, will now find themselves in a position to have a self-governing college. Agreeing with members opposite, that it certainly is time for this to happen, that it has been called for over the years, and in some respects we certainly are finding ourselves catching up to other provinces.

Indeed, Mr. Speaker, we're finding ourselves being the envy of other provinces as we look at this legislation, at the modernization of the profession and the extension of the scope of practice for our pharmacists. People from other jurisdictions are looking very closely at Bill 41, certainly, speaking to people in the pharmacy profession as to how they might achieve similar progressive kinds of elements of legislation in their provinces. I really do want to pay special tribute to the Manitoba Pharmaceutical Association, for people at the university, for the many voices that have come to be heard on this issue of really working hard to put the patient first, to ensure that patient safety and patient care is at the forefront in our discussions of modernizing the profession of pharmacy to ensure that we're doing all that we can to improve access for our rural Manitobans and for northern Manitobans, which is what this legislation is going to most clearly do, and to ensure that we're looking at elements of democratic voices being heard and being as progressive as possible.

* (16:50)

So I offer my heartfelt congratulations for all of the work that the Manitoba Pharmaceutical Association and members of our university have

done as we've gone forward. I offer my congratulations and my thanks to the former Minister of Health, the Member for Fort Rouge (Mr. Sale), who so diligently shepherded this legislation along and was the overseer of moving this legislation and this modernization of the profession forward.

I want to offer my thanks to Leg Counsel and to members of the department who have worked so hard with the many stakeholders to have Bill 41 reach this stage, and I certainly do want to acknowledge and express my gratitude to members opposite. I would concur with the Member for River East (Mrs. Mitchelson) who says that oftentimes people tune into Question Period when the vacuuming is done and only see us yelling at each other when, in fact, there are many opportunities for us to work together for the betterment and the safety of Manitobans. I believe that this is one of those times.

I express my sincere gratitude to the Member for Charleswood (Mrs. Driedger) who has offered her good counsel and words on this bill. She cares, as all of us in the Manitoba Legislature do, about the safety of patients and the modernization of this profession.

I extend my acknowledgment and thanks to the Member for River Heights (Mr. Gerrard) who put forward the amendments, who advocated so passionately for them and who assisted us all in compromise and in coming to consensus on moving Bill 41 forward.

I know that as we come to the close of our discussion of this bill that not every single issue has been fully addressed and that the profession, the now self-governing college will have some bumps in the

road, I believe was the expression, on the journey. As they go forward, I have confidence that these professionals will be able to come to consensus on matters that concern the people of Manitoba, and that is the patients who so sincerely need the care of our pharmacists and are putting their trust in our pharmacists. We know that that trust is very well placed.

We're very pleased to see Bill 41 moving forward. It's what's right for the patients of Manitoba and it's what's right for all of us here in the Legislature, to care for Manitobans. So with those words I'm very pleased to see Bill 41 going forward.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 41, The Pharmaceutical Act, as amended.

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

The motion has been carried.

* * *

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I move that perhaps we call it 5 o'clock.

Mr. Speaker: Is it the will of the House to call it 5 o'clock? *[Agreed]*

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, December 4, 2006

CONTENTS

ROUTINE PROCEEDINGS			
Introduction of Bills		Dutch Elm Disease Brick; Struthers	454
Bill 12—The Public Schools Amendment Act (Regional Vocational Schools) Bjornson	445	Members' Statements	
Petitions		Fort Garry Women's Resource Centre Brick	456
Removal of Agriculture Positions from Minnedosa Rowat	445	International Day of Disabled Persons Taillieu	457
Crocus Investment Fund Lamoureux	445	Aglugub	457
Committee Reports		Assiniboine Valley Flood Compensation Maguire	458
Standing Committee on Social and Economic Development First Report Brick	445	Typhoon Durian (Philippines) Santos	458
Tabling of Reports			
Annual Report of the Law Enforcement Review Agency for the year ending December 31, 2005 Chomiak	447		
Annual Report of the Manitoba Law Foundation for the fiscal year ending March 31, 2006 Chomiak	447		
Annual Report of Healthy Child Manitoba for the fiscal year ending March 31, 2006 Irvin-Ross	447		
Oral Questions			
Crocus Investment Fund McFadyen; Doer	447, 455		
McFadyen; Selinger	450		
Hawranik; Doer	450		
Hawranik; Selinger	450		
Derkach; Selinger	451		
Cummings; Selinger	452		
Manitoba Health Research Council Gerrard; Rondeau	453		
NDP Nomination (The Maples) Lamoureux; Doer	454		
		ORDERS OF THE DAY	
		GOVERNMENT BUSINESS	
		Debate on Concurrence and Third Readings	
		Bill 34—The Public Interest Disclosure (Whistleblower Protection) Act Lamoureux	459
		Schuler	463
		Gerrard	465
		Derkach	465
		Cummings	467
		Report Stage Amendments	
		Bill 41—The Pharmaceutical Act Gerrard	470
		Oswald	471
		Bill 29—The Degree Granting Act Gerrard	478
		McGifford	478
		Bill 33—The Northern Affairs Act Gerrard	479
		Lathlin	479
		Concurrence and Third Readings	
		Bill 41—The Pharmaceutical Act Driedger	479
		Lamoureux	481
		Mitchelson	482
		Gerrard	482
		Oswald	483

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

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