



HANSARD

Third Session - Thirty-Seventh Legislature

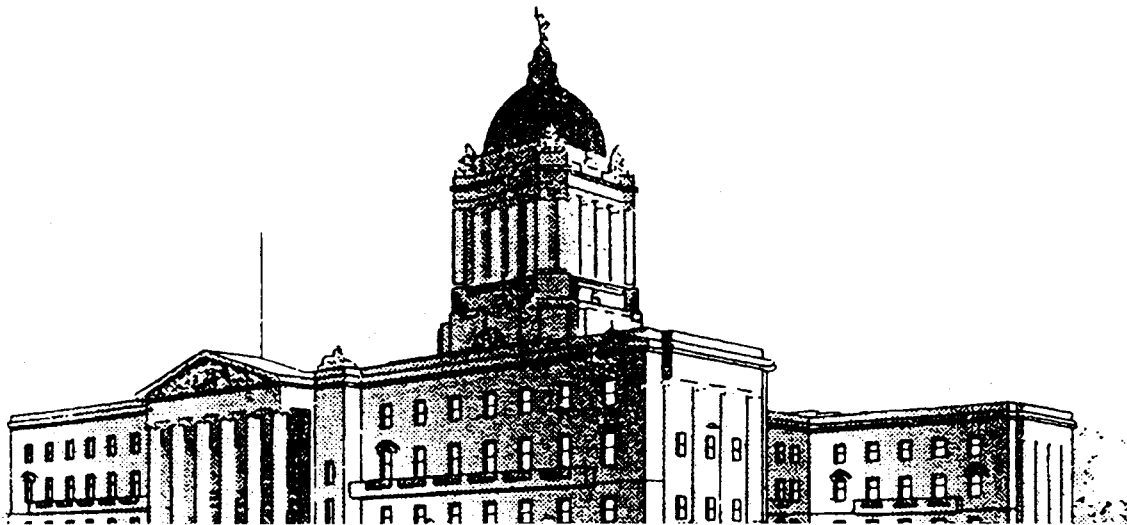
of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 10, 2002

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDING

PRESENTING PETITIONS

Transcona-Springfield School Division

Mr. Ron Schuler (Springfield): Mr. Speaker, I beg to present the petition of Kelly Monkman, Bernice Bleue, Les Bleue and others praying that the Legislative Assembly of Manitoba request the Minister of Education (Mr. Caldwell) to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

READING AND RECEIVING PETITIONS

Transcona-Springfield School Division

Mr. Speaker: The honourable Member for Springfield (Mr. Schuler), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Yes.

Mr. Speaker: Clerk, please read.

Madam Clerk (Patricia Chaychuk): The petition of the undersigned citizens of the province of Manitoba humbly sheweth

THAT on November 8, 2001, the Minister of Education (Mr. Caldwell) announced a split in the Transcona-Springfield School Division but despite repeated requests has been unable to identify any benefits of this decision to the students and taxpayers of said school division; and

THAT this decision was not preceded by adequate public consultation as outlined in section 7 of The Public Schools Act; and

THAT this decision would result in significant hardships for the students in both Transcona and Springfield that would affect the quality of their education; and

THAT the proposal by the Minister of Education on February 12, 2002, neither alleviates nor remedies these hardships; and

THAT this decision results in an increased financial burden on the taxpayers of both the Transcona-Springfield School Division and the province of Manitoba; and

THAT on March 13, 2002, the number of resident electors required by The Public Schools Act requested the Minister of Education to convene a Board of Reference to decide the matter.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly request the Minister of Education to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

Congregation Etz Chayim

Mr. Speaker: The honourable Member for Burrows (Mr. Martindale), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

The background to this petition is as follows:

In recent years the Jewish population in Winnipeg has tended to migrate from the north part of Winnipeg to the south part of Winnipeg. As a result, the memberships of a number of Jewish congregations in the northern part of Winnipeg have waned and are now in crisis. The congregations known as the Beth Israel

Congregation, the Bnay Abraham Congregation (more formerly known as the West Kildonan Synagogue Society) and the Rosh Pina Congregation have determined that it would be beneficial if their congregations were to be merged to form one strong and viable congregation, which is proposed to be named Congregation Etz Chayim

We petition the Legislative Assembly of Manitoba as follows:

That legislation be enacted to effect the merger of the three above noted congregations to form one continuing congregation to be named Congregation Etz Chayim, and which in particular will (i) amalgamate the following corporations: Hebrew Sick Benefit Association of Winnipeg, HSBA Synagogue Inc., Trustees of the West Kildonan Synagogue Society, a religious society in the municipality of West Kildonan in the province of Manitoba, Trustees of the West Kildonan Synagogue Society, a religious society in the city of Winnipeg in the province of Manitoba, and Rosh Pina Congregation to form the amalgamated and continued corporation to be named Congregation Etz Chayim; and (ii) cause the vesting of all of the property of the West Kildonan Synagogue Society in the amalgamated corporation that results.

TABLING OF REPORTS

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I would like to table the following report: The Report to the Legislature pursuant to section 63(4) of The Financial Administration Act Relating to Supplementary Loan and Guarantee Authority for the year ended March 31, 2002; and also the Asset Purchase Agreement, part of Bill 49, The Purchase of Winnipeg Hydro Act.

ORAL QUESTION PERIOD

Manitoba Public Insurance Operating Deficit

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, during the last year the Doer government has clearly shown an unbelievable knack of mismanaging Crown corporations. For the first time in six years Autopac ran a deficit last year, much like the

Doer government. The Doer government inherited Autopac which had a surplus of \$51.5 million and a Rate Stabilization Reserve of \$143 million. Last year, Autopac ran a deficit of over \$16 million, and their rate stabilization fund was drained to just \$50 million.

* (13:35)

Could the Premier explain to Manitobans, under his watch, how can you let that happen.

Hon. Gary Doer (Premier): Mr. Speaker, in the last four years of the Tory government prior to our election, Hydro rates went up 6 percent in '96, 4 percent in '97, 1.5 percent in '98. That is over 12 percent.

Under our watch, the rates have been frozen.

Crown Corporations Government Management

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, Manitobans should be very concerned that both Autopac and the Workers Compensation Board ran deficits last year, and now the Doer government is forcing Manitoba Hydro to hand over a million dollars a day because he ran a deficit last year. This clearly speaks volumes about the Doer government's inability to manage Crown corporations. Not since 1988 has Workers Compensation Board run a deficit, but they did last year, and at the same time rates are going up. For six consecutive years, Autopac achieved a surplus until last year under the Doer government.

How does the Premier explain the fact that under his watch two Crown corporations that have consistently achieved surpluses are now running deficits?

Hon. Gary Doer (Premier): Mr. Speaker, the Public Insurance Corporation, through the massive rate increases that were implemented by members opposite: 1996, 6.1 percent; 1997, the public insurance rates went up 4.1 percent; 1998, 1.5 percent. The consumers then paid rates to provide for an amount of money that went into a so-called rate stabilization fund that was implemented by the Public Utilities Board.

Our record of zero percent, zero percent, rate rebates, zero percent compares very favourably to their rate increases of over 12 percent.

Mr. Murray: Mr. Speaker, history shows us that the mismanagement of Crown corporations is nothing new to the NDP. When the NDP were last in office, Autopac lost \$125 million, and in two short years Manitoba Hydro lost \$60 million. At that time, the minister responsible for Crown corporations is now the current Premier of Manitoba.

We fast-forward, Mr. Speaker, and once again, we see Autopac running a deficit, we see Workers Compensation Board running a deficit, and now Manitoba Hydro, because the Premier ran a deficit last year, is forced to hand over a million dollars a day to the NDP government. I suggest there is a similar connection between the Crown corporations losing money and that Premier.

Mr. Doer: Mr. Speaker, the Public Insurance Corporation lost \$55.4 million in the year '95-96 and what happened the next year after the election campaign? The Tories proposed a rate increase that was implemented by the PUB of 6.1 percent. The rates went up every year, the last four years under the Tories. The rates are frozen under the NDP. The rates are frozen in Hydro and the only things consistent with political parties—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (13:40)

Mr. Doer: The only consistency with political parties and Crown corporations, the Tories will sell away public assets to private and privileged interests. We will keep those Crown corporations for the benefit of all Manitobans.

Manitoba Hydro Borrowing Requirements

Mr. John Loewen (Fort Whyte): Mr. Speaker, since the minister announced in his Budget in April that he was going to raid Manitoba Hydro

for \$288 million he has refused to admit that Hydro is going to have to go out and borrow that money. Yesterday at committee for the first time the president of Manitoba Hydro learned that in spite of his forecast of a little over \$100 million in profit next year, the year ending March 31, 2003, this Government, this minister and this Premier are going to take \$225 million out of Manitoba Hydro in a year where they are only going to earn a little over \$100 million.

I would ask the minister if he would today stand up and finally admit to Manitobans that Manitoba Hydro is going to have to go out and borrow money to save his Government the embarrassment of running a deficit.

Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act): Mr. Speaker, the member repeatedly makes factual errors in the statements he puts before the House. This is by now a familiar pattern. Just on the facts, first of all, under no scenario was there going to be a deficit for last year. The member knows that but he continues to misrepresent the facts.

Secondly, the hearings we had Monday are part of a continuing series of hearings we have had with the Public Utilities Committee of the Legislature and we have been fully accountable. The president of Manitoba Hydro made it very clear he was fully capable of managing the situation. The member opposite knows that.

Mr. Loewen: He has no choice, Mr. Speaker, and this minister should realize he has made a bad choice.

I would ask this minister to admit under Bill 41 his Government will take this fiscal year a minimum of \$225 million out of Manitoba Hydro in a year when Manitoba Hydro is projecting \$100 million in profits; \$100 million in profits, \$225 million in a government raid. How are they going to manage that?

Mr. Selinger: Mr. Speaker, the president of Hydro was very confident in his ability to manage that. He indicated the retained earnings of Manitoba Hydro had grown to \$1.3 billion. He indicated the profits of Manitoba Hydro had been very strong over the last seven years. We

have seen, not counting the year 2001-2002, that there has been \$371 million of profits above the forecast and over \$900 million of total profits during that period.

In that meeting on Monday morning, he also indicated he projects for this last year of Manitoba Hydro that the profits would be in the order of \$214 million.

Bill 41 Rate Protection

Mr. John Loewen (Fort Whyte): Mr. Speaker, I would like to ask the minister why in his press release regarding Bill 41 he indicated there was a clause in here that offered rate protection for the ratepayers of Manitoba Hydro when in fact this bill says nothing about freezing rates or rate protection for the people of Manitoba. Why did he indicate to people, why did he mislead them into thinking there was rate protection in this bill when all this bill does is allow him to raid Manitoba Hydro for \$288 million?

Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act): I think the Member for Fort Whyte should carefully read the bill. He will note the amount that is going to be transferred to the Government of Manitoba from Manitoba Hydro is capped at \$288 million. That is the assurance we have given the public and Manitoba Hydro as to the total draw.

The member opposite knows and there has been adequate testimony, both at the Public Utilities Board and at the Standing Committee on Public Utilities at the Legislature, that there would be no impact on the rates. The regular forecast before and after the draw was taken has remained the same.

Mental Health Care Facilities Protection from Sexual Assaults

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, we have heard of five sexual assaults on psychiatric patients in hospitals in the last few months. Yet the minister is saying the hospital policies are adequate.

I would like to ask the Minister of Health if he can explain why patients are being sexually

assaulted if he is so confident hospital policies are adequate. I am in disbelief that he would even accept that.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, rather than running out and saying we have to isolate all male and female patients across the system, I said we were concerned, that we would launch a series of reviews and investigations.

* (13:45)

There is an investigation internally at St. Boniface Hospital. There are two police investigations at the St. Boniface Hospital. There is a Protection for Persons in Care investigation at St. Boniface Hospital and there is an external review at St. Boniface Hospital.

There are three police investigations with respect to Selkirk, Mr. Speaker. There is a Protection for Persons in Care. In addition, the deputy minister has written to all, something that was not done when members opposite were in government when there were sexual assaults. The deputy minister has written to all institutions across the province and all regions to update, look at their protocols. We are reviewing the entire system. When we are in a position—*[interjection]*

I will complete it in my next response, Mr. Speaker, because members opposite are attempting to shout me down.

Mrs. Driedger: I would like to ask the Minister of Health if he can tell us, now that he is on record as saying he is willing to accept that the hospital policies are adequate, that he has all of these policies in place and he is accepting what is being told to him, can I please ask the Minister of Health if he can then guarantee, knowing that he is satisfied with everything, that all patients are going to be protected in the future from being sexually assaulted or fear of being sexually assaulted.

Mr. Chomiak: Mr. Speaker, unfortunately, I cannot give a blanket assurance to every Manitoban in the province of Manitoba, but what I can tell Manitobans is for 12 years there was no Protection for Persons in Care Act, there

was no whistle-blowing legislation, there was no ability to investigate complaints in institutions and we put that in place. When members opposite were in government, they denied that opportunity to Manitobans.

Also, when incidents were brought to our attention, we immediately launched a series of reviews and investigations which we are working on. We are not sitting on it, and we are not playing politics with this issue, as the member opposite continues to want to do.

Mrs. Driedger: I would like to ask the Minister of Health then why we continue to see sexual assaults in the system if everything is so perfect under his watch.

Mr. Chomiak: Mr. Speaker, I have never said we are perfect. I am not a Tory. I do not act and pretend something I cannot do. As I indicated—

Mr. Speaker: Order.

Point of Order

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

Mr. Marcel Laurendeau (Official Opposition House Leader): Mr. Speaker, *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate.

Definitely, he is provoking debate to be saying he is possibly not a Tory, and we are glad of it.

Mr. Speaker: On a point of order raised by the honourable Official Opposition House Leader, 417, he has a point of order. I would like to remind all honourable ministers: When giving an answer, the honourable ministers should not be provoking debate.

* * *

Mr. Speaker: The honourable Minister of Health, to conclude his answer, please.

Mr. Chomiak: Mr. Speaker, in addition to the series of reviews we have undertaken, and we

have undertaken publicly to provide information to the public, and we have The Protection for Persons in Care Act that was not available, there is staff education and other ongoing initiatives that are working, along with the various reviews and determinations. We will continue to try every day to improve the quality and care in our health care system to the best of our ability on a regular basis, as we have been doing since the day we were elected.

Jeff Hildahl Employment Status

Mr. Leonard Derkach (Russell): Mr. Speaker, yesterday the Minister responsible for Lotteries would not answer the questions as they related to Mr. Charles Devenney who was first fired by this Government as the general manager of Club Regent, then paid a healthy severance package and then rehired as an investigator for the area he was fired from.

* (13:50)

In addition, the minister would not answer questions as they related to Mr. Hildahl. Now, since she has had a little bit of time to get briefed on the matter, I would like to ask the question again. Could the minister tell the House why Mr. Hildahl was relieved of his duties as the manager of guest services at the McPhillips Street Station casino?

Hon. Diane McGifford (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Mr. Speaker, I know that in December 1991 the member who just asked the question lost his privileges to hire. His privileges were revoked. I have before me a copy of the memo from Donald A. Leitch to Paul Hart suggesting when the then-minister was moved to rural development there was great concern.

Mr. Speaker: Order.

Point of Order

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

Mr. Marcel Laurendeau (Official Opposition House Leader): Mr. Speaker, *Beauchesne* 417:

Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate.

Bringing up the past is not the answer to this question.

Mr. Speaker: The honourable Minister of Advanced Education, on the same point of order.

Ms. McGifford: Mr. Speaker, on the same point of order. I was trying to create a context for my answer. This I think is very relevant to the answer.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, he has a point of order. *Beauchesne* 417: Answers to questions should be brief as possible, deal with the matter raised and to not provoke debate. I would ask the honourable minister to please answer the question.

* * *

Ms. McGifford: Yes, Mr. Speaker. The point I was trying to make is that I do not interfere with the employment situation at Lotteries, as the member apparently did when he was in office. As I told the Member for River Heights (Mr. Gerrard) some time ago, as I told this member some time ago, yesterday, today and will tell him in the future, this is not the venue for discussing human resources issues which are of a confidential nature.

Mr. Derkach: Could the minister tell the House whether it is still the policy of Manitoba Lotteries to remove individuals from the premises of a casino and lay charges in the event the individual has been caught breaking the law, committing a crime or a misdemeanor on the job?

Ms. McGifford: Yes, that would be the policy of Manitoba Lotteries.

Mr. Derkach: Mr. Speaker, I would like to ask the minister whether or not she could tell the House and Manitobans if in fact Mr. Jeff Hildahl was released from his duties because he had broken the law or committed a crime while on the job.

Ms. McGifford: As I have said in the past, as I said yesterday, as I am saying today and will say in the future, this is not the venue for discussing personal issues and I am not discussing human resource issues on the floor of the Legislature.

Jeff Hildahl Employment Status

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, given the close relationship between Mr. Jeff Hildahl and the Premier (Mr. Doer), I would like to ask the Minister responsible for Lotteries if Mr. Hildahl's dismissal was ever discussed with the Premier or any members of the Premier's Office or staff.

Hon. Diane McGifford (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Mr. Speaker, I did not quite hear what the member said, but I think he referred to a close personal relationship with this individual, Mr. Jeff Hildahl. I have never met him. I have no personal relationship with him whatsoever.

Mr. Tweed: I will make it very clear for the minister so she can understand the question. Can the minister confirm or deny that Mr. Hildahl's dismissal was ever discussed with the Premier or any members of the Premier's Office or his staff?

Ms. McGifford: No, Mr. Speaker, I cannot deny or confirm that. I know, as I have told the member, I have never met Mr. Jeff Hildahl. The first time I had ever heard his name was yesterday in this Legislature.

Mr. Tweed: Then I will ask the question directly of the Premier. Has the Premier or any member of his staff ever met or met with someone to discuss Mr. Hildahl's dismissal from the Lotteries association?

* (13:55)

Hon. Gary Doer (Premier): Mr. Speaker, I believe the committee dealing with Lotteries was before the legislative committee in the year 2000, again 2001. I expect it will be before the legislative committee in the future.

The member should know when we had an auditor's report I appointed Mr. Winston

Hodgins as the acting CEO of the Lotteries Corporation. He was an individual who worked both on the former government's transition team and worked in an admirable capacity as deputy minister of municipal affairs and chair of the Municipal Water Board. That appointment was later canvassed in a cross-Canada competition. That individual was then confirmed by both the competition from the so-called job people and the board of directors, and that is the appropriate decision making for the Premier with that Crown corporation.

Hormone Replacement Therapy Government Position

Hon. Jon Gerrard (River Heights): The health of women in Manitoba must be at the very top of health priorities. The use of a combination estrogen-progesterone for the treatment of osteoporosis and other conditions has been evaluated recently in a huge study reported in the *Journal of the American Medical Association* and the results demonstrate this approach provides significant harm and apparently less benefit.

I would ask the Minister of Health when he will provide a clear statement on the use of hormone replacement therapy for women in Manitoba so that this matter can be clarified and remove some of the uncertainty as a result of the study and the media coverage.

Hon. Dave Chomiak (Minister of Health): I do not know if the member is aware, but Health Canada's Therapeutic Products Directorate is the national authority that regulates, evaluates and monitors the safety, efficacy and quality of drugs. Health Canada's regulatory controls continue as Health Canada monitors adverse effects of any drugs or any new drugs, Mr. Speaker. The matter the member refers to was a reference by the *Journal of the American Medical Association* that was published yesterday or the day before with respect to the benefits of the combination of progesterone-estrogen.

As I indicated yesterday in this House, the study found, of the 16 000 participants, the risks in doing that kind of treatment probably outweighed the benefits with respect to their study group and, in fact, they ceased the study at

that point with respect to the journal. We have contacted the federal government and asked for their review and evaluation from their perspective with respect to their regulatory authority as it relates to these drugs.

Manitoba Prescription Statistics

Hon. Jon Gerrard (River Heights): I would ask in my supplementary to the Minister of Health whether the minister can provide his best estimate of the numbers of women in Manitoba who may be receiving hormone replacement therapy with a combination of estrogen and progesterone.

Hon. Dave Chomiak (Minister of Health): Further, also, to the member's question, I can indicate we have also asked the Manitoba Drug Standard and Therapeutics Committee as well to review this particular drug combination. So, in fact, we have asked the federal government to undertake a review and we are doing our own internal review with respect to that. The most recent DPIN information with respect to the member's question indicates that 17 000 Manitoba women received prescriptions for estrogen-progesterone combination therapy in the year 2001 and 2002.

Public Health Information

Hon. Jon Gerrard (River Heights): Mr. Speaker, my supplementary. With many thousands of women falling into the category of receiving the medications, clearly this has potential to be an important public health issue. So I would ask whether the Minister of Health will be asking the public health officer in Manitoba to issue information and guidelines for the use of hormone replacement therapy under the present circumstances.

* (14:00)

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as I indicated to the member yesterday, we rely on the experts and their advice. It is not appropriate for me, as Minister of Health, to tell women what they should or should not take at this juncture. We are advising women they should talk to their health care professional with respect to the particular drug combination they

are taking. For example, I understand a sudden cessation of this particular drug can cause significant harm, I am advised.

So I am not a medical expert. The federal government review agency is reviewing it. The therapeutics committee is reviewing it. We are asking women, Mr. Speaker, to contact their health care professional for advice on their particular circumstances vis-à-vis the particular study that was released yesterday.

Bill 14

Delay-Impact on School Divisions

Mr. Stan Struthers (Dauphin-Roblin): Mr. Speaker, my question is for the Minister of Education, Training and Youth. Every day of unnecessary delay in the passage of The Public Schools Modernization Act, not only increases—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Struthers: Not only does this delay in the passage of The Public Schools Modernization Act cost divisions money and cost local taxpayers more money, but it also increases the frustration level of trustees, administrators and parents. This Opposition shows no respect for local educational decision makers.

Can the minister indicate the impact on school divisions who have worked so hard to transition to modern boundaries?

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, I thank the member for his question.

There have been a number of boards that have cancelled meetings post-July 1 because this legislation has not been passed in a timely manner that was expected by trustees in communities around the province. Those at Mountain View, in the member's home constituency, were one of the boards that had to cancel meetings, leading to frustration in local communities, frustration amongst trustees, amongst parents, amongst communities who have been working very, very hard over the last

number of years and certainly the last number of months in moving forth with amalgamation.

Of course, there are costs associated with the delays the Opposition have undertaken in this matter, delays that have a cost in terms of staffing and have a cost in terms of administration, auditing, busing, insurance policies and so forth.

Jeff Hildahl Employment Status

Mr. Leonard Derkach (Russell): Mr. Speaker, workers at Manitoba Lotteries who have been caught breaking the law have sometimes been led away in handcuffs. They have been charged. Some have been dismissed. The Minister of Lotteries says all individuals who have been caught breaking the law are treated the same.

I would like to ask the Premier (Mr. Doer) of Manitoba whether he could tell us the reasons for the dismissal of Mr. Jeff Hildahl from the McPhillips Street Station.

Hon. Diane McGifford (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Mr. Speaker, I thought the member opposite might be interested that since coming into office I am very pleased to say Manitoba Lotteries has implemented the Suche report, which was in response to the lack of human resource policies that prevailed under the previous regime. The Suche report consisted of 56 recommendations.

So we are pleased to say the human resources have undergone a transformation under this Government. As well, I am very pleased to say Lotteries has developed a respectful workplace policy, which is of course beneficial to everybody who works at Lotteries.

When we were negotiating a labour contract in March 2001, there was no strike, there was no nastiness. We were able to negotiate with good will and in good faith, and consequently workers at Manitoba Lotteries are happier than they were previously.

Mr. Derkach: On a new question, Mr. Speaker.

Mr. Speaker: The honourable Member for Russell, on a new question.

Mr. Derkach: When individuals break the law, usually charges are laid and then due process takes place before the courts.

I want to ask the Minister of Lotteries whether or not charges were laid against Mr. Hildahl for his activities at the McPhillips Street Station.

Ms. McGifford: Mr. Speaker, I think if the member opposite knows of any infractions against the law then he has a public responsibility to report those to the police to follow due course.

Mr. Derkach: Mr. Speaker, on a new question again.

Mr. Speaker: The honourable Member for Russell, on a new question.

Mr. Derkach: I know the Minister of Lotteries would probably want to do the right thing to ensure that in fact due process takes place when matters of this kind are raised to her attention. I want to ask the minister whether or not her ability to do her job was compromised by either members of her staff or members of the Premier's (Mr. Doer) staff, who would have intervened on behalf of Mr. Jeff Hildahl.

Ms. McGifford: Well, you know, Mr. Speaker, this is quite a ludicrous question, and I see implicit in it a lot of unpleasantness, a lot of nastiness. If this member would look up instead of looking down for a while he would be interested in the good news about human resources at Lotteries, some of the information I have tried to put on the record today. He would be interested in the transformation of that workplace into something employees feel good about.

He might be interested in hearing about the scholarships Lotteries has begun offering to its employees. He might be interested in the good news, the kinds of things that are making Manitoba Lotteries a positive place in which to work.

Mr. Derkach: Mr. Speaker, again, on a new question.

Mr. Speaker: The honourable Member for Russell, on a new question.

Mr. Derkach: What we are interested in and what Manitobans are interested in is justice and ensuring people are treated equally in our justice system and, indeed, under this Government's watch.

I want to ask the minister why the CEO of Manitoba Lotteries at that time would have been asked to give a letter of recommendation to Mr. Jeff Hildahl so that he could gain employment with the Manitoba Public Insurance Corporation.

Ms. McGifford: Well, you know, Mr. Speaker, I know Manitobans are interested in justice. It seems to me what this member is interested in doing is defamation of character and scandal mongering.

Mr. Derkach: Well, Mr. Speaker, once again on a new question.

Mr. Speaker: The honourable Member for Russell, on a new question.

Mr. Derkach: It is a well-known fact by people who are employed at Manitoba Lotteries that indeed there was an infraction here, and it is also a well-known fact that Mr. Hildahl was dismissed from his position and then was provided a position with the Manitoba Public Insurance Corporation.

Now, Mr. Speaker, I would like to ask the minister one more time if she could tell this House whether or not restitution was made by Mr. Hildahl for his actions at the McPhillips Street Station.

Ms. McGifford: As I said earlier today, the first time I had ever heard the name Jeff Hildahl was yesterday when the Member for Russell raised this matter in the House.

Mr. Speaker, the only information I have about Mr. Jeff Hildahl—I know one of the members opposite thought I had a personal relationship with him but I did not know his name until yesterday—is that he worked at Lotteries from May 31, 1993, to October 30, 1999, and my information is at that time he resigned his position. That is my information

about Mr. Hildahl. All these other allegations, et cetera, innuendoes, what not, this is not information I have.

* (14:10)

Mr. Derkach: Mr. Speaker, on a new question again.

Mr. Speaker: The honourable Member for Russell, on a new question.

Mr. Derkach: Well, Mr. Speaker, this Government is well known for protecting and looking after its friends, but at the same time, especially—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Derkach: Mr. Speaker, seeing the interest from the Premier (Mr. Doer), I am going to redirect my question to the Premier, because I am informed that Mr. Jeff Hildahl and his father are very good friends of the Premier. So perhaps the Premier can enlighten us on this matter.

My question to the Premier: Did he or any of his staff in any way interfere in the due process that should have taken place when Mr. Jeff Hildahl was removed from Manitoba Lotteries?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The clock is running.

Ms. McGifford: Despite the McCarthy-like nature of the questions of the member opposite, Mr. Speaker, I want to bring to his attention that Manitoba Lotteries is a Crown corporation, an arm's-length Crown corporation with its human resource policies, with its human resource management guidelines, et cetera, and unlike this member who is bringing these allegations to the floor I am not in Lotteries every day telling people who to hire, who to fire, how much to pay, et cetera.

Mr. Derkach: On a new question, Mr. Speaker.

Mr. Speaker: The honourable Member for Russell, on a new question.

Mr. Derkach: Well, Mr. Speaker, I do not like this issue any more than the minister does. The

minister has stood up in her place and she said she does not interfere in the hiring or the firing or any conditions as they relate to staff. I have to ask the minister whether or not someone higher up than this minister has interfered in the process that took place with respect to Mr. Hildahl.

Ms. McGifford: Mr. Speaker, as I have said umpteen times today, the bottom line is I do not know Mr. Jeff Hildahl. I have never met him. I heard his name for the first time yesterday in this Legislature.

If the member opposite has information, then I think he should follow through on it. I do challenge the member opposite to bring any information he has forward and disclose. As I said, I am not at Lotteries telling people what to do day in and day out, unlike the member who lost his privileges to hire in 1991.

Mr. Speaker: The time for Oral Questions has expired.

MEMBERS' STATEMENTS

Martin Nichol

Mr. Peter Dyck (Pembina): Mr. Speaker, recently in my constituency of Pembina residents gathered to celebrate the 125th anniversary of one of the first pioneer settlers in the Calf Mountain district of Manitoba. Martin Nichol was born in Platsville, Ontario, in 1852 and came to Manitoba in 1877. He married Catherine Scott in 1881. Together they farmed the Nichol homestead, section 32-2-7, until his death in 1922. Catherine passed away eight years later.

Their first home was built of logs, but when it burned down it was replaced in 1900 by a brick house that still stands tall today. The bricks were made in a nearby factory located in Darlingford. This house had three brick exterior walls, a new way of insulation. Martin Nichol played a vital role in the formation of the Rural Municipality of Pembina, being elected to the first council and serving in this capacity for many years. He loved horses and, as such, was a well-known exhibitor and judge whose services were sought at local fairs and exhibitions. He also displayed a keen interest in sports and

served as choirmaster of the St. Andrew's Church. The Nichols were well known for their hospitality, hosting many gatherings for adults and young people alike. They were blessed with eight children, Bessie, Esther, Thomas, David, Maggie, Murray, Walter and Jessie.

The Nichols' legacy has been kept alive through their many descendants. Thanks to the work ethic and family values passed down by Martin and Catherine, their great, great grandchildren currently mark the fifth generation to live on the Nichol homestead. The members of the Nichol family are truly noteworthy Manitobans. I am proud to have had this opportunity today to place them in the history books of Manitoba, and I look forward to future celebrations at the Nichol homestead.

Arborg Implements

Mr. Tom Nevakshonoff (Interlake): It is my pleasure to rise in the House today to tell of an event I recently attended in the Interlake on June 14, 2002, referring to the grand opening of Arborg Implements located on 210 St. Philips Drive in the community of Arborg. The community is a supplier of agricultural implements focussing primarily on the New Holland equipment line, although they do carry a selection of short-line products as well.

The grand opening celebration featured a free pig roast, grab bags for the kids and entertainment in the form of a lawn tractor obstacle course, a wagon backing-up contest and a front-end loader skills competition. After dinner, local girls, Tina Ciemny and Jaqueline Gulay sang a few songs for the crowd.

Special acknowledgment must be made of the entrepreneurial spirit of the two primary investors at the local level, John Zasitko and Brian Barylski, who took over operation of this business a short time ago. At a time when the agricultural industry is facing significant challenges, the latest being the U.S. farm bill put forward by President George Bush, these two men have taken it upon themselves to see that the community of Arborg and the surrounding areas have a dealership at the local level. This is valuable to the community in terms of not only convenience but also as a generator of

employment. In this case, approximately 16 people have found work here.

* (14:20)

In conclusion, I want to commend John and Brian for the courage and leadership they have shown in this undertaking, and I want to wish them the best for a successful future in the days and years to come. I encourage all farmers to consider this business when evaluating their needs, bearing in mind that the positive effect investing at the local level plays in the health of their community. Thank you, Mr. Speaker.

Victoria Homecoming 2002

Mr. Denis Rocan (Carman): On June 29 and 30, the Rural Municipality of Victoria celebrated its centennial anniversary. Victoria Homecoming 2002, a weekend full of fun and activities for all, was indeed a success. Events were held in Holland, the largest community in the municipality, and Cypress River, known to residents of the area as the best little town on the prairies. The days began with delicious pancake breakfasts cooked up by the Cypress River volunteer firefighters and others, followed by a wide assortment of activities.

Some of the highlights of the weekend included the centennial parade, old time dance, barrel buggy rides, Belgian bowling, homecoming dance, interfaith church service and the Victoria history book launch with a various display of school and community memorabilia.

Residents and visitors alike were able to take full advantage of camping facilities and hotel accommodations made available for the weekend festivities.

A big hats-off goes to the members of the Victoria Homecoming Committee for all their hard work and preparation. Without them, this weekend would not have been possible. I commend them for their teamwork and commitment to making Victoria Homecoming 2002 a success. I, as the MLA for Carman, am committed to rural development in the great constituency of Carman. It is always a delight for me to see rural communities organize events that give local residents a chance to gather for

fellowship and visitors an opportunity to discover new areas of our diverse province. The Rural Municipality of Victoria has set an example that I hope many others will follow so we can continue to build stronger communities throughout Manitoba. Thank you very much, Mr. Speaker.

Peacekeeper Awards

Ms. Marianne Cerilli (Radisson): One of the most enjoyable things that we are fortunate enough of to do as MLAs is attend graduation ceremonies for schools in Manitoba. These are very joyful and moving ceremonies. The pride of students, staff, families and friends are tangible in the atmosphere at the schools. This year, like many of my colleagues, I gave out awards to recognize graduating students who show leadership capabilities as peacekeepers. These individuals at a young age not only show dedication to community service, but also to peaceful conflict resolution, good citizenship, co-operation and fair play. I was impressed with all the graduating classes and their achievements at all of the schools I attended, Collège Béliveau, St. Boniface Arts and Technology Centre, Transcona Collegiate as well as Windsor Park Collegiate.

In particular, I want to recognize the impressive achievements of the following winners of the Radisson MLA Peacekeeper Award: from Collège Béliveau, Michelle Robertson, who is an A student as well as an accomplished musician, who composed a song and sang it beautifully at her graduation; from St. Boniface Arts and Technology Centre, Melissa Schreyer, who is an air cadet and who is a valuable volleyball player and a Web site designer; from Transcona Collegiate, Jana Hickman, who is also a volleyball player, peer tutor and grad and yearbook organizer; and, from Windsor Park Collegiate, the award was shared by Melanie Bertrand and Melanie Beaudry, who are leaders in the school natural helpers and in the leadership program. Congratulations to all graduates. All the best in the future. Manitoba is in your capable hands. Thank you, Mr. Speaker.

Hormone Replacement Therapy

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to say a few words today about

the situation with hormone replacement therapy. At the moment in Manitoba there are thousands of women who are taking hormone replacement therapy, many with combinations of estrogen and progesterone and some with estrogen alone. Because of the large number of women who are involved in Manitoba and because of the seriousness of health issues raised by a major study described earlier this week, this is clearly a public health issue in Manitoba. The Department of Health, through its Public Health, should be issuing a clear statement and a clear guidance for women and for physicians in this province.

One of the concerns with this study is that the results in 16 000 women show that women on the hormone treatment had a 26% higher incidence of breast cancer, a 29% higher incidence of heart attacks, a 41% higher incidence of strokes and twice as many blood clots in the lungs and veins as those taking the placebo. These are very serious medical complications which are arising and are increased as a result of this therapy. To put this in perspective, if there are 10 000 women taking this, this means there is a major medical complication additional every 20 days in Manitoba as a result of this therapy. These, as I said, are major complications. In some particular groupings there are quite high differences between the treatment group and the non-treatment group. For instance, at five years there are 34 women with invasive breast cancer in the treatment group and only 12 without. Thank you.

MATTER OF GRIEVANCE

Crown Corporations—Government Responsibility

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I rise more in sorrow than in anger today. I think, since 1986 in this House, I have only used my opportunity to grieve once or twice. But I feel moved today to use that opportunity because we saw today in Question Period the actions of the Premier (Mr. Doer) to avoid accepting responsibility for decisions that are being made in Crowns to avoid the responsibility that government has, the ongoing and responsive actions the Government has to take in relationship to management of our Crowns and of our special operating agencies as they are delegated through the departments.

What I saw today was a government that has, and it might say it is an accident, but then good management talks about keeping reserves in place for Crowns so there are not things like rate shock. That is why Crowns go to the Public Utilities Board because they can think outside the box that politicians put themselves in, in reference to whether or not the long-term stability and basic fiscal strength of a Crown corporation can be maintained with a certain amount of resources or without those resources, and I heard the Premier (Mr. Doer) today talk about the reserves in Autopac being quite adequate and how, in the mid-nineties, there were increases that were 4 percent, 5 percent and 6 percent, I believe those were the numbers that he quoted.

Well, I think he is probably fairly accurate. I was the minister at that time, Mr. Speaker. But, you know, what he skillfully avoided talking about was, in 1988 when I first became the minister for that Crown, that Crown was mired in absolute debt. That Crown was mired in a situation where the pride and the capability of the employees had been decimated by the actions of the previous government. I saw a Crown where we had to find a way to stabilize it and to make sure that the public had some confidence in the way rates are established in our major Crowns in this province.

As we looked around, we realized that the one body, in fact it was an election issue in 1988, one body had credibility, could examine the books of the Crowns and could say, yes, this Crown is well managed, yes, it can get by without an increase in rates this year; or, yes, it needs an increase in rates, or, yes, well, even though we do not like it, and believe me there were times when I did not like what the Public Utilities Board said about reserves for Crowns. The Public Utilities Board said that the Crown corporation must have, and they set a figure, and if I recall, in those days that figure was around \$70 million of reserves for the Public Insurance Corporation to make sure that it could get by rate shocks.

We know that in insurance you can buy reinsurance. It helps buffer rate shock, but we do not know from year to year the predictability of thefts, of vandalism, of hail, which are one-time

events, and of the general changes in the automobiles and changes in the criminal acts that are going on in the province.

* (14:30)

So there needs to be a buffer beyond what the very best of actuaries can predict because they cannot, with absolute certainty, predict what the losses will be. They can work from averages, they can work from known trends, but in the end there has to be shock absorber.

I saw the Premier (Mr. Doer) today refuse to acknowledge that one of the things that happened through the nineties was that there was an independent review of the rates of the corporation. He should remember that he was the minister responsible for Crowns when he was in government back in the mid-eighties, and I see a pattern developing, Mr. Speaker, a pattern of interference, a pattern of saying that this is my playground, I am going to use these Crowns to develop policies that I think are the best, and a pattern of ignoring the Public Utilities Board as relates to Hydro.

The fact that Manitoba Hydro has not and will not be going to the Public Utilities Board on some of the most important issues that it has to deal with tells me that this Government is standing on the precipice of deciding along the lines of what this Premier has said many times in this House, that the debate will occur here. This is where the public debate occurs, and I understand that. I am quite prepared to enter into that public debate, but they are not prepared to hear what an independent body will advise, where a body can think outside of the box and say, look, the reserves of a Crown need to be of a certain magnitude. The management of the Crown needs to be free to make decent and intelligent management decisions about the operation of the Crown without undue influence from the minister of the day.

Mr. Speaker, that is what causes me to rise today on a grievance, because we have sat here for the last three years and we have seen, increasingly, centralization of authority and an assuming of authority by intimidation or by other means to get the Crowns to do the bidding of the Government.

Certainly, Crowns must follow the general policy of the government of the day, but does the

Government set the rates around the Cabinet table? Mr. Speaker, we are becoming dangerously close to that type of a situation because when the ability of the Public Utilities Board to speak openly, to speak to the public and explain why they believe there are certain issues that must go beyond the decision that is made within the boardroom or around the Cabinet table and explain to the public for these reasons and for the reasons of good caution and careful management, we are advising that either the applications be approved or disapproved. When that issue begins to take precedence in the way government operates, in the way they deal with the Crowns in this province, then I have concern for where we will be in a few years time.

Mr. Speaker, this Premier (Mr. Doer) cheerfully ignores that in 1987, the rate increase in Autopac was 25 percent for most people, 25 percent. The average increase was close to 18 percent. Why did we have that? We had it because the management of the corporation was not allowed to manage.

How do I know that? I know that because when I came into the office of the minister responsible for the Manitoba Public Insurance Corporation, I found out, much to my horror, that the minister and the government of the day, when they had a problem that was brought to them by a policyholder, they brought the policy and they brought the question into the minister's office and they recommended solutions out of their office to the adjusters, direct political influence of the worst kind. That is what brought their government down. That is why I am so irate that we are seeing, again, a repeat of that type of thinking.

Mr. Speaker, I had a constituent phone in and ask why no decision had been made on his appeal. I said: Who did you appeal to? He said: I appealed within the corporation to the appropriate people. So we phoned to the corporation. We said: Is this file being dealt with? You know what the answer was, Mr. Speaker? The answer was that the other minister always gave us a direction on this. We were not allowed to independently decide on those files. That is the kind of fear that the people of this province will very quickly get if this Government continues to deny that the Crown corporations need to be run properly, free of

direct political influence. They should follow the general policy a government sets.

I look at Manitoba Hydro and I see the debate that we are having about the rates and the stripping of profits from Manitoba Hydro. I read an op-ed that this Premier put into the *Winnipeg Free Press* last week where he said, we are moving forward with the construction of a new dam.

Well, that makes darn good politics. I mean, we are having a new dam. We are going to have a whole lot of construction activity. This is going to be a boon to the province of Manitoba. Has he got a plan, or is he telling Manitoba Hydro, you will build a dam and they will come? Is that where this Government is at? If we build it, they will buy the power? Is that the kind of government that we now have, that says we will force the Crown to spend the money because it will not affect provincial debt? No, no, that is Hydro's debt. We will just ignore that. That is not really part of provincial debt, even though the province underwrites it, the province guarantees it.

In the main the public does not realize that that kind of debt is guaranteed by the province. Neither does the public realize that losses in Autopac are eventually guaranteed by tax dollars or they have to be fixed through an appropriate mechanism in the Manitoba Public Utilities Board.

When we see the reserves dropping in Autopac and we see the Premier stand up and say the rates are frozen, now, did he choose the word wrong? Did he really mean the rates have been stable? Or when he uses the term "the rates are frozen," does he mean that since he came into Government he talked to Autopac or he had his minister talk to them and say, you are going to darn well keep the rates stable while we are in our first term and therefore there will be no increases.

Mr. Speaker, now we are seeing the reserve starting to shrink. If the corporation is going to the Public Utilities Board for a freeze, they had better be in a position to explain how they are going to replenish those reserves. I very much doubt if there is a paper trail, but if the influence has been put on Manitoba Public Insurance to freeze those rates, and maybe the Premier would

like to go in the House some day and say he did not mean to say that they were frozen but certainly his body language and the words that he used indicate to me that he is talking about having given a direction that those rates are frozen. That is the slippery trail that this Government is now embarked on. They need to be called to task.

Well, if the member from Thompson wants to read my body language, he can read that I am upset and disappointed and annoyed that this Government would consider that the Crown corporations have become their plaything.

Well, look, when we look at Workers Compensation, you know, there is a dear, departed gentleman who was a minister of the day, and certainly I want to treat him respectfully, but he was caught repeating day after day after day in questioning in this House that Workers Compensation had an unfunded liability. I remember the hilarity of the day, Mr. Speaker, when we talk about a deficit as an unfunded liability and try and make the people across this province believe that it is not a problem because it is really not a debt or a deficit.

* (14:40)

I appreciate your indication that I am reaching the end of my time on this grievance. If there is one thought that I want to leave on the record with this House, that is that, unless this Government cleans up its act in relationship to the Crowns, and I am not just talking about the three major Crowns, I am talking about all of them, because the books now clearly show that they stripped the profits out of a number of special operating agencies, as well, to help them balance and meet their spending policies, if they continue this way, we will have, and I will tell you today, a replay of 1988, and they will be thrown out.

ORDERS OF THE DAY GOVERNMENT BUSINESS

House Business

Hon. Steve Ashton (Deputy Government House Leader): Mr. Speaker, I believe, if you canvass the House, there will be a willingness to adjourn at three o'clock for the funeral of former member of this House, Sid Spivak.

Mr. Speaker: Is there a willingness of the House to adjourn at three o'clock? [*Agreed*]

Mr. Ashton: Could you please call the adjourned debate on Bill 14.

REPORT STAGE

Bill 14—The Public Schools Modernization Act (Public Schools Act Amended)

Mr. Speaker: Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), and the proposed amendment to Bill 14, which is in the name of the honourable Member for Minnedosa.

Mr. Harold Gilleshammer (Minnedosa): Mr. Speaker, I am pleased to move my first amendment today.

I move, seconded by the Member for Springfield (Mr. Schuler),

THAT Bill 14 be amended in the proposed section 5, as set out in section 5 of the bill, by striking out "or" at the end of clause (c), by adding "or" at the end of clause (d) and by adding the following after clause (d):

(e) 10 or more resident electors of a school division or school district involved requesting that land be transferred from one school division or school district to another, or that land that is not in a school division or school district be added to that school division or school district.

Motion presented.

Mr. Gilleshammer: Mr. Speaker, I appreciate the opportunity to make an amendment to this piece of legislation.

It is legislation that we have consistently said was poorly crafted and a process that has been fumbled by the minister as we move ahead with the school board amalgamation. I am mindful of his words in the House today that he wanted to have this legislation passed by the first of July. At the same time, I am not sure how he was going to manage that, when he brings on July 8 a major amendment himself to the legislation. I know he would not want to deprive

the Leader of the Liberal Party and myself from, as well, bringing amendments to his legislation.

We did have an opportunity, over the last few days, to discuss his amendment. A number of people spoke on the amendment. It was passed through this House yesterday as an amendment to Bill 14. Today I would like the House to consider making another amendment. We have seen that there have been numerous amendments made. There were a number of them made in committee, one of them made in the House, others being considered in the House and almost accepted by government, I believe.

Again, this is a sign of a piece of legislation that needs to be tinkered with, needs to be changed, needs to be amended, and, as I had the opportunity to suggest yesterday, probably the best thing to do is to withdraw this bill and go back to the drawing board and take a look at all of the school divisions in the province of Manitoba and not come forward with sort of half a loaf as far as the school division amalgamation is concerned, but take a serious look at all of the potential school divisions as far as amalgamation is concerned.

I suggest that, probably, that is not going to happen. So, today, I want to focus on the Board of Reference. The Board of Reference has been a tried and true process in using or giving the people of the province the ability to make changes to school boundaries. I can say that the Board of Reference has been used as a method of appeal, and it has worked very well over the years, that many individuals, some municipalities and other groups of electors have used the Board of Reference to make changes in school divisions, and, eventually, those changes probably get the school boundary issues correct.

I would use the boundary between Brandon School Division and Rolling River School Division in the area of what we call the low road to Shilo. The Shilo schools, which were once independent, are now part of the Brandon School Division, but there is an area in between there where a number of families have located and relocated, where their children go to Douglas Elementary, they go to Forrest Elementary and they go to Elton Collegiate. Over the years, through the seventies and eighties, there were a

number of references there to the Board of Reference brought forward by individuals and groups of individuals, where eventually people were satisfied. I can say they were satisfied because there was an appeal process in education under The Manitoba Public Schools Act called the Board of Reference.

This minister does not need to tinker with this. This should be left in place, and having an appeal process is quite a common, common remedy that is used across government. I would daresay that probably every department in government has some area where there is an appeal process. I know that, when I was Minister of Family Services and the department worked with municipal corporations to determine welfare rates and eligibility for welfare and assistance, there was a body put in place that still exists today that the Minister of Family Services has appointed to, which is an appeal mechanism, an appeal mechanism that can be used by individuals who feel aggrieved by decisions of government.

Similarly, in education, the Board of Reference is there to determine boundaries when people see that there is an issue. Earlier, my colleague mentioned the Crown corporation of MPIC or Autopac. They make decisions every day about whether individuals are going to be recompensed a certain amount. They make decisions on whether people are going to be cut off from that particular line where they are getting their income, but there is an appeal process. That appeal process can be triggered by individuals, and they will maybe not be satisfied, but they are satisfied that they have had an appeal.

* (14:50)

What is happening with this legislation is that the minister is altering the Board of Reference. The Board of Reference has been a tried and true way of determining school boundaries, and he does not need to tinker with it. I understand he brought this legislation in contravening The Public Schools Act, because he did not follow the prerequisites, concerned that people in Morris-Macdonald and Transcona-Springfield were going to challenge him, and they should be able to challenge him. However,

in this bill, he is cutting off those avenues of challenge. He is saying that this bill would override court decisions, that this bill would override Board of Reference decisions.

This is fundamentally wrong. Ministers across the way should be aware that appeal processes are very, very important. The minister of highways and transportation, I think, is listening today, and he knows, within his department, that, when people perhaps lose a driver's licence because of accidents, because of legal difficulties they have gotten into, or simply because of age or because of failing eyesight, there has to be an appeal process. There is an appeal process, and people feel comfortable with that. They may not like the result, but at least they have had a chance to have their appeal, their so-called day in court, where they can, on their own or with the help of counsel or with the help of friends, go to the appeal process and say, listen, I believe I was wronged. People who want to change school boundaries deserve that right to appeal too. They deserve the right to have a board of reference which works.

The Minister of Intergovernmental Affairs (Ms. Friesen) is, I think, also aware of the Municipal Board, that the Municipal Board can solve a lot of problems that come up within her department, because from time to time municipal corporations make decisions. They make decisions which impact on individuals, they make decisions which impact on councils. They have a remedy. If they want to take it further, they can go to the Municipal Board.

The Minister of Intergovernmental Affairs has appointed 20-some people to that board. People have the right to use that as a springboard for their appeal. In fact, she will be aware that there was an appeal in my constituency not too long ago, triggered by one person who was opposed to the building of a greenhouse in one of the communities that I serve.

This individual, by triggering the appeal through The Municipal Act, was able to hold up this development for probably the better part of a year. It was heard before a tribunal of the Municipal Board, and eventually we think the right thing was done. The appeal was heard, the appeal was held, and the appeal was thrown out.

They were able to go ahead with the construction of their greenhouse.

So it is very, very important that throughout government there be a legitimate appeal process. I can use some other examples. In the Workers Compensation Board, which falls under the responsibility of the Minister of Labour (Ms. Barrett), the Workers Compensation Board makes decisions each and every day on whether cases are going to be continued by that particular organization, whether people who have been injured on the job are going to be able to continue to receive funds. They sometimes question the level of funding that they receive. There is an appeal process in the Workers Compensation Board where individuals who fall under its jurisdiction can come forward, either with a legal counsel or with the assistance of a worker representative to come forward and say: I challenge the decision.

Again, a very important, fundamental right in democracy across government, and I will maybe mention a few other examples, that there be a legitimate appeal process that can be used. I would point out that the Board of Reference up to this point has worked very well for the Department of Education. People have been able to appeal decisions that have been made by the minister, by the Government, by school divisions, about boundaries. Now, one of the mistakes the minister made when he launched into this area of creating new school boundaries is that the Board of Reference should have been set aside and remained dormant during that period. But the problem was, the minister did not trigger any public hearings or any process by which people were going to look at these boundaries, as the Norrie Commission did some years ago. This whole idea of having a sounding board, a place where people can go to appeal decisions is very, very essential. By watering down or to some degree neutering the Board of Reference, I think the minister and the Government are making a major mistake, one that they could change with this amendment. It is not going to affect the bringing of new boundaries into effect. It is not going to prevent him from doing that.

Yet it is very important that the Board of Reference have some clout and some teeth to it before the law, in the purview of the Minister of

tried for misdemeanours or tried for crimes they have committed, there is always an appeal process. That appeal process has worked very well in some very high-profile cases across this country, and thank goodness we have the appeal process, because government does not work perfectly.

Government does not always make the right decisions. It has long been a way in which individuals or groups of individuals can bring forward their concerns about decisions that have been made, in this case, in the Department of Justice. Sometimes they are reviewed, they are changed, they are overturned, and this is very, very important. I listened carefully to many of the presentations that were made at the public hearings, where we had probably 50-some presenters, and many of them made reference to the fact that the Board of Reference was being changed.

I would like to, at this time, refer to the previous legislation that is still in effect today, and it says: "Where the minister receives a written request (a) from a school board, a council of a municipality, the resident administrator of a local government district or the council of an Indian Band; or (b) from 10 or more resident electors of a school division or a school district involved; or (c) from 10 or more resident electors of an area not within any school division or school district, or where there are not 10 adult residents of any such area, from all adult residents of such an area."

This current legislation covered off all opportunities for groups, for individuals, for associations to approach the Government through the Board of Reference and have their issue heard, and all I am asking in this amendment is that we revert to what has worked in the current legislation so that the amendment before us is: "10 or more resident electors of a school division or school district involved requesting that land be transferred from one school division or school district to another, or that land that is not in a school division or school

district be added to that school division or school district."

This would give groups of individuals across this province the opportunity to trigger a board of reference. What the minister is doing with this legislation is he is narrowing it to such a degree that the Board of Reference can only be triggered if it is something he approves of, and I can tell you, Mr. Speaker, that is wrong. That is wrong to cut off this avenue from individuals and groups of individuals from coming forward and saying, Mr. Minister, we want to trigger the Board of Reference to have a review of these boundaries; we want to shift this property; or we want to shift so many sections of land or so many acres of land from one school division to another so that we will have a chance to have our children go to a school in a new school division.

There have been many cases like this. I can recall, at the north end of Rolling River, where it is in a boundary with Birdtail River School Division, there are children that lived about six miles from the Sandy Lake elementary school, yet they were being bused 40 miles to go to school in Rosburn.

They had the opportunity to have that addressed by triggering a board of reference. I am not sure why this minister wants to cut off those opportunities, limit those opportunities that people have of triggering the Board of Reference. This is a mistake, and I think that we can remedy this mistake by taking this amendment to the bill and going forward with it and accepting it. We accepted an amendment yesterday that was brought in by the Minister of Education (Mr. Caldwell).

Mr. Speaker: Order. As previously agreed, the hour being 3 p.m., this House is now adjourned, and the honourable member will have 25 minutes remaining when this matter is before the House again.

As previously agreed, the hour being 3 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 10, 2002

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