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DEBATES
and
PROCEEDINGS

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 13, 2010

The House met at 10 a.m.

Mr. Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom, know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

House Business

Mr. Gerald Hawranik (Official Opposition House Leader): Yes, Mr. Speaker, I would seek leave to move directly to second reading on Bill 230.

Mr. Speaker: Is there agreement to move directly for second reading of Bill 230, The Municipal Amendment and The City of Winnipeg Charter Amendment Act (Defamation Protection), and it's in the name of the honourable member for Ste. Rose. Is there agreement? *[Agreed]*

SECOND READINGS—PUBLIC BILLS

Bill 230—The Municipal Amendment and The City of Winnipeg Charter Amendment Act (Defamation Protection)

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, I move, seconded by the member for Portage la Prairie (Mr. Fauschou), that Bill 230, The Municipal Amendment and The City of Winnipeg Charter Amendment Act (Defamation Protection), be now read a second time and be referred to a committee of this House.

Mr. Speaker: It's been moved by the honourable member for Ste. Rose, seconded by the honourable member for Portage la Prairie, that Bill 230, The Municipal—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Briese: Mr. Speaker, I'm pleased to rise to speak to Bill 230, The Municipal Amendment and The City

of Winnipeg Charter Amendment Act (Defamation Protection).

The purpose of this private member's bill is to provide municipal council members with protection from defamation claims for statements made in council meetings. Both The Municipal Act and the City of Winnipeg Charter are amended by this legislation to include a new provision that states, and I quote: Any statement made or document used by a member of council at a council meeting or at a meeting of a council committee is subject to absolute privilege. End quote.

Municipal councillors and members—council members, mayors and reeves have a tremendous degree of responsibility when it comes to acting on behalf of the ratepayers. We believe these elected officials should have the ability to speak honestly and candidly in their meetings without fear of litigation should one of their remarks, unfortunately, be taken out of context.

By way of background and even in my own experience there've been a few instances in Manitoba where councillors have faced legal action because of comments made during council meetings. The legal process can be stressful for those involved and also costly for ratepayers in the affected municipalities. The need for this type of legislation—legislative protection for councillors has been debated by the Association of Manitoba Municipalities, and the resolution was duly passed at their convention last fall in Brandon.

The municipal councillors, mayors, reeves are elected by the people to direct the administration of the business and affairs of their respective municipalities and are subject to litigation, real or frivolous, related to statements they might make in a council or a committee meeting.

Mr. Speaker, I served 20 years on a municipal council and I have always believed that councillors, mayors and reeves needed more protection from frivolous and vexatious charges being brought against them. Being a municipal councillor is a commitment to your community, and we should do everything possible we can to encourage and protect municipal officials while they are fulfilling their respective—their responsibilities.

In conversation with the Minister of Local Government (Mr. Lemieux), the issue of a parliamentary system was raised and the role of the Speaker was mentioned and the comparison to this legislation to the privileges we have in this House. In a parliamentary system, we have a—the Speaker controlling the business of the House and basically ruling over the actions that are taken in that House and the things that are said in that House.

In a municipal case, we have municipal councils that are open to the public and the public comes in, by delegation or individually, and make presentations to the council. The council quite often discusses the business surrounding those presentations right at the council table, and that is when we have problems with some things that are said that may be taken out of context, result in a lawsuit which is very—goes very much against what the whole role of council is all about. And it's protection from these type of lawsuits that we're looking for in this legislation.

There's cases—and I was in a municipal council, as I said, for over 20 years—there's cases where people come to the council meeting, sit there with a tape recorder, record every word, go home, go over it, go into great detail to try and find something that may be out of line in that—the words of the councillors or the mayor or the reeve and then threaten lawsuits. And, believe me, there are a lot more threatened than are actually carried out, although at the present time there are—there's at least one lawsuit going on in the province that is against councillors for something that was pretty innocuous, but they are going after them, and we believe that councillors should be saved harmless from those situations.

* (10:10)

The very fact that these lawsuits can occur goes against what municipal councillors are there for. Most of them are there for very low remuneration. I believe when I retired from municipal council five years ago, I was actually getting \$350 a month.

So council is basically—*[interjection]* And there is no pension plan. Council is basically a volunteer service, and we want to do everything in our power to encourage councillors to run in their municipalities. We have municipal elections coming up this fall in October, and when municipalities—when people that are considering running for council realize that they're probably open to some litigation

at some time in there, they're going to say, why would I even bother?

Mr. Speaker, last fall we passed—this House passed Bill 35, The Municipal Conflict of Interest and Campaign Financing Act, and in that bill there was quite a lot of reference to increased accountability and increased transparency, and those are the words that were used. Those were the key messages in that bill. We believe that there should be increased transparency and accountability. It's important, and it's very important to municipal governments in decision making.

Now, what I envision happening—because municipal councillors, as everyone probably knows, are very inventive—I envision councillors, if they're subject to litigation, doing a lot more of their business in camera away from the public eye and only coming out into an actual council meeting to actually pass the resolutions. And the public doesn't get any insight into what the debate was around the issue at hand.

The—we want to see more transparency. We want to see accountability. We want the public to have access to what councils are doing, and we feel this bill will aid in that process.

We're really trying to assist municipal councillors, get them to—encouraged to run. As you know, in rural Manitoba especially, there are a lot of cases where councillors are acclaimed rather than a wide-open, fight-it-out election process, and we want to encourage more and more people to take part on municipal council.

The—I have been in contact with the AMM. I told them that I was bringing forward this bill. I have also contacted several of the councillors from the City of Winnipeg. There's pretty much complete support on this bill from the people on the ground, the municipal councillors that are on the ground out there. And I would encourage the government of the day and the minister responsible to listen to what the municipalities are saying to them, to what municipal councillors are saying to them: support this bill; move it on to committee hearings; let us have a free debate on this bill and move it forward.

Ms. Marilyn Brick, Deputy Speaker, in the Chair

One of the comments I have heard is: Is this legislation anywhere else in Canada? As near as I can find out, no it isn't. But there's nothing wrong with being the leaders, being the first ones to do it. And if we're the ones to put this forward, I can

guarantee you it's going to go to the Federation of Canadian Municipalities, and it—we'll see it happen across the country.

It's what the Province has done over the last few years, has downloaded more and more responsibilities onto municipalities, such as administering the livestock management plans and Water Stewardship regulations. And as the responsibilities go more on municipalities—

Madam Deputy Speaker: Order. The honourable member's time has expired.

Hon. Ron Lemieux (Minister of Local Government): Madam Deputy Speaker, I am pleased to put a few comments on the record with regard to this particular proposal, and even though the government is sympathetic to the intent of this bill, there are intractable reasons why this legislation is not suitable solution to the stated problem.

The parliamentary system cannot be forcibly—forcefully transplanted into the municipal setting, and parliamentary privilege works exclusively within the parliamentary system as per more than 300 years of precedent. And I mentioned this to my critic, the MLA for Ste. Rose, and we've had the discussion—not that this government has not entered into many discussions with AMM on various issues, and we continue to keep an open door and have discussions on many, many issues. And we'll continue to have discussion and debate.

On this particular item, we certainly disagree with the MLA from Ste. Rose. I know his intent is certainly honourable one in the sense that he feels that he wants to make the system better, and I'm certainly okay with that and the government is. But I have to tell you, within—as I mentioned about the parliamentary system previously, that this is not to say that councillors aren't protected from frivolous accusations linked to their work. They are, under provisions of The Municipal Act. For example, see division 4 of the act, indemnification of members of council. The Province has discussed this issue with AMM, as I mentioned before, and is willing to work to devise options to address the stated concerns given the existing municipal structure.

The Municipal Act requires municipalities to establish rules for public participation at council meetings and thus, through the bill, the opposition is proposing a system where only the council members would be free to say or write anything at all at a council meeting and members of the public would

not have the same immunity. This is both unfair and inconsistent with the principle of public participation and decision-making in local governments.

I have to say, also, is that this is a government or—that has supported and worked closely with AMM on many issues. But, also, the opposition is one that has always—every time there's a debate with regard to funding of individuals or political parties, they are the ones that, when we brought in legislation with regard to corporate and union donations, they're the ones that oppose it. I mean, they want to tear down that legislation so when we talk about conflict-of-interest legislation and anything related to making the process and making our system, our democratic system, better and fair and equitable for everyone, the opposition has opposed that.

They would like to change it and change the rules of the game and heaven forbid that they should be elected because we know what would happen. They would certainly change all of that legislation, and we believe that the legislation that we've put into place with regard to no corporate or union donations makes it a level playing field for all. And, yet, on the one side of the coin, they're saying, therefore, making a better democratic system overall for municipal councils as one example. And yet, we can see what they're trying to do with regard to other pieces of our legislation we brought forward.

The members opposite, when we had a debate in this Chamber with regard to different pieces of legislation with regard to freedoms for not only municipal councillors, but elected officials, this—the opposition and some of their positions that they had raised were certainly, I would argue, that would not help the process at all. I mean, when I hear the member from Ste. Rose talk about how councillors are being sued and how, somehow, if they had a parliamentary system like provincial governments or federal government that somehow this issue about being sued would be taken care of.

* (10:20)

MLAs in this Chamber can be sued. Even though we have the privileges we have inside this Chamber, we are not allowed just to say anything and everything and slander anyone that we wish. There are rules where it's the Speaker, who is elected by the Chamber, can impose different rulings on an individual. They can be evicted from this Chamber. There's different actions that can be taken with regard to MLAs, so we—you don't have the freedom to say anything and everything you want about

someone, whether it's another MLA or someone that is outside of this Chamber.

And so we have had rules in place for 300 years that govern us and have an independent Speaker that rules on many, many different issues, and that is truly important, which council certainly don't have. Often the mayor or reeve is the person that chairs those meetings or deputy reeves, and there is no parliamentary—or party system within municipal councils or the City of Winnipeg.

I would just—I want to comment, though, that a parliamentary privilege extends to presentations made during committee meetings, and private citizens are also protected during committee hearings, again, only for things said during the hearings, and the thought being that for members to get information and be able to ask questions, those provided—or providing that information must be protected in their answers. However, the committee has the power of holding people in contempt of parliament, which has direct consequences and is quite serious.

No municipality in Canada has parliamentary privilege. Again, councillors are protected in a different way. Council members are not personally or financially liable for legal costs of a claim against them. Under The Municipal Act, municipalities must reimburse a member's costs.

Other particularities of the parliamentary system balance the freedom guaranteed by parliamentary privilege and are also importantly missing in municipal settings. These include parties and thus party discipline, a fair and unaligned Speaker and a comprehensive verbatim record of all words spoken in *Hansard*. We have *Hansard* that documents everything we say, and that is for public consumption, and people can see and read what is being said by every MLA when they get up to speak.

I guess—not I guess, Madam Deputy Speaker—I will say that we've been working on many, many different issues with AMM and Doug Dobrowolski, the president. We feel that we have a very good working situation between us—our government and AMM—on many different fronts. One I might bring up is the sewage ejectors, for example; that's just one of where we've listened to AMM. We've listened to rural councillors and have worked closely with them to try to see their position and try to also incorporate what they have given to us as information and suggestions.

In an article that the president put in the *Free Press*, he did—the article made a number of claims that cannot be said to be—

An Honourable Member: Accurate.

Mr. Lemieux: I don't want to use the word "accurate" but certainly he has his position with regard to this issue. And I would like to maybe conclude by just saying that we are prepared to work with the president, Mr. Dobrowolski, on this issue, on many other issues. But, as I stated before, without going into a lot of the comments with regard to parliamentary system and how it—how municipal councils are as far different than we are, I just want to say that as a government and as a—as one part of a parliamentary system—a provincial government and a provincial system, and, as well as—there's a federal system, we feel that the municipal councils are far different than that and yet we understand that there's very, very few councillors out there that are being sued, actually. And they understand that they cannot just say and do whatever they want, and we know this to be true because there's very, very few people being sued out there, as far as councillors go. And yet the member brings forward Bill 230—or proposed bill—that somehow this is a huge problem out there and that people won't run.

We're convinced that we are going to have a number of new candidates running in the municipal election coming forward this fall. We encourage that. We want to see more and more people being involved in the democratic system and we're—we try to be very, very supportive. Indeed, my department is very supportive of bringing forward a new conflict-of-interest guidelines and financial guidelines that will govern municipalities, and we have done a lot to work with municipalities to ensure that happens.

Regrettably, we cannot support Bill 230, The Municipal Amendment Act, changes, and—

Madam Deputy Speaker: Order. The honourable member's time has expired.

Mr. David Faurshou (Portage la Prairie): I appreciate the opportunity to stand and participate in debate as it pertains to Bill 230, The Municipal Act and The City of Winnipeg Charter Amendment Act (Defamation Protection).

I listened very intently to the honourable minister's comments, but I'm very disappointed and saddened that he and his government have taken the position they have. The honourable member for

Ste. Rose (Mr. Briese), that brought this bill forward for debate this morning, has a long history of serving his community, not only as the current MLA but, previous to that, the honourable member served on municipal council, and went further to that and was elected to the provincial organization and ultimately served as the president of the Association of Manitoba Municipalities, which represents all municipal governments throughout the province of Manitoba. So, indeed, the honourable member for Ste. Rose does have a working knowledge and understanding of council and this legislation is reflective of his understanding and knowledge.

I also want to recognize that the issue at hand to which the legislation we propose today is based upon—is that of a resolution brought forward by the City of Portage la Prairie. The City of Portage la Prairie, as everyone is well aware, has entered into a number of very hotly debated issues over the last number of years and, consequently, quite an interest by the public in those issues. And, ultimately, the very spirited debate on some of these issues has spawned to councillors being sued in civil—through civil litigation.

And I want to impress upon the minister that the issue of liability experienced by councillors, currently in the province of Manitoba, is real. And the comments that were made as pertaining to the issue of encouraging persons to enter into public office, this, indeed, is a significant consideration when making the decision. And, yes, the minister is quite correct in saying that the municipal councillors are provided for through The Municipal Act protection, as it pertains to legal services once issues go to court.

But the question still remains: Should that particular engagement ever have the opportunity to take place? Because, as I have witnessed one particular issue, which now is going before the courts, I felt that it was a situation that need not have gone to the courts. I do believe it was—emanated out of the very spirited discussion and that once that discussion had concluded and council had risen from their meeting and individuals left the council chamber and had opportunity to discuss the issue at hand in a more calm, less energized situation, that the understanding of the issue was much more well discussed and would not have resulted in litigation.

* (10:30)

And so I want to impress upon the government that when issues of public interest are debated by

elected officials, there is a degree of spirited discussion and debate that does take place, and then once the issue has been thoroughly debated, one retires to another venue and a different atmosphere takes over, and the potential of emotional energy within the debate is subdued and lessened.

And so what we're looking at is the situation which we have all experienced in this Chamber, and indeed we do have Madam Deputy Speaker at the helm and that does issue cautions to each and every one of us on occasion, that perhaps we do say some words that might not be appropriate and deemed unparliamentary but, again, the position of reeve and mayor throughout the province does do the very same—serves the very same purpose, and the issue that comes to be is one of engagement between elected officials and the public, and this is why we have the bill before us today.

And I'm looking to individual members across the way because this is an opportunity where we as individuals, representing the best interests of our constituents, should be first and foremost in our debate here today.

We have heard from the minister responsible for intergovernmental affairs but that does not preclude each and every one of us to determine with our own thoughts what is in the best interests of our constituents. And I look to all members to have that at the forefront when deciding whether or not we see this bill pass through to second reading and on to committee where, in fact, the public has the opportunity to share with us the current situation throughout our province. And I—we should not deny the public the opportunity for that opportunity.

So I look to the government and really, really ask that they allow for Bill 230 to go to committee. Now, I know that a number of members opposite do not have the—inclusive of myself—the personal first-hand experience as serving on municipal council, but I encourage each and every one of you, as I have done, and that is to sit down with councillors within their own constituency and listen to what they have to say as it pertains to the engagement of the public during the spirited debate that sometimes takes place within council meetings and meetings of council members on particular issues during the committee presentations.

So I know my time has—is quickly coming to an end, but I would very much like to state for the record that I wholeheartedly support the Bill 230 and encourage all members to do so and if, in fact, they

do not support the bill at this juncture in time, at least support the passage of second reading so the public has an opportunity to participate and share their thoughts as it pertains to Bill 230. Thank you ever so much, Madam Deputy Speaker.

Mr. Tom Nevakshonoff (Interlake): It's my pleasure to rise this morning to address Bill 230, The Municipal Amendment Act brought forward by the member for Ste. Rose (Mr. Briese), and I'd begin my remarks by saying as a rural member I have the pleasure of working with a number of municipal councils.

I have six municipal councils in the Interlake constituency, and, I might add, in addition to that I also have eight First Nations councils that might be given consideration in this regard—and Northern Affairs communities, as well. The communities of—
[interjection]

I'm sorry. The member for Portage la Prairie (Mr. Fauschou), I guess, hadn't quite finished his remarks yet. He's shouting across the way here. And I listened very, very quietly when he made his commentary, and I would just ask that he show similar respect to that. If members opposite want to bring bills forward for debate, then we should debate in a civil manner, where one sits and listens, and then, when one is on his feet to speak, that he would have the opportunity to speak without heckling and undue interruption as, for some reason, we're seeing from members opposite at this point in time. And I'm a little confused what's spurring them on.

And maybe it's the fact that the member that brought this forward was a municipal councillor and, not only that, but the president of the Association of Manitoba Municipalities. So somewhat of a vested interest here, possibly, is spurring this on. I don't know; I wouldn't want to cast aspersions or make any suggestions in that regard.

But, as I was saying—as I was saying when I began my remarks—I have a number of municipalities in my constituency, and I have the utmost respect for reeves and councillors for the jobs that they do. It's true; they are the ones that are closest to the public. They're at the local level. If anybody has an issue, it's usually the municipal councillor that gets it first, because he's in town and he's in the coffee shop on a daily basis, and what have you. So they are the closest. They are the first line of defence or attack, however you want to look at it, and, conversely, they are the lowest paid of all levels of political office, as well. You know, the Member of Parliament is the

best paid, and yet he's the furthest away from the people, whereas the councillors and reeves are the lowest paid, and closest to the people. That's a bit of a mystery, and maybe we should be looking at their indemnification more so than an issue like this because they do a very important job. They do an important service for the people that they represent.

But there are some difference between the parliamentary chambers in Ottawa, and here in Winnipeg, and the municipal council chambers, which are important. We have to bear this in mind. First of all, the public doesn't come into this Chamber or into the parliamentary chamber in Ottawa, whereas in municipal chambers the public is present and the public is coming in to make presentations all the time. So that's a distinct difference between this Chamber and a council chamber.

Secondly, this Chamber has a written record of every word that is said here. We have *Hansard* so that everything that we say is recorded immediately and is kept for all time. That's not the case in municipal chambers. They list the resolutions that are passed. There is, you know, some reference to topics that are discussed but, certainly, there's no verbatim record kept in a council chamber. So, in that sense, that is a distinct difference between the Parliament of Canada and the Manitoba Legislative Assembly—a record being kept.

Now, this privilege does extend to committee hearings, in a sense, where if the council has something delicate to discuss, or something that they feel should be discussed in a confidential manner, they have the power to go in camera. They can ask the public to leave the chamber and discuss something in the privacy of the chamber amongst themselves. That's distinctly different than what we have here in this Chamber where everything that we say is recorded on this microphone and is accessible to the people for all time.

* (10:40)

Municipal councils, if they want to talk about something heart to heart, if they want to discuss it, they have the opportunity to exclude the public, ask them to leave, and have a discussion in private. So that's a little different than this particular Chamber.

And this particular Chamber is not sacrosanct either. If we say something and we put something on the record—and the press aren't in the gallery today, but if they wanted to look over my remarks and they

saw that I said something inflammatory, they have the right to confront me outside of this Chamber. As soon as I leave this Chamber and go out into the hallway, then I'm in the public domain, then I am subject to all the rules of law and the threat of lawsuit and the threat of being challenged for defamation and so forth.

And by the way, on the topic of defamation, I feel very strongly about this because if I think back to when I first sought election, some of you may recall that the defamation campaign that was orchestrated against me by the opposition was probably one of the most despicable acts in the political history of our province. So I am no stranger to being a victim of defamation and slander, and it wasn't just—well, it wasn't just members of my family that were involved in that. It was members of the Conservative Party, and the Conservative Party central were fully aware of what was taking place. They were fully aware of what was taking place at the very highest level, and yet they sought to deny that in the public, sought to attack the character of a former premier, of a former Governor General of Canada. They were casting aspersions on him knowing full well that they were as guilty as sin in regard to the defamation campaign that was orchestrated against me. So, Madam Deputy Speaker, I am no stranger to the topic of slander and defamation, and I take it very seriously.

Now, municipal councils: They may be the lowest paid on the pay scale, but let's not underestimate the powers that they have and the responsibilities that they have. They are the governments that have jurisdiction over land use planning. They make decisions in regard to property, and a lot of them own property, coincidentally, in the constituencies—the municipalities that they represent. A lot of them own a lot of property, coincidentally, some of them large farmers with large tracts of land. And you know, if I may be blunt, a lot of them gravitate toward council for the purpose of trying to improve that in terms of building roads and digging drainages. Those are the two things that are most important to municipal councils, it seems.

And so I think it's important that they be held to a certain standard, and I know that this government recently introduced legislation where they would have to declare those assets so that the public knows exactly what councillors have in their possession, so that they are making decisions in accordance with the best wishes of the municipality as a whole and

not necessarily, you know, to benefit themselves or their families.

So we have to be careful when we go down this road. No other jurisdiction in Canada—or in the world, I think—has this privilege extended to municipal levels, and I think that speaks volumes. Obviously, there's been considerable thought put into this, and if this were normal practice or made good common sense, then this would have been done. To suggest that we—

Madam Deputy Speaker: Order. The honourable member's time has expired.

Mr. Blaine Pedersen (Carman): I just wanted to put a few words on the record for this—in support of this bill, Bill 230, brought by my colleague, the member for Ste. Rose (Mr. Briese), and this certainly is an excellent bill. And because it—in this Chamber, we are—we do have immunity for what is said from—versus what is said out in the public, and the municipalities don't have that same privilege.

The member for Interlake was suggesting that, well, if municipalities want to avoid lawsuits, they should go in camera, and that is not a justifiable reason for not supporting this bill. Because in—when a municipality goes into in camera, the council goes into in camera, obviously there is no public record of it. Nobody knows what's happening, and that's not a good way to govern.

And, speaking of immunity within this House, we can say things in this House without fear of reprisal. And it does remind me of a week ago, on speaking to a resolution, the honourable member from the Interlake was rather taking me to task rather hard and saying some rather ignorant and stupid things. But, you know, everybody's honourable in this House, and so I just let it go and—but if we didn't have immunity within this House, that would not be possible to do. So, Madam Deputy Speaker, I think that municipal councils should be afforded the same immunity as what we have in this House.

Madam Deputy Speaker, I also noticed, reading through *Hansard* one day, that the member for Kirkfield Park (Ms. Blady) was rather taking me to task for various things and, so, after I read *Hansard*, I thought, well, that's good; it's in there. I've got a record of it. It's what she said.

I certainly look forward to the member coming out to run against me in Midland in the next—in

October of 2011. I think it will be a great election campaign, one she can—at least we'll have a candidate that shows up rather than like the last one. And I know she stands as good a chance running against me in Midland constituency as she does running against my good friend that's going to run against her in Kirkfield Park. So I look forward to her coming out to the new Midland constituency in 2011.

And, see, this is what relates back in this bill, is that we do have—

Madam Deputy Speaker: Order. I just want to remind all honourable members that we do have the loges, and at this point the honourable member for Carman has the floor.

Mr. Pedersen: Thank you, Madam Deputy Speaker, I certainly appreciate your support there. I just want to go back on this bill, if I may. And I use a quote from Doug Dobrowolski, the president of the Association of Manitoba Municipalities, and I'll quote from him, and he says: A number of municipal officials are facing litigation against trivial claims, in some cases, simply for saying what is perceived to be the—as the wrong word. These types of legal games involve a great deal of time and expense for a municipality, not to mention a personal toll they take on the elected officials in question. End of quote.

And, really, there's four main reasons for this bill, and it's to encourage people to run so that they don't face legal action for what is said in within the council chambers. It's to protect those councillors from legal action—from frivolous legal actions, is what Mr. Dobrowolski was referring to. It opens a—and keeps the councils open and transparent. And going into in camera sessions is not transparency, and we want to make sure that there is transparency within our municipal governments. And it will obviously save money and staff time if they don't have to deal with legal—frivolous legal actions.

So, Madam Deputy Speaker, I just wanted to put my support in for this bill. This is a good legislation. I know it's the first one in Canada to do this. For once, let's be ahead of the game in Manitoba, instead of always following behind everyone else. Please support this bill. Thank you.

* (10:50)

Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade): Madam Deputy Speaker, I'm very pleased to rise to put a few comments on Bill 230 and—[interjection] Ah, it's always good to be in this Chamber with the decorum

that we have demonstrated from the members opposite there.

You know, Madam Deputy Speaker, I listened with interest to the member from Portage la Prairie when he talked about their being hotly debated issues in Portage la Prairie on the municipal council. And isn't it great that we live in a country where we're allowed to debate issues, and do so in such public forums?

Now, Madam Deputy Speaker, as a former councillor, myself—municipal councillor serving one term in my home community, there were a number of hotly debated issues that we had to address, and did so in a very open and public forum. And we dealt with the issue of the amalgamation of the Municipality of Gimli with the Town of Gimli. We dealt with the negotiations of working with the Province to develop a state-of-the-art waste-water treatment facility and what that meant to the taxpayers, about what it meant to the health of our lake. And that was a very hotly debated issue, as we have a number of seasonal residents who didn't see the merit in that and the costs that would be associated with them, in their seasonal homes, being part of that system. But many of them see the merit in that now, as they are now being added to that waste-water treatment facility.

We had a hotly debated issue on the harbourfront redevelopment, which has become a real gem in the community and is a real asset, drawing a lot of tourists to our waterfront in the Gimli area.

So, yes, we have hotly debated issues, and we do so in a public way. And to introduce this legislation that would suggest that, in the language of the legislation, that any statement made or document used by a member of a council at a council meeting or at a meeting of a council committee is subject to an absolute privilege, goes beyond the pale, Madam Deputy Speaker, to extend privileges that we don't even enjoy in this particular Chamber nor do they enjoy that in Ottawa.

An absolute privilege does not make sense in an open and democratic society where the balance of power, per se, in a meeting would be extended as such to an individual elected to municipal council because I, myself, have faith in the electoral system and the democratic system. I have faith in the judicial system. And, Madam Deputy Speaker, if, indeed, what they're talking about is a frivolous claim, then the courts will deem it as such. It's

regrettable that somebody would have to go through that process but if they said something that somebody feels has slighted them or defamed them or is derogatory in any way, shape or form, it is their right, in a free and democratic society, to challenge them for the words that they say in a public forum. That is their right. So to—if it is, indeed, frivolous and the judge in the court deems it to be so, so be it, but that's why have these processes in place.

It was interesting to hear the member from Carman talk about accountability and what is said in public because we all know what he said in public. We all know that he said that they're not going to win an election if they fight it on issues of infrastructure, rural depopulation, Aboriginal issues, agriculture and health—they're not going to win an election. And we like to remind him that this is a public forum. When you say things in public, you're held to account for what you say in public, Madam Deputy Speaker.

So it's rather interesting to hear this bill being debated on this floor. When you look at 300 years of tradition in the parliamentary system and to look to extend that tradition to the municipalities, again, this creates a very interesting playing field where people have to be held to account for what they say, as we are in this Chamber. We are held to account for what we say in the Chamber. We're held to what we say outside the Chamber, just as parliamentarians are. Municipalities can expect the same, Madam Deputy Speaker. So it's rather interesting that the member opposite would bring this forward.

Now, one of the things that—one of the arguments that was put forward right now is that—I believe there's a suggestion that people are not encouraged to step forward and put their name forward to run for municipal office. Well, I don't think that that would be the case—that it would rest on this one particular issue, Madam Deputy Speaker. I see a lot of people encouraged to participate in the electoral process. I see a lot of people who are encouraged to run for office, and I think that's healthy for democracy. I'm glad that we have multiparty systems here in the province of Manitoba. I'm glad that we have an opportunity to have open and public debate about what is good for the future of our communities, our province and our country. And to suggest that people are being discouraged because people are being held to account for what they say or being subject to libellous or slanderous comments—if they say libellous or slanderous comments, they should be held to account, quite frankly.

So I have faith in the system that people want to get involved in politics and they want to be a part of the process, and they want a part of change. And to suggest that this would be a barrier for that, I don't think is a very accurate statement.

So, when you consider what's been occurring in—since 300 years of parliamentary tradition—look at the 300 years of parliamentary tradition. When you look at the request—when we look at the request that has come forward by the members opposite, as I said, there's a number of reasons why this simply can't work. No municipality in Canada has parliamentary privilege that's been identified.

Councillors are protected in a different way. Council members are not personally financially liable for legal costs of a claim against them. Under The Municipal Act, municipalities must reimburse the members costs.

Other particularities of the parliamentary system balance that freedom guaranteed by parliamentary privilege and are importantly missing in a municipal setting. They include parties and thus party discipline, a fair and unaligned Speaker and a comprehensive verbatim record of all words spoken in *Hansard*. So when you consider what members opposite are asking for in terms of parliamentary privilege compared to the existing mechanisms that we have in place here in Parliament, in the Legislature to ensure that we are open and transparent, surely, Madam Deputy Speaker, it's an apples and oranges comparison in terms of what members opposite are asking for and the privileges that are afforded to Parliament.

When you consider what the members are asking for, it's unfair and inconsistent with the principle of public participation and decision making in local government.

Madam Deputy Speaker, parliamentary privilege extends to presentations made during committee meetings, for example, and private citizens are also protected during committee hearings and, again, only for things during committee hearings, the thought being that for members to get information to be able to ask questions, those—that those providing that information must be protected in their answers. The committee has the power of holding people in contempt of Parliament, which has direct consequences and is quite serious.

So for members opposite to suggest absolute privilege goes beyond the pale. We all have a

responsibility as elected officials. We are held to account as elected officials. We are held to account in the public in *Hansard*. We are held to account in the public in the media. We are held to account on the doorstep with our constituents, Madam Deputy Speaker, and for the members to suggest that absolute privilege should be afforded to municipalities I think is not healthy for a democratic process.

So if you look at 2009 where the AMM had passed this resolution—*[interjection]* When you look back to 2009 when the AMM had passed this resolution, in February the AMM and the minister responsible met to discuss this issue among others. To see the editorial was rather interesting in the *Free Press* where the article claims that a number of municipal officials are facing litigation against trivial claims and in some cases simply for saying what was perceived to be a wrong word. Now, again, if it's trivial, the courts will determine that it's trivial. In fact, there's no evidence to suggest that this is a widespread issue in Manitoba, none, and the only verifiable instance is referred to as identified by the member from Portage la Prairie.

The article states the AMM has lobbied the Province for similar immunity and received a lukewarm response, but the Province has suggested that this isn't a huge concern for municipalities. In fact, as mentioned, the minister met and discussed this issue with the AMM and advised that it's open to discussing concern and options to address it. But, again, the government understands the AMM is concerned and is willing to work with the AMM to find an appropriate solution, though a fair and unhyperbolic discussion is the most efficient strategy.

So if members opposite have knowledge of municipalities that are facing difficulties in conducting open, transparent and democratic meetings, we encourage them to share their information so that we can understand the crux of the issue and to get it worked towards solutions that make sense for our province's many municipalities.

Mr. Speaker in the Chair

And I thank you for the time, Mr. Speaker, and I understand that my member from Selkirk—my colleague from Selkirk would be very much interested in adding a few words to this debate, so I look forward to hearing what my colleague from Selkirk has to say.

And, again, as I've said, Mr. Speaker, to bring forward a bill with absolute privilege is not very productive in a free and democratic society and does not add to—

* (11:00)

Mr. Speaker: Order. When this matter is again before the House, the honourable member will have 20 seconds remaining.

The hour now being—*[interjection]* Okay, when the matter is before the House, the debate will remain open.

RESOLUTIONS

Mr. Speaker: And as 11 a.m., we will now move on to resolutions and we'll deal with Resolution No. 9, Making Alternative Health Practices More Accessible.

The honourable member for Portage la Prairie.

House Business

Mr. Speaker: Oh, the honourable Official Opposition House Leader?

Mr. Gerald Hawranik (Official Opposition House Leader): Yes, on House business.

Mr. Speaker: On House business.

Mr. Hawranik: Yeah, Mr. Speaker, in accordance with rule 31(9), I would like to announce that the private member's resolution that will be considered next Thursday is the resolution on Bipole III—Keeping Routing Options on the Table, sponsored by the honourable member for Brandon West (Mr. Borotsik).

Mr. Speaker: In accordance with rule 31(9), it's been announced that the private member's resolution that will be considered next Thursday is the resolution on Bipole III—Keeping Routing Options on the Table, and it will be sponsored by the honourable member for Brandon West.

Res. 9—Making Alternative Health Practices More Accessible

Mr. Speaker: So, okay, we'll do resolutions: Resolution No. 9, Making Alternative Health Practices More Accessible.

Mr. David Faurchou (Portage la Prairie): Mr. Speaker, nice to see you back in the Chair this morning.

Mr. Speaker, I move, seconded by the honourable member for Arthur-Virden (Mr. Maguire), that

WHEREAS the benefits of alternative health practices such as traditional Chinese medicine, homeopathy, naturopathic medicine, traditional Aboriginal medicine, botanical medicine and acupuncture include improved physical and mental health; and

WHEREAS the alternative health practices can prevent, manage, and at times reverse chronic conditions, which are—which can result in long-term savings for the health-care system; and

WHEREAS alternative medicine is commonly practised in many of the world's leading health-care systems, including France, Italy and Switzerland; and

WHEREAS many alternative therapies are regulated health professionals in other jurisdictions, where expertise of such practitioners is recognized; and

WHEREAS in Manitoba, the benefits of many alternative therapies is inaccessible to numerous Manitobans on the basis of cost, which is not eligible medical expenses for the purpose of income tax;

WHEREAS some third-party health insurance plans cover aspects of alternative therapies, many patients are unable to afford this additional coverage and must pay the full cost of such therapies out-of-pocket.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to make the benefits of many alternative health practices more accessible to all Manitobans; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider making the necessary legislative changes to make more alternative medical therapies eligible as tax-deductible medical expenses.

Mr. Speaker: Before I read the resolution, I'd like to remind our guests up in the—our guests in the gallery that there is to be no participation and that includes applauding. So I ask the co-operation of our guests in the gallery.

It's been moved by—we'll list it as printed, okay?

WHEREAS the benefits of alternative health practices such as Traditional Chinese Medicine, Homeopathy, Naturopathic Medicine, Traditional Aboriginal Medicine, Botanical medicine and acupuncture include improved physical and mental health; and

WHEREAS alternative health practices can prevent, manage and, at times, reverse chronic conditions, which can result in long-term savings for the health care system; and

WHEREAS alternative medicine is commonly practiced in many of the world's leading health care systems, including France, Italy and Switzerland; and

WHEREAS many alternative therapies are regulated health professions in other jurisdictions, where the expertise of such practitioners is recognized; and

WHEREAS in Manitoba the benefits of many alternative therapies are inaccessible to numerous Manitobans on the basis of costs, which are not eligible medical expenses for the purposes of income tax; and

WHEREAS some third-party health insurance plans cover aspects of alternative therapies, many patients are unable to afford this additional coverage and must pay the full cost of such alternative therapies out-of-pocket.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to make the benefits of the many alternative health practices more accessible to all Manitobans; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider making the necessary legislative changes to make more alternative medical therapies eligible as tax-deductible medical expenses.

Mr. Speaker: It's been moved by the honourable member for Portage la Prairie (Mr. Faurichou), seconded by the honourable member for Arthur-Virden (Mr. Maguire),

WHEREAS—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Faurichou: I want to thank all those that have taken time out of their very, very busy schedules to

be in attendance here this morning to debate what many of us in this House believe is a very important resolution.

What you will see within the Chamber for the next hour is debate of the resolution to which I have proposed and seconded by the honourable member for Arthur-Virden (Mr. Maguire).

We on this side of the House will initiate the resolution and speak to it first. Members of the opposite, on the government side of the House, will then participate as well.

But what will take place at 12 noon, there will be a resolution—debate will come to a conclusion. Hopefully, the government and other members within the Legislative Assembly will allow for passage of the resolution. However, there's a commonly used electoral tactic and that is that individuals will continue to speak until 12 noon, and therefore there will not be opportunity to vote on the resolution, and therefore it will be left on the Order Paper and may not ever see the light of day again. So, it's called talking out the resolution, and that unfortunately happens on many occasions and it is very disappointing.

This particular resolution is one that—I have had personal experience with alternative health-care services as provided through a physician that has many, many, many years of experience and training in traditional Chinese medicine. She is a practitioner who had a very successful practice in Beijing and moved to Winnipeg and continues that practice today. It is a very popular practice, and on many occasions one cannot make an appointment when one desires because of the number of Manitobans that are engaging the practitioner services.

The traditional Chinese medicine which I refer to is just one of many alternative medicines that we have in the province of Manitoba, and I would like to recognize that there are very highly trained physicians that have practices in homeopathy, naturopathic medicine, traditional Aboriginal medicine.

I might just make mention that I recognize the honourable Minister of Justice (Mr. Swan) that does engage in some traditional Aboriginal medicine by way of the construction of a sweat lodge at the Agassiz Youth Centre, which is part and parcel with a holistic way of treatment for individuals that have had difficulties, not only with the law, but in their

own lives that led to the altercation and conflict with our legislation.

So the government already recognizes the importance of an alternative health-care system, and I would like to say that I think we are missing an opportunity by not having the tax deductibility. I mean, it's only a first step, Madam Minister, insofar as that we're not asking the taxpayers of Manitoba effectively support individuals that want to seek out alternative health services, but what we're just asking is that the government not tax the money before we spend it in alternative health-care services. Now, the minister may say, well, it might then however cost the taxpayers some money because we won't be collecting the income tax on those individuals. Well, I will say very boldly that those individuals that are attending to alternative health-care services are not engaging her department and in that way, saving her department. And I will be very bold in also predicting millions of dollars in not seeking out western medicine health-care services.

One might wonder how all of this came to be, as we discuss and debate alternative health-care services. Well, most of these health-care services that we speak of within the—well, all, I will say—all of the health-care services of which were made mention in the resolution come by way of—in the case of traditional Chinese medicine, thousand-plus years of experience. And one all—only might just ask: Is there a health-care crisis in China? There is not a health-care crisis in China. The—and that speaks volumes in itself.

* (11:10)

Another very documented point that I would like to make to all the members present is that the United Nations recognizes Switzerland and France as having the best health-care services for their residents, their citizens, than anywhere else in the world. And they recognize traditional Chinese medicine, acupuncture, as complementary to western medicine, and do provide for coverage within their health-care system. We're not going that far with this resolution this morning. All we are asking is that it be made tax deductible, so we are not penalized by the income tax collection made by the Province for us seeking out alternative health care.

I would like to put on—into the record a letter that I have received from a lady that shares her own personal experience: My family and I benefited immensely from Chinese medicine as practised by

Dr. Shaoli Shi in Winnipeg. Dr. Shi saved my son at a time when western medicine could not find a diagnosis to help him. With both Chinese and western services—has now recovered health and strength and manages a chronic condition wonderfully. I suffer from a chronic fatigue syndrome and arthritis and was frequently bedridden for long periods of time beginning in 1993. Western medicine had little to offer me for these conditions, apart from expensive medications which kept me feeling listless and drugged. Alternative healing has been far more helpful, and Dr. Shi identified many issues which helped me. Now, together with western treatment, Chinese medicine keeps me functional and able to contribute to my family and to the community as you have seen in my co-ordinating of Lord Roberts Citizens on Patrol. The downside here is the cost of alternative health measures. My ability to sustain my pension income levels is compromised when I have to pay for treatments and costs that are not recognized for assistance or income tax purposes. I fear that the impending election will prevent you and your government from supporting additional health-care costs, but I implore you to vote for Mr. Faurshou's resolution on May 13th.

This letter was a copy as sent to the minister.

And I know that my time has almost expired, but I look to members of the House to allow for this resolution to go forward and spur on debate of the benefits of having alternative health-care services recognized here in the province of Manitoba. Thank you very much, Mr. Speaker.

Mr. Speaker: Okay, before recognizing the honourable Minister of Health, I'd like to remind honourable members, even reading from letters is—all members in the House are to be referred to by their constituency name, not by their personal name.

Hon. Theresa Oswald (Minister of Health): Mr. Speaker, it's my pleasure to rise to speak about this resolution, a very interesting resolution put forward by the member from Portage la Prairie. I'd like to say hello to his guests in the gallery and acknowledge that this really is an area of health care that we know is increasing in its popularity and, indeed, in its use worldwide and in Manitoba. We know that in many situations it's used in combination with—or complementary to—what has come to be defined as western medicine, and it has yielded for individuals, as the member stated today anecdotally, has yielded some very positive results.

Now, we know that alternative medicine practices are very diverse in their foundations. They are diverse in their methodologies, but we also know that these methodologies and these medicines are required to follow the same steps for approval as any new medical procedure. We know that to be a fact. If an alternative medicine practice is adequately tested, if it's researched, if it's proven to be effective, then they can become part of mainstream medical practices.

And, of course, Manitobans and citizens across the nation have a very intense interest in ensuring that those procedures and medicines that are put forth to them are, indeed, deemed to be safe in nature.

The patient safety movement—the Canadian Patient Safety Institute and the Manitoba Institute for Patient Safety are very clear on this point that they wish to make sure that information that gets into the hands of the public is the best possible information and it's information that will, indeed, do no harm.

We know, in western culture, the term alternative medicine refers to any healing practice that does not fall within the realm of conventional medicine or, of course, that which has not been shown to consistently be effective but perhaps anecdotally.

It's interesting to note, Mr. Speaker, that our government has made progress on the issue of alternative medicine. Indeed, we supported the opposition bill, The Medical Amendment Act, in '05, that allowed physicians more flexibility to practise non-traditional therapies. This was a very important step, and I commend the opposition for that. Without the potential, you know, for professionals having to deal with discipline, you know, under the non-traditional realm, this really did open the door for a wider variety of opportunities. Of course, this, you know, had to make sure that it didn't involve any greater risk to the patient, but it did open the door, and we've heard from health professionals that this was indeed a very good move.

The bill brought a new provision into The Medical Act to recognize the importance of alternative forms of therapy, allowing their practice, and it says, unless there is evidence that proves that the therapy poses a greater risk to a patient's health than the traditional or prevailing practice.

More recently, Mr. Speaker, and I think it's really important to note that we brought forward and

passed The Regulated Health Professions Act. I believe it was passed unanimously by this House. And it's an act that's going to allow practitioners of alternate forms of medicine to pursue professional regulation. This is going to be a critically important step because, as I said earlier, those patient safety advocates that concern themselves so much with making sure that what is being said to them is, in fact, true will know that under the elements of professional regulation for alternative therapies, there will be standards of practice that must be adhered to. And this is going to assist the public in knowing that what, indeed, they're being told by these health professionals is, in fact, correct and is, in fact, safe. So, through the course of The Regulated Health Professions Acts, I can tell you that the already established professions will work through the process, and then, of course, alternative medicine practitioners will be able to come under that regulated health profession.

I think it's really important to acknowledge, in any conversation about alternative healing, the importance here in Manitoba of traditional Aboriginal medicine. I know the member opposite made reference to the fact that under the umbrella of justice, the creation and funding of a sweat lodge exists. And, again, it does speak to our government's commitment to consider alternatives, and he essentially made my point, I think, in showing that there isn't a reticence on the part of our government to move forward in looking at different ways that alternative, non—you know, non-western medicine, if you will, can be pursued within the context of the health-care system.

We know that we are investing—the member has spoken eloquently about the issues of traditional Chinese medicine and his personal experiences with that. And I think that that's really an important thing that an individual can share in a debate in the Legislature about, you know, how this has changed an individual life. And I can also say that this is true for many members of this side of the House when it comes to traditional Aboriginal medicine.

* (11:20)

It's one of the reasons, Mr. Speaker, that we are funding in Pine Falls—a first in Manitoba—Aboriginal healing centre. That centre will be approximately 2,000 square feet of space designed specifically around the First Nations peoples' cultural needs for traditional healing and wellness and the ceremony therein. The facility will be designed to reflect

Aboriginal culture as determined by the local communities, and it will include such things as a place where Aboriginal people can seek approaches to palliative care on traditional terms, a place for traditional ceremony and smudging, including a place where a sacred fire can be lit, kitchen facilities where families can prepare traditional foods and medicines for their loved ones and a place of—of education on Aboriginal history and teachings.

The care centre will be approximately \$7 million of an investment. It's going to house this Aboriginal healing and conventional medicine, I must add, under one roof, and it will serve the clientele of the health complex, over 80 percent of which are Aboriginal.

So, I make these two points, Mr. Speaker, to signal to the member that we are already on the road to providing not only opportunities for regulation for alternative medicine practitioners, which will be really important, I think, in being able to expand that area of medicine, but also providing funding in different realms, whether it's for traditional Aboriginal healing, providing opportunities by amending the act to allow traditional western practitioners to pursue alternative medicines.

So, I think that this is a really important statement. In fact, many people don't necessarily know, Mr. Speaker, that chiropractics actually still fall under the definition of alternative therapies. Many people don't consider that to be true. Now, Manitoba continues to fund chiropractors. We continue to provide that. We saw recently, Saskatchewan making a decision in their 2010 budget to essentially delist chiropractic services. That's not a move that we intend to make on this side of the House because of our value for alternative therapies, whether it's traditional Aboriginal, whether it's allowing a variety of health professions to regulate.

So, I would say to the member that I think his resolution this morning merits further discussion on the issue of the tax element of it. I think that in the broader context, our commitment to not making the decision of other governments like delisting funding for chiropractics, our commitment to opening up self-regulating professions for alternative medicines, it shows that our commitment is broad, it's real, it's financial in nature.

And so I would be very interested in pursuing a further discussion with the member, with members of the community on tax deductibility or maybe even

something broader that could be done in this because I think it is an area that merits further discussion, no question about it, is worthy of further research, and I think that we need to maintain patient safety as being paramount but have an open mind about those things that may not be traditional to us. Thank you very much, Mr. Speaker.

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, it's my privilege as the seconder of this motion to put a few words on the record in regards to support of this resolution, and I know that—and I want to thank the fine work done by my colleague from Portage la Prairie in regards to the discussions he's had with many of the people who are here today to listen to the debate, and I appreciate the time they've taken in their lives to come and support this effort—and to support their beliefs in how we can have greater access into a number of these alternative health practices in the province of Manitoba.

My personal interest in this stems from the fact that I have family involved in this industry, in Canada as well, have had use of it myself, and I find it very interesting that even though the government in Manitoba is giving service—or lip-service—to the fact that they have involved some of these or allowed a few opportunities to take place in Manitoba that they feel are alternative methods, that they are not willing to go far enough to allow this type of medicine to be on a parallel with others in regards to the greater use of tax deductible medical expenses, which does—which all we're asking for in this resolution is to provide more people with an opportunity to have a greater access to this type of therapy.

I just wanted to say, as well, that the government's shortfall in this whole program is that you have to be in the hospital to access it, basically, in Manitoba—in this province—and they are not willing to look at the individuals who want to walk off the street, have access to this type of medical practice on a parallel with other forms that we presently have in Manitoba. And I think that that's a shortfall in where the government is at today.

I also think that the fact that they will not allow the greater accessibility of others by helping them with—even if it's a smaller benefit in—out of their out-of-pocket costs—to allow the tax deductible medical expense for this type of work is an error on their behalf as well.

I want to say that we should be looking at anything that we can do as a—in regards to long-term

savings for the health-care system. And I also say that we should take a look at some of the world-leading countries—as we've had a debate in Canada about health care not just here in Manitoba, but across the country—and we're looking at the world's leading health-care systems. And my honourable colleague from Portage la Prairie has indicated that that's a—situation in France, Italy, Switzerland—there are other countries, as well, that have other options in regards to health care that provide greater services and better benefits than we do here in Manitoba—particularly, and not just Manitoba, but in Canada, and at more—some places at a much more reasonable cost, too, from that perspective.

But, today, we're speaking about the alternative health practices such as traditional Chinese medicine, homeopathy, naturopathic medicines, particularly, traditional Aboriginal medicine, botanical medicine and acupuncture to include improved physical and mental health. And I think that that's something that is very worthy of support, Mr. Speaker. Anything we can do in regards to not just the physical health, but the mental health of our society, as well, is a great benefit to the whole province because in many cases it's a preventative type of medicine that is being sought here as well.

And I think that if we—that we could all do well to have this type of a bill implemented. The member from Portage la Prairie is—has done a great deal of work on this and also has put in a great deal of time and effort, certainly. And I was pleased when he asked me to second this type of resolution, to be able to do that.

And I think that with those words, Mr. Speaker, I will hear some more of the government members—hopefully, have a few more reasons as to why they should be—we've given them a few more reasons why they should be supportive of this type of a resolution, and I would look forward to their unanimous acceptance of it.

Thank you, Mr. Speaker.

Ms. Sharon Blady (Kirkfield Park): Mr. Speaker, it is a privilege to speak to this act today—this introduction.

I noted that the member who brought this forward decided to begin by giving a—I guess an introductory lesson on private members' hour to the members of the gallery. So I would just like to, shall we say, complete that lesson, because several key points were left out in that education.

Yes, we have an hour by which to debate, and we will potentially have the possibility, depending on how the events unfold regarding procedural processes, as to whether a vote will be held. And it should be noted that no side of this House has any ability to claim that they have not impeded that process or staged that process in some way to bring about particular results—sometimes to their own negative conclusions. So just to afford members in the gallery that understanding that there is nothing cut and dry about this process, and it can be manipulated by procedural processes.

So just to put that on the record that there is no moral high ground on the other side of the House in that regard.

* (11:30)

In saying so—in going to that, I should also let members in the gallery know that as a private—piece of private member's legislation, and as someone who has had private member's legislation pass, one of the key aspects of private member's legislation is not just—or resolutions, pardon my—pardon, pardon—resolutions, that with resolutions, you do still need to work within the community. But resolutions bring forward an idea. They do not bring about immediate change. Also, resolutions are something that, while they have value—on this side of the government one of the things that we do is we look at things in a holistic manner, and a holistic perspective is very important when discussing alternative medicines.

As someone who has benefited from alternative medicines and as someone who has worked within Aboriginal communities as well as being a practitioner of Taoist tai chi, I have a personal experience with this. And one of my key concerns, as a user of alternative forms of healing, is the regulation of the professions. And that is where, when members opposite make reference to our government's lip-service, I would say no, no. If anything, this is, again, not a black and white issue, as they have brought so many resolutions and bills to the floor in the past week where they paint an issue in a black and white, you either vote with us or you're against this entire idea. Again, I would like to clarify this is not a black and white issue and that safety is of the utmost importance in providing any kind of health care.

And in doing something properly, to ensure the safe practice of any form of healing, one needs to have a holistic perspective. One needs to ensure that all angles, all measures of safety and security have

been ensured and, most importantly, that there is uniformity within the practice of any profession. And this is where we have actually provided, through The Regulated Health Professions Act, that forum so that practitioners can then, amongst themselves, through registering and becoming a regulated health profession, ensure best practices within their field. Because one of the most damaging things to any form of healing practice, whether it is an allopathic, i.e., a western medical practice, or if it is a medical practice that comes from a different social and cultural context than what we are familiar with within western mainstream society, the most damaging thing is for someone to practise in an unprofessional manner or in a manner that brings harm to individuals. So what we need to have, first and foremost, is to have best practices established by the practitioners themselves.

So, as a user of alternative medical practices—and I thank the traditional healers that I have worked with over the years for their high standards—but the first and foremost thing is I want to know that my practitioners are doing the right thing, as in the best practices within their traditional context. I want to know that I am getting the treatment that I deserve and that I am entitled to. And I want to know that every other person that affords themselves of that treatment is getting exactly that.

So what we have here with this resolution, sadly, is placing the cart before the horse. We have—you're wanting us to open up something, but then at the same time, we're not able to provide the safety, the quality control, the assurance of high-quality health care first. That needs to come first and foremost. We need to ensure that.

So I would encourage those people that I have seen in my own use of alternative medicine, as well as others—practitioners in that field—to organize and to do what they can to ensure best practices within their field so that we can go through a regulatory process to ensure that anyone going to seek that kind of care gets the best care they can.

Because one of the concerns that has come up, even in recent—I'd say within the past week—one of the traditional healers that I know was on the radio talking about the fact that now that more and more people are becoming exposed to Aboriginal forms of healing, other—Chinese medicine practice, whether that's through acupuncture, acupressure and traditional botanical healing practices—that what's happening is you are also getting a lot of people

jumping onto that bandwagon that don't have proper training and that actually pose a threat to unassuming people who do not—who are not fully educated. And they take advantage and they put people's health at risk.

Now, those are a few bad apples and I do not want to paint anyone who is practising properly with that brush, but at the same time, it's those one or two people that put people's health at risk. And so, for the best practices of all, we need to look at regulating these professions. And if those people within the community themselves, if the elders that I know are talking about, let's find a way of organizing and regulating so that people can come to the right people and get proper holistic, comprehensive healing, then that's the first step.

Let's not open any other doors until we are sure that we have been through that door, that those people that are leading the way in those professions really need to take that step, because in assuring a high quality of care, then that opens the door to all the other aspects of integrating these forms of medical care into our existing system. And that's the other thing that needs to be mentioned, too, in terms of the aspect of holistic care.

One of the things about so many of these aspects—these forms of medicine is the one thing that they differ in very much—and the allopathic medical traditions are only kind of catching onto now—is holism, that from an Aboriginal perspective you look at the mental, the psychological, you look at everything. You look at the whole person.

Too often as western medicine went down an allopathic path, it went towards the idea of looking at symptoms and not looking at the whole person. So the one thing we do need to realize is that this is a much broader medical tradition in all of these cases. That, in these cases where holistic healing is taken into consideration, if anything, we need to ensure that, again, we're getting the right people.

So a holistic—basically what we are saying on this side of the House, in doing due service and due respect to holistic medical traditions, we would like to take a holistic approach. We want to make sure that if we do it, we do it right, and one of the first steps is ensuring that the practitioners within each of their fields is living up to the standards deserving of their fields. I want to know that somebody that I am going to from my sweat lodges is a competent practitioner who is not putting me in danger. I want to know that.

I have been very fortunate in my life to have been exposed to the right teachers but I also know of individuals who have dealt with charlatans. I do not want people to take that risk because they have not been exposed to proper teachers, proper people. So I want, again, the regulation of those health practitioners is—and it's self-generated. The kinds of things—you know, members opposite want us to rush through something. I do not want to put peoples' health in jeopardy.

As I said, I have been fortunate with my own health care in alternative methods but I want to ensure that everyone else is afforded that opportunity. So I want to see the practitioners lead the way. I want to see them be the ones that establish best practices. I want to know that when I go to someone for—what—be it chiropractic, acupuncture or sweat lodge, I want to know that I'm going to the right person in a regulated profession who is viewed among their peers as delivering the services they want to deliver.

To me that is much more important than anything else, is knowing that I get quality care, and so we need to—

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

Ms. Bonnie Korzeniowski (St. James): I thought she was going to go on forever.

I have—I totally agree with much of what the member from Kirkfield Park was saying. I, too, have had alternative medicine practised and I've had some very good success with it. And I'm very pleased that our—it's—that our government supports alternative measure therapies and has taken steps to support various forms of alternative treatment.

Again, I think the fact that the—they're diverse in their foundations and methodologies but they must follow the same steps for approval as any new medical procedure. If alternative practices are adequately tested, researched and proven to be effective, they become part of mainstream medical practices.

* (11:40)

Manitoba Health has monitored and will continue to monitor the development of alternative medicine in Canada and throughout the world. And as our—the honourable member for Kirkfield Park says, the Aboriginal practices are well known and well respected, and they're probably the first people

that I have worked with in a hospital that the practice was recognized enough, particularly in palliative care.

So it's hard to argue that the alternative therapies do not work. Again, it's ensuring the regulation is the issue here, not the actual therapeutic alternatives and they have—*[interjection]* Well, yes we do. We want—safety is first, safety—I mean in terms of the—are the people practising these medicines qualified; that's the key. I'm not saying they're not—they don't work. I totally agree they do if they're treated by the person who is trained appropriately, and that's what we need to know.

In 1997, just four—over four out of 10 Canadians, 42 percent, reported using alternative medicines and practices, and survey results released by the National Center for Complementary and Alternative Medicine, part of the United States National Institutes of Health, found that in 2002, 62.1 percent of adults in the country had used some form of complementary or alternative medicine in the past 12 months.

So traditional Chinese medicine that actually—although it's well accepted in the mainstream of medical care in East Asia, it is considered an alternate medical system in much of the western world. I have had—myself, I've had acupuncture and find it highly effective, but it was—again, it was treated in a hospital setting where it was practised by recognized therapists.

Holistic approach to health is widely accepted and practised in Aboriginal communities, as I said, through traditional medicine and healing practices such as sweat lodges, sweet grass ceremonies, smudges, talking circles and teaching from elders. Now, it just reminds me, where was that sweat lodge where all those people died? I can't quite remember. It just comes to me as I'm reading this. I've never heard of any harmful thing happening in a sweat lodge before, but it just goes to show that if it's not carefully monitored, bad things can happen and we don't want to be facing those kinds of problems. *[interjection]* Okay, you're having a problem with the regulations?

An Honourable Member: Yes.

Ms. Korzeniowski: Well, sorry, okay, we brought forward and passed The Regulated Health Professions Act last session, and under this act alternative health practitioners have the option of pursuing professional regulation, and, like I said, the

acupuncture I got was practised by a regulated practitioner in a hospital setting. So I guess—I don't know if you'd call tattoos acupuncture but pretty close.

The professional regulation can offer enhanced public confidence and protections. Groups, including alternative medicine, which wish to be regulated under The Regulated Health Professions Act will be able to apply to the Minister of Health (Ms. Oswald) to be designated as a regulated health profession once the act is proclaimed. It's anticipated such applications will be reviewed by the Health Professions Advisory Council established under the act, which will make recommendations to the minister. An application form is being developed for this purpose. Thank you for the question.

I just want to say again that I, again, agree with the alternative medicine and what our member from Portage la Prairie is trying to do here, but, again, I would go with—there's a reason to follow the steps, same steps, for any new medical procedure, and I think this resolution might make this a problem. I think—*[interjection]*

However, again, Manitoba Health has monitored and will continue to monitor the development of alternative medicine in Canada and throughout the world, and I have to agree with that position. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Speaker, briefly, there is, of course, a wide range of alternative medicine, and some speculative and some which actually has clearly been proven to be effective. And in the latter case, certainly acupuncture has been demonstrated for particular types of pain to be very effective intervention.

And I would suggest that the Minister of Health (Ms. Oswald) should be in a position that with all the advice and advisors that she's got—to look at what could be done in this respect to support the thrust of the resolution, but not look at everything that might be called an umbrella of alternative health, but to look at areas where there's been proven benefit and to start looking at where there could be tax credits or deductibles or some situation where they're—you're able to use the tax system to lower the cost for those who are—require these types of treatments which have been shown to be clearly effective. Thank you.

Mr. Mohinder Saran (The Maples): Mr. Speaker, I rise to put some comments on the record regarding

this resolution brought forward by the honourable member for Portage la Prairie (Mr. Faurichou).

This is an interesting resolution. It talks about the alternative medicines which I used quite extensively before immigrating to Canada. These medicines were not prescribed by certified physicians. These were prescribed by my mother, not just by my mother but every mother in a household in India.

If I had a fever, my mother will prepare Indian-style tea; while preparing it, will add extra ingredients like cinnamon, cloves and some other items to cure my fever. She will ask me to drink that tea, cover myself under a heavy blanket, let myself sweat. Once my body dried—got dried, I will be cured and won't feel fever. If I had a cough or flu or both, she used to grind the kaskas, which is white poppyseeds, and almonds with water and milk and also add some sugar, and once I had taken this medicine a few times, I used to get rid of cough or flu. Actually, Mr. Speaker, after moving to Canada, we used this cough medicine quite frequently; not so expensive but very effective.

* (11:50)

I think certain ingredients can be made part of our daily food and will us keep healthy. It is simply a matter of being habitual to these items. There is another item: That is juice of aloe vera. Take a couple spoons every day, according to wise people—wise people means village doctors—it will prevent from developing arthritis. Are these scientifically proved? I will say no, but these are effective, and other items like flaxseeds are natural medicine to keep cholesterol in control.

So, to sum up, these items are not expensive, but if used as part of daily food will keep us healthy.

The use of alternative medicine is increasing worldwide, including here in Manitoba. In many situations, it is used in combination with western medicine. In western culture the term "alternative medicine" refers to any healing practice that does not fall within the realm of conventional medicine. It encompasses therapies with a historical or cultural rather than a scientific basis. Examples include naturopathy, chiropractic, herbalism, traditional Chinese medicine, Unani, ayurveda meditation, yoga, biofeedback, hypnosis, homeopathy, acupuncture and diet-based therapies.

Our government supports alternative medical therapies and has taken steps to support various forms of alternative treatment. Alternative medicine practices are diverse in their foundations and their methodologies. Yet they must follow the same steps for approval as any new medical procedure. If alternative medicine practices are adequately tested, researched and proven to be effective, they become part of mainstream medical practices.

Manitoba Health has monitored and will continue to monitor the development of alternative medicine in Canada and throughout the world—our government's support of the opposition bill, The Medical Amendment Act, in 2005, that allowed physicians more flexibility to practise non-traditional therapies without the potential for professional discipline unless the non-traditional or different therapy involved a greater risk to patient health.

As stated by former Minister of Health Tim Sale, this act seeks to find an appropriate balance between allowing new procedures to develop in our medical care system while protecting both the safety of patients and the ability of the College of Physicians and Surgeons to reasonably discipline and hold to account physicians for a standard of practice. In effect, this bill brought a new provision into The Medical Act to recognize the importance of alternative medical therapies and allow their practice unless there is evidence that proves that the therapy poses a greater risk to patients' health than the traditional or prevailing practice. This is Bill 207, The Medical Amendment Act.

We brought forward and passed The Regulated Health Professions Act last session. Under this act, alternative health practitioners have the option of pursuing professional regulations. Professional regulation can offer enhanced public confidence and protections. Groups including alternative medicine that wish to be regulated under The Regulated Health Professions Act can be able to apply to the Minister of Health (Ms. Oswald) to be designated as a regulated health profession once the act is proclaimed. It is anticipated such application will be reviewed by the Health Professions Advisory Council established under the act which will make recommendation to the minister. An application form is being developed for this purpose.

I think—I come from the country where the traditional medical—medicine is used, like ayurvedic-style medicine. I will be, in a great way, in favour of such opportunities, but I also watched and

observed how these practices are being used back in India. What they will do, they will claim they can cure cancer; they will claim they can cure AIDS. But at the same time, they will mix some western medicine and temporarily it will take away the pain, but people will get used to, and they won't get proper care, and at the end they'll suffer from it, and they have been taken away lots of money. This is because it's a scam.

So to stop this scam, we must have to be careful how we allow it. So there should be regulations prepared, and these medicines should be allowed. So I'm not against it, but I want to stop that scam. You can see in Punjabi papers all over in Canada how these people cure AIDS, how these people cure cancer. But at the end, people are being scammed, and family are left without a lot of money, and their dear ones already gone.

So we have to be careful how we—what we practise over here. And, sure, we want to reduce medical cost, sure we want to make our people healthy, but also we have to be careful how we do it. Thank you very much, Mr. Speaker.

Mr. Doug Martindale (Burrows): Mr. Speaker, at the beginning I'd like to apologize to my honourable colleague from St. James, because I'm kind of the team leader or captain here today or quarterback, and I made a wrong call. And so if I caused embarrassment to my colleague, I apologize for that.

I'm curious as to why the Health critic for the PC party isn't speaking to this resolution, and I think that speaks volumes. In fact, I would be interested in knowing whether she personally, as the Health critic, supports this resolution or not. And her lack of participation suggests to me that maybe she doesn't, but it may come back another time to be spoken on again. And then we'll find—

Mr. Speaker: Some order, please.

Mr. Martindale: If this resolution comes back again, then we'll find out what the views of the Health critic are, in fact.

I'm interested in explaining briefly to the members in the public gallery the process of private members' resolutions, and I'd like to point out that opposition members' resolutions and bills very seldom pass, and that was true when I was in opposition for nine years, and it's true now that a

different party is in opposition. However, there have been some notable exceptions.

For example, in 2005, our government supported an opposition bill, The Medical Amendment Act, that allowed physicians more flexibility to practise non-traditional therapies without the potential for professional—

Point of Order

Mr. Speaker: Order. The honourable member for Portage la Prairie, on a point of order?

Mr. Faurshou: On a point of order, seeing that there are others that want to speak to this particular resolution, there are persons have taken a great deal of time out of their busy schedules to hear the debate that are present in the public gallery here today.

I would ask for leave to not see the clock so that we can conclude debate of this resolution and have, subsequently, a vote on the resolution.

Mr. Speaker: Is there leave for the Speaker to not see the clock, to continue debate until it's concluded? Is there agreement?

Some Honourable Members: No.

Mr. Speaker: No? No, it hasn't been agreed to.

* * *

Mr. Speaker: The honourable member for Burrows, to continue, please.

Point of Order

Mr. Speaker: The honourable member for Springfield, on a point of order.

Mr. Ron Schuler (Springfield): Perhaps you could canvass the House to see if there's leave, as the time has almost run out, and it seems to be this bill's going to be talked out, if you could canvass the House to see if there'd be leave to have a vote on this resolution.

Mr. Speaker: Is there leave to have a—to interrupt the honourable member for Burrows' speech, to conclude it, and to have a vote by the House on this resolution?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Speaker: No? No, it hasn't been agreed to.

* * *

Mr. Speaker: The honourable member for Burrows to continue, please.

Mr. Martindale: So, as I was saying, Mr. Speaker, before I was interrupted, we did take an opposition bill and amended legislation, and the Minister of Health at the time was Tim Sale and he said this act seeks to find an appropriate balance between allowing new procedures to develop in our medical

care system while protecting both the safety of patients—

Mr. Speaker: Order. When this matter's again before the House, the honourable member for Burrows will have eight minutes remaining.

The time now being 12 noon, we will recess and we will reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 13, 2010

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