

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

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 20, 2005

**The House met at 1:30 p.m.**

### *PRAYERS*

### ROUTINE PROCEEDINGS

### PETITIONS

#### **Pembina Trails School Division—New High School**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Overcrowded schools throughout Whyte Ridge, Lindenwoods, Linden Ridge and Richmond West subdivisions are forcing Pembina Trails School Division to bus students outside of these areas to attend classes in the public school system.

Elementary schools in Pembina Trails School Division have run out of space to accommodate the growing population of students in the aforementioned areas.

Five-year projections for enrolment in the elementary schools in these areas indicate significant continued growth.

Existing high schools that receive students from Whyte Ridge, Lindenwoods and Linden Ridge are at capacity and cannot accommodate the growing number of students that will continue to branch out of these subdivisions.

Bussing to outlying areas is not a viable long-term solution to meeting the student population growth in the southwest portion of Winnipeg.

The development of Waverley West will increase the need for a high school in the southwest sector of Winnipeg.

The government is demonstrating a lack of respect for the students and families of Whyte Ridge, Lindenwoods, Linden Ridge and Richmond West by refusing to provide adequate access to education within the community.

The Fort Whyte constituency is the only constituency in the province that does not have a public high school.

NDP constituencies in Winnipeg continue to receive capital funding for various school projects while critical overcrowding exists in schools in Lindenwoods, Whyte Ridge and Richmond West.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to recognize the need for a public high school in the southwest region of Winnipeg.

To request the provincial government, in conjunction with the Public Schools Finance Board, to consider adequate funding to establish a high school in the southwest sector of Winnipeg.

Signed by Ian Campbell, Scott Karinnas, Raymond Wang and many, many others.

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

#### **Coverage of Insulin Pumps**

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

These are the reasons for this petition:

Insulin pumps cost over \$6,500.

The cost of diabetes to the Manitoba government in 2005 will be approximately \$214.4 million. Each day 16 Manitobans are diagnosed with this disease compared to the national average of only 11 new cases daily.

Good blood sugar control reduces or eliminates kidney failure by 50 percent, blindness by 76 percent, nerve damage by 60 percent, cardiac disease by 35 percent and even amputations.

Diabetes is an epidemic in our province and will become an unprecedented drain on our struggling health care system if we do not take action now.

The benefit of having an insulin pump is it allows the person living with this life-altering disease to obtain good sugar control and become much healthier, complication-free individuals.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) of Manitoba to consider covering the cost of insulin pumps that are prescribed by an endocrinologist or medical doctor under the Manitoba Health Insurance Plan.

Signed by Alex Gilmer, Erin Kowal, Brian Griffith and many, many others.

\*(13:35)

### Ambulance Service

**Mr. Ron Schuler (Springfield):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

In May 2004, 46-year-old Peter Krahn suffered a heart attack while exercising in East St. Paul and was pronounced dead just under an hour later after being transported to the Concordia Hospital in Winnipeg. Reports show that it took nearly 18 minutes for an ambulance to arrive for Mr. Krahn.

The Interlake Regional Health Authority claims that 21 minutes is an acceptable emergency response time, whereas the City of Winnipeg uses a benchmark of 4 minutes.

Ambulance coverage for East St. Paul is provided from Selkirk, which is almost 25 kilometres away.

The municipalities of East St. Paul and West St. Paul combined have over 12 000 residents.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider providing East St. Paul with local ambulance service which would service both East and West St. Paul.

To request the provincial government to consider improving the way that ambulance service

is supplied to all Manitobans by utilizing technologies such as GPS in conjunction with a Medical Transportation Co-ordination Centre (MTCC) which will ensure that patients receive the nearest ambulance in the least amount of time.

To request the provincial government to consider ensuring that appropriate funding is provided to maintain superior response times and sustainable services.

Signed by George Obradovic, Aurelia Obradovic, M. Obradovic and many others. Thank you.

### Minimum Sitting Days for Manitoba Legislature

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

The background to this petition is as follows:

The Manitoba Legislature sat for only 35 days in 2003.

In 2004, there were 55 sitting days.

The number of sitting days has a direct impact on the issue of public accountability.

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

Signed by Lourdes Tejones, M. Si and A. Samson.

### TABLING OF REPORTS

**Hon. Eric Robinson (Minister of Culture, Heritage and Tourism):** I would like to table the

Supplementary Information for Legislative Review, 2005-2006 Departmental Expenditure Estimates for Manitoba Culture, Heritage and Tourism.

**Hon. Diane McGifford (Minister of Advanced Education and Training):** I am pleased to table the 2003-2004 Manitoba Student Aid Program Annual Report.

### INTRODUCTION OF BILLS

#### Bill 32—The Rural Municipality of Kelsey By-law No. 5/02 Validation Act

**Hon. Oscar Lathlin (Minister of Aboriginal and Northern Affairs):** I move, seconded by the Minister of Advanced Education and Training (Ms. McGifford), that Bill 32, The Rural Municipality of Kelsey By-law No. 5/02 Validation Act, be now read a first time.

#### *Motion presented.*

**Mr. Lathlin:** Mr. Speaker, this act is required to validate the R.M. of Kelsey by-law that arose from their July 30, 2002, Adverse Affects Agreement with Manitoba Hydro concerning the Grand Rapids generating station.

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

\* (13:40)

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today from Devils Lake High School, from Devils Lake, North Dakota, U.S.A., 18 Grades 11 and 12 students under the direction of Mr. Al Henry.

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

### ORAL QUESTIONS

#### Safe Schools Government Initiatives

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, six years ago today marks the tragic Columbine massacre. I know all of

us in this House around the province and certainly throughout the country want to ensure that we all do what we can do to ensure that tragedies like this never take place again, but we are gravely concerned about reports of ongoing escalating violence, bullying, threats of violence in our schools today.

In Portage la Prairie, at the Portage Collegiate Institute, a student was recently suspended for uttering threats, Mr. Speaker. The authorities detained him for three days, and an advisory letter was sent home to the parents. We understand that that child is back in school today, and we applaud the school for acting so very quickly on this very serious issue.

What I would like to ask the Premier today is what action plan he is taking under his watch to ensure situations like this are dealt with in a proper way, Mr. Speaker.

**Hon. Gary Doer (Premier):** Mr. Speaker, the present status of The Safe Schools Act is 630 schools, I believe, out of the schools all across Manitoba, have an emergency response plan in place. The emergency response plans are extremely important for everyone to understand the procedures that are necessary in schools. When the member opposite talks about action of individuals in schools, the plans are very important, but the implementation of plans are extremely important. The fact that when all the stakeholders, whether it is teachers, students, parents, are listening, when they are alerting each other to potential difficulties or challenges or threats, then officials and administrators can take action to prevent a tragic situation from taking place. I believe that all the schools in Winnipeg, for example, every school in Winnipeg has an emergency response plan which was necessitated and required by the law that was passed last year.

The member opposite has talked about a summit. I have talked to the Minister of Education (Mr. Bjornson). It is certainly our intent. We are within weeks of getting all the plans in place. We also believe that the regulations will be in place, and we will be following through with a summit of stakeholders as well, Mr. Speaker.

#### Safe Schools Summit Status

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, I think it is very

important. For the record, I asked yesterday this Minister of Education what his plans were with respect to a Safe Schools summit, and the arrogant, flippant answer that we received from the Minister of Education on a very, serious, serious—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Murray:** Well, Mr. Speaker, as I said, when I asked the question yesterday about what was happening with the Safe Schools summit, what this Minister of Education did was pull out a letter, to applaud himself on the back, that the MTS had sent. He made no mention of anything at all about a planned Safe Schools summit.

We know that there have been alleged student death threats against a teacher. We know, as well, Mr. Speaker, Kelvin High School, that there were also death threats uttered at that school as well. I want to applaud, once again, the quick work of the school and of the police in dealing with this very serious issue.

Mr. Speaker, what I am concerned about is this Premier's lack of interest in a very, very serious issue. I will ask him today and I will work with him. When will he announce a Safe Schools summit, well in advance of the 2005-2006 school year, so that teachers, parents, students and stakeholders can come together on best practices and ensure that they go to school with safety and learning on their minds as their No. 1 priority?

\*(13:45)

**Hon. Gary Doer (Premier):** Mr. Speaker, I, too, would like to thank the officials and the stakeholders at Kelvin High School for alerting the police to the situation at that school. Kelvin High School does have an emergency response plan, as do all the other schools in Winnipeg. A year ago we had a lot of schools that did not have emergency response plans.

A year ago members opposite were quite dismissive of The Safe Schools Act that was passed in this Legislature. We are within a few weeks of having all the tentative regulations ready. We are very close to having all the schools, all 690 schools, I believe, with emergency response plans. That is very much an implementation plan of the minister. When

the teachers basically comment that there is more work that has been conducted by the Minister of Education (Mr. Bjornson) in the last year than there has been over the last number of years, I think that is positive.

There is more work to do. We are going to have all the plans in place. We have over 90 percent of them now. We have a plan in place at Kelvin, an emergency response plan. There is no better plan than people being alert and alerting each other to potential problems. I want to congratulate the people that were involved at Kelvin and in Portage. We will be preparing regulations, as we promised, under the act. With the plans and the regulations, we will have a stakeholders' summit and it will take—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. The honourable First Minister.

**Mr. Doer:** Mr. Speaker, if members would allow me to finish my sentence, I would say that the summit will take place before the end of the school year.

**Mr. Murray:** I thank the Premier for taking us up on our offer to bring the Safe Schools summit into Manitoba, Mr. Speaker. I am delighted and, as I said, I would be happy to work with him on that very important initiative. All members on this side of the House would.

I note that the Premier made comments, rightly so, to talk about how alert the people were in Kelvin High School and other schools. I would just hope, Mr. Speaker, that his Minister of Education would be so alert because the issue is that, when that legislation was passed, all of these issues should have been dealt with at that time, rather than have us on this side of the House raise it as a serious issue to ensure they acted.

We all know that the issues of bullying, racism and violence are on the increase in the province of Manitoba. We have asked this Minister of Education and this Premier to act on it. I would like the Premier to stand today and tell us the exact date that the Safe Schools summit will take place, Mr. Speaker, so that all children in Manitoba, parents, teachers, stakeholders, police can come together with best practices to ensure that our schools are the safest anywhere. What is the date?

**Mr. Doer:** Well, Mr. Speaker, the member opposite is playing partisan politics with something that we

all—there is not a person in this Chamber that does not care about kids and the safety of kids. There is not a person in this Chamber that does not represent schools. I think it is very, very unfortunate that there has not been some recognition that since The Safe Schools Act was passed a year ago, over 600—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. The honourable First Minister.

**Mr. Doer:** Over 630 schools have an emergency response plan, including Kelvin High School, the school that was mentioned by the member opposite.

Mr. Speaker, we have also hired Dr. Mary Hall, I believe her name is, I think she was hired after 2000, if I am not mistaken, to work on bullying issues and strategies. We will continue to use her advice and the advice of members opposite and the 600 or so administrators in the schools, because stakeholders are not just members in this Chamber and it is not just yelling in this Chamber. It is working with the people that are working on the ground floor, working with kids every day.

I want to congratulate all educators and stakeholders, parents and other students that are doing a good job in this regard. We are almost close to 100% compliance on The Safe Schools Act. We will proceed with the stakeholders' summit of parents, of educators, of student leadership and people like Dr. Mary Hall, to deal with ideas that flow from the plans that we have already got in place.

\* (13:50)

### **Safe Schools Legislation E-mail and Internet Usage Policies**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, almost a year ago, the NDP government passed their Safe Schools legislation. Yesterday, when asked how many schools have put in place their cyber bullying policies as directed by that legislation, the Minister of Education did not know. Instead all he did was pat himself on the back and tell us how the union president said he was doing such a good job of dealing with this issue. The minister should know where his legislation is at in terms of implementation.

I would like to ask him today how many schools have dealt with the one clause of that legislation that deals with a policy on the use of Internet.

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** Mr. Speaker, as reported yesterday, over 90 percent of the schools in the province of Manitoba have complied with the codes of conduct. Those codes of conduct include, among other things, Internet safety issues. It includes emergency response plans. It includes a clear statement in policy on drug and alcohol use and abuse. It includes a statement on gangs. The entire codes of conduct has been developed through extensive consultation with the stakeholders. We continue to consult with the stakeholders on the regulations which will be in by the beginning of June. We are going to continue to work with all our partners to make our schools safer places.

**Mrs. Driedger:** Mr. Speaker, today is the sixth anniversary of the shooting at Columbine High School. Half the students at Kelvin High School have stayed home today because they were afraid to go to school. There has been a rumour an Internet message was posted saying that somebody would be bringing guns into the school today and that the kids should not go to school. After speaking with the school principal today, I want to congratulate the school, the principal and the police on their handling of this particular issue.

What I am concerned about, though, Mr. Speaker, is this Minister of Education. Considering all of these issues that are out there, the increasing death threats via Internet and other issues of bullying, why do we not have 100 percent of the schools on board with having Safe Schools legislation, codes of conduct in place? Why has he not demanded all of this? Why do we have to keep pushing him to do it?

**Mr. Bjornson:** Mr. Speaker, once again, I would like to say this government has always been committed to safety in our schools. I recall in the 1990's, as a teacher, when we were first raising issues around safety in the schools, where nothing was done. I recall in the 1990's when we had professional development cut. We are increasing professional development opportunities so teachers can deal with an issue that has been of utmost concern to them, and that is school safety.

We have provided more than \$2 million in support to deal with issues around bullying. We have been doing that since 2001, the first time any government provided any support. Members opposite, during the debate, said that this was a waste

of time. Protecting our children is not a waste of time.

**Mrs. Driedger:** Mr. Speaker, that Safe Schools legislation was passed almost a year ago. When we raised the issue about a month ago, this Minister of Education did not have a clue where his own legislation was at. He could not explain any part of the implementation. Now he stands here sounding like he has this hold on his own legislation and that he is doing wonderful things. He did not know anything about his own legislation as of a month ago.

I would like to ask this Minister of Education when he is going to take this issue seriously, knowing some of the incidents that are happening out there. When is he going to follow through and insist all aspects of that legislation are now in place as his own department officials said they should be? They do not need to wait for his regulations. That legislation should be totally enacted so children are protected.

**Mr. Bjornson:** Mr. Speaker, we, as a government, have been engaged in a number of different initiatives to address this issue. Through the Healthy Child Committee of Cabinet, we have the Positive Parenting Program which is going to address antisocial behaviours, among other things. We have the Roots of Empathy program through the Healthy Child Committee of Cabinet. We have put counselling resources into the budget for the first time for early middle years. We are doing a number of different initiatives to address this.

I know I have referenced the MTS news release which I am glad to table in the House today, because members opposite have not asked me to table it in the House, even though I have referred to it. They did not listen to the teachers in the 1990s. I certainly do not expect them to listen to the teachers in the year 2005; but we, as a government, have been listening and working with our stakeholders. We are going to continue to do so, and we are committed to make our schools a safe place.

\* (13:55)

#### **Safe Schools Government Initiatives**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, some teachers in the province do not even know the legislation is in place, and this minister arrogantly

tables a news release. Children who are already afraid to walk the streets of Winnipeg at night are now afraid to walk their own hallways, their school hallways, during the day. Manitoba's Minister of Justice has failed in providing a safe environment outside of our schools, and now he has failed to provide a safe environment inside of our schools.

Last week, four Windsor Park students went to hospital after being attacked in their school with machetes, knives and with bats. Mr. Speaker, the Minister of Justice has lost control of our streets. Now he has lost control of our schools. Why has this Minister of Justice failed children in the province?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I really have to reiterate, I think, some of the cautions of the First Minister (Mr. Doer) when he reminds people that the safety of our children comes first in the minds, I am sure, of all 57 members. Indeed, the issue of safety of our children, I think, is first in the minds of, not just Manitobans, but people all around the modern world and beyond.

Mr. Speaker, the challenge of ensuring the safety of children, not just in our schools but everywhere, is the subject of many innovations that have developed. Right here in our own province, I can think, for example, of our police in schools initiative which I think is producing some very good indications of new ways to protect children, and I think of the innovations and the initiatives of our Human Rights Commission right here in Manitoba to deal with bullying.

#### **Police in Schools Program Update**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, students in the province should be worrying about the next exam that they have to write, the next test that is coming up, not about who might be lurking around a corner in the hallway at school. Almost a decade ago, the Minister of Justice said that a critical part of safety in schools was ensuring that there were police officers, a significant number of police officers, in those schools. That is what he said 10 years ago.

Last week, the Minister of Justice stated that there were only three officers in 15 schools in the city of Winnipeg. Three officers in 15 schools in six

years since he has been Minister of Justice. He has broken his promise to ensure that school students were safe. Why has he forgotten about his promise? Why has he forgotten about safety? Why has he forgotten about those children?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I would suggest that you cannot make up for inaction over the course of 11 years by being loud today.

Mr. Speaker, as a caucus, we asked the former government to please consider a safe schools charter, and they said no. We asked them to consider a police in schools initiative, and they said no. We say yes to the well-being and safety of children. We have introduced the Safe Schools Charter and are working hard with our stakeholders to implement that. We have introduced an initiative for police in schools, the first of its kind, I understand, with such a partnership, and I hope that that can expand.

I understand, Mr. Speaker, that—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

\* (14:00)

**Mr. Goertzen:** Mr. Speaker, three officers in 15 schools in six years is not an initiative; it is dithering, and it is delay by this Minister of Justice. The Minister of Justice admitted last week in Estimates that he really did not know how much time these officers spent in school. He said he did not really know what they did in the schools. He said he did not know what kinds of resources they had in the schools. He promised to get back to us and let us know, and he still has not got back to us. He still does not know what they do, what resources they have or how much time they spend in these schools.

Mr. Speaker, when I asked him if he was going to expand the program, whether the program would be eliminated with only three officers, he said he was not privy to those kinds of discussions. If the Minister of Justice is not privy to police officers in schools, why is he sitting in that chair, and what has he done for the last six years to protect children?

**Mr. Mackintosh:** Yes, Mr. Speaker, we have a police in schools initiative now in this province, and

it is our hope that in consultation with other stakeholders and investors in that program it can expand. I am very familiar with that program in my own neighbourhood, I can tell you. With the 54 new police officers that were committed to in the budget, I understand that there is an interest in another community to have a police in schools program.

But, Mr. Speaker, in addition to that and in addition to programs like Lighthouses, the Human Rights Commission's initiatives with regard to bullying, Safe Schools, the initiatives of CyberTip.ca that we have partnered with; I want to commend and take this time, aside from the partisanship from members opposite, to commend the people of the school community of Kelvin for listening, for taking action, for doing the responsible thing, and that is watching out for the safety and well-being of our youth.

#### **Dallas Mymko Secondment to Crocus Fund**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, the last statement of Public Accounts indicates that the Department of Labour is paying one Dallas Mymko close to \$60,000 for employment as a Mines Inspector 4. We have been informed that over a year ago Mr. Mymko was seconded to Crocus. Mr. Mymko is not listed on the Web site as an employee of Crocus, but when you phone the Crocus office and ask for him, you are informed that you should phone Mr. Mymko in the Crocus office in Flin Flon. We did that and, sure enough, there is a message from him answering the phone.

I would just like to ask the Minister of Labour if she can confirm that Mr. Mymko has been seconded to Crocus, if she can tell ratepayers in the province of Manitoba, taxpayers as well as unit holders, exactly when this secondment took place, who, in fact, has been paying Mr. Mymko's salary and exactly what his role and responsibility has been over the course of this secondment.

**Hon. Nancy Allan (Minister of Labour and Immigration):** It is my understanding that Dallas Mymko was seconded, and it is my understanding that that was an agreement that was arranged with the stakeholders.

**Mr. Loewen:** Mr. Speaker, this from a government who, of course, has a completely hands-off approach

with Crocus and does not talk to them. In fact, in the Estimates a year ago, the minister's own department indicate that their staffs are offset by salary expenditures for a secondment of a safety and health officer from Inspection Services, indicating that not only has the government worked out this deal with Crocus, but, in fact, the funds that cover this individual's salary have come from the ratepayers of the Workers Compensation Board. So we have Workers Compensation Board paying the government to employ a salesman for Crocus is what we see.

I would like to ask the minister if she could indicate to this House exactly who is paying for Mr. Mymko to be a sales agent for Crocus in Flin Flon, exactly how long this has gone on and who, in her department, negotiated this.

**Ms. Allan:** I would just like to inform the members opposite that secondments are a standard practice quite often in government situations, and this is a secondment.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Ms. Allan:** Thank you very much, Mr. Speaker. Secondments have been the standard practice in government. They have been done by our Government, and they were done by members opposite when they were in government.

**Mr. Loewen:** I would remind the minister that this is not a secondment with government. This is a secondment to an outside agency that the Minister of Industry (Mr. Rondeau), the Premier (Mr. Doer), the Minister of Finance (Mr. Selinger) keep telling all Manitobans, "Oh, we have nothing to do with that. We are completely separate. Nobody talks to us and we do not talk to anybody."

Apparently somebody does talk to them. Someone not only makes arrangements to second an employee, they do it to an agency at arm's length from government. They get government to pay for it, and better still, they get Workers Compensation to pay government.

Now is this a deal that was cooked up by that wonderful board of directors, Mr. Wally Fox-Decent? Was this a deal that was cooked up by Rob

Hilliard? Was this a deal that was cooked up by another director under serious allegations from the MSC? Was this deal cooked up by the Minister of Industry, by the member from Brandon East? Just what is going on here?

**Ms. Allan:** Mr. Speaker, the only thing that is cooked up is the question.

### **Livestock Industry Slaughter Capacity**

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, almost \$2 million into the BSE crisis, this NDP government continues to limp along, making over \$50-million worth of announcements that have never been fulfilled and paying lip service to the notion of meaningful expansion to Manitoba's slaughter capacity. While other provinces are seeing successful expansion, not so in Manitoba. Now the project that was the furthest along, Rancher's Choice, is stalled because of a lack of infrastructure.

Can the minister tell this government has she negotiated with the federal government for a water treatment upgrade in Dauphin? When will this project move forward?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, we all know that we need to increase slaughter capacity in this province in order to meet the needs of our producers, given the challenge that we have with border closures. I am very pleased that a group of producers has come up with the concept of Rancher's Choice. Our government is working very closely with them to see this plant become a reality.

With respect to talking to the federal government with regard to the infrastructure, yes, I have raised that. I had a discussion with the federal Minister of Agriculture this last week, and I have raised the issue and urged the federal government to finally be part of the solution to make their Loan Loss Reserve Program work for Manitobans. I will make sure we have the right kind of infrastructure support from the federal government so that we can see this project come to reality, Mr. Speaker.

**Mr. Eichler:** Mr. Speaker, instead of preparing for a prolonged border closure, the NDP government has dragged its feet in hopes that the BSE problem would simply go away. People in communities such as

Dauphin, Arborg, Neepawa are anxious to move ahead in building process facilities.

Can the minister tell this House what negotiations have taken place in order to meet the requirements of sewer and water treatment in those communities?

**Ms. Wowchuk:** Mr. Speaker, as with any opportunity for investment or value-added that takes place in rural Manitoba, we work with the group that is making the proposal. We have worked with Ranchers' Choice.

Ranchers' Choice, the City of Dauphin and the R.M. of Dauphin are in discussion and putting forward a proposal for their infrastructure. I can tell the members opposite that we are in discussion with Neepawa and with other communities that are interested in having value-added projects come to their community, Mr. Speaker.

**Mr. Eichler:** Mr. Speaker, we on this side of the House hold meaningful conversations with our federal counterparts. When the federal government goes out and makes an announcement, this minister claims she is out of the loop.

Will this minister finally do her job? Why does the minister continue to stall and refuse to work with the federal government to ensure slaughter facilities are built here in Manitoba? Pick up the phone, get to work and address the issues of concern in those communities.

\*(14:10)

**Ms. Wowchuk:** Well, I am afraid the member opposite has not listened to the answer to my first question. He asked me if I have talked to the federal minister. I told him I met with the federal minister last week. I met with him on Thursday and then I followed it up with a letter to the federal minister to try to engage him. He has said he will look at how they can improve the Loan Loss Reserve, and he has said that their government is willing to look at the infrastructure program.

We have made our commitment and we have lobbied the federal government. We are hopeful that the federal government will come forward with a program that really works. If the member opposite is saying that we are not doing our work, he is wrong, he is absolutely wrong, and he should go out and talk

to those producers, talk to Rancher's Choice, talk to Dauphin, talk to some of the other communities, Mr. Speaker, because we are working with them.

### **Flood Conditions Portage la Prairie**

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, on April 6, landowners along the Portage Diversion were made aware that the use of the diversion would likely result in localized flooding. Later in the afternoon, the Minister of Water Stewardship issued a flood update which did include warning to area residents to take necessary precautions, and in the case of the University of Manitoba, asked that they vacate the property because their access road would be cut.

Yet, five days later in this Chamber, Mr. Speaker, the Minister of Conservation (Mr. Struthers) stood in this House on behalf of the Minister of Water Stewardship and made absolutely no mention of the flooding in Portage la Prairie. Why did the Minister of Conservation and the Minister of Water Stewardship not apprise the House of this flooding situation?

**Hon. Steve Ashton (Minister of Water Stewardship):** I appreciate the question, Mr. Speaker, because yesterday the member put forward a number of statements on the record which were not correct.

First of all, he referenced a 2000 report in terms of maintenance issues, which was acted upon. The key recommendations to the maintenance report that came forward in 2000 were related to the operation of the gates for the Portage Diversion.

What happened in this particular case, Mr. Speaker, is the Portage Diversion was operated correctly within the rules. In fact, the excess supply, the excess flow of water is flowed through the fail safe in this particular case because of ice conditions. There was a breach in the capacity of the fail safe. It did not release a wall of water. There have been three landowners affected. They have all been notified and compensation will be paid, but it will not be in the hundreds of thousands of dollars as the member suggested yesterday.

### **Flood Control Portage Diversion Collapse**

**Mr. David Faurshou (Portage la Prairie):** Perhaps the Water Stewardship Minister should, in

fact, update himself and apprise himself of the protocols of operation of the Portage Diversion. That diversion was designed not to take on the ice flows, the ice jams, of the Assiniboine River. That diversion should not have any ice in it whatsoever, but because of the negligence of this government in upkeep of the diversion, they have not maintained the diversion and prevented ice flow down the channel. This is a result of this government's mismanagement.

Mr. Speaker, on April 14, we in this province saw the failure of a major flood control infrastructure in our province, the breach of the Portage Diversion. Why did the Water Stewardship Minister not stand up in this House and advise us of this situation?

**Hon. Steve Ashton (Minister of Water Stewardship):** I am amazed that the member would question the judgment of the engineers, the technicians, who established the protocols which clearly state: above 15,000 cfs, with the operation of the fail safe, that it is indeed appropriate to operate that, Mr. Speaker. Because of the operation of the Portage Diversion and the other elements of our flood control system, we are able to protect thousands of Manitobans against flooding.

So the member, Mr. Speaker, may want to question the engineering judgment of our staff. I trust in our engineers and our technicians. They made the appropriate decision, and I really think the member should think twice before he questions the technical expertise at the Department of Water Stewardship.

**Mr. Faursehou:** Mr. Speaker, we can all be proud of the staff of the Water Stewardship Ministry. They have gone above and beyond, and this minister, if he is not already making himself aware of the deficiencies that are required in improvements in the infrastructure here in the province of Manitoba to protect Manitobans against flooding, he should well make himself apprised of it.

Mr. Speaker, we are concerned on this side of the House that Manitobans are not being made aware of the impact of the failure of this infrastructure, and I want to ask this minister today what he is not telling us.

**Mr. Ashton:** Mr. Speaker, yesterday, the member suggested that somehow what had happened with the fail safe at the Portage Diversion was due to maintenance deficiencies. That is not true. Yesterday, the

member suggested that this was kept secret. The Premier was on CJOB on April 13, talking about this, and it has been part of our bulletins, our regular communication, to the public of Manitoba.

So, Mr. Speaker, yesterday the member was wrong. Today the member is wrong. The Portage Diversion was operated in an appropriate manner. We have been doing the repairs. The three land-owners who were impacted have been informed. That is the way you deal with these kinds of situations, not with the exaggerated rhetoric from the member from Portage.

### **Manitoba Developmental Centre Community Living Placements**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, the Minister of Family Services and Housing said on December 10 last year that she will spend \$40 million to rebuild the Manitoba Developmental Centre, the MDC. She also indicated that she recognizes the importance of having people live in the community and has committed to an accelerated movement of people out of the MDC. For the last few years, as the minister said in Estimates, an average of six to seven people have moved out of the MDC into the community.

I ask the minister this: Does an accelerated movement of people from MDC into the community mean 15 to 20 people per year, or as many as 30 to 40 people per year, will move from the Manitoba Developmental Centre out into the community?

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, of course, in the eighties, it was an NDP government that led the Welcome Home initiative to move people into community living. In our first term, we closed down Pelican Lake and worked with the community to develop the best placements possible for people into the community. We are continuing that with an accelerated pace into the Manitoba Developmental Centre.

Movement in the community will be based upon an individual's readiness to move in and the community's ability to accept that individual and make sure the proper supports are there. I will not be boxed into a corner by someone's number when we are dealing with vulnerable people and the care they need.

**Mr. Gerrard:** But if you are planning to spend \$40 million, you need some numbers on which to base that expenditure.

Mr. Speaker, last year there was a net decrease of 12 people from the MDC. Under an accelerated movement of people from the MDC into the community, let us say a total of 10 more people per year, reasonable. There would be a net loss of 22 people per year from MDC. Under this scenario, which takes into account the government's desire to have an accelerated movement of people from MDC into the community, in 10 years, when the government expects to have completed its rebuilding of MDC, there will be a need for only 177 spaces at MDC.

Mr. Speaker, the minister said the other day she plans to rebuild the Manitoba Developmental Centre to accommodate 350 people. Why is the minister going to rebuild MDC for 350 people when a reasonable estimate suggests she will only need 177 spaces?

**Ms. Melnick:** Again, Mr. Speaker, we will work with the community around the transition of people. If we want to talk about numbers, let us talk about when the member sat, not only in the federal government, but in Cabinet, when the decision was made to cut from the Canada Assistance Plan to cut funding from 38 percent into the—

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Speaker:** The honourable Member for River Heights, on a point of order?

**Mr. Gerrard:** This is a serious matter, Mr. Speaker, talking about the future of the Manitoba Developmental Centre. The question had nothing to do with expenditures made 10 or 15 years ago. This has to do with expenditures which this government has announced very recently that it is going to be making over the next 10 years. There has to be some degree of relevance.

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

**Hon. Gord Mackintosh (Government House Leader):** The same point of order, Mr. Speaker. I

think the fact that the member rises on that point of order and makes that argument is all the proof we need that he did not understand the significance to ordinary Canadians and Manitobans of the decisions that he took in the federal Cabinet.

**Mr. Speaker:** The honourable Official Opposition House Leader, on the same point of order?

\* (14:20)

**Mr. Leonard Derkach (Official Opposition House Leader):** On the same point of order, Mr. Speaker, I believe that the Leader of the Liberal Party does have a point of order. We have seen this before. The First Minister (Mr. Doer) in this House tries to stray away from a question asked and does not answer the question as it is asked. We see now that this is spreading to his ministers. I think it is time to call this matter to order.

**Mr. Speaker:** On the point of order raised by the honourable Member for River Heights, he does not have a point of order. It is a dispute over the facts.

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**Mr. Speaker:** The honourable minister, to continue with an answer.

**Ms. Melnick:** Mr. Speaker, '95-96, as a Cabinet minister, the member from River Heights agreed to cut the federal contribution of 38 percent to social services by one third over three years. That is the member's real voting record on social services, and that is his real commitment.

**Mr. Gerrard:** Mr. Speaker, the minister refuses to table the plan on which she based her estimate for spending \$40 million of Manitoba taxpayers' money. We need some responsibility on behalf of this government. We need a plan and it should be tabled here. We need some accuracy in terms of numbers. We are not even sure any more if this government can count.

Why did this government not consult with the families of members who will be institutionalized instead of being integrated in the community? Why is she not spending some of this \$40 million on community facilities, the route every other province in Canada is taking today? Why is she sinking \$40 million into a facility she herself says she hopes will have drastically fewer people 10 years from now?

**Ms. Melnick:** Mr. Speaker, the member from River Heights wants numbers, I will give him numbers. Since 1999, the budget on community living has risen by over 130 percent. That is \$80 million. Those are the numbers.

**An Honourable Member:** You voted against it.

**Ms. Melnick:** Yes, and the member from River Heights voted against each and every budget, including the latest budget, Mr. Speaker. We are continuing with our commitment on community living. We are working with the community on accelerating the pace into the community. Our record speaks for itself, and his record speaks for himself.

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

\* (14:25)

### Speaker's Ruling

**Mr. Speaker:** I have a ruling for the House.

Following the Prayer on April 12, 2005, the honourable Official Opposition House Leader (Mr. Derkach) rose on a matter of privilege regarding comments he attributed to the honourable First Minister (Mr. Doer) on a radio show that morning. The honourable Official Opposition House Leader asserted that the honourable First Minister had said on the radio program that the opposition members in the House were holding up passage of Bill 10, The Pension Benefits Amendment Act. The honourable Official Opposition House Leader concluded his remarks by moving "THAT this House in today's sitting deal with Bill 10 and that the First Minister, the Premier, apologize to all Manitobans for his statements which did not parallel the truth."

The honourable Government House Leader (Mr. Mackintosh), the honourable Member for Inkster (Mr. Lamoureux) and the honourable Member for Springfield (Mr. Schuler) also offered advice to the Chair. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached in order to warrant putting the matter to the House.

Regarding the first condition, the honourable Official Opposition House Leader asserted that he was raising the matter at the earliest opportunity, and I accept the word of the honourable member.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, it is important to determine whether parliamentary privilege has been breached in the actions complained of.

*Beauchesne* Citation 31(1) advises that statements made outside of the House by a member may not be used as the basis for a question of privilege. Marleau and Montpetit on page 522 of *House of Commons Practice and Procedure* states that the Speaker has no authority to rule on statements made outside of the House by one member against another.

Rulings from Manitoba Speakers support these findings from the procedural authorities. It has been ruled a number of times by Manitoba Speakers that comments made outside the Assembly Chamber cannot form the basis for a prima facie case of privilege. Speaker Walding ruled so in 1983, while Speaker Phillips made similar rulings in 1986 and 1987. Speaker Rocan ruled six times between 1988 and 1995 that statements made outside the House cannot form the basis of privilege, while Speaker Dacquay also ruled the same way in 1995. I myself have made similar rulings twice in 2004, and, again, just recently on March 23, 2005.

On the basis of commentary from the procedural authorities and from rulings of Manitoba Speakers, I must therefore respectfully rule that there is no prima facie case of privilege.

## MEMBERS' STATEMENTS

### Rockwood Festival of the Arts

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, it is my pleasure to rise today and pay tribute to the Rockwood Festival of the Arts that, for 50 years now, has helped young people from Stonewall, Teulon, Warren, Grosse Isle, Stony Mountain and surrounding area to achieve excellence in the arts.

It started as a one-day event in the spring of 1956 and has now blossomed into a two-week long, multiple community showcase. This wonderful

festival provides a venue for students to celebrate their achievements in music, dance and public speaking. I can say with confidence that these young performers are talented and practised hard throughout the year.

Special recognition needs to be given to Claudia Campbell of Teulon, who has conducted students or helped organize the festival since the very beginning in 1955. Mrs. Campbell was a teacher at Stonewall Elementary and was challenged by then-school inspector Bill Friesen to start a festival. It started with 200 performers and saw more than 1300 performers annually in the late 1970s and early 1980s. This year in Stonewall, approximately 700 performers will take part in performances featuring the violin, piano, individual and group vocals, bands, dance and speech arts.

I would like to thank the Rockwood Festival of the Arts committee members, volunteers, instructors, parents and audience who make this festival a great success each year. But, most of all, I would like to express my gratitude to the young people who impress everyone with the quality of their performances and energy. After all, Mr. Speaker, at the heart of it all, this festival is about developing a love for the arts in children. Thank you.

#### **Andrew Mynarski VC Air Cadets**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I rise to congratulate the 573 Andrew Mynarski VC Royal Canadian Air Cadet Squadron on their official renaming on February 26, 2005. The squadron, having ended a long and fruitful relationship with the Ukrainian Canadian Legion Branch 141, is a positive influence on the lives of youth in Winnipeg's North End.

The squadron consists of approximately 60 cadets between the ages of 12 to 19. Upcoming cadet activities include a survival camp this weekend and the annual parade night and awards ceremonies, both to be held at the end of May. Fitting with Canada declaring 2005 "The Year of the Veteran," a contingent of 573 cadets will travel this May to Darlington, England, to attend the unveiling of a statue dedicated to Andrew Mynarski.

Mr. Speaker, the renaming of this squadron is fitting since Andrew Mynarski VC, was a war hero and grew up in Winnipeg's North End. He proved his

heroism on the night of June 12, 1944, when his Lancaster bomber came under attack over Cambrai, France. Mr. Mynarski remained behind in the evacuated airplane to help a trapped crew member. After the ensuing crash, Mr. Mynarski died of major burns, while his trapped crew member survived. Subsequently, Pilot Officer Mynarski was the first of only six Royal Canadian Air Force officers to ever receive the Victoria Cross.

Mr. Speaker, I want to congratulate Captain Jim Jones, Commanding Officer of the 573 Andrew Mynarski VC Air Cadet Squadron, Barb Leighton, both of whom are in the public gallery today, and Terry Harris, president and vice-president of the Parent Council and all the officers and parents associated with the 573 Air Cadet Squadron. Also in the public gallery today are Major Howard Mar and Second Lieutenant Anna McNeil. Finally, I want to congratulate the cadets of the 573 Squadron. I wish them success in the future and an educational trip to England.

#### **Carman Elementary School Choir**

**Mr. Denis Rocan (Carman):** Mr. Speaker, it is a pleasure to rise today to commend the Carman Elementary School Grades 3 and 4 Choir on their wonderful performance today at the Legislative Building as part of Music Month, which celebrates music in Manitoba's schools.

This moving performance by over 50 talented Grades 3 and 4 students from Carman Elementary, under the direction of conductor Cindee Broeska and accompanied by Brenda Kidd, included songs such as *I Want to be Happy*, *The Farmer and the Cowman*, *Have You Ever Seen?* and *Time with You* among others, and also accompanied by their managers, Linda Reel and Leanne Bartley.

Over the past weeks as a part of Music Month and on the heels of the very successful Juno Awards, we have all been treated to phenomenal musical performances at the Legislative Building by young Manitobans.

Instilling an appreciation of music and the arts in our young people is a vital component of a sound, well-rounded education. These performances are a testament to the high quality of education that students across our province are receiving each and every day.

Again, I would like to thank the Carman Elementary Grades 3 and 4 Choir and all other participants on their marvellous performances. I know that their wonderful voices echoing through the halls of this building brought smiles to many faces. I would ask all honourable members to join me in congratulating these talented individuals on a job well done.

Mr. Speaker, at this time I would like to know if there is leave of the House to put into the statement the names of all individuals who performed here from Carman.

**Mr. Speaker:** Is there leave?

**Some Honourable Members:** Leave.

**Mr. Speaker:** Leave has been granted.

**Mr. Rocan:** Erik Aubin, Tyreese Cadotte, Tim Dunn, Madisyn Dupasquier, Cody Last, Tayler Morgan, Ryan Owen, Jennica Unger, Nicole Vaillant, Shannon Wiebe, Gordie Wuirch, Mason Chamberlin, Samantha Clemis, Brianne Johnston, Jack Lotscher, Britany Morgan, Malcolm Ruitter, Mason Scott, Mikayla Smith, Neil Smith, Ashley Stewart, Kaitlyn Sylvester, Jesse Unrau, Sierra Walker, Skyler Wiebe, Jeffrey Zacharias, Matthew Bell, Tiana Charban, Stephanie Doerksen, Kennedy Geary, Gus Gottfred, Sara Hebel, Kali Irwin, Elizabeth Kenyon, Janice Lemky, Jill McCullough, Kelly Pockett, Jessica Rutter, Raven Tardiff, Cassie Wiebe, Emily Wiebe, Darian Cox-Dignard, Evan Dracass, Brooke Dubois, Joseph Janzen, Braden Kauenhofen, Danielle Kozak, Ashley Lesage, Jememy Lorenz, Cody Major, Amanda McGill, Martina Oatway, Hailey Rex, Jaden Scott, Simone Turner-Cummer, Cyrus Walker, Nathan Warburton.

### **Super Cities Walk for MS**

**Mr. Harry Schellenberg (Rossmere):** Mr. Speaker, I rise today to inform the House that on Sunday, April 24, the Multiple Sclerosis Society of Canada will be holding its 15th Annual Super Cities Walk for MS.

Each year thousands of volunteers and participants attend the Super Cities Walks for MS to help raise funds for Multiple Sclerosis research. The money raised is very important. Sixty percent of all research done in Canada is funded by the MS

Society. This is particularly important to Manitobans because our province has one of the highest rates of MS worldwide. Thousands of Manitobans, many under the age of 40, suffer from this chronic disabling disease that attacks the brain and spinal chord.

Last year, over \$775,000 was raised in 12 walks across Manitoba, and the Winnipeg walk alone raised \$465,000. Although the money the Super Cities Walks raise is crucial, these walks are also significant because they bring people together for a common cause. In addition, they offer a concrete way in which caring individuals can give and make a difference.

Mr. Speaker, I encourage all members of the House to join me in participating in the Super Cities Walk this Sunday which begins at The Forks at 10 a.m., and you have a choice of a four kilometre, eight kilometre or sixteen kilometre walk. Of course, there are other walks around the province besides the one that begins at The Forks.

\* (14:35)

Also I would like to take this opportunity to thank all the volunteers and participants who I know are going to make this year's walk a huge success. I would also like to thank the many sponsors and the entertainers who will be providing refreshments and entertainment for this fantastic day of fun. Thank you.

### **Keeyask Dam**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I speak today about the spending of \$14 million by Manitoba Hydro to provide information about the proposed Keeyask Dam to members of the Tataskweyak Cree Nation. I understand that there are just over 1800 members of the Tataskweyak Cree Nation residing in their community. This thus represents an expenditure to date of about \$8,000 per person living in the community including those under two years of age. We would have expected, therefore, that as a result of this expenditure, all the members would be well informed, indeed experts when it comes to matters concerning the Keeyask Dam. It is, therefore, of considerable concern when we hear this week that some members of the Tataskweyak Cree Nation are saying that they were not informed about the recent presentation by two band members at the World Bank.

What is disappointing today is that, even after the expenditure of \$14 million by Manitoba Hydro, the community has not yet even voted to decide whether they want to participate in the Keeyask Dam. Fourteen million dollars under these circumstances is excessive, even alarming. Spending of \$14 million by Manitoba Hydro, of which more than \$7 million is on consultants, is of major concern to Manitobans. Manitoba Hydro is a Crown corporation. Spending by Manitoba Hydro is recorded in the Province's summary financial statements and on the bottom line of the Province. Every dollar spent by Manitoba Hydro should be spent carefully as it is public dollars because the Crown corporation is owned by all of us as citizens of Manitoba. Clearly the government and Manitoba Hydro need to review the way such expenditures are made in northern Manitoba and to develop a more responsible approach.

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call report stage amendments? That is Bill 22.

### REPORT STAGE AMENDMENTS

#### Bill 22—The Water Protection Act

**Mr. Speaker:** Amendment 1, the Minister of Water Stewardship.

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, I will be moving on amendments and asking leave to move a subamendment.

First of all, I would like to move, seconded by the Minister of Justice (Mr. Mackintosh),

*THAT Bill 22 be amended in Clause 1(1) by adding the following:*

**"commercial operation"** includes, without limitation, an agricultural operation. ("exploitation commerciale")

**"director"** means a person designated under section 2.1 as a director of water protection. ("directeur")

**Mr. Speaker:** It has been moved by the honourable Minister of Water Stewardship (Mr. Ashton), seconded by the honourable Attorney General,

*THAT Bill 22 be amended in Clause 1(1) by adding the following:*

**"commercial operation"** includes, without limitation, an agricultural operation

**"director"** means a person designated under section 2.1 as a director of water protection.

\* (14:40)

**Mr. Ashton:** Mr. Speaker, I would also like to ask leave, the subamendment, that is moved, seconded by the Minister of Health (Mr. Sale),

*THAT the amendment of Clause 1(1) of the Bill be amended by striking out the definition "commercial operation"—and I have discussed this. This is the amendment that has been requested by Keystone Agricultural Producers.*

### Point of Order

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

**Mr. Leonard Derkach (Official Opposition House Leader):** On a point of order, I do not know what this minister is doing. I do not think he does either.

Mr. Speaker, this is supposed to be the section where amendments are brought in, not subamendments. We have asked for leave of this House to bring in further amendments. We were told, advised, that we could not do that at this stage because that should have been done earlier. Now this minister is trying to slide in a subamendment when he is supposed to be dealing with amendments. The agreement I had with the House leader is today we were going to be dealing with the 12 amendments that the Minister of Water Stewardship had, and that was all. If there is a different agreement, I would appreciate talking to the House leader.

**Mr. Ashton:** I realize the Opposition House Leader may not have the opportunity to talk to the

opposition critic today for—[*interjection*]. In fact, these amendments deal with concerns raised by KAP. The opposition critic was aware of this. I certainly made him aware of that. I believe the opposition critic was looking at bringing a similar amendment as well, Mr. Speaker, a similar subamendment. I want to make it very clear, I asked for leave. These are issues that have been raised by KAP. If members do not wish to grant leave, then we can proceed accordingly.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

For the information of the House, the honourable member, the Official Opposition House Leader, had risen up on a point of order, and I asked him to wait. You are up on a point of order. I am going to ask you to wait because I want to put some information according to our rules to hopefully assist all honourable members.

Our debate on amendments, our Rule 138(9), "When the order of the day for consideration of the report stage of a bill is called, any amendment of which notice has been given in accordance with subrule (6) is open to debate, but no motion to amend the amendment shall be accepted except by consent of the House."

The honourable member had asked for leave, and I still have to put the asking of the leave to the House. I have not done that yet, so I will wait because I want to hear the points of order first.

The honourable Official Opposition House Leader was up on a point of order?

**Mr. Derkach:** I thank you for the opportunity to rise on this point of order because it is rather an important one.

Mr. Speaker, I discussed this matter with the House leader earlier this afternoon. We have a situation where the critic for Water Stewardship is away on an important family issue and has been unable to be here at this time. I ask that we move this bill to another time when, in fact, the critic could be here. I was not given any instructions by the critic that we should start accepting subamendments. Neither did the Water Stewardship Minister approach me and discuss the nature of the subamendment nor that would he be moving it today.

Mr. Speaker, I have no desire to give any leave that a subamendment be brought in until such time that I have consulted with the critic who has responsibility for this bill.

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

**Mr. Ashton:** On the same point of order, Mr. Speaker, I do want to put on the record that I am not the House leader, and I am not privy to all of the discussions that take place in terms of House business. I want to indicate, perhaps as well, that my understanding is we were going to move these issues through. We were not going to have debate because of the situation involving the critic. I was made aware of that by a member of the Conservative side.

Mr. Speaker, before members make some of the comments that were made from their seats, I was operating based on previous discussions that had taken place with critics where we had flagged this. I had not seen this as being an issue of controversy because, in fact, three of the proposed amendments were referenced by the critic actually to do the same thing. This is what had been anticipated by KAP.

So I did not bring this today with any sense of trying to jam it, Mr. Speaker. If there is not leave, I suggest we can return to the motions. We can then reconsider any of the potential subamendments or amendments, I have to choose my wording carefully, when the critic is able to participate directly. There was no intent on my part to do anything here other than to move forward on what I thought was actually something that would be acceptable to all sides. If there is difficulty with that, I would suggest, if you want to withdraw the subamendments, and if there is no leave currently, we can proceed with the amendments.

**Mr. Speaker:** The honourable Member for Ste. Rose, on the same point of order?

**Mr. Glen Cummings (Ste. Rose):** Yes, Mr. Speaker. I was the one hurling unparliamentary epithets across the way at the Minister of Water Stewardship. For that, I apologize and I withdraw those comments.

But there was a reason why people get annoyed, upset and disturbed in this House. It relates to the very point of order that we are discussing. This bill

has been handled somewhat in an unusual manner. It departs to a large degree from the normal process that bills have gone through this House. Where amendments are presented in committee and they are debated there, they are either thrown out or accepted. This is a bill that is more than a little complicated and has significant long-term important aspects for the future of water, for sure, and governance, in particular, across the province.

The government, to their credit, withdrew Bill 40 and made several comments about how this bill could be used to, in fact, do what they intended to achieve under Bill 40. For that, we give them credit for having recognized the concerns around Bill 40. But now, we are faced with a situation where the bill changed substantially after it came out of committee because of the amendments and because of the intent that I just referenced. Therefore, there are a significant number of amendments at report stage. I do not recall if there has been any bills that have had this many amendments at report stage before. I stand to be corrected, but it has been very, very few, Mr. Speaker.

So this is a matter of significant tension on this side of the House, because while there were a number of amendments we were allowed to introduce and debate, we now see subamendments possibly coming from the government as well. At the very time the government is considering introducing subamendments, we have a critic who wants to introduce a few more amendments in committee, or pardon me, at the report stage.

It is our concern that the government is not interested in receiving those amendments and they would have to be introduced by leave. Therefore, my distress, Mr. Speaker, is that the minister is asking to do something by leave, which I would agree that probably, we all want to see happen. But we think that it would be in the interests of this bill, the interests of the public and the interests of good governance that all amendments that have been properly considered have an opportunity to be debated in this House.

The minister has already indicated where he is at. If we do not accept his subamendment, he will say we are rejecting good advice that he received and wanted to change the bill. I am suggesting that, in the interests of progressing on this bill, we should have the House leaders pause for a moment and consider

whether or not there is any willingness on either side to accept amendments by leave at this stage because it is a very important bill and one that the opposition has given a huge amount of time and interest in.

\* (14:50)

I am certainly not trying to do the House leaders' work here, but this bill, the government has given it profile. The opposition has given it profile. It needs a chance to be debated properly and I am using my opportunity on this point of order to encourage the government to consider the arguments. We can deal with this, but it means that there has to be some give and take on both sides of the House.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader (Mr. Derkach), he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Speaker:** The honourable Minister of Water Stewardship (Mr. Ashton), you had another point of order.

No? Okay. I am going to put the question for allowing subamendments which was asked for.

Is there leave of the House to introduce subamendments to the amendment?

**An Honourable Member:** Leave.

**Mr. Speaker:** I have already put the question. It is not for debate.

**Mr. Ashton:** To be of assistance here, I would certainly withdraw the motion at this point in time to allow the opposition critic to participate in the debate.

**Mr. Speaker:** We thank the honourable minister for withdrawing the proposal for the subamendment. Now I will call the amendment.

*THAT Bill 22 be amended in Clause 1(1) by adding the following:*

**"commercial operation"** includes, without limitation, an agricultural operation

**"director"** means a person designated under section 2.1 as a director of water protection.

I have already put it to the House, so I will recognize the member to speak to it.

**Mr. Ashton:** Thank you, Mr. Speaker. I think the amendment is self-explanatory, and certainly I will look forward to members having a chance to pose this issue and the related issue that was referenced later. My hope would be that the House will be able to dispose of this in a manner today which will allow the opposition critic to have full opportunity to participate in the discussions on this.

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I move, seconded by the Member for Ste. Rose (Mr. Cummings), that debate be adjourned on this amendment.

*Motion agreed to.*

**Mr. Speaker:** Next amendment.

**Mr. Ashton:** I move, seconded by the Minister of Health (Mr. Sale),

*THAT Bill 22 be amended by striking out "and" at the end of Clause 2(d), and replacing Clause 2(e) with the following:*

- (e) the need to protect riparian areas and wetlands; and
- (f) the benefits of providing financial incentives for activities that protect or enhance water, aquatic ecosystems or drinking water sources.

*Motion presented.*

**Mr. Ashton:** Mr. Speaker, very briefly, many of the presenters at the committee and also, I believe, opposition members have referenced the need to that particular inclusion of wetlands in the document. It is not a significant amendment in some senses, in the sense that clearly the act could deal with wetlands. I think the point was well taken that this would highlight the importance of riparian areas and wetlands, and therefore we thought it appropriate to move the legislation.

The other issue that was also raised was the need to have appropriate incentives. Indeed, that is part of

our approach to water protection that is specifically referenced in the act. Again, not a hugely significant amendment in terms of the mechanics of the bill, but I do recommend it to the House. It was something that was a clear message from committee.

**Mr. Derkach:** Mr. Speaker, I move, seconded by the honourable Member for Arthur-Virden (Mr. Maguire), that debate on this amendment be adjourned at this time.

*Motion agreed to.*

**Mr. Speaker:** Okay, we will move on to the next amendment.

**Mr. Ashton:** Mr. Speaker, I move, seconded by the Minister of Labour (Ms. Allan),

*THAT Bill 22 be amended by adding the following after Clause 2 as part of Part 1:*

**Director of water protection**

**2.1** The minister may designate one of more persons as directors of water protection.

*Motion presented.*

**Mr. Ashton:** Mr. Speaker, this is a technical amendment. This is the same provision as currently exists in The Environment Act. The position will need specific technical knowledge. That is clearly in the act in its current intent, but this allows for the specific identification of a director.

**Mr. Derkach:** Mr. Speaker, I move, seconded by the Member for Ste. Rose (Mr. Cummings), that debate on this amendment be adjourned at this time.

*Motion agreed to.*

**Mr. Speaker:** We will move on to the next amendment.

**Mr. Ashton:** Mr. Speaker, I move, seconded by the Minister of Labour (Ms. Allan),

*THAT Bill 22 be amended by adding the following after Clause 4:*

**Consultation with water planning authority**

**4.1** Before a regulation is made under subsection 4(1), the minister may consult with any water

planning authority that has been designated in respect of an area proposed to form all or part of the water quality management zone. This consultation does not affect any requirement for other consultation under this Act.

***Motion presented.***

**Mr. Ashton:** One of the key elements to this bill is the transparency of the process. The intent of this amendment is just to add further transparency. In this case, the process of establishing the water quality management zones is a key part of this bill, Mr. Speaker.

\* (15:00)

**Mr. Derkach:** Mr. Speaker, I move, seconded by the honourable Member for Ste. Rose (Mr. Cummings), that debate on this amendment be adjourned as well.

***Motion agreed to.***

**Mr. Speaker:** We will move on to amendment 5.

**Mr. Ashton:** Mr. Speaker, I move, seconded by the Minister of Education (Mr. Bjornson),

*THAT Bill 22 be amended by adding the following after Clause 4.1:*

**Advertising proposed regulations**

**4.2(1)** At least 90 days before a regulation is made under subsection 4(1), the minister must, in a newspaper of general circulation in the affected area, advertise the fact that a draft of the proposed regulation has been filed in the public registry.

**Written objections**

**4.2(2)** Within 60 days after an advertisement is published under subsection (1), and subject to subsection (3), any person may refer a written objection to the proposed regulation to a director, in a form approved by the minister.

**Scientific or technical information**

**4.2(3)** An objection under subsection (2) must be based on written scientific or technical information relating to an area proposed to form all or part of the water quality management zone. This information must be provided to the director at the time the objection is referred.

**Director's actions**

**4.2(4)** Upon receiving an objection under subsection (2), the director must

(a) notify the minister that an objection has been received; and

(b) consider the objection, and the supporting scientific or technical information.

**Advice to the minister**

**4.2(5)** Within 60 days after notifying the minister of the objection, the director must give advice to the minister as to whether the proposed regulation should be varied or revised.

**Expert advice re scientific or technical issues**

**4.2(6)** Before providing advice under subsection (5), if the director determines that there is an unresolved scientific or technical issue, he or she must obtain expert advice in such a manner as may be set out in the regulations.

***Motion presented.***

**Mr. Ashton:** I think the amendment is self-explanatory. The intent of the presentation of this bill was to ensure proper consultation on regulations. Many of the presenters, however, felt, given the importance of the act, that it was important to have a specified process, and that is exactly what this does. This amendment further reinforces the fact that the review process will be based on technical and scientific principles. I know that has certainly been an issue that has been raised by KAP and others, and that is why we have moved this. It is really a further elaboration of the process, but we thought that it was important to ensure we had proper consultation, consultation as guaranteed under the act that it outlines a very specific review process that we think is reasonable, and I recommend it to the House.

**Mr. Derkach:** I move, seconded by the member from Arthur-Virden (Mr. Maguire), that debate on this amendment be adjourned.

***Motion agreed to.***

**Mr. Speaker:** Amendment 6.

**Mr. Ashton:** Mr. Speaker, I move, seconded by the Minister of Family Services (Ms. Melnick),

*THAT Bill 22 be amended by adding the following after Clause 4.2:*

**Review of regulation**

**4.3** The minister must, not later than five years after the date on which a regulation under section 4 comes into force, require the water council to

(a) review the effectiveness of the regulation and, in the course of that review, consult with any persons affected by the regulation that the council considers appropriate; and

(b) recommend, if it considers it advisable, that the regulation be amended or repealed.

The minister may, in addition, require the council to undertake such a review at any other time.

***Motion presented.***

**Mr. Ashton:** This amendment builds on the elements of the act that clearly identify the importance of scientific knowledge, the application of that knowledge to the identification of the water quality management zones and other aspects of the bill. We think it is important to have a reference. The review will take place every five years to ensure that we can keep current with the scientific knowledge, and I think that is a way of ensuring this bill will have applicability for many years to come.

**Mr. Derkach:** I move, seconded by the Member for Arthur-Virden (Mr. Maguire), that debate on this amendment be adjourned at this time.

***Motion agreed to.***

**Mr. Speaker:** Amendment 7.

**Mr. Ashton:** I move, seconded by the Minister of Finance (Mr. Selinger),

*THAT Bill 22 be amended by adding the following after Clause 8 as part of Part 2:*

**Compensation where allocation cancelled or reduced**

**8.1(1)** Where the effect of any action taken or regulation or order made under subsection 7(2) is to

(a) cancel or reduce the allocation of water at any point or place to a person holding a licence under *The Water Rights Act*; and

(b) allocate or increase the allocation of water at that point or place to another person who does not hold a licence, or whose licence is, relative to the licence referred to in clause (a), lower in precedence under section 8 (precedence of licences) of *The Water Rights Act*;

the person whose allocation is cancelled or reduced is entitled to receive from, and shall be paid by the other person, compensation for any loss or damage resulting from the cancellation or reduction.

**No compensation in certain circumstances**

**8.1(2)** Despite subsection (1), no compensation is payable where the action is taken, or the regulation or order is made, for a purpose relating to public health or the provision of drinking water. The determination of the purpose of the action, regulation or order is to be made by the minister.

**Agreement respecting compensation**

**8.1(3)** Within 60 days after action is taken or an order or regulation is made that has the effect described in subsection (1), the persons described in that subsection may make an agreement setting out

(a) the amount of compensation payable and the terms of payment; and

(b) the undertaking of one person to pay that compensation, on those terms, to the other person.

**Arbitration**

**8.1(4)** Where an agreement under subsection (3) is not made, the amount of compensation and the terms of payment must be determined in accordance with *The Arbitration Act*.

***Motion presented.***

\* (15:10)

**Mr. Ashton:** This amendment is also in response to the advice from presenters. It preserves the rights of users granted under *The Water Rights Act* except where cases where allocations are temporarily cut off to preserve drinking water supplies. This was an area of significant focus with Keystone Agriculture Producers and other presenters. It preserves the intent of the act. It outlines a very specific procedure to deal with the unlikely application of the section of this act. This is in case of severe drought, but we do

believe that there are cases where that need may apply, so the bottom line is we believe this should be acceptable to all members of the House.

**Mr. Derkach:** I move, seconded by the Member for Ste. Rose (Mr. Cummings), that debate on this amendment be adjourned at this time.

*Motion agreed to.*

**Mr. Speaker:** We will now move on to amendment 8.

**Mr. Ashton:** I move, seconded by the Minister of Finance (Mr. Selinger),

*THAT Bill 22 be amended in Clause 11(1)(b)(iv) by adding "wetlands," after "riparian areas,".*

*Motion presented.*

**Mr. Ashton:** Mr. Speaker, similar to a previous amendment, this again reflects feedback from committee. We thought that the point was well taken that the specific reference to wetlands highlights the importance of wetlands to our ecosystems and to the preservation of water quality. So I would recommend this to the House.

**Mr. Derkach:** I move, seconded by the Member for Arthur-Virden (Mr. Maguire), that debate on this amendment be adjourned at this time.

*Motion agreed to.*

**Mr. Speaker:** Now I will move on to amendment 9.

**Mr. Ashton:** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger),

*THAT Bill 22 be amended by adding the following after Clause 20(a):*

(a.1) to review regulations respecting water quality management zones, and provide advice to the minister;

*Motion presented.*

**Mr. Ashton:** An important element of this bill is the establishment of water quality management zones. These zones ensure that we reflect soil sensitivity, other elements of our ecosystems involving topography and ensure that we can protect Manitoba's water quality.

It is well established, as members will know, that there are sensitive areas of the province where it would be inappropriate to have certain activities. What this amendment does is gives an additional duty to the Water Council which is established under this act. The council then will have the ability to review regulations respecting the zones.

Again, our intention in this bill is to ensure that we have the fullest consultation and the fullest review of proposed regulations, and in this particular case, the zones are reflective of the scientific and technical information that is available. Mr. Speaker, I once again would recommend this amendment to the House.

**Mr. Derkach:** I move, seconded by the Member for Lakeside (Mr. Eichler), that debate on this amendment be adjourned at this time.

*Motion agreed to.*

**Mr. Speaker:** We will move on to amendment 10.

**Mr. Ashton:** I move, seconded by the Minister of Finance (Mr. Selinger),

*THAT Bill 22 be amended by adding the following after Clause 32:*

#### PUBLIC REGISTRY

##### Public registry

32.1 The minister must maintain a public registry, which may be in electronic form, containing a copy of each of the following:

- (a) a draft of each proposed regulation or amendment to a regulation under this Act;
- (b) every declaration, order or regulation made under section 7 (serious water shortages);
- (c) every order respecting a commercial operation made under a regulation described in section 33.1;
- (d) each watershed management plan approved by the minister under Part 3;
- (e) such other information as the minister may from time to time direct.

***Motion presented.***

**Mr. Ashton:** This is very straightforward. It is consistent with what we see in The Environment Act in terms of The Environment Act registry that was raised at committee. I also want to indicate, Mr. Speaker, this was also an area where there was the potential to move a subamendment which we can consider at a future consideration of the bill.

**Mr. Derkach:** I move, seconded by the Member for Pembina (Mr. Dyck), that debate on this amendment be adjourned at this time.

***Motion agreed to.***

**Mr. Speaker:** Now, we will move on to amendment 11.

**Mr. Ashton:** I move, seconded by the Minister of Finance (Mr. Selinger),

*THAT Bill 22 be amended by adding the following after Clause 33(1)(h):*

(h.1) respecting the establishment of programs to provide financial incentives to protect or enhance water, aquatic ecosystems or drinking water sources;

(h.2) respecting the manner in which the director must obtain expert advice for the purpose of section 4.2;

***Motion presented.***

\* (15:20)

**Mr. Ashton:** Thank you. Again, there was feedback at the committee in a number of these areas. This provides for established programs to provide financial incentives. Again, we have already done this as a government. We are putting in place financial incentives currently, with recurring tax credits being the best example. Also, it was felt useful to specify in our regulations the manner in which the director must obtain scientific advice to ensure legal clarity.

Mr. Speaker, this does not dramatically change the impact of the bill, but we believe the feedback that came back through our committee can take a good bill and, if that is possible, make it even better.

**Mr. Derkach:** I move, seconded by the member from Turtle Mountain (Mr. Cullen), that debate on this amendment be adjourned at this time.

***Motion agreed to.***

**Mr. Speaker:** Now we will move on to amendment 12.

**Mr. Ashton:** I move, seconded by the Minister of Finance (Mr. Selinger),

*THAT Bill 22 be amended by adding the following after Clause 33 as part of Part 4:*

**Transitional orders re commercial operations**

**33.1(1)** A regulation made under Part 2 other than section 7, or under any of clauses 33(1)(a) to (d), may provide that an owner or operator of a commercial operation affected by the regulation may apply to a director for an order

(a) specifying a transitional plan by which the applicant may, over a specified time, come into compliance with the regulation; and

(b) exempting the applicant from the application of all or part of the regulation for that period, or any part of it.

**Requirements of regulation**

**33.1(2)** Where a regulation provides the right to apply for an order as described in subsection (1), the regulation must also provide

(a) that a director may issue an order only if he or she is satisfied that

(i) the applicant will suffer serious economic hardship unless an order is issued, and

(ii) issuing an order will not result in activities that

(A) present or may present an unacceptable risk of significant harm to water or an aquatic ecosystem, or

(B) place a drinking water source or public health at risk;

(b) that an order may be subject to terms and conditions;

- (c) a process for appealing to the minister,
  - (i) a director's decision whether to issue an order; and
  - (ii) a provision, term or condition of an order; and
- (d) a process for varying an order, on the application of the government or the person subject to the order, if there has been a change in circumstances.

***Motion presented.***

**Mr. Ashton:** Mr. Speaker, I also want to indicate this will be an area that we may consider a subamendment similar to the previous subamendments. We will raise that when the matter is next considered.

Mr. Speaker, this clause was brought in after discussions with a number of stakeholders based on some feedback at committee. It is not that we could not have put in place a transitional process under the regulations of the bill, but it was felt that in the interest of fairness we had to have a process actually put into the bill.

I want to stress, Mr. Speaker, in the go-forward situation, if I can use that phrase, of watershed-based planning, the quality management zones will have a significant impact in ensuring that activities are appropriate to the land conditions, water conditions.

Mr. Speaker, obviously, there will be some circumstances in which operations may be impacted, operations that predate the current process. That being the case, what this does, subject to the clear identification in this particular case, the importance of issues related to public health and other matters in terms of the ecosystem, recognizing that there may be circumstances in which a transition strategy is needed for individual operations. That would be quite consistent particularly where you are dealing with operations that do not involve any immediate risk, certainly to public health, but where there is some impact on water quality through the sensitivity of the area, but where, clearly, a common sense approach is needed. In this case, we will have a transition plan.

We believe that this is well received, and since, Mr. Speaker, this is the last amendment, I would like

to particularly thank the presenters who brought this forward. I know there has been some debate on the process we followed through. I certainly felt, as minister, given the fact we were dealing with the bill intersessionally, it was important to take the time that we had available, in this case, a matter of months, to consider it. Actually, by bringing it back in the form of report stage amendments, what we would be able to do is provide more time for discussion with stakeholders which we did.

I do want to put on the record that I certainly appreciate, I know Keystone Agricultural Producers indicated by a press release, and certainly in my discussions with them they felt that we had listened to a number of their concerns. I know we have listened to other concerns in the bill by other presenters as well. While most of the amendments I would put in the category of further clarification, or in some cases, are very technical amendments, we do believe that what they do is they build on the feedback we received in the committee and the feedback we received throughout the province. We took the opportunity to talk to people in many locations throughout Manitoba, in part listening to Manitobans.

I can indicate, Mr. Speaker, wherever I have gone, people have indicated there is support for the principles of the legislation, support for the water strategy which is based on a water strategy that was developed by many stakeholders, representing a broad range of Manitobans. I think the fact that we have brought in these amendments indicates we have been listening.

I realize at times one can be criticized when one brings in an amendment. Yesterday, we had a situation where we as a government supported an opposition amendment. But that is part of the process, I do not see that as a fault in the process. I see that as a sign of a legislature that is working, where amendments are brought forward and judged on their own merits.

Yesterday we accepted an opposition amendment, and I certainly hope the opposition will accept the amendments, Mr. Speaker. I do want to indicate again that we can revisit at a future time the subamendments, which actually, I just want to clarify clearly on the record, I believe the opposition has been looking at the same intent. Certainly, I realize there was some miscommunication earlier and I certainly accept any responsibility from my side in

terms of that. I just want to put on the record that I am hoping we will be able to consider that, but quite apart from that, we believe the 12 amendments that we brought forward will take a good bill and make it better.

**Mr. Kevin Lamoureux (Inkster):** Yes, Mr. Speaker, I wanted to be able to just put a few words on the record in regard to not only this amendment, but maybe to incorporate some comments about the bill and the other amendments that have been brought forward.

I am somewhat amazed with the number. It is just the sheer number of amendments that are being proposed, Mr. Speaker. It is not only 12 government amendments, but you also have 10-plus amendments coming that were proposed from opposition members. I cannot recall when we have seen so many amendments brought forward on a bill.

\* (15:30)

I think that Manitobans, particularly rural Manitobans, have just a huge amount of vested interest in ensuring that the government gets this thing right. Every time the minister stands up and introduces another amendment, I am wondering to what degree the government has been listening to what Manitobans, in particular, rural Manitobans, organizations like Keystone, AMM, have been saying in regard to Bill 22. It has been on the order paper for a fairly lengthy period of time, and one has to wonder why it is we are not dealing with the amendments that are being proposed today, and I sat patiently listening to all 12 as proposed by the government minister, Mr. Speaker. Why were we not dealing with these amendments in the committee stage as opposed to third reading where there would be better opportunity to ask questions, seek some answers, maybe even create some more dialogue with other amendments that were being proposed?

In one sense, you see the government kind of relaxed, waiting, no big rush to pass the legislation. On the other hand, you see a government that has passed it through a cycle in which now we find ourselves into third reading, report stage, where there are numerous amendments. It changes the original legislation quite significantly, Mr. Speaker. There are individuals and groups that had made presentations on the bill when it was in committee. Given the number of changes that are being proposed, to what

degree are those associations aware of these changes? What would they have to say about the changes?

Mr. Speaker, the minister has already given us a heads up that the government's preference is to bring in some other subamendments, of course through leave, but subamendments to this legislation. One has to question in terms of where does it end. Why did the government not do its homework in terms of bringing forward into third reading or report stage a bill that is not going to require as much faith on behalf of opposition members to feel comfortable that the government has done what it should have been doing in terms of consultation and working with individuals and groups in bringing forward amendments?

I respect the fact that the minister himself has indicated a number of these amendments are upon reflection of what took place in committee and I appreciate that fact, Mr. Speaker. It is encouraging when a government does see the merits of changing legislation that it has brought forward between second reading and third reading, but where I have a difficult time is because I have met with individuals and at least one group association representing rural communities that are concerned in terms of yes, they see the merits, but they are concerned in terms of what the bill is actually going to be doing, where is there going to be money that is going to be flowing in order to support the legislation and so forth.

I think, Mr. Speaker, I would caution the government, and I think maybe there is a need for the Government House Leader to meet with the minister and review what sort of process we are entering into when we start bringing these kinds of amendments into the report stage. I am not convinced that it is healthy. I would have preferred to have heard the amendments brought forward at the committee stage as I indicated, where there would have been much more dialogue for the critics, the opportunity to be able to do additional consulting.

I am not too sure in terms of where the government is on Bill 22. What sort of a priority is this bill? Are we going to hear, for example, next week or sometime in the future on the radio, the Premier (Mr. Doer) saying, "Well, this is a priority bill and the opposition is holding up this bill"? We are finding information as of today. Some of these changes are significant, and we are just finding out

today. It is hard to imagine, well, in terms of actually having any sort of response from the minister as he gives an explanation on some of the amendments that have been brought forward.

I do not want to be accused of not giving due diligence especially to legislation of this nature, because it has such a very real, tangible impact on so many Manitobans and municipalities that have other issues that they have to be able to deal with, for example, planning and development of properties.

I raise a red flag of caution and would suggest that it is somewhat bizarre, in terms of just the way in which this bill is being dealt with. We want to be supportive of rural Manitoba and make sure that legislation that passes is appropriate and is not done in a way that will ultimately backfire at the end of the day. I just wanted to stand up to express the concerns that we have. I do not think we would have a problem if the Government House Leader (Mr. Mackintosh) and the minister felt that it might be more appropriate to have the bill dealt with in committee.

I know that in dealing with these amendments, if members were to start speaking on every amendment that has been proposed, there are 20-plus amendments. It is 15-minute speeches on each amendment. It does not take too much of a mathematician to figure out how many hours—I should not say hours, how many days we could be just debating the amendments, let alone the bill itself.

I stand just to put that on the record, and I am sure that I will be provided many, many more opportunities to be able to share some thoughts that I might have in regard to this amendment, other amendments and, ultimately, the bill itself.

**Mr. Derkach:** I move, seconded by the Member for Lakeside (Mr. Eichler), that debate on this amendment be adjourned at this time.

*Motion agreed to.*

**Hon. Gord Mackintosh (Government House Leader):** Would you please call second readings of these bills: 25, 29, 30? Then would you please call debate on second readings of 23 and 2?

## SECOND READINGS

### Bill 25—The Workers Compensation Amendment Act

**Hon. Nancy Allan (Minister of Labour and Immigration):** I move, seconded by the Minister of Family Services and Housing (Ms. Melnick), that Bill 25, The Workers Compensation Amendment Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (15:40)

**Ms. Allan:** The purposes of this bill are to respond to the report of the Legislative Review Committee on The Workers Compensation Act and, in doing so, to modernize and update the act and establish a workers compensation system that is affordable, balanced and practical. I am honoured at this time to have the opportunity to speak to and explain more fully the purpose and details of this bill.

Few pieces of legislation are as important to working people, their families and to employers as The Workers Compensation Act. For workers and families, it provides for financial and other assistance in response to a work-related injury or illness while for employers it provides an affordable and practical means of insurance from the otherwise high cost of work-related injuries.

Workers compensation is a system of compulsory, no-fault insurance for workplace injuries and disease funded by employers. It is the result of a historic compromise where workers gave up the right to sue their employers in exchange for guaranteed benefits regardless of fault. In exchange for freedom from legal action, employers fund the compensation program. Coverage is automatic and compulsory.

These fundamental principles of workers compensation in Canada date from the 1913 report of the Meredith Commission in Ontario and will continue to provide the foundation of Manitoba's legislation in the 21st century: collective liability for employers for workplace injuries and diseases, no-fault compensation to workers or their dependants, income replacement benefits based upon loss-of-earning capacity, immunity of employers and

workers from civil suits, prevention of workplace injuries and diseases, timely and safe return to health and work, an independent administration by the WCB, an arm's-length agency of government.

Manitoba's Workers Compensation Act has not undergone significant change in over a decade and, until the most recent review, had not been subject to public consultation in almost 20 years. It is not surprising therefore that, when given the opportunity, Manitobans had a lot to say about the legislation and its application. The review committee travelled throughout the province and received over 200 submissions from a broad range of stakeholders. The review committee's report contains 100 recommendations about three quarters of which call for legislative change while the remainder refer to WCB policy.

The government has embraced the review committee's report and recommendations to improve the workers compensation system in Manitoba. We are taking action on the issues raised by the review committee, and I am pleased to note we are implementing the vast majority of the review committee recommendations. The result will be major improvements in nearly every area of the legislation. I would like to thank Professor Wally Fox-Decent, who chaired the review committee, and the members of the review committee for their very diligent work on the review committee and for putting together the review committee report.

One issue on which the review committee received a great deal of input was coverage. About 30 percent of Manitoba workers are currently not covered by workers compensation. That is one of the highest percentages in the country. The proposed bill includes legislative changes that are necessary to enable government to expand coverage. Two facets of the government's approach that call for special emphasis are that no expansion of coverage will take place immediately upon the passage of this bill and no expansion of coverage will take place prior to consultation with stakeholders in the affected industries.

Rather, when the bill is proclaimed, a regulation will be enacted listing the excluded industries. That regulation will reflect the status quo. Regulation changes will then be made to expand coverage following consultation with stakeholders. Furthermore, just as the bill itself is shaped by extensive

consultation with stakeholders, expansion of coverage will also be a consultative and collaborative process. Consultations will be conducted by the WCB, and government will act on the advice of the WCB following these stakeholder consultations.

In keeping with the recommendations of the review committee, during this process, initial priority will be given to higher-risk workplaces that are not already covered, while low-risk workplaces will be strongly encouraged to voluntarily opt into WCB coverage. Regardless of the level of risk, however, no expansion of coverage will take place without stakeholder consultation.

Increasing coverage will not only help bring the Manitoba system up to the Canadian standard, but will also address some of the blatant inequities in the current system. When one considers, for example, that outside window washers are not covered under the current act, while inside window washers are, it is clear that it is time for change.

This government has been a national leader in workers compensation coverage with respect to firefighters. In addition to the extraordinary safety hazards associated with their occupation, it has also been well-established that firefighters are exposed to host of health hazards. A recent study conducted by Dr. T. Guidotti on behalf of the Manitoba WCB, adds to an already substantial body of evidence in this regard. I am pleased to state that the proposed act expands the list of presumptive diseases for firefighters to include primary sight, colorectal and urethral cancers and heart attacks within 24 hours of attendance at an emergency response.

Furthermore, the proposed bill extends coverage for these presumptive diseases to include our volunteer firefighters. I might note that this is a measure that the opposition, the Association of Manitoba Municipalities and the Manitoba Association of Fire Chiefs have been requesting for sometime now.

In addition to expanding coverage, the bill contains important improvements in the area of benefits. These include no reduction in wage replacement after two years; elimination of age-related reduction of benefits for workers over 45 years old; wage replacement of 100 percent for minimum wage earners; lifting of the cap on workers' earnings for wage-replacement purposes;

increased awards for permanent injuries; return-to-work provisions, such as reporting workers' return to work; and re-employment obligations in specified workplaces. New provisions to enable employers to pay the first 14 days of benefits and to be reimbursed by the WCB; the WCB, not employers, will pay the cost of transporting injured workers to hospital; and enabling employers to request a medical review panel in certain circumstances.

I have been advised by the WCB that, given its financial strength, current projections indicate that implementing these changes will not cause the average WCB assessment rate to increase. In addition to stable assessment rates, employers will further benefit from new provisions which will protect them from paying duplicate assessments for coverage in different jurisdictions.

Government also recognizes that while adequate coverage and benefits are crucial, it is also important that workers have the assistance they need to get back on the job as soon as their condition allows. A number of studies show that early and safe return to work not only benefits workers and their families financially, but also contributes to the recovery process. In addition, employers are able to retain skilled labour and reduce employee turnover. The new act, therefore, provides for the right to return to work and for the accommodation of returning workers.

While compensation for injured workers and their dependants is one key element of our workers compensation system, in recent years, we have seen an increased focus on the area of prevention. In 2002, the Workplace Safety and Health Review Committee recommended that the Manitoba government, in partnership with the Workers Compensation Board, lead a sustained initiative to build a strong workplace safety and health culture in Manitoba. Our government embraced this cornerstone recommendation and implemented a long-term plan to reduce the province's time-loss injury rate.

\* (15:50)

While much remains to be done, and while one injured worker is one too many, to date we have made tremendous progress on meeting that goal. Since the year 2000, the province's time-loss injury rate has decreased by 22 percent, and we are well on our way to meeting our target of a 25% reduction. In addition to the immediate benefits to workers and

their families, this dramatic reduction in time-loss injuries reduces the burden on our health care system and pays major financial dividends to the WCB and to Manitoba's employers.

Current estimates suggest that, to the end of 2004, the saving to the WCB has been \$27 million annually as a result of the major reduction in time-loss injury rates. This reduction in time-loss claims translates into larger savings when the indirect costs are taken into account. It is estimated that, for every dollar not spent on workers compensation costs, there is a corresponding indirect cost-saving of \$1 to the Province and employers. The total savings resulting from the reduction of time-loss injuries since 2000 can therefore be estimated at \$54 million.

Not surprisingly, many employers recognize that they have not only a legal and moral responsibility to prevent workplace injuries and illness, but they also have a financial incentive to do so through reducing premiums and other costs associated with time-loss injuries. The progress we have seen on reducing time-loss injuries would not have been possible without the partnership that has been forged among workers, employers, government and the WCB.

The SAFE Work campaign is perhaps the most visible sign of the spirit of co-operation that drives our collaborative prevention initiatives. I am pleased, therefore, that the proposed amendments not only continue but expand the WCB mandate for prevention and strengthen the partnership that has led to such tremendous progress on improving workplace safety and health.

An area in which employers told the review committee they wanted improvements was the governance structure of the WCB. The review committee made some key recommendations in this regard, and I am proud to state that the governance provisions of the proposed bill go beyond the committee's recommendations.

The proposed amendments include establishment of audit policy and planning and investment committees reporting to the board; enabling the appointment of outside members with relevant expertise to the audit and investment committees; having the board of directors set WCB investment policy; expansion of the mandate of the policy and planning committee to include strategic planning; committee chairs are to be board members other than

the WCB chairperson; an independent auditor is to conduct a value-for-money audit of at least one WCB program every five years; a requirement for the board of directors to appoint a fair practices advocate who may investigate and make recommendations on matters where employers, workers or dependants may be aggrieved; confirmation that workplace injury and disease prevention are part of the WCB mandate and strengthened independence of the WCB Appeal Commission.

Another area addressed by the review committee report was improved services. To improve services and to increase openness and fairness with respect to WCB processes, the Fair Practices Office will be enshrined in legislation, and its mandate will be expanded to include services to employers as well as workers.

Other measures contained in the proposed bill aimed at improving openness and fairness in the system include modernizing reporting procedures for workers and employers, workers having access to their files at the worker advisor office and requiring a public review of The Workers Compensation Act at least every 10 years.

The proposed bill preserves and enhances those provisions that form the bedrock of our workers compensation system while modernizing that system to respond to the needs of today's workers, families and employers. It takes advantage of Manitoba WCB's sound fiscal position to improve benefits and paves the way for expanding coverage.

At the same time, it continues and enhances the partnership that has resulted in so much success making our workplaces safer and healthier. By embodying the vast majority of the review committee's recommendations, it responds to what Manitobans from a vast range of stakeholder groups told us about the current act, its strengths and those areas that need improvement. The proposed act is affordable, balanced and practical. For all of these reasons, I commend this bill for approval of the Assembly.

**Mr. Cliff Cullen (Turtle Mountain):** I move, seconded by the Member for Morris (Mrs. Taillieu), that the debate on this bill be adjourned.

*Motion agreed to.*

### **Bill 29—The Municipal Councils and School Boards Elections Act**

**Hon. Scott Smith (Minister of Intergovernmental Affairs and Trade):** Mr. Speaker, I move that Bill 29, The Municipal Councils and School Boards Elections Act, be now read a second time and referred to a committee of this House. I move, seconded by the Minister of Labour (Ms. Allan).

#### **Motion presented.**

**Mr. Smith:** Mr. Speaker, it is a pleasure today to introduce Bill 29, The Municipal Councils and School Boards Elections Act.

Bill 29 replaces The Local Authorities Elections Act and would establish procedures for electing members of municipal councils and school boards. The act is intended to streamline and modernize existing local election processes, making voting easier, in general, simpler to administer and introducing local flexibility.

Mr. Speaker, I am pleased that through this bill we have met our commitments to review and modernize The Local Authorities Elections Act. The Association of Manitoba Municipalities and the City of Winnipeg and members of the public requested a review of the act saying it was outdated and certainly needed change.

Mr. Speaker, we expect The Municipal Councils and School Boards Elections Act will be in place for the next municipal and school board elections to be held in 2006.

Mr. Speaker, I want to highlight that the proposed legislation reflects the input gathered through an extensive consultation process throughout the province of Manitoba. The public and key stakeholders were invited to present their views. Local elections experts were consulted to ensure that the proposals for changes would be practical when implemented. The input gained from these groups was very valuable and contributed greatly to the development of this bill.

Mr. Speaker, let me outline for you the direction in the proposed Municipal Councils and School

Boards Elections Act. In many sections of Bill 29, provisions have been carried forward from The Local Authorities Elections Act with no change in effect. In some cases, it was recognized that the legislation worked well and did not require much change. In these areas, the law remains the same, but the language and organization is easier to follow and understand and written in plain language significantly improving on the old Local Authorities Elections Act. However, some of the processes and procedures in the act are outdated and have been changed.

Mr. Speaker, I would like to take this opportunity to outline several important changes to the new act. Some of the key changes: the bill aims to simplify election administration. For example, the act would require local authorities to appoint only one person, the senior election official, to be responsible for all aspects of the election. The senior election official could then delegate responsibilities to other election officials to ensure that the election is run effectively and efficiently. The new act would eliminate the appointment of specific election officials by title, who then perform only specific duties.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

\* (16:00)

Mr. Deputy Speaker, in addition to simplifying the election administration, Bill 29 permits local flexibility. Bill 29 applies to elections in very diverse local authorities, and therefore enables local authorities to tailor election procedures to fit their own needs. For example, the senior election official could have authority to determine how to prepare and format the voters lists. The senior election official would also be able to update the voters list on a regular basis, replacing the need for a formal revision process, which is no longer operating efficiently, I might add. This would ensure an up-to-date voters list would be ready at election time. Continuing existing law provides for optional enumeration, as this is recognized to be one of the several useful ways to get voter information. Bill 29 also enhances the voting process. The bill allows the senior election official to determine the order of candidates, names on ballots, which may be either by done by random or rotational.

As well, changes would enable election officials to ask voters for identification, even when the voter's name is on the voters list. This would help to ensure the most accurate voters' list possible at election time and addresses concerns raised by previous elections. Bill 29 also introduces several important changes designed to enhance voter participation. People with no ordinary residence would be ensured the opportunity to vote by providing the clear guidelines to election officials. Every local authority would be required to hold at least one advanced voting opportunity for a minimum of 12 hours. Previously, the advance voting was offered and the minimum was 4 hours.

In addition, the new rules give the senior election official the authority to hold as many advanced voting opportunities as necessary, eliminating the three-day maximum limit. This would ensure voters can be provided with several opportunities to have their vote. The process for voting by sealed envelope, formally known as voting by mail, would be enhanced by lengthening the time frames the sealed envelope voting is available. People who qualify to vote by this method would be able to apply in person.

These changes in particular address past concerns that voting by mail is not used effectively, due to the restrictive vote-by-mail procedure and the time frames. Now the time frames will be extended. Bill 29 aims to reduce unnecessary administrative provisions and streamline election processes. For example, if candidates agree, a tie vote could be immediately moved to a by-election, rather than requiring a judicial recount. However, the judicial recount will remain as an option that the candidates do not agree.

The bill introduces another important change that allows the election to continue in the unfortunate event of a candidate's death, if there are enough candidates remaining. Currently, a candidate's death stops all election proceedings and a by-election must be called, which can be costly and, certainly, disruptive.

The bill also modernizes the election process in several ways. The bill is written to reflect modern election practices and procedures. It acknowledges new technologies and ways of recording information. For example, all local authorities, not only the city of Winnipeg, would be able to use electronic vote-

counting equipment if they choose to do so. However, to ensure appropriate checks and balances do remain, vote-counting machines will be used in conjunction with paper ballots, making a trail for all documents available for a judicial recount if that was needed. In addition, the provisions about counting and recounting ballots, offences and challenging election results have been updated substantially. These were significantly out of date.

Finally, Bill 29 introduces consistent election and by-election processes. Where possible, the new act applies consistent rules to all local elections in Manitoba. New rules would establish a common election period for all general elections, and would add new provisions around when by-elections are called, who would be able to run in a by-election and coordinating the timing of by-elections.

Just to conclude, the new Municipal Councils and School Boards Elections Act aims to streamline, simplify and modernize local elections procedures, while continuing to ensure fair local elections in Manitoba by maintaining appropriate checks and balances. I anticipate we will have support from the public and local elections stakeholders, as well as some support from the members opposite.

With that, I look forward to the continuing debate on Bill 29, and will listen intently.

**Mr. Larry Maguire (Arthur-Virden):** I move, seconded by the member from Fort Whyte (Mr. Loewen), that the debate on this bill be adjourned.

*Motion agreed to.*

*Mr. Speaker in the Chair*

### **Bill 30—The Manitoba Agricultural Services Corporation Act**

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, I move, seconded by the Minister of Energy, Science and Technology (Mr. Chomiak), that Bill 30, The Manitoba Agricultural Services Corporation Act, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and I would also like to table his message.

*Motion presented.*

**Mr. Speaker:** His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Ms. Wowchuk:** Mr. Speaker, we have two corporations in this province that serve our farming community very well. They are the Manitoba Agricultural Credit Corporation and the Manitoba Crop Insurance Corporation, and our government, we have been working in other areas of bringing entities together in clusters where we could take advantage of technology. Human Resource Management has made a decision to bring these two corporations together under the Manitoba Agriculture Services Corporation.

The purpose of this amalgamation, Mr. Speaker, is really to be able to take advantage of some of the new technologies, some of the new efficiencies that we can gain from these technologies, in information technology and human resources.

One of the questions that has been asked often is what is the crossover between the two corporations going to be. I want to state very clearly that the existing functions of each of the corporations are going to be maintained. There will be a pillar that will offer the credit services, there will be a pillar that will offer the insurance services, but they will be maintained separately.

\* (16:10)

I can assure people that producers will see no changes in their front-line services. What they will see is, they will have their production insurance agent who will address their—when they are applying for their production insurance, and when they have lending issues or want to take advantage of the programs on the credit side, a lending specialist will be there to deal with those issues.

Mr. Speaker, all offices that are in place will remain open. All staff who are working now will continue to work. There will be some reductions, but they are positions that are vacant positions right now, so this is not about reductions of services.

I want to say that it is the goal through this legislation that we will, in fact, be able to enhance services to producers. In fact, if you look at the

programs that have been offered through the Crop Insurance Corporation, I want to commend the staff who have been very diligent and agile. As we have been through the BSE crisis, they have been there to adapt and help us develop new programs and deliver programs very quickly.

We have had a similar situation on the lending side, where there have been programs that have been developed very quickly and flowed cash very quickly to producers in need. I think of the producer recovery loan, the BSE recovery loan, that has flowed significant dollars into our rural communities. Those are the kinds of programs. There has been discussion about funds being taken from the reserves of crop insurance and being used for lending. That will not happen. I want to say to you that there will be one board for the corporation, and then there will be two subcommittees. The subcommittees will have the responsibilities of the functions of the board and delivering the programs, for example, as the crop insurance board delivers programs now. The other subcommittee will deal with the lending side, but there will also be an overall board that will deal with policy issues. So that is the change. There will be a nine-person board that will be established.

Our goal in bringing this forward, once we have the new corporation in place, Mr. Speaker, will also be to expand services and new opportunities. Those are the issues that we will be looking forward to. New functions may include lending for non-rural agricultural-based initiatives. We could be looking at inspection services related to such activities as our environmental farm plans. On-farm food safety issues, we believe are some of the services that we will also be able to deliver through this corporation.

As I said, Mr. Speaker, the credit corporation and the Crop Insurance Corporation are both very important farm management tools that we have for our farming community. As a government, we see those as playing a very important role for our producers, and what we are looking for here are ways that, in fact, we can build a stronger corporation to provide more services than we have in the past and continue to work with our rural community.

I want to say, Mr. Speaker, as we have done the reorganization of the department and looked at and listened to the farming community and the rural community about what kinds of services they want us to provide, those services are being worked on

now. This act will allow us to enhance further and take advantage of new technology and new opportunities, build new opportunities, for our producers and for our rural communities. Thank you.

**Mr. Ralph Eichler (Lakeside):** I move, seconded by the member from Morris (Mrs. Taillieu), that the debate now be adjourned.

*Motion agreed to.*

## DEBATE ON SECOND READINGS

### **Bill 23—The Workplace Safety and Health Amendment Act (Needles in Medical Workplaces)**

**Mr. Speaker:** We will now move on to resume debate on second reading.

The first one we will do is Bill 23, The Workplace Safety and Health Amendment Act (Needles in Medical Workplaces), standing in the name of the honourable Member for Springfield.

**Mr. Ron Schuler (Springfield):** I begin my very brief comments by indicating to this House, in the short six years that I have been a member of this Legislative Assembly, I have noticed a pattern that is of concern to myself and I know to most members of this Chamber in that government has slowly veered into legislation basically by title and really not much in the bill itself. By and large, a lot of it is done by regulation. Strangely enough, Bill 23 is a bill that need not even have been a bill, in fact, should have been done simply by regulation.

I just want to give the House a little bit of a historical background and indicate where this issue came from. In September 1, 2004, I received a letter from Sharleen Stewart, International Canadian Vice-President, Service Employees' International Union. In it, she indicated that they have gone on a national needle-stick campaign, and indicated overwhelming support.

She states in her letter that, "More than three and a half thousand health care workers in Manitoba are accidentally stuck with needles every year. There are at least 33 blood-borne pathogens resulting in many serious or even fatal diseases, like hepatitis B, hepatitis C, HIV, West Nile virus," and who knows what else? "Each needle-stick injury has the potential to transmit one or more of these devastating

diseases," and for that reason she was indicating that this should go forward.

I took it upon myself to send a letter to then-Minister of Health, the member from Kildonan. On September 16, I wrote him that clearly this was an issue of great concern and that Ms. Stewart had had a meeting with the former Minister of Labour, Becky Barrett, and other government officials. She was instructed to forward her issue to the health care worker regulation working group. However, she felt that that entire issue was being ignored and she wanted to know what the government was doing on it.

Again, it is a concern on this side of the House for the Conservative opposition that the government chose to ignore the issue, to just stand by and not deal with it, until public pressure grows to the point where then the government switches into crisis management.

I point out that the new Minister of Health (Mr. Sale), the current Minister of Health, received a letter on November 15, 2004, in which I wrote this: "I am writing you today concerning the letter on September 16, 2004, on behalf of Sharleen Stewart regarding needle-stick regulations. We have not yet received any correspondence in regard to this letter from you or your office. We would like to know when we can reasonably expect to hear from you regarding this issue. I look forward to your response."

It is sort of the *modus operandi* of this government, is basically do nothing, stall, stall, stall and then when they feel an awful lot of pressure, then overreact and all of a sudden we have legislation, which really could just have been done by regulation.

Another concern we have with the bill, and I have mentioned this to the minister, and the answer I got was, well, it is plausible, but I am still uncomfortable with it, and that is, it only comes into effect January 1, 2006, which means that in the meantime another three and a half thousand individuals will potentially be infected considering that this issue was raised as an issue well before September 1. If you read the letter from Sharleen Stewart, she mentions that they had met with the Minister of Labour and that nothing had come of that.

\* (16:20)

So the government has known this for a considerable amount of time. Yet, we have action being taken that again delays it until the beginning of 2006. Our feeling is that this legislation should have come into effect immediately or upon old stock having been used up, procurement of new needles having been acquired. That is when the bill should have come into effect. In other words, as soon as possible.

Having this wait that long, we do not quite agree with that, we would have like it to have been sooner, but in the meantime, we think that this is very important. The government just chose not to do this in a speedy, in an organized, in a proper fashion. Of course, not having the levers of power at our hands, we will have to work within the system that is provided.

We would certainly like to see this bill move on to committee, and if that is sometime next week, whenever the government calls it, there are two individuals already on the list, I understand. Ted Mansell of Service Employees' International Union, Canada, wishes to speak. Darlene Dziewit, President of the Manitoba Federation of Labour, and perhaps by the time committee is called, there will be a few others. Let us find out what individuals have to say to the bill and move on.

Perhaps the minister will reconsider her position that it come into effect in 2006. Perhaps she would agree, and certainly we would agree, to an amendment that would say, "Or as soon as possible." We would be most agreeable.

Currently, the way the wording stands is, "This act comes into force January 1, 2006." Again, we would agree to an amendment, and they are the majority, they are the ones that can vote this in, we would like to see it come into effect January 1, 2006, or sooner, depending on availability of needles and the using up of old stock.

I know firsthand, and I will close with this, of an incident in an emergency room where the staff was working very hard. It was a very serious case. A car accident comes in. We all understand triage. We all understand if you get into an emergency within the first hour, the survival rate is far higher, so they work very quickly, and a needle fell on the floor and a staffperson stepped on it. Very traumatic. You have no idea who has come in. Of course, they have

gloved and masked and robed and all the rest to protect themselves, but did not have protection from this needle, and it is a very heavy cost.

In time, we will recoup all the money and, plus, I do not think you can put a cost on staff being put at risk. I do not think there is a big issue here on the cost. I think this is something that should be done. We would like to see this move to committee, we would like to see this move on to Royal Assent. We would like to see the government have this come into effect as soon as possible and not delay it until January of 2006. Thank you very much, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I want to talk on Bill 23.

I think it is imperative that we move as quickly as possible to use safety-engineered needles, needle-stick devices, throughout Manitoba. This is important for the safety and well-being of those who work and deliver health care throughout our province.

As a physician who has worked with patients who are very sick, I have some personal experience, of course, with the use of needle sticks of now what we would consider the old kind, and clearly, we want to move as quickly as possible to have safety-engineered needles.

Mr. Speaker, we were, indeed, as the Liberal Party, the first party to publicly call for the mandatory use of safety-engineered needles in health care throughout Manitoba. We have been pushing for this for some time. And the government has responded, responded slower than it might have, but we would, now that it has got to this point, hope that this legislation can move as quickly as possible.

I think it is important to note that last year we received e-mails, calls, letters from people who were concerned about the situation in our health care system at the moment detailing, for example, the costs associated with a health care worker getting stuck by a needle stick which might be contaminated by HIV, for example. The costs in terms of tests, in terms of physician visits, in terms of personal anxiety, in terms of treatment costs because there are significant drug costs associated with the treatment and prevention of somebody getting HIV-AIDS who

may have been exposed. Clearly, it would have been advisable to move last year, and it is advisable to move as quickly as possible to the use of safety-engineered needle-stick devices.

As far as we in the Liberal Party are concerned, we strongly support this legislation, would urge the government to move forward. I think it is significant that we have two presenters. I suspect there may well be more, but I would hope the government which would like to introduce this to start January 1, 2006, would ensure that there are presenters who can provide an explanation of why this legislation could not be introduced and made effective before that.

It would be very important that we have people with the technical knowledge to present to the committee to provide us the information and allow legislators to question and to be assured that this could not be done before January 1 of 2006. I think it is the responsibility of the government, if that is their view, to have presenters at the committee who will not only provide that kind of evidence but who would be available to be questioned so that legislators here in the Chamber can be reassured that that is, indeed, a reasonable approach.

I would suggest that there is an important issue here, and that important issue, in addition to cost, is the liability of our health care system if people are infected after the time when we should have made this change. The experience from the use of blood products, in the era which were contaminated by HIV or hepatitis C when the testing could have been done was the basis for the Krever inquiry. The results from that inquiry basically said the change should have been made earlier. The change to a safer blood supply should have been made as soon as there was adequate information to show that it was much safer to ensure that all the blood system was tested before it was used. This would have protected people from getting HIV-AIDS or hepatitis C.

\* (16:30)

There is an ethical responsibility once it is clear that there is a major safety advantage in using safety-engineered needles in protecting people from getting HIV-AIDS or hepatitis C. There is, I would suggest, based on the results of the Krever inquiry, an ethical imperative, an imperative for reason of liability that the government move as quickly as possible. I think we know from the subsequent history of what

happened when the changes were not made as soon as there was adequate information in the early 1980s with respect to the change in the testing in the use of blood products. We know that there are potential, costly liabilities from not acting as soon as it is ethically and evidence-based clear that the change should be made.

So, Mr. Speaker, there is perhaps a cost to the health care system for acting sooner rather than later in bringing in this change, but there is also a potential significant cost from not acting because of the potential for costs related to compensation and liability claims for people who were infected after the change should have been made from medical evidence and from an ethics-based point of view. It is clear that, when we look at this circumstance, we need to be clear where the costs are. Yes, there is a cost to change, but there is also a very significant saving to change both in the health of Manitobans and in the costs to the health care system.

Let us take, for example, the situation where there may be one person who receives a needle-stick injury and becomes infected with HIV-AIDS because, after the time when we could have made this change, what are the costs if that person develops HIV-AIDS? The costs to Manitoba's health care system are not just the cost of the anxiety, the immediate test, the immediate treatment, but the costs are there for a lifetime of treatment for that person with HIV-AIDS. That lifetime, in terms of drug costs, in terms of hospital costs, would very likely be in the hundreds of thousands, maybe in the millions of dollars. So, for saving one person from getting infected with HIV-AIDS as a result of this change, we are going to save the health care system a huge amount of money, and we are going to save health problems in individuals who are infected if they are infected.

So I would think that it is very important that we have people who are ready to present at the committee so that these issues can be openly discussed and considered. It would appear that the minister has experts from somewhere, we do not know just where, who have told her that this could not be implemented before January 1 of 2006. But I think, in looking at that position, and this is why this should go to a committee and be looked at very carefully, we need to consider very carefully what is doable, how fast this can be introduced, the potential saving in terms of people's health, in terms of

people's lives and in terms of costs from not acting quickly.

So I would hope that the minister will ensure that there are, at the committee, the experts who can be questioned over this very important aspect of the legislation. We have already enough people in Manitoba who are infected by HIV-AIDS or hepatitis C or other conditions which could be transmitted. We do not need more people infected. We do not need more people with medical problems which cause damage to their health. We do not need costly health care expenses as a result of slow action or delayed action.

I think it is important to look at one of the things which we have been commenting on and arguing for and that is, we have been saying, as Liberals, that we should be spending more time in the Legislature dealing with passing legislation and moving it on. We could have been here earlier last fall to deal with this legislation. We could have been here in February to deal with this legislation or the government could probably have done this by regulation. Clearly, there were opportunities to move this significantly faster than it is being moved by the NDP.

We are dealing here with people's lives. We are dealing here with the cost of the health care system and we are dealing here with the need to move from an approach within the health care system which deals with treating the illness and the problem after it happens to preventing the problem before it happens, and here is a very good example of how we have the option to bring in fast, safety-engineered needles and prevent health problems to Manitobans.

We should be doing this as quickly as we possibly can, rather than having the delays because the NDP do not like to sit very long, rather than having the delays because the NDP have some evidence, we do not know yet from where, that this could not be implemented before January 1, 2006. Quite clearly, you know, we are looking forward to this going as quickly as possible to committee and moving forward because what we are talking about here is saving lives, and we are talking about here in terms of saving health care costs, treating people who have infections because of needle-stick transmitted diseases.

So I think, and I hope the government would agree, that we can get this to committee as quickly as

possible. I think I have said enough at this point. I am looking forward to what is said in committee and may be ready to make some more comments on third reading.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is Bill 23, The Workplace Safety and Health Amendment Act (Needles in Medical Workplaces).

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

**Bill 2—The Child and Family Services  
Amendment Act (Child Protection Penalties)**

**Mr. Speaker:** Now I will call Bill 2, The Child and Family Services Amendment Act (Child Protection Penalties), standing in the name of the honourable Member for Fort Whyte (Mr. Loewen).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Fort Whyte?

**Some Honourable Members:** Stand.

**Some Honourable Members:** Agreed.

**Mr. Speaker:** The bill will remain standing in the name of the honourable Member for Fort Whyte.

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I am wondering if you could call second readings please, the bills as they appear in order on the Order Paper starting with Bill 3.

\* (16:40)

**SECOND READINGS**  
(Continued)

**Bill 3—The Recreational Trail Property Owners  
Protection Act (Occupiers' Liability Act  
Amended)**

**Hon. Eric Robinson (Minister of Culture, Heritage and Tourism):** Mr. Speaker, I move, seconded by the Minister of Transportation and

Government Services (Mr. Lemieux), that Bill 3, The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Robinson:** I am pleased to introduce the second reading of The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended). The purpose of this legislation is to provide comfort to private landowners concerning potential liability arising from the location of a recreational trail on their property.

As the lead department in the promotion and the use of recreational trails, it is our role to assist volunteers in their efforts to build them. This legislation was prepared in co-operation with the Manitoba Recreational Trails Association, which is a non-profit organization responsible for managing the development of recreational trails in Manitoba, including the Trans Canada Trail.

The changes to the act balance the responsibilities for safe trail use between the landowner and the trail user. This approach is consistent with the reduced duty of care that is already included in The Occupiers' Liability Act with respect to off-road vehicle use. The amendments may encourage private landowners to make their property available to fill in gaps in existing trail systems or to provide more pleasing routes. The amendment does not affect the freedom of a landowner to determine whether they will permit a recreational trail on their property.

Similar provisions now exist in British Columbia, Ontario, Prince Edward Island and Nova Scotia. Amending this act will promote the development and safe use of trails throughout our province. Thank you very much, Mr. Speaker.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Pembina (Mr. Dyck), that debate be adjourned.

**Motion agreed to.**

**Bill 8—The Manitoba Council on Aging Act**

**Hon. Theresa Oswald (Minister responsible for Healthy Living):** I move, seconded by the Minister

of Conservation (Mr. Struthers), that The Manitoba Council on Aging Act; Loi sur le Conseil manitobain du vieillissement, be now read a second time and be referred to a committee of this House.

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

**Mr. Speaker:** It has been moved by the honourable Minister of Healthy Living, seconded by the honourable Minister of Conservation, that Bill 8, The Manitoba Council on Aging Act, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Ms. Oswald:** In May 1980, the Manitoba Council on Aging was established as an advisory body reporting to the Minister of Health and Community Services. Since 1994, the council has reported to the Minister responsible for Seniors. This change recognized the importance of issues for seniors beyond just the health care field.

For over 20 years, the council has been serving the Government of Manitoba by providing advice on sensitive and timely issues. The council has offered in-depth review and comments on matters directly affecting older Manitobans. It has undertaken consultations with seniors, and it has raised awareness of the issues of aging in our communities.

The 15 members of the council will now be appointed by the Lieutenant-Governor-in-Council. Membership will reflect the diverse geographic and socioeconomic groups in Manitoba. Members will be appointed for terms of up to two years.

This legislation will signal to Manitobans that seniors are a vital part of our society. Based on advice from leaders in the Manitoba seniors community, we are proactively taking steps to enhance the profile of seniors within and outside government, and this enactment is part of that effort.

In April 2003, this government unveiled a comprehensive, new strategy Advancing Age: Promoting Older Manitobans, to promote collaboration and planning initiatives among government and the seniors community. The Advancing Age strategy focusses on addressing issues such as health

care, community living and security for seniors. Its guiding principles include dignity, independence, participation, fairness and security.

The Council on Aging plays a crucial supportive role in moving the Advancing Age strategy forward. I thank the previous and current council members for their valuable contributions to government over the past 20 years. We feel it is now time to fully recognize the benefits of their work. This legislation will ensure that we continue to seek input from seniors in this province, and it will ensure the Manitoba Council on Aging remains an integral part of government planning and decision making in the future.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Lakeside (Mr. Eichler), that debate be adjourned.

*Motion agreed to.*

#### **Bill 11—The Provincial Court Amendment Act (Justices of the Peace)**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by the Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk), that Bill 11, The Provincial Court Amendment Act (Justices of the Peace); Loi modifiant la Loi sur la Cour provinciale (juges de paix) be now read a second time and be referred to committee of this House.

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

**Mr. Speaker:** It has been moved by the honourable Attorney General, seconded by the honourable Minister of Agriculture and Food, that Bill 11, The Provincial Court Amendment Act (Justices of the Peace), be now read a second time and referred to committee of this House.

His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Mr. Mackintosh:** I am pleased to introduce this bill for second reading. The House has seen legislation introduced and passed to strengthen Manitoba's justice system as it relates to the independence of judges and masters, but it is now time to strengthen

the constitutionality of the structure in place for justices of the peace.

In June 1997, Royal Assent was given to a bill that changed the structure for magistrates in the province. That bill was never proclaimed. Since that time, the law surrounding the concept of judicial independence of judges and justices of the peace has continued to change. This bill brings Manitoba in line with the current understanding of the law as it relates to judicial independence for justices of the peace and with other Canadian jurisdictions as it relates to both terminology and operational structure for justices of the peace.

The term "magistrate" is no longer defined in the criminal code and is no longer used in any other jurisdiction. It will be replaced by the term justice of the peace. There will be three types of justices of the peace each with a different level of powers and duties. Judicial justices of the peace will have the power to perform those duties requiring a certain level of judicial independence such as conducting contested bail hearings and issuing search warrants. Staff justices of the peace will perform those tasks that are more administrative in nature such as swearing informations and monitoring administrative timelines in criminal cases. Community justices of the peace will continue to be on the front lines of the criminal justice system performing functions similar to staff justices of the peace.

Judicial independence of judicial justices is now an issue I think that I will speak to. The essence of judicial independence is the concept that the executive and legislative branches of government cannot interfere with the functions of the judicial branch. The level of protection and separation required for judicial officers depends on the types of duties being performed. The judicial independence of judicial justices of the peace is supported by several different provisions in this bill.

First, judicial justices of the peace will be appointed during good behaviour and can only be removed after an independent review of their conduct. Like a judge, a judicial justice of the peace cannot be removed simply because they have made a decision that is unpopular. This bill sets out the review process which is similar to that in place for both provincial court judges and Masters of the Court of the Queen's Bench.

\* (16:50)

Second, judicial justices of the peace will be paid a percentage of the salary of a provincial court judge to provide for financial security. Third, powers and duties of justices of the peace are set out in the bill, but the Chief Judge of the Provincial Court will have general supervisory powers over judicial justices and determine their assignments.

Mr. Speaker, judicial justices of the peace will be appointed based on the recommendation of a nominating committee, chaired by the Chief Judge of the Provincial Court, or his designate, and two persons appointed by the minister. The practice which has developed is that one of these persons is as an administration staff or administrator in the court's division and the other is a designate of the local municipal or band council. It is important that continue. Similar to the process for judges, the committee must take into account the diversity of Manitoba society when making their recommendations.

This bill also eliminates the requirement for the Lieutenant-Governor-in-Council to appoint court clerks for the Provincial Court Criminal Division and court clerks and bailiffs for the provincial court family division. Court clerks are hired through regular civil service staffing processes. The basic qualifications for a justice of the peace are set out, as well as those individuals who may not be appointed or act as a justice of the peace, including police officers, MLAs and prosecutors. There are also several proposed amendments necessary to incorporate a new justice of the peace provisions into the act as changes to the jurisdiction of the judicial inquiry board to include judicial justices of the peace.

The bill takes into account the legal requirements relating to the judicial independence of justices of the peace, in addition to the practical realities of delivering judicial services in Manitoba.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Arthur-Virden (Mr. Maguire), that debate be adjourned.

*Motion agreed to.*

#### **Bill 15—The Emergency Measures Amendment Act**

**Hon. Scott Smith (Minister of Intergovernmental Affairs and Trade):** Mr. Speaker, I move, seconded

by the Minister of Agriculture (Ms. Wowchuk), that Bill 15, The Emergency Measures Amendment Act, be now read a second time and referred to a committee of this House.

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

***Motion presented.***

**Mr. Speaker:** His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Mr. Smith:** Mr. Speaker, I am pleased to speak on the second reading of The Emergency Measures Amendment, certainly, the amendment is necessary for Manitoba's participation in mutual aid agreements and to provide comments on the principles of the agreement.

The mutual aid agreement establishes the attention and opportunity for two or more jurisdictions to share resources when needed, establishes conditions for the deployment, operation and recall. Mr. Speaker, the objective with this amendment is to enable swift and effective sharing of resources during an emergency. It will be used more frequently for training purposes, which will result in better preparedness and more effective and efficient emergency preparedness.

The recognition that disasters do not recognize borders can occur over provincial and national boundaries. The need to work together as part of a mutual response is inevitable. This will make the best use of the investments we have, which are becoming increasingly costly and sometimes scarce.

Sharing resources will allow benefits and protection to a wider group of people. The Atlantic Compact being used as a model for mutual aid, a very successful model between four Canadian provinces and six American states, signed in 1998. It has been used operationally for search and rescue and to develop agreements for sharing emergency room physicians between Canada and the U.S. The Legislators Forum investigated the Atlantic Compact and recommended an agreement between Manitoba, North Dakota, South Dakota and Minnesota.

The plans are for the Great Plains Compact to be signed later this year, in 2005. The Council of the

Federation asked for a domestic mutual aid agreement at their meeting in July, 2004. This amendment will enable Manitoba's participation, both in domestic and international mutual aid agreements, and will ensure that the emergency services workers will be protected, regardless of where their help is needed.

Mr. Speaker, if a province or state needs Manitoba's help during an emergency, we will provide whatever personnel and equipment available. Mutual aid will allow it to happen more quickly and effectively. We also need to ensure that the people involved with that work receive coverage from injuries and personal liability.

It is the wish of every neighbour to provide assistance when we can help. Manitoba will do this if we were called today, but it would be without an organized system that ensures planning and protection when providing help.

This amendment will provide that system, make it easier to provide help, ensure emergency responders are protected when providing help outside their home jurisdiction and will result in a stronger emergency preparedness capability, both in Manitoba and regionally.

With those few comments, Mr. Speaker, it is my pleasure to introduce the second reading.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Steinbach (Mr. Goertzen), that debate be adjourned.

***Motion agreed to.***

**Bill 17—The Regional Health Authorities  
Amendment and Manitoba Evidence  
Amendment Act**

**Hon. Tim Sale (Minister of Health):** I move, seconded by the Minister of Energy, Science and Technology (Mr. Chomiak), that Bill 17, The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act; Loi modifiant la Loi sur les offices regionaux de la santé et la Loi sur la preuve au Manitoba, now be read a second time and be referred to a committee of this House.

**Mr. Speaker:** It has been moved by the Minister of Health, seconded by the honourable Minister of

Energy, Science and Technology, that Bill 17, The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act, be now read a second time and be referred to a committee of this House.

**Mr. Sale:** As everyone in this House knows, Mr. Speaker, patient safety is a very significant issue in our country and all other countries in the developed world.

In Manitoba, we have taken a significant number of steps to enhance patient safety, including most recently, under my predecessor, the honourable Minister of Energy, Science and Technology, the Manitoba Institute for Patient Safety.

This Bill 17 represents another significant step. It is the direct result of the pediatric death inquest, and the inquest found that there is a culture of fear among health workers that admitting a mistake will result in a lawsuit or disciplinary proceedings. This concern was echoed in the report of the National Steering Committee on Patient Safety.

The bill will amend both The Regional Health Authorities Act and The Manitoba Evidence Act. It will mandate the reporting and investigation of critical incidents occurring in the provision of health services by regional health authorities, non-devolved hospitals and personal care homes and other providers designated by regulation which will enable the inclusion of entities such as CancerCare Manitoba.

Investigations will be carried out by critical incident review committees. Health workers will be protected from retaliation for providing information to a critical incident review committee and from any liability for participating on such a committee. Information generated by a critical incident review committee and investigating an incident and critical incident reports will not be subject to disclosure, including disclosure in any subsequent legal proceedings.

These protections will encourage open and full discussion and analysis of critical incidents by health professionals without fear of repercussion. Fear of repercussions can deter professionals from admitting mistakes and actively participating in and critically and thoroughly examining what happened. This chilling effect ultimately prevents the system from

learning from a mistake and taking steps to prevent that same mistake from ever happening again.

The bill will not make health workers blameless, nor will it prevent disciplinary action from being taken where warranted. If someone knowingly puts a patient at risk, they will still be disciplined, but the bill also balances the right of patients to know what happened to them by requiring that the facts of what occurred in the incident and its consequences for the affected person are fully disclosed to the person in a timely way. This includes any additional facts that become known during the investigation and analysis of an incident and during any subsequent review, including a review by a hospital or area standards committee.

Mr. Speaker, I commend the bill to all members, and I hope it will have speedy and unanimous passage.

\* (17:00)

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Lakeside (Mr. Eichler), that debate be adjourned.

*Motion agreed to.*

### **Bill 18—Le Collège de Saint-Boniface Incorporation Amendment Act**

**Hon. Diane McGifford (Minister of Advanced Education and Training):** Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Selinger), that Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation le Collège de Saint-Boniface, be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It has been moved by the honourable Minister of Advanced Education and Training, seconded by the honourable Minister of Finance, that Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act, be now read a second time and be referred to a committee of this House.

**Ms. McGifford:** I am pleased to present Le Collège de Saint-Boniface Incorporation Amendment Act for its second reading. As I noted in the first reading, the legislation makes the change to the legislation of the college, making it more consistent with the legislation of other provincial universities. As well, the

legislation formally changes the name of the institution from le Collège de Saint-Boniface to le Collège-universitaire de Saint-Boniface.

The college plays an important role in Manitoba's post-secondary system. As our only French-language post-secondary institution, it has a responsibility to meet the labour-market needs of the francophone community in Manitoba, ensuring that there are certificate, diploma and degree programs in a variety of educational areas.

As well, the college promotes the cultural, linguistic and economic needs of the francophone community in Manitoba. Our government supports and encourages the strengthening of this institution so that it may continue to fulfil its important roles for the province.

The proposed changes to the legislation are made to ensure that the college is clearly articulated and strengthened. The amendments in this bill respond to governance and to the unique nature of le Collège de Saint-Boniface, its unique nature in Manitoba.

These are the amendments. The bill changes the legal name of the institution le Collège de Saint-Boniface to le Collège-universitaire de Saint-Boniface. The name officially connotes that the college offers both community college and university level programming. The bill reinforces the college as an affiliated college of the University of Manitoba. This affiliated status offers many benefits to the students and teaching faculty of the college.

The college board of governors will be established at 15 members, three of whom are to be appointed by government. The government appointments will respect the francophone nature of the institution. The board will be consistent with all other public educational institutions in the province by having government appointees on the board.

The institution will have the authority to enter into agreements with other Canadian French-language post-secondary institutions. Finally, the bill ensures that the college is subject to the Freedom of Information and Privacy Protection Act, similar to other universities in Manitoba.

The bill also provides alignment and coherence of the college's incorporating legislation with that of other universities in Manitoba. This includes a

statement of purpose, clarification of the corporation's powers to award credentials, establishing the Office of the Auditor General of Manitoba or any other auditor appointed by the Lieutenant-Governor-in-Council as the college's auditor, ability provisions that are similar to those of other universities in Manitoba as specified in the Council on Post-Secondary Education Act, ensuring the legislation is brought under the continuing consolidation of the statutes of Manitoba recognizing this act as a public act.

These legislative changes will assist the college to maintain its integral role in delivering quality French-language post-secondary education to Manitobans, will ensure greater accountability within the post-secondary education system and will provide additional educational opportunities for students.

I am once again pleased to present this bill for second reading and recommend it to the House.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Arthur-Virden (Mr. Maguire), that debate be adjourned.

*Motion agreed to.*

#### **Bill 20—The Life Leases Amendment Act**

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Energy, Science and Technology (Mr. Chomiak), that Bill 20, The Life Leases Amendment Act; Loi modifiant la Loi sur les baux viagers, be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It has been moved by the Minister of Finance, seconded by the honourable Minister of Energy, Science and Technology, that Bill 20, The Life Leases Amendment Act, be now read a second time and be referred to a committee of this House.

**Mr. Selinger:** Manitoba was the first jurisdiction in Canada to enact legislation specific to life leases. Bill 20 will address the issues that have been raised by life-lease tenants and landlords that have risen through the administration of the act. A number of the proposed amendments will result in better communication between life-lease tenants and landlords and provide more information to the tenants.

The act currently requires the landlord to hold an annual meeting with the tenants. In some cases only

the company that manages the complex for the landlord attends on behalf of the owner. Under the proposed amendments a representative of the owner, such as a director of the corporation that owns the complex, must attend the annual meeting. This will allow tenants who attend the annual meeting to raise questions directly with the owner.

Mr. Speaker, this bill will also allow tenants in a non-profit life-lease complex to select tenant representatives to attend meetings of the landlords' board of directors. A majority of tenants in a non-profit corporation will also be able to require the non-profit owner to obtain audited financial statements for the complex. Tenants will also be able to request a copy of the audited financial statements. As currently exists with newer complexes, landlords of older complexes will be required to provide annual statements on the status of refund funds.

Some tenants have expressed concern with the length of time for their entrance fee to be refunded when they move out. Currently, the act provides that the entrance fee must be refunded in most cases within three months after the tenancy ends. With these proposed amendments the entrance fee must be refunded on the date the lease is terminated, if funds are available. This is usually the date the tenant moves out. In non-profit life-lease complexes all costs are paid by the tenants. The proposed amendments will allow an in-year rent increase to cover a revenue shortfall by a minimum of 12 equal monthly payments, or, if the landlord and tenant agree, in one or more lump-sum payments. At least three months' written notice of a rent increase resulting from a shortfall must be given to the tenant.

Mr. Speaker, the amendments clarify that the entrance fee is not a security deposit. Accordingly, a landlord cannot deduct from a refund of an entrance fee any amount for damage, rent arrears, or any other compensation that the landlord claims from the tenant, unless the amount has been determined in a final order by the director under The Residential Tenancies Act.

Finally, there are also some amendments to The Residential Tenancies Act in this bill to allow a standard form of life lease to be prescribed in regulation and to enable a separate form for a notice of rent increase for a life-lease unit to be prescribed.

Mr. Speaker, with these comments, I am pleased to recommend this bill for consideration.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Pembina (Mr. Dyck), that debate be adjourned.

*Motion agreed to.*

#### **Bill 21—The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act**

**Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines):** Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Selinger), that Bill 21, The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act, be now read a second time and be referred to a committee of this House.

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

*Motion presented.*

**Mr. Speaker:** His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

\* (17:10)

**Mr. Rondeau:** This bill amends two acts that govern the oil and gas industry in Manitoba: The Oil and Gas Act, and The Oil and Gas Production Tax Act. The bill strengthens provision for environmental protection, enhances enforcement, streamlines administration and encourages exploration.

A key objective of this bill is to enhance environmental protection. Proposed amendments provide for interest earned on operator performance deposits held in cash and up to 3 percent of their Crown oil and gas royalty revenue to be directed to the Abandonment Fund Reserve Account established under The Oil and Gas Act.

The Abandonment Fund provides funding for the department to abandon wells and oil and gas facilities seized from delinquent operators, rehabilitate oil and salt water spill sites, and correct environmental problems resulting from oil and gas operations. The fund is financed by industry through

levies on licences, permits, and inactive wells and batteries.

The proposed amendment will provide for additional funding of up to \$100,000 per year to make sure that these environmental activities take place. An example is in 2003; the Abandonment Fund was used to remove the oil- and salt-water-contaminated soil from a buried pit on an old battery site that was abandoned in the early 1970s. Leaching from the buried pit had damaged the farmer's land. Early indications are that, with the source of contamination removed, the productivity of the land has been restored. With adequate funding, the department has the ability to address environmental problems related to the oil field practices no longer considered acceptable.

In addition to enhanced funding, the proposed amendments will also introduce the requirement for applicants for a well licence to submit an environmental protection plan in circumstances where drilling a well could have significant adverse impact on the environment. The plan would be subject to an interdepartmental review. The environmental plan further strengthens the environmental operating standards that form the foundation of The Oil and Gas Act.

Bill 21 also seeks to strengthen the enforcement provisions under The Oil and Gas Act. Acting under the authority of the minister, the amendments will allow the department to produce a well that has been seized, transfer the well to another operator, and cancel the Crown oil and gas lease for the well.

The Oil and Gas Act provides for escalating enforcement action to be carried out against delinquent or insolvent operators. The escalating enforcement action starts with a notice of non-compliance followed by a shut-down order or abandonment notice. It can ultimately lead to seizure when the operator fails to comply.

The proposed amendments clarify and strengthen the department's power under the seizure. These new powers will help offset the costs associated with the abandonment of seized wells and facilities and facilitate the transfer of seized assets to another operator.

Another proposed amendment is to replace the Oil and Gas Conservation Board with a more flexible

and informal inquiry mechanism involving an inquiry panel. The minister can appoint an inquiry panel to inquire into any matter arising under the act.

This proposal recognizes the board has never been constituted and that significant difficulties are envisioned in establishing a full-time board having expert or specialized knowledge of the oil and gas industry in Manitoba. The inquiry panel, like the board, would act in an advisory capacity providing a report of its findings and recommendations to the minister on any matters referred to it, including applications for the minister.

The panel can, in its report, recommend an award of costs between parties. After considering the report of the panel, the minister can make a decision in the matter or refer the matter back to the panel for reconsideration. The panel has quasi-judicial powers and can hold hearings into matters when directed by the minister. Time lines for the panel to hold hearings and to issue its report are provided to ensure a prompt resolution of disputes in these matters.

It is also important to encourage new investment. In encouraging new investment, the proposed amendments would allow for Crown oil and gas rights to be disposed of under special exploration permits. The permits would allow operators to conduct exploration on large tracts of Crown oil and gas rights in lightly explored areas of the province where little is known of oil and gas potential. Special exploration permits would complement the existing system of exploration reservations and leases made available to operators at the quarterly public offerings of Crown oil and gas rights. The regulations regarding special exploration permits will be developed in consultation with all stakeholders.

The Oil and Gas Production Act: Amendments to The Oil and Gas Production Act simplify the process for payment of tax on oil production from lands where the Crown does not own the oil and gas rights by repealing the power to designate a special operator, which was never used, and providing for either the owner or operator to pay the tax. Where the operator pays the tax, money can be recovered from the owner in this act.

Other amendments which update the legislation repeal unnecessary or unproductive provisions and introduce changes to the administration of Crown oil

and gas rights. These are designed to streamline administrative processes and greatly enhance the administration of the acts.

This broad overview illustrates how the proposed amendments will strengthen the foundation of the act, a foundation built on the sustainable development of the province's oil and gas resources, an act that looks after the environment and also looks after the industry.

With these words, I would like to recommend the bill for further consideration.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Lakeside (Mr. Eichler), that debate be adjourned.

*Motion agreed to.*

**Bill 24—The Consumer Protection Amendment Act (Cost of Credit Disclosure and Miscellaneous Amendments)**

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Energy, Science and Technology (Mr. Chomiak), that Bill 24, The Consumer Protection Amendment Act (Cost of Credit Disclosure and Miscellaneous Amendments); Loi modifiant la Loi sur la protection du consommateur (communication du coût du crédit et modifications diverses), be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It has been moved by the honourable Minister of Finance, seconded by the honourable Minister of Energy, Science and Technology, that Bill 24, The Consumer Protection Amendment Act (Cost of Credit Disclosure and Miscellaneous Amendments), be now read a second time and be referred to a committee of this House.

**Mr. Selinger:** Under Chapter 8 of the Agreement on Internal Trade, Manitoba agreed to harmonize several pieces of consumer protection legislation. The major item is the cost of credit disclosure harmonization that will be achieved through these amendments, ensuring that consumers who are entering into credit or lease agreements are able to comparison shop for the best rate. The amendments are based on the harmonized template agreed to by federal, provincial and territorial ministers in 1998.

To date, only Canada, the Bank Act and regulation, and Alberta have these amendments in force.

Issues related to differences between the harmonization agreement and the cost of borrowing, banks regulation, have been identified and are still not resolved. Concerns expressed by the credit unions regarding these differences and possible disadvantages they would face by having different rules have been accommodated in the bill. Other concerns expressed by stakeholders when public consultation on the proposed changes was conducted last year have been considered in drafting these amendments. Issues related to payday lending that were identified during the consultation and since will be addressed in further amendments planned for later in this session.

Key points of these amendments include application of cost of credit disclosure requirements to all consumer borrowing transactions, including leases, new, and mortgages, new. Calculation of the annual percentage rate is based on the difference between the value given by the borrower and the value received. It also introduces prohibitions on loan brokers taking fees in advance and requires disclosure of optional services related to a loan or lease, including insurance and warranties, and provides cancellation rights that must also be disclosed.

It provides that, in the case of a lease when a default is remedied, if the consumer had rights to own the item at the end of the lease, these are restored. This will address concerns about abuse of practices common to rent-to-own agreements. It also maintains provisions from the existing act that are not included in the harmonization agreement related to a signee's and guarantor's seizure and security. It further provides for compliance and enforcement of cost of credit disclosure. It is left to the discretion of the Province and the current provision providing for a roll-back to the legal rate of 5 percent when the lender does not comply with disclosure requirements will be maintained and applied to leases and consumer mortgages. An appeal to roll back to the legal rate will first be to the director and then to the courts.

\* (17:20)

Fine maximums under the act that may be imposed by a judge will be increased substantially.

Also, it introduces administrative penalties, to a maximum of \$5,000, that may be imposed by the Consumers' Bureau officers for certain very specific breaches of the act, initially related to advertisements for cost of credit, and extended later by regulation to other matters such as payday lending.

Finally, it provides that information regarding the issuing of administrative penalties may be made public. Thank you, Mr. Speaker.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Pembina (Mr. Dyck), that debate be adjourned.

*Motion agreed to.*

### **Bill 26—The Margarine Repeal Act**

**Mr. Speaker:** We will now move on to Bill 26, The Margarine Repeal Act.

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** I move, seconded by the MLA for La Verendrye (Mr. Lemieux), that Bill 26, The Margarine Repeal Act, be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It has been moved by the honourable Minister of Agriculture and Food, seconded by the honourable Minister of Transportation and Government Services (Mr. Lemieux), that Bill 26, The Margarine Repeal Act, be now read a second time and be referred to a committee of this House.

**Ms. Wowchuk:** Mr. Speaker, The Margarine Act was introduced some 30 years ago at the time when margarine products and other dairy blends were being introduced, and there was concern about consumers not understanding what they might be eating, that there were risks and there was opportunity for misconceptions or opportunities for fraud when there were products similar to dairy products that were being used. If you read the act, it is required by the act that people who are serving margarine in a restaurant, for example, are supposed to have a sign in the restaurant saying that it is margarine that is being served.

We have come a long way from that, Mr. Speaker, and people can make the choice on their own as to whether they want to choose to eat margarine or whether they want to eat butter, and it

is recognized that there are no health risks. Certainly, margarine is regularly used right now, and there are no health concerns that were there during the time when The Margarine Act was first introduced. So we are asking that, in the bill that has been introduced, we are proposing to repeal it because consumers have become increasingly aware of the nature, composition and source of margarine and are able to distinguish it from other products such as butter.

But it is also important that Manitoba repeal this legislation to help eliminate interprovincial trade barriers related to such products and to demonstrate the Province's ongoing support for the agreement in internal trade. There are issues that there are some provinces who have repealed similar legislation but that there are also provinces that maintain this legislation. For example, in Québec, margarine can only be sold as a white product; it cannot be sold as a yellow product as we have it. In many cases, it can be viewed as a trade barrier to prevent product from coming in, and that is negative for our producers of the crops that are used to produce margarine.

So, Mr. Speaker, with those few words, I want to say that this bill has been on the books for a long time. It is not being used, and we would look for support to have it repealed and to clarify our position as we take the position many times on issues that fall under the agreement of internal trade. So I would hope that I would have support from members across the way to have this bill repealed. Thank you very much.

**Mr. Denis Rocan (Carman):** I move, seconded by the honourable Member for Turtle Mountain (Mr. Cullen), that debate be adjourned.

*Motion agreed to.*

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second readings on Bill 12, The Liquor Control?

### **DEBATE ON SECOND READINGS**

#### **Bill 12—The Liquor Control Amendment Act**

**Mr. Speaker:** Resume debate on Bill 12, The Liquor Control Amendment Act, standing in the name of the

honourable Minister of Water Stewardship (Mr. Ashton).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Minister of Water Stewardship? Stand?

**An Honourable Member:** No.

**Mr. Speaker:** That has been denied. Are there any speakers on Bill 12, The Liquor Control Commission? Okay, and that has been denied.

Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is Bill 12, The Liquor Control Amendment Act.

I have noticed that we have a speaker. So the honourable Member for Turtle Mountain to speak to Bill 12, the Liquor Control Amendment Act.

**Mr. Cliff Cullen (Turtle Mountain):** Mr. Speaker, Bill 12 talks about seven changes to The Liquor Control Act. These seven changes are relatively minor in nature, to use one of the terms from the members opposite; it looks like a bit of an effect to modernize the act. So we are certainly in agreement that the act needs some modernization. There really are no fundamental changes to the act.

We had hoped that the government would have moved forward in some other fundamental changes, but at this point in time we are prepared to move Bill 12 to the committee stage. As we know, there are a number of groups that would like to make presentations to the bill.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I, too, would like to be able to say a few words in regard to Bill 12. The Liquor Control Amendment Act is a bill that does not come forward too often in terms of when we were looking at that piece of legislation. It has a fairly significant impact on all Manitobans in the sense that alcohol is one of those favoured beverages by many, and sometimes maybe they overindulge at times. I would not name anyone. The vast, vast majority of Manitobans use great discretion when it comes to digesting alcohol.

Bill 12, as it has been pointed out, is something that has been, I think, generally acceptable. We would not see too much of a problem in terms of the bill proceeding. I did want to just get a couple of words on the record. I know that we had talked about the benefits of the wine bottles. When someone goes in and they purchase wine while they are having a meal and that wine is left over, there is always this question mark that happens in terms of what does the restaurant do with the open bottle of wine when someone has, in fact, already had three or four glasses from it. Being able to put a cap on it and allow the consumer the opportunity to take it home, I think, is a positive thing. As I say, it is not necessarily earth-shattering, but it is something that is somewhat consumer-friendly and, in that sense, something that can be supported.

We recognize that there are other powers that are being given to specialty wine stores. There are other issues within the legislation, Mr. Speaker, that are, as I say, generally non-controversial, and we can be very supportive of.

We did not want to see the bill pass without us saying a few words on the record. Having said that, we are prepared to allow the bill to go through. Thank you.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 12, The Liquor Control Amendment Act.

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

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**Mr. Speaker:** The hour being 5:30, this House is adjourned and stands adjourned until 10 a.m. tomorrow morning (Thursday).

#### CORRIGENDUM

Vol. LVI No. 32 - 1:30 p.m., Tuesday, April 19, 2005, page 1601, under **ROYAL ASSENT** the line prior to the last paragraph inadvertently reads **Madam Clerk (Patricia Chaychuk):**

The line should read **Madam Deputy Clerk (Bev Bosiak):**

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 20, 2005

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