

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

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSEN, 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, May 18, 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 in 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 Alexis Grolle, Kristi Thorlakson, Shaunna Hallsson and many, many others.

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

Generally Accepted Accounting Principles

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

The background to this petition is as follows:

Manitoba's provincial auditor has stated that Manitoba's 2003-2004 budget deficit was the second highest on record at \$604 million.

The provincial government is misleading the public by saying they had a surplus of \$13 million in the 2003-2004 budget.

The provincial auditor has indicated that the \$13-million surplus the government says it had cannot be justified.

The provincial auditor has also indicated that the Province is using its own made up accounting rules in order to show a surplus instead of using generally accepted accounting principles.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider adopting generally accepted accounting principles in reporting Manitoba's budgetary numbers.

Signed by Ernando Rescendes, Rosina Lapatha and Noel Lapatha.

* (13:35)

Ambulance Service

Mr. Ron Schuler (Springfield): Mr. Speaker, 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 Tyler Jones, Kim Jones, Ken Jones and many, many others.

INTRODUCTION OF BILLS

Bill 204—The Audiologists and Speech Language Pathologists Act

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I move, seconded by the member from Minnedosa, that Bill 204, The Audiologists and Speech Language Pathologists Act, Loi sur les audiologistes et les orthophonistes, be now read a first time.

Mr. Speaker: It has been moved by the honourable Member for Arthur-Virden (Mr. Maguire), seconded by the honourable Member for Minnedosa (Mrs. Rowat), that Bill 204, The Audiologists and Speech Language Pathologists Act, be now read a first time.

Mr. Maguire: Mr. Speaker, this bill replaces The Manitoba Speech and Hearing Association Act, and provides for the regulation of the professions of audiologists and speech language pathologists.

The Audiologists and Speech Language Pathologists Act includes provisions for continuing the Manitoba Speech and Hearing Association under the title of the College of Audiologists and Speech Language Pathologists of Manitoba as the profession's governing body. It includes provisions establishing a governing board with public representatives that includes provisions requiring the registration of audiologists and speech language pathologists and creating a process for handling complaints and discipline. I look forward to the passage of this bill, Mr. Speaker.

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

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today the 2005 summer tour guides who are Patricia Doyle, Vanessa Gregg, Leo Samoiloff, Lisa-Marie Tessier and the tour guide supervisor, Colette Delaurier.

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

I would also like to draw the attention of all honourable members to the public gallery where we have with us today Grade 4 and 5 students from Oak River School of Oak River, Manitoba. These students are under the direction of their teacher Mrs. Pam Lewandoski and are the guests of the honourable Member for Russell (Mr. Derkach).

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

* (13:40)

ORAL QUESTIONS

Post-Secondary Education Funding

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, under this Premier we have seen implementation of backdoor taxes and levies at almost every turn. Now we have backdoor tuition increases. We have that problem because this government has not properly funded basic operating costs for universities. We now have a self-created crisis that is known in some circles as Mr. Doer's dilemma.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I just want to remind all honourable members when addressing one another, it is ministers by their portfolio they hold and other members by their constituency. I ask the co-operation of all honourable members, please.

Mr. Cummings: Mr. Speaker, I sincerely apologize if you felt I was mistakenly referring to the Premier. I was referring to the crisis that has been created by

this Premier. I would like to know what actions he will take to deal with this self-created crisis.

Hon. Gary Doer (Premier): Mr. Speaker, there is some \$200 million in capital investment at the University of Manitoba. There is some \$18 million in capital investment at the University of Winnipeg. There is 4 or \$5 million at Brandon University. The Collège de Saint-Boniface has expenditures in capital. Red River College has a \$32-million expenditure. The University College of the North will have 19 separate facilities providing courses and training for people.

When we look at the support to universities, post-secondary education, we know the challenge we have is a massive increase in enrollment. We had decreased enrolment in the nineties. We have increasing enrolment in this decade, Mr. Speaker.

Mr. Cummings: So has every other jurisdiction in Canada, Mr. Premier. Universities are implementing large fee increases. The minister of post-secondary education implies on the public airwaves that this is a way around tuition increase, freezes in tuition causing backdoor tuition increases.

Will this Premier now provide some leadership and lay out a plan as to how he intends to deal with this issue?

Mr. Doer: Mr. Speaker, just so members opposite and the public know the exact increase in revenue for the university from the Province of Manitoba, it is a 2.3% increase—*[interjection]*

Let me, if I could finish, please. A 2.3% increase in the operating grant to the university, millions of dollars in a capital grant and a 1.2% increase in revenue with a decrease in taxes. So that represents a 3.5% increase to the University of Manitoba. The inflation rate in Manitoba is running at 2.5 percent. Members opposite in their alternative budget had their universities getting 1 percent, ours are getting over 3.5 percent. The revenues are there, Mr. Speaker, we believe to support investments in students.

Mr. Cummings: Mr. Speaker, this from the Premier who could not find the billion dollars when he came to government. He found it and he spent it and now we are struggling to keep up to Saskatchewan where

they gave their universities a 6.8% increase, I believe.

Students are being left without options, Mr. Premier. There was no option to increase costs and as a result of this Premier's inaction we will see students who are about to graduate this summer deciding whether or not they will be able to afford to continue with post-secondary education.

Will he take action on behalf of students and provide some direction and some leadership so they can make decisions?

Mr. Doer: Mr. Speaker, I am surprised that a so-called Conservative government would be supporting a view that the university revenue should grow by 7 percent a year. I am absolutely shocked. That is a situation—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Thank you, Mr. Speaker. The fact that inflation is running at around 2.5 percent and revenue increases that are above that are not sufficient to deal with the operating costs of university is a concern and that is why COPSE has written to all the universities to raise all the legitimate follow-up questions. That is on top of the capital grants that have been made to universities at an unprecedented level.

There is no question, Mr. Speaker, we are not perfect. The 3.5% increase to universities is not perfect. It is above inflation, and it is three times greater than the alternative budget of the Conservatives.

* (13:45)

Post-Secondary Education Funding

Mrs. Leanne Rowat (Minnedosa): This Premier's broken promise is going to cost the students 10 percent of their summer income. I hope he can live with that.

Mr. Speaker, this Premier has made a promise to not increase a dollar students pay for education within this province. Last night the U of M

announced a fee increase equal to a 14.5% increase in tuition fees. This minister has repeatedly said she is looking at options. Students in universities need to know what those options are.

When will this minister be prepared to share those options with this House, with those students, with the universities and the public in general?

Hon. Diane McGifford (Minister of Advanced Education and Training): I do take the opportunity today to reiterate something the Premier said and that is members opposite in the 2003 election said they would increase post-secondary education by 1 percent. So, you know, Mr. Speaker, I am really shocked that they have the temerity to bring up this line of questioning today.

This side of the House believes in accessible, affordable, quality post-secondary education. We believe that post-secondary education is an investment in the economy. It is an investment in communities. It is an investment in personal lives. We all know that post-secondary education is the best guarantee of a good income. It is the best indicator of good health and communal well-being. That is why we are supporting post-secondary education.

Mrs. Rowat: I was not quite sure, but I thought I heard the minister say this government supports excessive user fees. Mr. Speaker, perhaps the universities are taking a page out of this NDP government's book.

Over the past several years, this government has increased what Manitobans pay for public services through countless backdoor increases and service fees. Pharmacare deductibles increased by 20 percent, vehicle PST refund by 100 percent, PST assessment on professional services up \$24 million. Is this service fee increase the NDP government's approach to funding post-secondary education in this province?

Hon. Greg Selinger (Minister of Finance): The members opposite seem to forget that there has been \$149 million of tax relief in this budget, that the minimum wage in Manitoba has gone up by over 20 percent during our term in office. We have increased the minimum wage every year. When members opposite were in government, what did they do to young people? They would increase

the minimum wage once before every election if the students were lucky. They cut all the bursary programs. We have restored bursary programs, we have kept tuition fees affordable, we have increased the minimum wage and we have provided an abundance of jobs for young people in this province, all of which the members opposite did not do.

Post-Secondary Education Funding

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, last week Statistics Canada reported that Manitoba family incomes were well below the national average. Today Statistics Canada reports that Manitoba's post-secondary graduates earn lower incomes, an average of \$3,900 less annually than the national average. Statistics Canada states that these lower incomes are a reflection of Manitoba's labour market. This reflects directly on the NDP government and its economic policies.

Why will the Minister of Finance not take action now to make Manitoba more competitive to ensure that we at least keep up with the national average?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I am glad the member raises that issue because during their term in office personal disposable income was declining. Last year our take home pay and wages increased by 4 percent. We have shown above-average increases during our term in office. There is more personal disposable income in the pockets of all Manitobans in part because wages have improved, in part because there is a minimum wage policy, in part because our economy is growing. We have a high rate of employment and a low rate of unemployment. Our participation in the labour force is among the highest in the country. Members opposite should look at our record and ask why they did not do it when they were in office.

Mr. Hawranik: Mr. Speaker, I ask the Finance Minister to look at the records of Stats Canada. Stats Canada indicates that Manitoba lost more students and graduates than it gained because they were attracted to educational institutions or labour markets outside the province. Manitoba's universities are not competitive due to the lack of funding support from this NDP government. Manitoba's economy is not competitive due to the economic policies of the NDP government and its failure to keep up with the rest of Canada.

Why will this government not take action now to ensure that our post-secondary institutions and our province is competitive?

* (13:50)

Mr. Selinger: The member should put on the record what period he is referring to in his statistics. I have a feeling he is referring to the period that reflected their time in governing this province because I can tell you that, during our time in governing this province, personal disposable income has gone up. There is a 30% reduction on the number of people that are receiving social assistance in this province. There are less people receiving social assistance in this province than at any period in our recent history going back 30 years. There is no National Child Benefit clawback going to families now. There is more help and more opportunities to go to community colleges. There are more bursaries for post-secondary education and Manitobans are doing better.

Mr. Hawranik: I told the Minister of Finance he is wrong and he should do his research. The Canadian Federation of Independent Business, our Chambers of Commerce and the Canadian Taxpayers Federation, all of them believe that the single most important issue for Manitoba is competitive, Mr. Speaker. Statistics Canada confirmed that not only are Manitoba's post-secondary institutions not competitive due to the lack of funding from the NDP government, but Manitoba's graduates are earning less, far less, because Manitoba's economy is not competitive.

I ask the Minister of Finance at a time when he has record high revenues available to him why has he not properly funded our post-secondary institutions. Why has he not made our economy competitive with the rest of Canada?

Mr. Selinger: Now I know why the member did not want to put the year that he was referring to on the record, because it was the year 2000 which reflected their period in office. Unbelievable—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for Lac du Bonnet, are you up on a point of order?

Mr. Hawranik: Yes, Mr. Speaker, on a point of order. I ask the minister once again that he ought to do his research and do it correctly and not put facts forward in this House that are blatantly incorrect.

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

Mr. Selinger: I challenge the member to put the year on the record. He has not done it. He is ignoring the facts; 1700 more people, young people, have come to the province in the last four years than have left. He should tell the truth.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. On the point of order raised by the honourable Member for Lac du Bonnet, he does not have a point of order. It is a dispute over the facts.

* * *

Mr. Speaker: I would like to take this opportunity for the honourable Minister of Finance who made a reference of "he should tell the truth," all members in this House are honourable members and all the facts that are brought to the Speaker, I take as facts. I ask the honourable member to withdraw that comment.

Mr. Selinger: Yes, I withdraw that comment, Mr. Speaker.

Mr. Speaker: The honourable Minister of Finance still has the floor.

Mr. Selinger: Yes, thank you, Mr. Speaker. Now what we have here for the facts, if the members are interested in the facts which I think they are, for the year ending June 30, 2004, a total of 1122 more persons aged 15 to 24 came to Manitoba than left. We have had a net influx of young people in the last four years compared to the exodus when the members opposite were in power.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I recognize the honourable Member for Emerson who has the floor.

Red River Floodway Expansion Labour Agreement

Mr. Jack Penner (Emerson): Thank you, Mr. Speaker. The Manitoba floodway labour

management agreement states that non-unionized construction firms shall pay an equal amount as required by unionized contractors to the pension trust fund, to the health and welfare trust fund and to the trade improvements trust fund. The average amount in the agreement with all the unions that are named under the agreement requires that \$6.63 an hour would be required to be paid by the contractors through to the union and into these trust funds, \$7.36 an hour to the union of operating engineers would be required.

Can the minister tell us whether the non-unionized contractors will be required to match those funds paid to their employees through the contractors?

* (13:55)

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, let us be very clear that the member opposite right from day one has opposed the project management agreement. With the announcement of the Wally Fox-Decent report the members opposite opposed the Wally Fox-Decent report. Upon the release of the project management agreement, and indeed there were many provisions in that agreement that dealt with pensions and benefits, the members opposite opposed those pensions and benefits.

Mr. Speaker, it is very clear that they do not understand that in 2005 Manitoba workers expect pensions, benefits and decent workers, and indeed the provisions of the agreement will ensure that unionized and non-unionized workers will have those kinds of benefits. This is the year 2005 and Manitobans expect that for a major project.

Mr. Penner: Mr. Speaker, we all know that the non-unionized contractors have similar kinds of arrangements for their employees that they pay now. What this contract requires, this agreement requires an additional amount paid through the contract to the three trust funds that have been established. That would be an additional cost.

Can the minister tell us today how much that will cost the taxpayers of this province? Can he tell us how those non-unionized employees will be able to access those funds or those through the trust funds and whether they will be able to access the services provided by those trust funds if there is such a thing?

Mr. Ashton: Mr. Speaker, I think the member opposite is confusing himself here. He was at the briefing that was held with the industry and he knows that indeed the Floodway Authority has been working not just through the negotiation process, but has been working constantly to work with the industry. In fact, there was a recent set of consultations that deal with that.

The member, I think, should put on the record what his position is. Do the Conservatives support pension and benefits, and, if so, why? When we announced the project management agreement, did they immediately dismiss pensions and benefits for workers? The bottom line is in the year 2005, Manitoba workers deserve pensions and benefits.

Crocus Fund Government-Appointed Director

Mr. John Loewen (Fort Whyte): Mr. Speaker, of the 13 directors that have been named in these allegations through the Manitoba Securities Commission for alleging to improperly value the Crocus Investment Fund unit all but one have either left the board or resigned. The only director left is the government-appointed director, Mr. Ron Waugh.

The question for government is why is he there? This is an individual that is facing serious allegations. He has no experience in venture fund management per se. He is distracted by these allegations and obviously he has not been there to stand up for the rights of the unit holders. He was there on September 23 when the board was told that there were serious valuation problems.

The question for the government was why is he still there. What useful purpose can he serve for the unit holders? When will he be replaced?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, the member asked the question about a board member appointed by government that is there with a fiduciary responsibility to represent shareholders. He was very new to the fund when these matters came into focus this fall. He continues to serve as a representative there with his background in the banking profession. This member, if the new board member feels they need another skill set, they can request government to provide them with an additional, another person to replace him, but at the moment the new board is orienting itself to its responsibilities. Mr. Waugh is there to serve on that

board until they identify what other skills they might require.

Mr. Loewen: Mr. Speaker, this minister should be ashamed at how this process has been manipulated to avoid any representation, any fair representation for the unit holders to stand up for their rights on this board. The new members themselves, while an improvement, do not carry any specific venture capital investment experience within their portfolio. Two of them happen to be individuals who the NDP government has appointed to the Municipal Board, the lottery commission board. So what this board is really lacking are individuals who can stand up for the unit holders who do not face allegations of wrongdoing, who do not face allegations of issuing improper prospectus, who do not face the fact that they may be fined or sued as a result of their actions.

It does not matter if they have only been there since July. They were there when they were told there were valuation problems. When will this government do the right thing and reappoint a new director who has venture capital investment experience, who can stand up and properly represent the unit holders? When will you do that Mr. Minister?

* (14:00)

Mr. Selinger: Mr. Speaker, the member seems to suggest that if there is an allegation against somebody that they should be removed by the board. An allegation is that, it is not a proven fact. This member serves on the board. He is a professional with a wide experience in the banking profession. Unlike members opposite, he was not a political appointment. He was an appointment put on the board because he had an expertise that was thought to be of value to the fund and to the shareholders.

The members of the board that have currently agreed to serve on the board, if they feel they need additional skills they can identify that and the government will try to support that, but I can say that this continuing attack on this individual is unwarranted in view of the fact that he was put there on the request of government to try and serve the shareholders' interests.

Provincial Park Campgrounds Reservation System

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, as the long weekend fast approaches and

many Manitobans are looking forward to heading to our pristine parks across our province, many Manitobans are disappointed because this government was responsible for a significant error in our parks reservation system. The system opened on-line 37 hours ahead of when it was advertised to open, so many Manitobans were denied access to our parks across the province.

I want to ask the minister, in light of this error which he recognizes did take place, is ReserveAmerica based out of New York still our service provider even though they caused this chaos in start-up on the parks reservation.

Hon. Stan Struthers (Minister of Conservation): Mr. Speaker, we have made significant improvements to the way in which we offer accessibility to our parks in the five and a half years that we have been on this side of the House. We have documented a very good improvement in the accessibility for Manitobans.

Having said that, Mr. Speaker, this government does not want to put up with the kind of mistakes that have occurred. We will be reviewing the contract that we have with ReserveAmerica in the not too distant future.

Mr. Faurshou: Well, Mr. Speaker, if improvements to the parks reservation system includes laying off Manitobans so Americans down in New York can be hired to make the service available then I do not agree with this government's improvements. Currently, Manitobans have to make reservations through call centres based in Orlando, Florida, or Madison, Wisconsin, or Mississauga, Ontario, where this was previously done here in Manitoba. But because they have to call ahead to far-flung places, Manitobans are turned away at our park gates. I want to ask this minister why he does not trust our parks personnel to let Manitoba families into our parks.

Mr. Struthers: I think it is absolutely incredible, Mr. Speaker, that a member of that opposition would stand and criticize this government in terms of call centres given the track record that they had when they were in power as opposed to what we have done over the last five and a half years.

I made it very clear to the member from Portage that our goal was to increase the accessibility of Manitoba families to our beautiful parks in this

province and we are going to continue to do that. We will be reviewing the arrangement we have with ReserveAmerica, and we will be making some very strong steps to make sure that we increase the accessibility of our parks for Manitoba families.

Mr. Faurshou: Mr. Speaker, this side of the House made certain that those call centres that were employed by hard-earned taxpayers' monies employed Manitobans. This government seems to say or believe that employing persons south of the 49th is important.

I am asking this government why Manitoba families that are at our park gates cannot drive into our parks and occupy a vacant park spot because the parks personnel are not trusted by this government to take the money from Manitobans.

Mr. Struthers: Mr. Speaker, it is absolutely clear that the accessibility rate in the last five years has increased as a result of the changes that we made, the improvements that we made to the parks reservation system that was present in 1999. That accessibility rate has increased every year that we have offered up our parks to Manitobans, and we will continue to do that. The member from Portage is absolutely incorrect.

Services for the Disabled For-Profit Providers

Hon. Jon Gerrard (River Heights): Mr. Speaker, I thank the Minister of Justice (Mr. Mackintosh) for his assurance yesterday that the investigation of wrongdoing at Hydra House will be carried out without political interference. This is important given the letter which I now table which shows that the Minister of Justice has been a supporter of Hydra House and has extolled the virtues of the provision of care by for-profit corporations like Hydra House which provide community-based programs and residential services for people living with a disability.

Specifically, the Minister of Justice says in this letter that it is our experience that sometimes a private agency can offer a service which complements the range of supports required to meet the needs of participants.

My question to the Minister of Justice is will the Minister of Justice please tell this Legislature what

services for people with disabilities he believes can best be provided by private for-profit corporations.

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, when we are dealing with the vulnerable people of Manitoba, we look at what the individuals need on an individual basis. Hydra House, which is no longer functioning because of the withdrawal of funding by this government, was a for-profit.

On April 21, I did transfer the care of individuals to St. Amant Centre, Mr. Speaker, which is a not-for-profit. Again, that decision was made on their ability to deliver the care needed on an individual basis to each and every resident of Hydra House. That is our criteria. The criteria is care, and I will continue to look at the care of each of these people as our top priority.

Hydra House Investigation

Hon. Jon Gerrard (River Heights): Many would say that there are concerns about care provided by some of the for-profit providers in terms of disabilities, but my supplementary now is to the Minister of Family Services who replied.

On April 11, the Minister of Family Services brushed off concerns raised with her department in early 2000 as being just a small matter around a respite program. From the material that I tabled yesterday, it is now clear that the issues raised in the spring of 2000 concerned exactly the same kind of unethical, and almost certainly illegal, money grabbing by Hydra House which the Auditor General's report dealt with when he investigated Hydra House.

I ask the Minister of Family Services why she indicated on April 11 of this year that this was a small matter. Did her department staff not fully brief her on the range of financial irregularities that were raised with her department in early 2000?

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, I can assure the House I did not brush off the concerns raised. In fact, what we did was look into what the allegations were. I came back and informed the House that there had been a newly implemented respite program. There were problems with the policies that had to be

taken care of by the department. The department took care of those policies.

Mr. Speaker, I take any concerns raised by members in this House very seriously, and if the member opposite has any concerns about a profit or a not-for-profit agency I invite him and any other member of this House to come to me. My door is always open, and I will take very seriously their concerns.

Mr. Gerrard: Mr. Speaker, I have raised very serious concerns. I tabled material yesterday showing that there were very serious financial irregularities raised with this government in early 2000 regarding Hydra House, huge excess profit taking, almost certainly illegal, certainly very unethical.

The problem I would ask and the question I would ask to the Minister of Family Services is why was this material not provided to the Auditor General when he was doing his investigation. Why was a comprehensive audit not done in 2000 as part of the investigation at that time?

Ms. Melnick: Mr. Speaker, the Auditor was provided any information that he needed during the time of his investigation. There was an office set up in the Department of Family Services and Housing. The Auditor is very well aware that any information that may be required in these concerns or any other concerns will be made readily available to him. This is not a new arrangement. This is a legislated arrangement that the department fully complies with in an open manner.

Mr. Speaker, again, if the member has any concerns—

An Honourable Member: You withheld information.

Ms. Melnick: Mr. Speaker, again I repeat, if the member or any other member of this House has any concerns, my door is open and concerns will be taken very seriously.

* (14:10)

Teenage Pregnancy Prevention

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, the issues surrounding teen pregnancy are many and varied. Can the Minister of Healthy Living inform

the House what steps her department is taking to address this subject?

Hon. Theresa Oswald (Minister responsible for Healthy Living): It is my pleasure to talk about pregnancy prevention. Healthy Child Manitoba, its Healthy Adolescent Development program has an intersectoral approach. Recently, the Elmwood Teen Clinic was able to announce some very remarkable and noteworthy achievements. The Elmwood Teen Clinic is an after-hours, school-based, primary health care facility just for teens which opened in September of 2002.

Indeed, we have been able to see in the surrounding area a decrease of teen pregnancy of 24 percent compared to Winnipeg which had a decrease of 8 percent. Now while Healthy Child Manitoba is not going to suggest that there is a direct relationship, no other interventions in the community were in place at that time. It has been terrifically successful. We hope to expand this program for teens in other communities in Winnipeg. Thank you.

BSE Round Table Discussion Manitoba Representation

Mr. Ralph Eichler (Lakeside): We are on our second anniversary of the border closure to our beef and not one single processing plant has been built in Manitoba. It has become apparent that the NDP government's only long-term BSE strategy is reopening the border. The U.S. Secretary of Agriculture, Mike Johanns, has announced a high profile public forum shall take place on June 9 to discuss the case for reopening the American border to beef cattle. The forum will take place just down the road in St. Paul, Minnesota.

Mr. Speaker, I ask the Minister of Agriculture will she or her NDP government be making presentations to this important meeting on June 9.

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, the whole issue of slaughter capacity in this province is a major issue and one that we have worked very diligently on. We will continue to work with the processors and producers. With regard to the forum that the Secretary of Agriculture is going to be hosting, if we are invited to his forum we will certainly be making a presentation.

Mr. Eichler: Obviously, Mr. Speaker, the minister is out of the loop once again. It is an open forum,

anybody can go. Pick up the phone. It is not a tough deal. I will make the call for the minister.

Unlike other provinces around us there have been no processing plants built in Manitoba for our producers for two years. The NDP government is absolutely relying on the border reopening to serve their BSE long-term solution. This upcoming meeting will have a profile representative in attendance and it is imperative that they have representation at the table.

Mr. Speaker, will the Minister of Agriculture assure Manitoba producers that communities affected by BSE will have representation at the conference?

Ms. Wowchuk: I can assure the member opposite that this government has represented the Manitoba producers in many forums with regard to BSE, Mr. Speaker, and with other agriculture issues. Our Premier (Mr. Doer), has raised this issue with the Secretary of Agriculture. We have made representation in Washington. We have attended meetings in various forums in the United States to address the BSE issue.

You know, Mr. Speaker, I wonder where the member opposite is going. On one hand he says our only agenda is to open the border, and then he is critical of us that we have not increased slaughter capacity. We are interested in both and we are working on both, as well as working to develop new markets. Slaughter capacity is important, new markets are important, opening the border is important. We will continue to work on those issues.

Mr. Eichler: Obviously, the minister does not know about the meeting. I would like to table the invitation so that she will be able to have it, Mr. Speaker. *[interjection]*

We will send you another e-mail. Mr. Speaker, I will table this please.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Wowchuk: Thank you very much, Mr. Speaker. I want to assure the member that he does not have to provide us a copy of the news release about the meeting. I indicated to him that we have represented many Manitoba producers in many forums, and this is a forum that we have been made aware of. I could tell you that the issue was raised at the Western

Premiers' Conference. It was raised at meetings the Premier has attended. The Premier has raised this issue with the governors of various states. He is the one Premier who has been able to get a meeting with the Secretary of Agriculture to discuss this issue.

I can assure the members opposite this government is well aware and has been speaking on this issue and will continue to work to ensure that the issues important to Manitoba producers are raised in those forums, Mr. Speaker.

Spruce Woods Provincial Park Campground Opening

Mr. Cliff Cullen (Turtle Mountain): Earlier this spring one of Manitoba's favourite camping spots, Spruce Woods Provincial Park, was flooded. Approximately two-thirds of the campground was flooded. The campground office, the swimming area and other facilities were seriously damaged.

Despite this government's site-reservation fiasco, this spring the campground is almost entirely booked for the upcoming season beginning in May. This government's Web site today indicates this area will remain closed not only this long weekend but into July.

Mr. Speaker, why has this minister not moved to clean up this park for all Manitobans?

Hon. Stan Struthers (Minister of Conservation): Mr. Speaker, the Saturday morning following the very successful Rural Forum, I was at this park to check it out. I can report to the member for that area that there was extensive damage done to the lower part of the park. A thick layer of topsoil and slime covers most of the park and the beach. There are problems with the lift station and there are problems with the wells and the water.

This was a very major event in this park. Luckily, bays 8, 9 and 10, which are on the upper regions, the high ground of the park, were not affected and those will be open and available to Manitobans this weekend. We are moving as quickly as we can to make sure we clean up the rest of the park and have it accessible to Manitobans very soon.

Mr. Cullen: Mr. Speaker, we recognize this was a major flood. I am asking the minister why he would not allocate more resources to that particular facility

to get it up and running earlier. We know this impacts the economy in that area. Why will the minister not expedite the cleanup of this area?

Mr. Struthers: Well, Mr. Speaker, the Member for Turtle Mountain has to get up a little bit earlier in the morning to get ahead of these issues. We are providing funds to expedite this matter. It is a matter of physically cleaning up this park which is occurring as quickly as is humanly possible.

I think, Mr. Speaker, this might be a good opportunity to inform members of some of the other improvements we have been making to our park system right across Manitoba. We are electrifying and opening more sites in places like Watchorn, Tulabi Falls, Nutimik, Stephenfield. We are making very good improvements to our park system so that more and more Manitoba families can actually gain access to our very beautiful parks and our very beautiful campgrounds in this province of Manitoba.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Emergency Medical Services Week

Mr. Denis Rocan (Carman): Mr. Speaker, it is a pleasure to rise today to recognize Manitoba's hardworking and dedicated emergency medical service providers during this the Emergency Medical Service Awareness Week.

The demonstration held at the Legislature today by the Paramedic Association of Manitoba is telling of the high level of professionalism and caring that each and every one of these valued individuals has for the health and welfare of Manitobans. The display of their latest medical equipment and techniques is a testament to the preparedness and high-quality abilities that EMS providers have when called to an emergency on a moment's notice.

* (14:20)

The theme for Manitoba's emergency medical services this year is Ready, Responsive and Reliable. There is no doubt in my mind that they are most deserving of this reputation. In times of dire need, Manitobans have come to rely upon the services and high-quality capabilities of our emergency medical services professionals. The vital role that

paramedicine plays in our health care system cannot be overemphasized.

However, the reality is that the nature of their work means that the important role that they play in helping Manitobans oftentimes goes unnoticed. It is thanks to the tremendous efforts of our emergency medical service providers that the lives of countless Manitobans have been saved. I would, therefore, ask all honourable members to join with me today in thanking the Manitoba Paramedics Association and all of our province's emergency medical service providers for the crucial role that they play in our health care system, and for helping and saving the lives of countless Manitobans.

Thank you very much, Mr. Speaker.

Canadians Helping Kids in Vietnam

Mr. Harry Schellenberg (Rossmere): Mr. Speaker, on May 7 I had the pleasure of attending Canadians Helping Kids in Vietnam's 10th annual fundraising dinner at Miles Macdonell Collegiate. The member from Burrows and the city councillor, Lillian Thomas, also participated in this well-attended fundraising event.

Along with contributing to a good cause, those who attended the dinner saw a lovely children's fashion show and were treated to authentic Vietnamese cuisine as well as entertainment provided by Vietnamese folk dancers and singers.

Money raised at the dinner will be used by the Canadians Helping Kids in Vietnam to continue their humanitarian work overseas. Canadians Helping Kids in Vietnam is a non-profit organization which is dedicated to providing education and support to families in the poorest region of Vietnam. In addition to providing aid for individual families, money raised by Canadians Helping Kids in Vietnam has been used to renovate a high school and build four schools in the Quang Ngai area. It is my understanding that plans are currently underway for the construction of a fifth school.

Mr. Speaker, Manitobans are selfless and caring people. Our province continues to have one of the highest rates of charitable work and volunteerism in Canada. Canadians Helping Kids in Vietnam is a perfect example of the enormous contribution

Manitoba's volunteers make not only to our province but to the world.

On behalf of our government I would like to thank the volunteers and sponsors who have donated generous amounts of time and money to help make this organization a success over the last 10 years. Also, I would like to commend Chau Moon, Darlene Lindsay, Tam Nguyen for their efforts in establishing this organization.

I must point out that Darlene Lindsay, a long-time former teacher at Miles Macdonell Collegiate, has been the driving force behind the success of this organization. Her energy and dedication have provided strong leadership and vision to Canadians Helping Kids in Vietnam's many volunteers. Thank you, Mr. Speaker.

Eileen Kent

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I rise in the House today to congratulate Mrs. Eileen Kent who has recently been awarded the Love of Caring Award presented by the Fred Douglas Society. These humanitarian awards pay tribute to individuals for their outstanding service, dedication and achievements by improving the lives of the elderly in the province.

Mrs. Kent received her nomination from the Woodworth Senior Services in the community of Kenton. Eileen Kent is a true role model for others. She has been an active volunteer with seniors in the community, promoting a healthy lifestyle, assisting them with day-to-day activities and organizing entertainment. Also, earlier this spring, Mrs. Kent was honoured as the recipient of the Women of Distinction award in Westman at the dinner held in Brandon, further valued recognition of her efforts.

Throughout her lifetime, Mrs. Kent has displayed virtues of hard work and commitment as she has managed a farm operation and was a local nurse for over 29 years. Whether it has been through nursing, teaching, fundraising or volunteering her music talents to church activities, Mrs. Kent has clearly shown her devotion to Kenton and area residents.

Once again I congratulate Mrs. Kent on this prestigious and well-deserved award. I wish her all

the best as she continues to provide such valuable services in her community.

Collège Jeanne-Sauvé

Hon. Theresa Oswald (Minister responsible for Healthy Living): It is my pleasure to rise in the House today to congratulate the students and staff of Collège Jeanne-Sauvé for being one of only four schools in Manitoba to receive an official designation from the United Nations Educational Scientific and Cultural Organization as a UNESCO-associated school. This follows three years of dedication by students and staff in the Associated Schools Project Network.

The Network promotes peace through local, national and international partnerships in the areas of human rights, democracy and tolerance, intercultural learning and environmental issues. Collège Jeanne-Sauvé students have been involved in a two-year pilot project focussing on UNESCO themes within the curriculum and extracurricular clubs.

Le Collège Jeanne-Sauvé a mis sur pied un groupe Éléves sans frontières et a commencé en 2004 à développer leur projet Afrique 2007, dont le but est d'apprendre davantage sur la situation africaine et d'organiser un voyage en Afrique au cours de leur dernière année à l'école. Ce projet a d'importants objectifs internationaux et humanitaires; les élèves, leurs parents et le personnel de l'école appuient le lien établi entre les communautés africaine et canadienne, en encourageant un échange durable d'idées et de ressources à long terme. Les élèves impliqués font preuve de compassion et de compréhension en mettant à exécution leurs plans, conçus dans le but d'améliorer notre monde.

Translation

Collège Jeanne-Sauvé organized a Students without Borders group and in 2004 began to plan their Africa 2007 project, the objective of which is to learn more about the situation in Africa and to organize a visit to Africa in their graduation year. This project has a significant international and humanitarian focus with students, parents and staff supporting the bridging of the Canadian and African communities by facilitating a long-term sustainable exchange of ideas and resources. The students involved are putting into action their plans to make the world a better place with caring and understanding.

English

I stand in the House today to commend these students, their teachers, their parents and all those involved for trying to make a difference in the Seine River constituency, the province of Manitoba and, indeed, Mr. Speaker, in the world. Thank you very much.

Hydra House

Hon. Jon Gerrard (River Heights): Mr. Speaker, new facts relative to Hydra House have been emerging rapidly. As a result of material made public during this session, we now know that the NDP government was made aware of very serious financial irregularities at Hydra House as early as late March of 2000. A second major complaint of financial irregularities was then raised with this government in November 2000. Both the concerns in the spring of 2000 and the fall of 2000 were related to unethical, highly irregular and probably illegal financial activity.

When the first concerns were raised in the spring of 2000, the government treated them as a minor problem around respite care. The NDP government failed to do an audit of Hydra House in spite of concerns of the financial irregularities. When the second set of concerns was raised in the fall of 2000, the government conducted a cursory financial review.

For the NDP government to have failed to do a proper audit and investigation as a result of the complaints raised in the spring of 2000 shows very poor judgment. For the NDP government to have failed to do a thorough financial investigation as a result of the second major complaint in the fall of 2000 shows an appalling lack of judgment. For the Minister of Justice (Mr. Mackintosh) to have written in strong support of Hydra House in April 2003, three years after the first complaints were received, is hard to comprehend. Clearly this government has been dismal in ensuring accountability of services, for those who are disabled, provided through Hydra House.

* (14:30)

GRIEVANCES

Mr. Speaker: The honourable Member for Carman, on a grievance?

Mr. Denis Rocan (Carman): On a grievance.

Mr. Speaker: On a grievance.

Mr. Rocan: Mr. Speaker, I rise today to plead for justice in what has been called a ghastly story. It is a story that shames all Manitobans and cries out for redress. It is a story of the denial of due process and of natural justice leading to the confiscation of private property through abuse of the property tax assessment and appeal process. It is a story that in its fundamental injustice has been compared to the wrongful conviction of Thomas Soponow. It is a story that has been characterized as a tragedy of errors. It is a story of the power of the state being marshalled against citizens, rather than being harnessed to protect them.

At this time, Mr. Speaker, I would like to thank the honourable Member for Southdale (Mr. Reimer), the honourable Member for Lac du Bonnet (Mr. Hawranik), Seech Gajadharsingh, the former member of the Municipal Board and, indeed, John Perrin, a member of the family that I am about to speak of, for it was these individuals who helped me gather most of this information.

This is a story about a property owner in Winnipeg whose journey through the tax assessment and appeal system was in part like Alice in Wonderland, part Franz Kafka. The owner was a family-owned Manitoba corporation called Harvard Investments Ltd. named after Harvard Avenue in Crescentwood. The family has deep roots in Manitoba, Mr. Speaker, and, indeed, in Winnipeg. The property in question was none other than that grand lady, the Fort Garry Hotel.

To put this story in its proper context, Mr. Speaker, since *Magna Carta*, it has been a fundamental principle in our civilization that no one can be dispossessed of his property without due process of law. Due process has been defined as that which comports with the deepest notions of what is fair and right and just. In this respect, due process embodies moral principles so deeply imbedded in the traditions and feelings of our people as to be deemed fundamental to a civilized society as conceived by our whole history.

Mr. Speaker, in the case of property tax assessment appeals in the province of Manitoba, due process involves three basic components. The first is

an initial hearing before the taxpayer's local Board of Revision. The second: If the taxpayer is dissatisfied with the outcome of the initial appeal, there is a further appeal to the Municipal Board of Manitoba. The Municipal Board's decision is final except in certain conditions. So the third component is that if the board's decision involves an incorrect application or interpretation of the law, an appeal lies to the courts on the point of law. In this way, the board is overseen by the judiciary to ensure that its decisions are lawful.

This kind of process is common in the operation of quasi-judicial and administrative tribunals everywhere. It is well known and well understood. It honours the principles of due process and of natural justice. It contributes to justice being done and being seen to be done. It helps prevent the administration of the law from being held in disrepute. It helps to ensure that decisions are fair and right and just.

Let us now compare these universal and noble concepts with what actually transpired right here in Manitoba.

Mr. Speaker, this is a tale that has its foundations in the deliberate and concerted actions of the City of Winnipeg and in the unintended consequences of acts and omissions of this very House. It is a truly shocking story of the abuse of taxpayers by their governments. It is a story of the very protections that should be afforded every citizen being deliberately ignored and even subverted.

First of all, Harvard Investments Limited purchased the Fort Garry Hotel in November 1979. In January of 1987, the hotel was seized from Harvard by the City of Winnipeg pursuant to a tax sale proceeding based upon a grossly excessive assessment by the City of Winnipeg assessor.

Second, Harvard first filed an assessment appeal in 1981 based on a legal opinion that the assessment was in order of seven to eight times too high. Coincidentally, that was the year the City of Winnipeg took the position that Bill 100, passed by this Legislature in 1980, had frozen all assessments shutting down the Board of Revision. The business community back then challenged this action, but the Manitoba courts ruled that assessments were frozen. These erroneous decisions were later reversed by the Supreme Court of Canada but not until late 1983. The result was that the Fort Garry Hotel was subject

to a tax sale on the basis of a grossly excessive assessment prior to any assessment appeal hearing. Harvard also lost their property south and west of the hotel building in a mortgage foreclosure triggered by the tax sale.

Third, finally in 1984, the Manitoba Municipal Board heard Harvard's appeal of the 1981, '82 and '83 assessments. In the hearing, the City of Winnipeg took the position that the assessor was correct and that market value was not relevant to assessments. In its decision, the board held that valuation based on market is not relevant to assessments in the city of Winnipeg.

Fourth, Harvard sought leave to appeal in the Manitoba Court of Appeal on the point of law that market value was not relevant. In the leave application hearing, the City of Winnipeg took the position that there was no right to appeal a decision of the Municipal Board. The court held that The City of Winnipeg Act made no provision for an appeal even on a point of law. Harvard's leave application was denied.

Fifth, the Legislature subsequently amended The City of Winnipeg Act to include a provision providing for appeals on a point of law, but this amendment was not retroactive and, therefore, did not apply to Harvard's appeal.

Sixth, following the tax seizure in 1987, Harvard was advised there was no legal remedy available to recover losses arising from the assessment and seizure. The company and its shareholders then embarked on a lengthy and ultimately unsuccessful effort to mitigate their damages on the basis of other causes of action.

* (14:40)

Seven, later in 1987, in another case the Court of Appeal held that market value is the test of equity in assessments.

Eight, in 1991, four years after the seizure, the Municipal Board heard Harvard's appeal of the 1984, '85, '86 and '87 assessments. The City again argued that the assessor had been correct. On this occasion, however, the board found that the original assessment on the land and building was grossly excessive exceeding its proper level by 7.8 times, which is 780 percent. The assessment on the hotel building was found to be 97.3 times, which is 9,700 percent higher than it should have been. Ironically,

this decision was upheld on the City's appeal to the Court of Appeal, the very appeal Harvard had been denied six years earlier.

In 1992, Mr. Speaker, the situation at that time was outlined in a presentation to a committee of the Legislative Assembly. In 2000, Harvard brought these matters to the attention of the Manitoba Ombudsman's office. The investigator commented that there was no doubt the company and its shareholders had been aggrieved. However, the Ombudsman was unable to assist due to statutory limitations on his authority.

In 2001, Harvard was advised that all available legal remedies had been exhausted. Since then the shareholders have attempted to seek redress from the Government of Manitoba.

It is clear that what transpired was not in accord with due process in which three fundamental principles are commonly recognized. First, participants have a right to timely decisions and a process that is neither cumbersome nor unduly costly. Second, the process must respect natural justice. Third, the process must produce accurate decisions that reflect correct findings of fact and accurate application of the law. Each of these principles was flagrantly violated in this case, and each of these violations was founded in relevant provincial legislation governing each aspect of the assessment and assessment appeal system applicable in the city of Winnipeg.

The role of the Province in all of this can be summarized in three steps. First, beginning in 1981, the actions of the City of Winnipeg in wrongfully interpreting Bill 100 resulted in taxpayers in the city having no access to an appeal process for over three years. This House must accept a substantial measure of responsibility for the confusion over the interpretation of this act and the resulting unconscionable delays in process. This delay produced the obvious injustice of the tax sale and mortgage foreclosure of this property, burdened as it was by a grossly excessive tax bill prior to the owner's appeal ever having been heard.

Second, Mr. Speaker, the Municipal Board of Manitoba in 1984 made a serious error in law in adopting the argument of the City of Winnipeg and the city assessor. It held that market value was not relevant to assessments in the city of Winnipeg.

Thirdly, Mr. Speaker, the Municipal Board's error was compounded fatally by what happened next. The property owners naturally believed they would have access to the courts to resolve the legal question of whether or not market value was relevant. They had, of course, been advised that this was established practice and so applied for leave to appeal the board's decision on the point of law in the Court of Appeal as provided in The Municipal Act. They expected due process. They thought they had a right to a hearing. They thought they could expect protection from the deliberate actions of the City of Winnipeg and the errors of the Municipal Board.

What happened next was profoundly shocking to them, Mr. Speaker. The City of Winnipeg took the position that there was no right to appeal even on a point of law. Even more shocking was the fact that The City of Winnipeg Act contained no provision for an appeal from an erroneous decision of the Municipal Board. Such a provision was contained in The Municipal Act but not in The City of Winnipeg Act.

Now, just to be clear, Mr. Speaker, the act did not contain a so-called privative clause intended to prohibit an appeal. Yet, sadly, the Court of Appeal, adopting the City of Winnipeg's argument, held that there was no right of an appeal even on a point of law. The leave application was denied. So much for the judicial oversight. So much for due process. So much for the right to be heard. So much for natural justice.

To compound what was already a manifest injustice, Mr. Speaker, this House later enacted to remedy the omission in The City of Winnipeg Act to provide for an appeal on a point of law. But this amendment was not retroactive and did not apply to the case at hand.

To further confirm the extent of the injustice, Mr. Speaker, the Manitoba Court of Appeal held in a subsequent case that market value is the test for equity in assessment in the city of Winnipeg. Ironically, this decision came just months after the Fort Garry Hotel had been seized by the City.

Now, Mr. Speaker, the City of Winnipeg is not an independent principality. It is not some sort of city-like state like Monaco or the Holy See. The people who live in Winnipeg are also citizens of Manitoba. They should be able to rest assured that

their most basic rights will be protected by the Province, notwithstanding the irresponsible actions of their municipal government, but this was not the case and this House must accept responsibility for the failure of the legislation to protect the rights of these Manitobans in the city of Winnipeg.

In fact it is a failure to protect those basic rights that is so surprising, unbelievable, really. That these citizens could be persecuted by their municipal governments and not protected by the laws of Manitoba is really unbelievable to most people. The difficulty in bringing this to the attention of the government is no doubt due to that very aspect. No one can quite believe that there can be such a violation of fundamental rights here in Manitoba but, Mr. Speaker, to our shame all this actually did happen.

The wanton actions of the City of Winnipeg in arguing: first, that there was no right to appeal assessments; second, that market value was not a relevant consideration; and, finally, that there was no right of appeal on a point of law were spectacularly successful.

Mr. Speaker, in so doing they saddled the hotel with a grossly excessive tax bill which effectively bankrupted the company. The City then seized the property and brought a bankruptcy petition, no doubt with the intention of taking control of the company's affairs, thus eliminating any possibility of a claim for redress.

So, Mr. Speaker, it is clear. The citizens of Manitoba have not been afforded the protection of the state but have been victimized by a marshalling of the power of the state against them. In fact provincial laws, rather than affording protection, aided and abetted the truly offensive, odious even, acts of the City of Winnipeg.

Without us and our errors and omissions, Mr. Speaker, they could never have gotten away with it. This is truly a ghastly story. The Manitoba government and Legislative Assembly surely have a moral obligation to provide redress under the circumstances.

Mr. Speaker, how ironic it is that all this could happen in a province and its capital city that will soon lay claim to being a showcase for human rights in our nation and around the world. Who in this House would accept what happened here as it

happened to them? These citizens lost their entire investment, their property and business, their jobs and livelihoods, their careers and reputations.

How would members of this House react if they lost all of this under similar circumstances? How long would it take them, Mr. Speaker, to correct that wrong? It has now been 25 years since these Manitobans first appealed their tax assessment and over 18 years since their property was seized.

Mr. Speaker, it is all too easy to look the other way, and it is all too easy to ignore a fundamental injustice, but this House and this government must no longer shy away from doing what is fair and right and just. This is a wrong that must be righted.

I would like to thank you, Mr. Speaker, and all members for providing me a few moments of extra time to put this on the record. Thank you very much.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call bills in the following order: 22, 25, 33, 30, 29, 8, 2, 5, 9?

* (14:50)

Mr. Speaker: To resume debate on report stage amendments, Bill 22, The Water Protection Act. There are four amendments brought forward by the honourable Member for River Heights (Mr. Gerrard).

Mr. David Faurschou (Portage la Prairie): Mr. Speaker, I wonder if you would mind repeating all of the bills, the order in which we are going to take them this afternoon, before we start with 22, please.

Mr. Speaker: Okay. The bills I will be calling are 22, 25, 33, 30, 29, 8, 2, 5 and 9, in that order.

An Honourable Member: Bingo.

Mr. Speaker: We have a Bingo.

DEBATE ON REPORT STAGE AMENDMENTS

Bill 22—The Water Protection Act

Mr. Speaker: We will now resume debate on report stage amendments to Bill 22, The Water Protection Act. We have four amendments that were moved by the honourable Member for River Heights.

The first amendment is to clause 2(2), standing in the name in the honourable Member for Ste. Rose (Mr. Cummings).

What is the will of the House? For it to remain standing? *[Agreed]*

* * *

Mr. Speaker: Okay, next we will move to subamendment to clause 21(1), standing in the name of the honourable Member for Pembina (Mr. Dyck).

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 Member for Pembina? Agreed?

An Honourable Member: No. Hang on a minute.

Mr. Speaker: Okay, we will give a second here.

Subamendment to clause 21(1). The subamendment is standing in the name of the honourable Member for Pembina. We have to deal with the subamendment before we can deal with the amendment.

An Honourable Member: Okay, I see what you are saying.

Mr. Speaker: Is it the will of the House for the subamendment to clause 21(1), standing in the name of the honourable Member for Pembina, to stand?

Okay, I will repeat that, subamendment to clause 21(1) standing in the name of the honourable Member for Pembina.

Is it the will of the House for the subamendment to remain standing in the name of the honourable Member for Pembina?

An Honourable Member: No.

Mr. Speaker: Okay. It has been denied.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, it is an interesting process we find ourselves in with regard to Bill 22 as we try to go through this process and get an understanding of exactly what it is we are supposed to be debating. I believe it is the subamendment. I believe I have not spoken to this

one. Members will have to excuse me if I am not 100 percent sure because I think we are at somewhere around 38 or 39 amendments, or subamendments, to this particular bill. I am sure members would be understanding as to why we are not exactly sure what is actually being debated because of the way in which this bill is being managed through the Chamber in third reading or the report stage.

That is the reason why I wanted to stand up and put some comments on the record again, as I have done in the past, to appeal to the Minister responsible for Water Stewardship (Mr. Ashton). If he could make a list of the different amendments and then provide it to either myself or the Leader of the Manitoba Liberal Party as to what the government's position is on all of the amendments that are being proposed, I think it would go a long way in facilitating ultimately the passage of Bill 22. We need to know, prior to actually voting, ideally, where it is the government stands on each of the amendments. In particular, obviously we are concerned with the government amendments that it has proposed. We know they obviously support those ones, but the amendments that are being proposed by the Leader of the Manitoba Liberal Party would go a long way in terms of helping us out.

Mr. Speaker, I was not going to speak long on this. I just wanted to be able to emphasize this on the record to the minister in hope that sometime in the next day or two we will actually get that list.

Mr. Gregory Dewar (Selkirk): Mr. Speaker, I move, seconded by the Member for Flin Flon (Mr. Jennissen), that debate be now adjourned.

Motion agreed to.

* * *

Mr. Speaker: Now we will move on to the third amendment, and that is to clause 31.1, standing in the name of the honourable Member for Portage la Prairie (Mr. Fauschou).

What is the will of the House? Is it the will of the House for it to remain standing?

An Honourable Member: No.

Mr. Speaker: No? It has been denied. Any speakers? No.

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment to clause 31.1.

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Speaker: No. Okay, all those in favour of the amendment, say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: Now we will move on to the fourth amendment, to clause 24, standing in the name of the honourable Member for Portage la Prairie. What is the will of the House? Stand?

An Honourable Member: No.

Mr. Speaker: No. It has been denied. Any speakers?

An Honourable Member: Yes.

Mr. Lamoureux: Mr. Speaker, we just had a vote on a clause a moment ago. Unfortunately, it was not supported by the government. We are again approaching another clause in which by appearance it looks like it is going to come to yet another vote.

Mr. Speaker, I am not sure whether or not the minister has actually addressed these clauses that we are voting on. I would like to get clarification from the minister as to if he has not spoken on these amendments, that he address the amendments prior

to an actual vote occurring so that we can get a sense of what the minister truly feels.

The Leader of the Liberal Party has put in a great deal of thought, energy and resources in coming up with these amendments, and I do not think it would be appropriate to see amendments discarded because the government is not prepared to add comment. Obviously, they are there for a reason. We expect to see a response, other than just a quick voice vote rejecting it. If the government is not going to respond, then I am going to take my time in going through each of the amendments, and I will exercise the 15 minutes-plus in order to be able to comment on them.

We have four amendments that are being proposed by the Leader of the Manitoba Liberal Party. I look to the Minister of Water Stewardship (Mr. Ashton), and he has indicated that he is prepared, I believe, to support some of those amendments. We are very much interested in knowing which amendments. We now have two that are still there. One has been voted down. We have another one that I am debating right now. I suspect once I sit down, if the minister has spoken on it, that is fine. We will be able to find out what he has said in order to gauge what he really feels about this particular amendment.

If he has not spoken to it, we ask him to speak to it, and while he is speaking to it, if he could give an indication before we start passing or voting down amendments. Obviously, we take it quite seriously and would like to have a response.

* (15:00)

Mr. Jack Penner (Emerson): Mr. Speaker, clearly the amendment had the right intent as far as paying compensation to farmers and/or anybody else for that matter that was located in an area that could be designated as a no-go zone and/or could be designated for whatever reasons the minister wanted to designate as an area that could be deemed environmentally unsound and therefore needed to be cleared of any developmental kind of activities in that area and know without any mention of any proper compensatory action being taken by this government and/or by the minister or directed by the minister.

This clause and this amendment speak to some compensatory method being established. However,

and here is the reason I find this clause somewhat difficult, and that is in (a.1),

by adding the following after clause (4)(a):

(a.1) compensation paid under clause (3)(d) but not exceeding the amount contained in the fund . . .

Nobody knows under the prescription of the fund in the act what that fund will actually be because it is all dependent on the regulations being drafted after to designate a fund to allocate monies to the fund, or allow the allocation of money through private direction and/or otherwise to develop this fund.

So far, Mr. Speaker, all I have seen of the fund is an airy-fairy attempt to try to convince the public that there will be a process developed where large amounts of money might be contributed to the fund through donations and/or otherwise, but not by government. To do what? We are not quite sure yet. This clause said to use the fund but within the terms of the fund. And I say that might not be nearly adequate.

When you take, for instance, in a case such as the Red River Valley, it is a flood zone, and the flood zone is clearly identified under the bill as an area that might be somewhat questionable as to whether we might want to, at some point in time say—and I heard all this discussion during 1997—but sometimes say that maybe we should not allow any further development in the whole Red River Valley. Maybe we should clear the whole Red River Valley and put it back to buffalo grass, and maybe just designate it as a wildlife zone to ensure, when flooding occurs, that no further damage can occur except the grass being under water and the grass growing up after the flood is over and the buffalo roam and play cheerfully and the deer are following the buffalo and maybe a few wolves and maybe even the odd mountain lion would come through to eat on the buffalo.

Mr. Speaker, there is no word of compensation to the people and the development that is heard in this valley that has been the mainstay of the economy of this province in a major way. And here we are going to rely on a fund being established by private entrepreneurs, or whatever, by private enterprise, to develop a process of compensation to this fund,

through this fund, to whoever would be affected by the clearance of a given area.

Maybe it is somewhat of an exaggeration to identify the whole Red River Valley, but I will never forget when the colonel from Edmonton flew into Manitoba and suggested that maybe this would be an appropriate time to designate an area development free in the Red River Valley because they had very serious concerns with the costs and all those kinds of things and the dangers that the floods presented.

I say to this Chamber we should very seriously consider that the government must be directed to pay compensation wherever development has taken place that the government must be directed to pay compensation wherever development has taken place. The government would decide this is from now on a no-go zone, we will clear that area, that proper compensation be paid to those people that have opened the land, not only land but maybe even built a town or a village, and that proper compensation be denied. I believe these funds that are identified under this amendment simply are not adequate.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is amendment to Clause 24.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: Okay, we will move on to eight amendments moved by the honourable Member for Portage la Prairie (Mr. Faurichou).

The first one is to clause 4(2), standing in the name of the honourable Member for Russell (Mr. Derkach).

What is the will of the House? Is it the will of the House for it to remain standing?

An Honourable Member: No.

Mr. Speaker: No. It has been denied. Any speakers?

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment to clause 4(2).

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: Now we will move to the second amendment to clause 7(1) and (4), standing in the name of the honourable Member for Russell.

What is the will of the House? Stand?

An Honourable Member: No.

Mr. Speaker: No. It has been denied. Any speakers?

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment to clause 7(1) and (4).

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: The third amendment to clause 7(5)(b), standing in the name of the honourable Member for Emerson (Mr. Penner).

What is the will of the House? Stand?

An Honourable Member: No.

Mr. Speaker: It has been denied.

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is amendment to clause 7(5)(b).

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: The fourth amendment to clause 7(6), standing in the name of the honourable Member for Russell (Mr. Derkach).

What is the will of the House? Stand?

An Honourable Member: No.

Mr. Speaker: It has been denied. Any speakers?

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question is the amendment to clause 7(6).

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: The fifth amendment to clause 23, standing in the name of the honourable Member for Emerson (Mr. Penner).

What is the will of the House? Stand?

An Honourable Member: No.

Mr. Speaker: The honourable Member for Emerson, to speak.

Mr. Penner: Mr. Speaker, if you give me just a bit of time, I will look at that amendment. I think we all remember this one.

This clause I think the minister should give very serious consideration to. I know the minister has developed, within the confines of the bill, the ability to put in place a water council. The water council, in my view, according to what I have read in the bill, would be somewhat similar to what we call sometimes a super board. That council, in my view, would have the right and the authority to do some extraordinary things.

* (15:10)

One of the main responsibilities of the council would be to make recommendations to the minister for action. When I look at section 23 of the bill, I look at the bill in its entirety and I look at the lack of direction and clarification in the bill and then almost every other clause talks about an ability to put in place regulations.

Mr. Harry Schellenberg, Acting Speaker, in the Chair

We really honestly do not know and have been given no clear indication by the minister or this government to tell us explicitly what the intent is of

this bill. I can make all kinds of nice noises, and I can use all kinds of nice words and say that we are going to protect the water in our province. I say to you, Mr. Deputy Speaker, that there would not be a person in this province, given the opportunity in public, would not say exactly the same thing. We want to protect our water.

Yet, when I look at the draft of the bill, I look at the preamble and it is very directed at one area. It speaks about the nitrogen level; it speaks about phosphate levels; it speaks about the environment; it is paramount to the environment, paramount to the economic and social well-being of Manitoba. What nice words, the preamble. Then it goes on to say that sufficient, safe, acceptable and affordable water for personal and domestic uses is internationally recognized as a fundamental right of citizens. Well, nobody would argue that. Nobody could argue that. It is well defined, accepted all over the world. That is a right of human beings. That is the right of the animals that live on this globe. That is the right of every living being that depends on land and water for survival. Nobody can argue that.

Then it goes on to that say the government of Manitoba recognized the importance of the United States Boundary Waters Treaty agreement, and I think here is where we get to where the minister really wants to point the finger again at somebody outside of his jurisdiction, and blame. Then he goes on to say other interjurisdictional agreements protecting water and the shared right and responsibility of all jurisdictions in the Hudson Bay drainage basin to protect water resources within the basin. Again, there is not any international person around, there is not a Manitoban around or a Canadian around that would say that is not the right of all individuals. However, I suspect the mention of the Canada-United States Boundary Waters Treaty might have something to do with the fight the Premier (Mr. Doer) is into with the governor of North Dakota on Devils Lake.

An Honourable Member: You think so?

Mr. Penner: I think that. I am not sure of that because it does not define it in this act, but it sure points the finger because this is the only international jurisdiction that we deal with in Manitoba. It is the only jurisdiction on the globe that touches Manitoba internationally. So what am I to assume? I assumed it.

Now, then it goes on to say that to most effectively ensure drinking water is kept clean, safe and reliable, it is necessary to complement the provision of The Drinking Water Safety Act with additional measures to protect drinking water sources. We all agree with that. I believe our forefathers, quite frankly, did an exceptional job of protecting our water. I think virtually everybody in this province is a protector of our drinking water. I think they are very concerned about the drinking water.

Mr. Speaker in the Chair

This implies that we are not. I think that really speaks very poorly of how much faith and confidence we have in the population in Manitoba. So I say to you that I believe, in part, this is an attempt to cast blame on somebody else in a foreign country.

Then it goes on to say whereas the Government of Manitoba is committed to watershed planning as an effective means to address risks to water resources and aquatic ecosystems and believes the residents of watersheds should be consulted when watershed plans are developed. Well, we sure would not argue with that. We can support that. We believe those that are affected must be consulted. There is no question. The minister will know that, when I was given the opportunity to be the Minister of Natural Resources, I embarked immediately on the land and water strategy. That was my first priority.

What did I do? What did my government do? What did the Filmon administration do? They went out on a consultation process the likes of which this province had not seen before. We consulted. We had 1200 people make presentations and give us direction and advice, 1200 people. I think it was unprecedented. Then we drafted a policy position on water, on land, on the resources, the mining industry, forestry industry. We drafted a position paper. We developed policy. The previous Pawley administration had not even thought of this. The previous Schreyer administration had given no thought to this, but the Conservatives of the '88 to 1999 administration gave a tremendous amount of thought to this.

What did we do? We implemented the Sustainable Development Initiative. We implemented watershed planning areas, and now the

minister wants to reinvent. I think it is a clear indication as to how narrowly this minister has looked at doing legislation that will protect and ensure clean, clear drinking water. Maybe we should look at this bottle, Mr. Speaker.

Mr. Speaker: Order.

Mr. Penner: I will say to the Speaker that—

Mr. Speaker: Order. Exhibits are not allowed in this Chamber. *[interjection]* The member just held it up as an exhibit. I ask the honourable member to please put it down off his desk. Off the desk, please.

Mr. Penner: This is drinking water.

Mr. Speaker: Well, you held it up as an exhibit. It was held up as an exhibit.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable member held it up as an exhibit when he held it up in his hand making a point. I ask the honourable member to please remove it from his desk and put it on the floor. Thank you very much. That should take care of the matter.

Mr. Penner: Now, Mr. Speaker, I stand here, and I lift this glass of water because I need a drink. If this glass of water contained the same water that the bottle did that I held up before, if it would contain the same water, then I would suggest we had a real problem. But this glass of water is fairly clear. The bottle of water that I had standing on my desk until a minute ago was taken out of the taps in this building two days ago. It was water I drew out of the taps in Room 113. *[interjection]* Pardon?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable Member for Emerson has the floor.

Mr. Penner: I know, Mr. Speaker, that this causes the Minister of Agriculture (Ms. Wowchuk) a bit of a dilemma. I think it causes some other members in this Chamber a bit of a dilemma. When I came to this building in 1988, I could go to any tap in this building and draw water that was as clean and as clear as this glass of water is. I suspect this glass of water might have come out of that—

* (15:20)

Mr. Speaker: Order. It is not the principle if the water is drinkable or not; it is using an object as an exhibit that is prohibited in this House. Any object could be legal to bring in the House, but if it is used as an exhibit, that is not allowed in this Chamber.

So I kindly ask the honourable Member for Emerson to please continue on with your debate.

Mr. Penner: Thank you very much, Mr. Speaker. I respect you and your direction and advice. However, what I want to point out is you can put whatever you like on paper and you can make nice news releases to try and convince the people of Manitoba that this Chamber and the government that rules here is, in fact, doing something that is meaningful to protect the water.

The bottle of water that I showed you is a demonstration of the confusion that exists in and amongst the government ministers because they have led people of Manitoba to believe that they are, in fact, doing something when nothing is being done. For the first time since I have come to this building as a member of the Legislature, I opened a tap in room 113 and nothing but brown soup came out of the tap. That is two days ago right after Question Period. I walked to that Room 113 and I opened the tap and it was as brown as this desk, the water was.

I want to say to the minister, when you draft legislation, use some other words than just saying this Government of Manitoba is committed to watershed planning as an effective means to address risk for water resource and aquatic ecosystems, I believe that residents and watersheds should be consulted when watershed plans are developed.

I want to see action. This bill only prescribes a way to allow regulations to be drafted. It is a prescription. That is why, Mr. Speaker, we have drafted and put forward so many of the amendments. That is why we suggested that the minister, in fact, look at clause 23 and look at the amendment that Mr. Faurschou put forward and say where it must refer to water council—

Mr. Speaker: Order. I kindly ask honourable members when making reference to other members

to please do it ministers by portfolios and other members by their constituency.

Mr. Penner: Thank you, Mr. Speaker. I want to say that the Member for Portage la Prairie brought forward an amendment that says, "must refer to the water council the responsibility to monitor the development and implementation—

Mr. Speaker: Order. The honourable member's time has expired. Any other speakers? Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is clause 23.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: Now I will call the next amendment to clause 24(4)(b), standing in the name of the honourable Member for Emerson (Mr. Penner).

What is the will of the House? It is the will of the House to stand?

Some Honourable Members: No.

Mr. Speaker: No. The honourable Member for Emerson, to speak.

Mr. Penner: Mr. Speaker, this clause I want to talk about basically deals with the same matter and refers to the fund that we were talking about just a few minutes ago. I would suggest that, if you look at 24(4), and you look at the permissive way the bill is drafted, I think we must all recognize that just to put a piece of legislation in place in this province, to allow for regulations to be put in place that would be governed, would be the governing body of what needs to be done, in other words, the prescriptive body that needs to be done, I think it is somewhat presumptuous of the minister and therefore, in the long term, does not serve democracy well.

Mr. Speaker, you and I could very easily sit down and draft a whole piece of paper that would give us the authority to later on draft regulations without that piece of paper saying anything about what was intended by the regulations. It would not have to be very definitive. In many areas, that is what this bill is. In this section, clause 24(4)(b), it talks about the cost of marketing and promoting the fund. In other words, this minister wants to ensure that he has a fund that he can advertise all over the province and the cost be borne by the contributors to the fund.

Think about that. We have heard so much about funds in the last while, establishing funds to do what? To add costs to the taxpayers of this province. I refer to the floodway labour management agreement. I have never seen so many trust funds established under one bill or under one piece of agreement as are contained in the labour management agreement. I honestly could not believe when I read—the minister challenged me to read the bill, or to read the agreement, and I did. To his misfortune, I did. That agreement adds huge costs to constructing the Winnipeg floodway. It adds huge costs. It adds an average for every hour of work—*[interjection]*

I know there are people here that like to hassle the speaker or—

Mr. Speaker: Order. The honourable Member for Emerson has the floor.

Mr. Penner: And he is a good friend of mine. By the way, Mr. Speaker, I think you know that he and I travelled to Washington together and we travelled to Kansas together. We met with numerous legislators over there, and it was amazing how quiet this man

could be. He sat quietly by and listened so intently to most everything that was said. He added very little to the conversation that was held with the legislators and/or senators that we met with in either Washington and/or Kansas, sat quietly and listened.

I know the minister loves to get into the fray as well, and I respect the Minister of Water Stewardship (Mr. Ashton). I really do. I think he is a good, seasoned politician. I just wish he and I could agree philosophically on more things than we can from a political standpoint, but it has become a bit difficult.

* (15:30)

Getting back to the bill and the amendment in the bill, I would suggest that here is another attempt by government to take money that is in good faith contributed to a fund, and then government uses it as another slush fund to do a whole bunch of publicity in their favour. I think it is disgraceful when it is written into a bill that gives the right of that kind of abuse of a fund that in large part should be established to support the ecosystem, to support clean water and clean water development. Yet this government wants to spend money to do an advertising campaign.

Look at what they could use this for during an election campaign. It would be fabulous. Given the broad parameters of the allowances within this clause, you could, a month before the campaign, a month after the campaign, during the campaign, do huge ads on clean water. I can see the intent here.

So, Mr. Speaker, that is why we are suggesting that this clause should be eliminated from legislation like this. Quite frankly, no other government that comes after this NDP government, and there will be another party that comes after this NDP government, no other party, I think, would even have thought of implementing or including this kind of a clause in a bill allowing them to spend on advertising the kind of money that might be available to them without limitations.

So we strongly would suggest that this House consider the removal of using the fund as an advertising slush fund.

Mr. Speaker: Any other speakers?

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is clause 24(4)(b).

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: Amendment to clause 32, standing in the name of the honourable Member for Emerson.

What is the will of the House? Is it the will of the House for it to remain standing?

Some Honourable Members: No.

Mr. Speaker: No? It has been denied? Okay.

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is clause 32.

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

Some Honourable Members: No.

Some Honourable Members: Agreed.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: We will move to the next amendment to clause 33(3), standing in the name of the honourable Member for Pembina (Mr. Dyck).

What is the will of the House, that it remain standing in the name of the honourable Member for Pembina?

Some Honourable Members: No.

Mr. Speaker: No? It has been denied. Any speakers? Okay.

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is clause 33(3).

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

Some Honourable Members: No.

Some Honourable Members: Agreed.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: Next, we will move on to 12 amendments moved by the honourable Minister of Water Stewardship (Mr. Ashton).

The first amendment moved to clause 1(1), standing in the name of the honourable Member for Russell (Mr. Derkach).

What is the will of the House? Is it the will of the House to remain standing? Stand?

An Honourable Member: Stand.

Mr. Speaker: Okay. It will remain standing in the name of the honourable Member for Russell.

* * *

Mr. Speaker: We will move on to the next amendment, to clause 2(d) and (e), standing in name of the honourable Member for Russell.

What is the will of the House? Is it the will of the House for it to remain standing?

An Honourable Member: No.

Mr. Speaker: No? Is it to remain standing in the name of the honourable Member for Russell?

An Honourable Member: No.

Mr. Speaker: No? Okay, the honourable Member for Emerson, to speak.

Mr. Penner: Mr. Speaker, this was clause 2(d)–

Mr. Speaker: Clause 2(d) and (e).

Mr. Penner: Mr. Speaker, when one looks at 2(d), and 2(b), or 2(c) of this bill, one really has to look at the whole area of what is intended here. When you look at the proposals that are put forward under 2, the purpose of this act is to provide for the protection and stewardship of Manitoba's water resources and aquatic ecosystems, recognizing that

under (a) Manitoba's social and economic well-being is dependent upon the sustainable existence of a sufficient supply of high-quality water, and (b) is the importance of comprehensive planning for watersheds, with respect to water, land and ecosystems, on a basis that acknowledges and considers their interdependence, and (c) that water resources and aquatic ecosystems require protection to ensure the high quality of drinking water sources.

Then it goes on in (d) to say the importance of applying scientific information in decision-making processes about water, including the establishment of standards, objectives and guidelines, and

"(e) the need to protect riparian areas" and here this bill amends it, "the need to protect riparian areas and wetlands." I think in the initial bill there was clearly an area where the minister had not either given proper consideration to or it was simply an oversight.

I wanted to put a few comments on the record on the importance of wetlands. When one looks at other areas, the other areas of the world, and when one looks at the Euphrates River Valley in history and one recognizes when too many attempts are made in an area of the world where everything is done to remove water from the land, especially in areas that are very often considered swamplands or recharge areas for aquifers, we must ensure, Mr. Speaker, that what happened in the Euphrates Valley does not occur in Manitoba.

I think when you look now at what is happening in that same area of the globe and that country, there is now being restoration undertaken by foreign governments to help that poor country rebuild its wetlands and replenish the swamplands that used to be there, and you look at what is the regeneration of the ecosystem there, it is almost unbelievable what can happen when human beings take remedial measures to rebuild something that was destroyed by human hands.

That is why we put some of the amendments forward in this bill, and our caucus and our party strongly believe there must be a balance maintained in the ecosystem that ensures that what the good Lord intended when this globe was made is in fact respected and kept. Water and land, if you have not got a proper balance of the two, you are capable—or it is probable that destruction can take place. So one

must very delicately assess and make sure that we do not overdo it from one area to another.

* (15:40)

We have flat prairie lands that need from time to time water taken off, and we know that. We have the Red River Valley. We know how that valley is productive as long as proper care is taken that the soil is, in fact, maintained, and the areas of wetlands that have been traditionally kept.

I refer to southeast Manitoba. We have many swamplands in southeast Manitoba east of the Red River. Those are the recharge areas for the aquifers, many scientists will tell you. They house a very specific ecosystem, and they support an ecosystem that I believe all of us respect and want to protect.

So this area of wetlands not being identified previously when the initial draft of the bill was put forward and introduced in this House was, I believe, quite frankly, an oversight that the minister did not really want. Therefore, I respect that he brought forward this amendment to this bill. I think this adds significantly to the acceptance of this bill to the general public and indeed to our party.

We support this amendment. We think this strengthens this bill immensely. It does not only focus on nitrates and phosphates. It actually identifies how a wetland area can actually enhance the well-being of a water supply that we are all dependent on, and recognizing how remedial action nature can take by growing all kinds of material or letting all kinds of growth happen in a wetland, such as cattails and many other areas that I understand are real filters and cause a lot of clean water to happen and that take a tremendous amount of nutrients out of the water supply.

I was somewhat astounded this spring when the migration of the geese and the ducks and the swans took place. We had, as many of you know, large areas of unharvested crops in the Red River Valley, first time in my farming career that I ever saw that amount of crops left out in the field and destroyed. Virtually every acre of corn that was grown in this province for grain was left out in the field and either harrowed down or left there. What did that attract this spring? Huge, huge flocks of geese.

Just a mile west of our place, I drove to town one morning and there must have been a million geese on that section of land. It was white virtually from one end to the other. When I drove down the road, believe it or not it was a dirt road, no gravel on it. When I drove down that road, and I want to say this to the minister, I had never experienced this. All of a sudden the road turns swiftly, and it was covered with white material. I think the geese found a warm, black spot. The road turned warm overnight and stayed warm overnight, and the geese went out and sat on the road. But what they dropped there was something that was not very pleasant. The tires of the car did not hold very distinctly to the road.

The reason I am saying this, Mr. Speaker, is that those geese, if there were a million of them, and I would not be surprised if there were a million of them, had landed in Lake Winnipeg and sat there for a day or three or a week and a half, as they did here, look at the amount of material that they would have dropped in that lake. Material that we have paid some attention to, or the minister has, in trying to assess what caused the pollution in Lake Winnipeg. I think the scientists have identified that it was probably in large part the waterfowl that dwell on Lake Winnipeg, or use Lake Winnipeg as a watering hole in its migration and/or otherwise. I respect that.

The other thing I find interesting when I read some of the articles, be they scientific or otherwise, it states that fish species are very often dependent on those goose droppings and duck droppings for a feed supply. Fish feed on them. Nature has an interesting way of protecting and providing for its own creation, and I think that was clearly demonstrated again this spring. When farmers leave crops out in the field, nature has a way of utilizing those crops in the spring for its own existence. That is one reason why, Mr. Speaker, I want to support this amendment to this bill.

It goes on and says, "The benefits of providing financial incentives for activities that protect or enhance water, aquatic ecosystems or drinking water sources." I think therein, in the initial draft of the legislation, the minister had simply overlooked the need from time to time to provide financial incentives to encourage the application of processes that could be utilized to make our drinking water supplies better than what they had been in the past. The wetlands and the development of wetlands, or restoration of wetlands, sometimes need some extra

enhancement and protection. Governments from time to time need to provide financial incentives to protect or enhance water and aquatic systems.

I would certainly support the inclusion of this amendment and the minister's own amendment to his own bill in this matter. I think this is a clear indication that he really wants to make this bill better. I think we want to make this bill better. That is why we proposed the many amendments to this bill that we did put forward. I hope the minister will look favourably on some of the amendments we have put forward to be inclusive, because we think that, too, will enhance the adoption and acceptance of this bill. Thank you, Mr. Speaker.

Mr. David Faurshou (Portage la Prairie): I rise to address the amendment as proposed by the honourable minister as it pertains to the purpose of the act by amending (e) and adding clause (f) to section 2.

I will say I do support the amendment as presented to the Assembly. I do so without any reservation, even though I should hold some malice towards the minister for voting down the last eight amendments that I proposed to assist in making this bill a better one. The minister is quite correct that one was passed. The ninth amendment I proposed was passed by the minister, which I do appreciate, and perhaps that is pretty good for an opposition to get at least one amendment to a government bill passed.

* (15:50)

I do want to speak specifically to the proposed amendment that speaks of providing financial incentives to protect and enhance water aquatic ecosystems and drinking water sources. I do want to draw the minister's attention to the very well-thought-out proposal that has been developed and promoted by the Keystone Agricultural Producers of Manitoba being piloted in, I believe, four other locations within the nation that provides for financial remuneration to landowners for setting aside areas next to waterways and allowing the owner of the land to not totally lose all opportunity for financial remuneration for the properties, in that way too, recognizing that preserving our water quality is of benefit to all persons, not just the landowner who owns the property adjacent to waterways. So this particular amendment does speak to that.

I do believe the honourable minister has in mind that this amendment will be able to support the alternative land use strategy that the Keystone Agricultural Producers have proposed. I know the honourable Minister of Agriculture and Rural Initiatives (Ms. Wowchuk) has seen the alternative land use strategy as proposed by the Keystone Agricultural Producers. I hope that she has shared this information with the Water Stewardship Minister (Mr. Ashton) because I do wholeheartedly support the strategy that has been developed by the Keystone Agricultural Producers.

This particular amendment will allow that strategy to be adopted and provide for landowners' ability to participate in enhancing the quality of water by leaving undisturbed riparian areas, yet not bearing the full burden upon their shoulders by themselves, and all Manitobans will be able to benefit and ultimately support the initiative.

So, with those few words, Mr. Speaker, I would like to see this amendment moved and brought into force when this bill is given Royal Assent.

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, my comments will be brief in support of this amendment. I want to zero in on the clause that reads, "the benefits providing financial incentives for activities that protect or enhance water aquatic ecosystems or drinking water sources."

I will be echoing the comments from my colleagues about the fact that something I have noticed over the years, that sometimes some of the most ardent environmental protection enthusiasts are anxious to do the right thing. For that they should not be criticized, but they tend to forget that sometimes when they are doing that, they are pointing out there to the other guy's property, in many cases what would be a rural setting where by virtue of the fact that an agricultural community makes its living through the use of the land. They have the primary responsibility, but they also have the primary expense to carry.

There are a number of times, in my experience, where an agricultural community knows what needs to be done, but is unwilling or unable to afford to take certain measures that would be appropriate for better management of water protection, of water quality, providing the riparian areas that are needed. This is a bit of a weak sister in terms of an

amendment for what some people would be looking for, but it is very clear that it is a start. We need to seriously consider moving in this direction as a society if we intend to actually begin to make the influence on water quality that this bill, on the surface at least, seems to be intended for.

Lest the minister responsible for water becomes too comfortable with my commentary, I cannot sit down without adding the fact that I think this bill was structured in a way that allows for too much to be left to regulation and future development. It could be more proscriptive, but I have been told by my colleague that he has come around and seen the wisdom of some of the amendments that have been put forward. He has proposed some of his own, and I can only assume that we now jointly, on both sides of this House, can move forward to actually do something beneficial on behalf of water quality.

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

An Honourable Member: Yes.

Mr. Speaker: The question before the House is the amendment to clause 2(d) and (e).

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

* * *

Mr. Speaker: Now we will move on to amendment to clause 2.1, standing in the name of the honourable Member for Russell (Mr. Derkach).

What is the will of House? Stand?

An Honourable Member: No.

Mr. Speaker: No. It has been denied. Are there any speakers?

An Honourable Member: What number is that?

Mr. Speaker: Clause 2.1.

Mr. Penner: Mr. Speaker, this amendment speaks to the establishment of a directorate of water protection. I guess, again, under the initial drafting of this bill, either by oversight or maybe deliberately, I am not sure, but there was simply no mention made of a directorate. I know that we had also in our

assessment of the bill made note of that. We had, in fact, drafted an amendment to ensure there would be a mention made of the director in our initial drafting of amendments to this bill.

I think it is important to recognize that if you are going to implement a bill that could have the effect that a properly drafted water protection act should be, there must be an authoritative process put in place that has the ability to direct matters as prescribed by legislation, first of all, and a proper regulatory process put in place that the function of the department can, in fact, take place in a reasonable manner. But, without a proper seniority kind of structure put in place, it would have simply meant, without adding the word "director," I think, it would have simply meant that the super board the minister has designated under this bill or prescribed in this bill would have been the directorate as well. I think that would simply be, in my view, unacceptable unless maybe the minister is secretly telling us something here that we have so far missed.

It just came to me that maybe it was his intent to divest himself initially, divest himself entirely from responsibility, and really it would be a very simplistic way of doing away with criticism in the minister's office. We know there are from time to time complaints that come in, and they are directed at the minister's office. If you, first of all, designate an unelected and appointed body to be a board, which I call under this act the super board, which is given the responsibility for water, without a delegated responsible civil service to attend to the matters that might be recommended by the super board, this might have been, in fact, a very unwieldy kind of process that might have been established here.

I commend the minister for probably taking a look at some of the draft amendments that we had done and recognizing that he, in fact, did make a mistake by not putting in place a provision for a directorate of water protection under this act.

*(16:00)

I want to say to the House that we support the establishment of a proper directorate within the Department of Water Stewardship to ensure that there will be a process put in place to allow the civil service that will eventually be, I would suspect,

established under this process to allow for the proper administration of the act, as well as ensuring that there will be proper actions taken under the regulatory process of a bill that is rather vague in many, many areas. I would suspect that the minister is attempting to ensure that there will be an administrative body put in place to serve that need.

We would support the establishment of a Director of Water Protection.

Mr. Faurschou: I concur with the support of the creation of the Director of Water Protection. However, I do air reservation about an administration within an administration. The explanation of the responsibilities and the function of the director of water is being left to regulations, and that is why I must air my concern that the minister and the New Democratic Party voted down the amendment that I proposed that would have seen all regulations come to committee and be put before the public so that all persons could fully explore and understand the regulations.

We are being asked to pass an amendment to the bill, creating an administration, as I say, within an administration without having opportunity to see the regulations that provide for the specifics of the activities of the director of water or the responsibilities, so I do air those concerns. I hope that the minister is bringing forward this particular amendment in good faith, but I do have my reservations, seeing that the previous amendment that I proposed regarding regulations was voted down. I will look to the minister and trust that he will voluntarily bring forward the regulations pertaining to the responsibilities of the director of water before the public.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment to clause 2.1.

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

House Business

Hon. Steve Ashton (Deputy Government House Leader): On House business, my understanding is that the House leaders have agreed at four o'clock to

move to the other bills that were called, and I would like to ask for leave from the House to do so.

Mr. Speaker: Is there leave to move to Bill 25, the next bill that was called?

Some Honourable Members: Yes.

Mr. Speaker: We will start off with Bill 25. We will continue on with the bills as called in order. Agreed? *[Agreed]*

DEBATE ON SECOND READINGS

Bill 25—The Workers Compensation Amendment Act

Mr. Speaker: We will now move to resume debate on second reading of Bill 25, The Workers Compensation Amendment Act, standing in the name of the honourable Member for Turtle Mountain (Mr. Cullen). What is the will of the House? Stand? *[Agreed]*

The bill will remain standing in the name of the honourable Member for Turtle Mountain.

Mr. Larry Maguire (Arthur-Virden): I would like to put a few words in regard to Bill 25, The Workers Compensation Amendment Act, on the record in regard to the bill that has come before the House. The intent of this bill is to improve the coverage and assessments of some of the areas that have been some time since they have been looked at and changed, and to deal with some of the compensation positions that have been reviewed as well.

I first want to say, Mr. Speaker, that there were a hundred recommendations that came forward on this particular piece of legislation, on this particular bill. While they were forwarded unanimously to both the employers and employees, it is my understanding that all those recommendations, in fact, it is my understanding there were some 200 recommendations that came forward, but there were 100 that could be agreed upon unanimously, and yet when you move to the extension of coverage, it should only occur after the employers and the employees in the industry have had some discussion, a total discussion and consultations, in this regard.

I look at this bill and ask where an amendment would be or where in the bill did a recommendation

come forward to actually deal with the opportunity for further consultation and discussions before these changes come forward. I guess I would say that if there were 100 recommendations that came forward in this bill as it was tabled for the minister to look at, then why did they say they needed to have more time to consult and discuss the bill, Mr. Speaker They had a hundred unanimous recommendations. I think most of them could have been moved forward by the minister without further consultation in this regard.

Mr. Speaker, there is no doubt, as I said earlier, that there is a need to always update bills in this House and always look at the opportunities Manitoba might have in moving forward. I want to say that the modernization of any bill is a good thing and the member from Turtle Mountain, our critic responsible for Workers Compensation Board actions on this side of the House, certainly made that well known in his questions in the House and in his efforts in regard to speaking on this bill in this House as well. I just wanted to put that on the record again. Certainly, our side of the House wants to continue to move forward and progress with a number of these types of situations for all Manitobans.

Mr. Speaker, recommendations that coverage be extended gradually after full opportunity for consultation and discussion has come forward, and we would feel that, contrary to the recommendations that came forward under Bill 25, there would be universal coverage of all industries unless excluded by the Premier (Mr. Doer) and the Cabinet. There is a concern in regard to that, that this bill covers absolutely everything. Instead of moving forward with what was agreed upon and recommendations that came forward to the minister, the government has taken a heavy-handed approach that the Premier or the Cabinet will be the ones that can exclude industries from this bill. I think it goes without saying that is somewhat of a concern to the citizens in Manitoba as well.

If it was the minister's intent to consult with the number of industries in this regard, all she needed to do in this bill was to add the word consultation to the bill, and I am sure there would have been much more balance in the outcoming efforts with this bill.

Mr. Speaker, when I talk about the government taking the decision-making authority away from Workers Compensation and they are wondering, we are wondering. I think most Manitobans are

wondering why they do not trust the Workers Compensation Board to make these decisions when the recommendations were already coming forward to them. I would point out that we are one of the last jurisdictions to move forward on this.

* (16:10)

As I say, bills need to be modernized, but I would like to just say that in regard to other jurisdictions that have been more progressive than some of this legislation, there is a feeling that, and I think the government has pointed this out themselves in the House, one of the very first provinces, even though they like to take on other provinces because of the wonders of their economy and the excitement that is happening in them and basically hold out their hand as the last have-not province in western Canada—they have liked to point out on this one that one of the first provinces to be so progressive in this whole nature was the province of Alberta.

Thirty-one years ago, the government of Alberta decided to make changes in their workmen's compensation package. I can certainly vouch that they have made some very progressive moves in regard to coverage levels and the number of items they are looking at under workmen's compensation in that province.

I would say, Mr. Speaker, even with Manitoba being the last have-not or the only have-not province, I guess, wanting to be a "have" province, I am not sure that is a goal of this government, to make Manitoba a "have" province because they have never articulated that in Manitoba. They continue to go hat in hand to Ottawa to ask for further compensation through further transfer payments and equalization payments. They keep getting gobs of money from Ottawa. I do not know whether that will end if the minority government ends in the country or not, but they have been the beneficiary of some of these happenings in the Parliament in Ottawa.

They have also been the beneficiary of some of the exciting economic activities that are taking place worldwide. You would wonder what being linked to China's economy would have to do with being linked to Manitoba in this regard. When you look at the increases in things like expansion of potash, expansion of container rail cars going through to the west coast, things like coal and grain, the increases even led companies like CP Rail

to put joint agreements together to move five trains a day from Edmonton down through to Kamloops on CN line by joint agreement, that is how much the economy has increased. That is how much demand there is in the country of China for all of those products to go through the west coast.

It shows our economy in western Canada is booming tremendously. I would say that with an economy that is expected to grow by 3.9 percent in British Columbia this year, and, of course, they just re-elected the same government there yesterday again, a much more progressive government, if I may say so, than the New Democratic government that was there before that broke and bankrupted that province before someone had to come in and clean up the mess, which is usually what happens after a New Democratic government is in power for very long.

I would have to say that will happen again here in Manitoba, too. We will have to come in after this mess is over with. It has only taken a few short years to get us in the position where we should be a "have" province in this province, but we are still depending on \$2-billion worth of income from the federal government in equalization and transfer payments. At a time when we are doing that, they chastise provinces like Alberta for, "Oh, well, they have got lots of resources so they can do these things." Mr. Speaker, it is not without tough decisions in those provinces, as well as here, that they allowed them to be able to have the funds to do the social programming work they need to, but they have had to take care of their own backyard first. They have had to take care of their economic challenges in regard to just not giving in to everyone that wants to see spending increased in their provinces.

Mr. Speaker, even in spite of some of the tougher times that have taken place over the last 31 years, and I would just go back to a province like Alberta, even though they have made such progressive changes in their workmen's compensation board packages over these years, they were put in a tremendous bind not because of their own mismanagement but because of a bill that came down from Ottawa called the National Energy Program back in the late seventies that basically stole some \$42 billion or forced Alberta to pay some \$42 billion in energy resources into Canada at that time, over and above their regular equalization funds

they had from a province like that. Of course, that impacted on them greatly, but, because of their decisions on fiscal responsibility and financial management, they were still able to be leaders in an area like the workmen's compensation board change that happened in Alberta. As I mentioned earlier, that took place back in 1974.

Mr. Speaker, Manitoba can learn many lessons from some of these other provinces in moving forward, and I am pleased to see that we at least have a bill put before us here in Manitoba that will allow us to utilize some of the excesses of revenue this government has fallen into with the increased transfer payments and equalization payments from Ottawa this year of some \$359 million. I would say that should help this government in regard to being able to provide more areas of shorter waiting lists for health care, but it has not. It should provide for greater opportunities in education, but as we see now, they are offloading taxes onto our students by forcing a tuition freeze that forces the students in Manitoba to pay more through ancillary fees.

Mr. Speaker, I had a coincidence, just an opportunity, yesterday afternoon as I left the Chamber for a few short moments. There were some folks here, a president of a university from China, happened to be walking down the hall in the Legislative buildings in Manitoba. It was the first time he had ever been to Manitoba, in the neighbourhood of 45- to 50-year-old, university president from a university near the city of Shanghai in China, being guided by two young professors that are at the University of Manitoba, here from China, obviously of Chinese descent. I was able to take them up in the gallery and show them democracy as it was going on as we were doing concurrence here in the House yesterday. It was the first time people of that age, as I say, almost 50 years old, had ever witnessed a democratic process going forward. They were most appreciative and happy to see the process that we were going through in the province of Manitoba.

I want to say, Mr. Speaker, that the two young student professors, or the two young professors, who had come to Canada, one had lived here for eight years and has now bought a home in Linden Ridge. That young person indicated to me that she knew full well what the reason was for increased tuition standards, increased costs being forced by the universities to raise the costs for students. She

was clearly putting the blame on the NDP government for not funding universities properly in this province.

I can say they can play with the words and the budget, but they cannot hide from Manitobans who know the decisions they are making are costing our quality of education in Manitoba for the students that are here. These young professors said that they certainly know we have many good teachers in Manitoba, sound teachers in Manitoba, but the quality of our education is being recognized less and less because it is falling further and further behind other jurisdictions, Mr. Speaker.

I just want to say that, as this bill provides coverage and assessments, it moves forward in areas of compensation. I think it is a good thing the reduction of wage-loss benefits is pegged at 90 percent for the hourly rates that are there. It has been 80 in the past. After 24 months of receiving wage benefits, that is eliminated, Mr. Speaker. I guess I would say that my experience would be that the 90 percent should be the coverage level for wages in Manitoba in regard to a reduction and the wage earnings of a person that is in a disabled position. I am pleased to see there is a change in regard to the cap in some areas as well.

Mr. Speaker, the amount of an award for permanent impairment to a worker is increased. I would also concur that that would be a good move in Manitoba in regard to the types of change that are there. I would also say that Alberta has taken a lead role in making some changes on that. If the minister is looking at further regulations to come in to impact on this bill, and I am sure, of course, that she may have had that opportunity, I am sure the committee no doubt looked at the other provinces and Manitoba before these recommendations came forward. I would certainly want to acknowledge that the award for permanent impairment to workers is increased, and quite rightfully so in regard to Manitoba.

* (16:20)

Mr. Speaker, I would say in regard to the age provision that related reductions of a permanent impairment award or survivor payment of 2% loss for each year after the person being 45 is eliminated certainly helps particularly in permanent, oh it is a permanent, impairment award in this regard, and those are awards that will stay to the long-term

benefit of those individuals and continue right on up to age 65 and beyond.

Mr. Speaker, the contribution rates for Workers Compensation boards to workers on retirement, you know if you are paying somewhere in the neighbourhood of at least five percent on a pre-retirement or pre-accident contribution toward a retirement program, Workers Compensation will boost that up to 7 percent, will certainly be a help.

Mr. Speaker, I am going to leave it at that. I just feel there is an obligation of the government to always be continuing to look at these kinds of bills. I would say in regard to the 90% earning capacity in wage loss benefits, they have taken that part out that you had to wait 24 months of receiving your wage loss benefit to get the 90 percent. I believe that has been taken out by the government, and I would certainly indicate that is a good move.

I also want to say that I hope this bill would come into force at the time this bill is passed and the government can move expeditiously in some of the areas that they have had. I know there are areas for firefighters' support and a number of other areas in this bill that are very pertinent to the future of the bill. I would commend all of our firefighters and efforts that they have in regard to volunteers, whether they are volunteer or part-time firefighters, throughout the province of Manitoba that would be impacted by this bill. Of course, our side of the House supports that effort.

With that, Mr. Speaker, I am going to leave any further words of comment that I might have on this bill until we hear from the persons that would come before it at committee to make presentations. I look forward to putting further words on the record in regard to the third reading of this bill when it comes back to the House after committee. Thank you.

Mr. John Loewen (Fort Whyte): Mr. Speaker, I do appreciate the opportunity to make some comment on Bill 25, The Workers Compensation Amendment Act, prior to its going to committee. I think this bill, as much as anything, speaks to the nature of the NDP government and to the duplicity with which they act in virtually every facet of not only legislation that they bring before this House but how they handle the finances of this province and how they handle virtually every other issue of important public policy that comes before them.

Mr. Conrad Santos, Deputy Speaker, in the Chair

I think it is unfortunate that they, a number of years ago, set this as a course they wanted to undertake for their period in government and it is something they will be remembered for. I think this act brought forward by the Minister of Labour (Ms. Allan), who is responsible for the Workers Compensation Board, speaks to the attitude that the government of the day has towards not only Manitobans but in particular to this legislation.

There are a number of good things about this legislation, and there are some quite troubling aspects to this legislation, more so by what has been purposefully left out as opposed to perhaps what is encompassed within this legislation and in particular dealing with the presumptive legislation for fire-fighters within this bill. I will speak to that more fully in a few minutes, but I just want to indicate that certainly when we received the report *Working for Manitoba: Workers Compensation for the Twenty-First Century*, which was tabled in February of this year with the House, and I did have a chance to read it and go through it. It certainly seemed to me that it was a well-constructed document, one that had been reached as it should have been through a consensus arrangement and through a very consultative process that was started in 2004.

When I look at the members of the committee that was struck up to handle this issue, it certainly looks like a well-balanced committee, although I must admit Mr. Fox-Decent's reputation, both at Workers Compensation and in the community, has been somewhat tarnished as a result of some of the information that has come to fact, not only with regard to Workers Compensation but also with regards to his operations as a member of the board of directors of the Crocus Fund.

It also leads me to question, you know, why now, Mr. Deputy Speaker. Why is this legislation before us in this forum now? In particular, I wonder why the Minister of Labour would be bringing this bill forward at this particular time when she is fully aware that the Auditor General is conducting an audit at Workers Compensation to look into, specifically, allegations that have been made surrounding expenses and management practices and oversight within the fund. Certainly, it would be in the best interests of everybody for the minister to wait for this report from the Auditor General to see if

there are more recommendations that flow from that report that could enhance the operations of the Workers Compensation Board and their ability to provide for the needs of injured workers and others within Manitoba.

Again, we see the duplicity in this government and in the case of the Crocus Fund. "We can't act, we can't act, we can't act" is what we hear every day from the Minister of Industry (Mr. Rondeau) and the Minister of Finance (Mr. Selinger) because we are waiting for these important reports to come from the Auditor General and from the Securities Commission. In this case, the Minister of Labour (Ms. Allan) just decides, "Well, we must push ahead; we must push ahead rapidly before the report comes out." It begs the question, "What is she so afraid of?" Why can she not wait until the Auditor General provides a report to indicate the problems at Workers Compensation and bring that forward as part of this legislation?

That is a real problem that she will have to take responsibility for and have to deal with. I remind the minister that when these problems were raised to her, her answer was, "Well, we will just send these allegations forward to the Workers Compensation Board so they can investigate themselves." Like the Minister of Education (Mr. Bjornson), she was happy to hear back from the Workers Compensation Board that they had reviewed themselves internally, and, yes, everything is fine, we do not need to worry.

Did she call in the Auditor General? No. Did she send the allegations to the Auditor General? No. Did she try and sweep the allegations under the carpet and hide them within Workers Compensation? Yes. I think that is unfortunate, but it is again a truism of this government that wherever they can hide their own mismanagement or their own lack of oversight, they will take every opportunity to do that. That is something this minister will have to be accountable for when the Auditor General's report comes forward.

There are a hundred recommendations in this report. My own personal view is, upon reading them, they certainly looked well thought out, well researched, and for the most part, we are certainly agreeable. I think most importantly they struck a balance. They struck a balance between employers; they struck a balance between employees and those who were there just in terms of public interest.

What do we see out of this NDP government? What do we see out of the Minister of Labour? We see again another case of her cherry-picking, similar to what happened with the previous minister with regard to Bill 44, which caused such an uproar within the business community. We see the same thing from this minister. She has cherry-picked, she and her deputy minister, Mr. Parr.

I guess, unfortunately for Manitobans, as a result of the vote in B.C. last night, he will be sticking around here for a little longer. There probably will not be a job for him back in B.C. I know he has been across the country with various NDP administrations—

Point of Order

Mr. Deputy Speaker: The honourable Minister of Labour and Immigration, on a point of order.

Hon. Nancy Allan (Minister of Labour and Immigration): On a point of order, Mr. Speaker. I think it is completely and totally inappropriate for the MLA for Fort Whyte to attack bureaucrats in our government. I think that is completely and totally inappropriate.

*(16:30)

Mr. Deputy Speaker: On the same point of order, the Member for Fort Whyte.

Mr. Loewen: Mr. Deputy Speaker, I can appreciate the minister's enthusiasm to jump up and defend the obviously left-leaning deputy minister that has been hired since her government came into office, but it is not a point of order. She did not quote anything out of *Beauchesne's*, and, in fact, I was only commenting on the fact that, as a result of the fact that the NDP lost an election in B.C., probably Mr. Parr will stay in Manitoba where he is well welcomed by a union-friendly government. Simply a comment. I was not attacking him, just stating the facts.

Mr. Deputy Speaker: Before the Chair rules on the point of order—[*interjection*]

Order, please.

May I encourage all the members of the House to be relevant to the bill being debated. There is no point of order. There is a difference of opinion.

* * *

Mr. Loewen: I do hope that the minister will give a little more thought before she gets on her feet again.

With regard to the bill, Mr. Deputy Speaker, it is interesting that the very recommendations that she should have been dealing with are the ones that she ignored. Specifically, very early on in the report, as a matter of fact, basically, after discussing the principles of Workers Compensation, the report gets into the issue of prevention. That is really what the Workers Compensation Board should be focussing on is how do we work with government to ensure that we prevent accidents before they happen so we do not have these unfortunate circumstances whereby people are injured in the workplace.

There are some very, very strong, and I think some very good recommendations that come forward very early on in the report. Do we see any of that in the legislation? Well, the answer, quite frankly, is no. Do we see the minister spending any time on these recommendations? Do we see any evidence in this House that she has even had five minutes to think through these recommendations? No. She has just completely shoved them aside, and one has to ask why.

The reason becomes obvious when you delve into it, and it is simply because recommendation 4 on page 14—and I would refer the minister to page 14 of this report. I realize she may not have had time to read through this section. Recommendation 4 is that the act should be amended so that the cost of enforcement, as currently undertaken by the WSHD, Workplace Safety and Health, be borne by the general revenues of the Province of Manitoba. She has done nothing to that. Not only is that recommendation completely ignored, her government actually operates in contradiction to that and the other recommendations regarding prevention.

Right now, the Workers Compensation Board, I may have to remind the minister, whose funding comes from employers, that money is being used to fund the Workplace Safety and Health Division. Clearly, within these recommendations, not only the employers on this council, this is a consensus recommendation and a consensus report, but the employee representatives are also saying, the worker representatives are saying this should happen.

This government, this minister, totally ignores that simply because she cannot stand the thought of

having to go into her Cabinet and explaining how this is fair, and, in fact, the government should be spending, and I am not exactly sure of the number. The last time we were at committee, the good folks from Workers Compensation indicated that it was roughly about \$6.6 million that was used to fund the department.

In addition to that, there was another, I think, \$1 million they were talking about in terms of promotion and advertising. That is \$7 million that could be put back into the economy, that could generate more jobs, could generate more economic activity and would be far better used by the contributors to the fund, the employers, than it would be in this venture.

So, once again, I would urge the minister to actually read the report and follow the recommendations. Do not simply take the word of, maybe, the people who advise her politically, but actually to do some homework on this bill and take these recommendations and take them forward in her Cabinet and see that they are fulfilled.

Recommendation 3 in this report, and I quote again: "The Government of Manitoba should reorganize the Workplace Safety and Health Division to be a highly effective enforcement agency." So there we have it right there, Mr. Deputy Speaker. We have the members of this committee, including the past chair of Workers Compensation, the president of the Heavy Construction Association, an individual representing the public interest, and a health and safety representative from the Manitoba Federation of Labour. He is on the committee to represent workers concurring, and yet the minister totally ignores them and says that prevention does not matter to our government. All we are interested in is gouging employers. All we are interested in is furthering our left-wing agenda by bringing before this House legislation that does not reflect the true spirit of co-operation that one sees in this report.

Another significant issue, Mr. Deputy Speaker, the third section of the report after prevention, talks and deals with coverage. Again, the very first recommendation, consensus recommendation from the committee, and I quote, "WCB coverage at workplaces should be extended gradually over a three- to five-year period beginning with the inclusion of higher-risk workplaces that are not

already covered." Certainly, it is a good recommendation and one that we on this side of the House would endorse.

The very next recommendation, recommendation 7, "The extension of coverage should only occur after employers and workers in those industries where extension might occur have had a full and free opportunity for consultation and discussion. This dialogue should be initiated by the Workers Compensation Board." What has the minister done in this act? She has completely flown in the face of these recommendations and put the authority to include any industry within Manitoba. As a matter of fact, by default, she is saying everything is covered except what industries we in Cabinet purposely exclude, in direct contradiction, a real slap in the face, to the groups who have come forward with these recommendations, in direct contradiction to their recommendation.

One, again, has to ask, pose a question to the minister. What is your private agenda here? What is the agenda of your political cohorts? Is it to, obviously, take control and do what you have done in the past and, basically, without consultation, without discussions with employers' groups and with the employee representatives, without doing what is served the Workers Compensation Board well since the early 1900s, and, that is, to act in co-operation? This board is there as a co-operative effort between employers and employees to arrive at a mutually beneficial scheme to ensure that workers are covered.

Mr. Speaker in the Chair

Workers gave up something to be part of this, just as employers gave up something to be part of this. Now we have the NDP government of the day just simply slapping these people in the face, turning a blind eye to the recommendations that they have worked on for over a year and saying, "Well, thanks very much for the recommendations, and, by the way, we are going to stand up in the House. We are going to say we are introducing this legislation as a result of your good work, but, then, as a sidebar, we are going to completely do a complete 360-degree turnaround and cherry-pick the recommendations according to the ideology of the minister and her deputy and the rest of Cabinet." I think that is a mistake.

So, Mr. Speaker, you can surely understand why we on this side of the House have some very, very grave concerns about the legislation as it has been presented. I know members opposite have taken great pleasure in, you know, chiding members on this side of the House about the legislation, in particular with the recommendations that come out of the next section on compensability with regard to firefighters.

* (16:40)

Mr. Speaker, once again, we on this side of House, and I want to make it very clear, particularly to the member from Transcona and the Minister of Water Stewardship (Mr. Ashton), that we on this side of the House are fully supportive of extending this presumptive coverage to firefighters. You know, if this had been such an important issue to this government, then they should have had the courage, and the Member for Transcona (Mr. Reid) should have done what he did in 2002, that is, bring in legislation that would have dealt strictly with the firefighters. He would have got full support from this side of the House.

As a matter of fact, I still question why it took him and his government three years to bring that legislation before the House. I mean, he said, and the Minister of Water Stewardship (Mr. Ashton) said on numerous occasions when addressing Bill 25, that they fought for it in '92, they fought for it in '89 and '95 and '96. It was very important to them. Yet, when they got the reins of government, did they do anything about it? No, they left it for three years and came back and said, "Well, you know, we had to prove the science. We had to prove the science before we could bring this legislation before the House." I think that speaks volumes to Manitobans and to firefighters about the real motivation of these members and this government.

I would just remind the members, in particular the Minister of Labour (Ms. Allan), that firefighters—and I have a great many of them in my constituency. In my discussions, they see through this type of narrow-minded, self-serving rhetoric that we get from members opposite. They understand that, if the Member for Transcona had really been fighting for their cause, they would have seen that legislation in 2000. That is, in fact, what likely would have happened had there not been a change in government, but the NDP sat on it and sat on it and

sat on it until they felt it was time to do something for their own political advantage.

We supported the legislation when it came forward. We had some questions on it, as we do on this legislation. Again, I would ask the minister, why? I would ask the member from Transcona to explain why when the report clearly says, and I quote, "These same studies do not support the inclusion of lung cancer or heart disease." Why, then, have they implied in their speeches that the science is there? Now, if the science is there, bring it out, table it in the House and let us have a fulsome discussion about it. The government set up this committee. The Minister of Labour was responsible for it. The committee clearly came back and said, "Look, we believe and we agree that this presumptive coverage, particularly as it pertains to volunteer firefighters"—that just reminded me; that bill in 2002, I do not think it dealt with volunteer firefighters. That is my recollection.

The members opposite who were so adamant that they were standing up for firefighters all across this province, in fact, were just doing political expedient legislation so they could stand up and say, "We have done nothing; we have done something." I apologize for saying "done nothing." That is what we hear time and time again about this Doer do-nothing government. That is what we on this side of the House are constantly fighting against.

Mr. Speaker, what I would say to the minister is that, surely to goodness, if you are going to respect the firefighters, if you are going to respect the report and the work that has gone into these recommendations, then you would follow the recommendations. I do not have a particular problem with including what has been included in the bill with regard to firefighters, but the onus should be on the government to bring forward the scientific proof that backs up their argument. If they do not have the scientific proof, and they still want to bring these issues forward, I would still agree with them, but what I would ask them to do would be to do the right thing. Instead of offloading the cost of providing the compensation to municipalities and to the City of Winnipeg, that they would provide the funds to the City for this coverage.

Again, we hear nothing from the Minister of Water Stewardship (Mr. Ashton). We heard nothing from the Member for Transcona about any of this

offloading that they have chosen purposely to do. I think that is very unfortunate because, as a result of this legislation, taxpayers in the city of Winnipeg are going to be faced with extra costs.

It takes me back to this great promise of panacea that we heard from the NDP government about, "We are going to remove property tax from universities and the world is going to be bright and sunny tomorrow as a result of it." All they were doing was offloading the costs to city of Winnipeg taxpayers. They took a revenue stream, not away from themselves, they took a revenue stream away from the City of Winnipeg and they said, "Well, that is your problem. We are just going to exempt the universities. We are just going to add this legislation for the firefighters."

And I want to, again, make it perfectly clear that I do no object to it. As a matter of fact, I would strenuously support it if it was brought forward in a separate bill the way it should have been to deal with it, and if a part of that bill was to say that we as a province will look after some of the costs that we are offloading on the City. It is only the fair thing to do, Mr. Speaker, and again, it is very unfortunate that this government has chosen to take the easy way out, to offload these costs, to increase costs for the taxpayers of Manitoba, and that just, again, leads to more questions about this legislation.

This government has decided, again, with a heavy hand, that they are going to allow, or force Workers Compensation on every industry in Manitoba, except the ones that they, in Cabinet, specifically exclude.

Now, what is going to happen with teachers? Are they going to specifically exclude teachers? I notice the Minister of Labour (Ms. Allan) is not jumping to her feet right now on a point of order saying, "Yes, we will, we will, we will." So I guess that is a question she will have to answer in the future.

But what will that do to school divisions and what will that do to property taxpayers who are funding school divisions? It would mean, I daresay, the way this government handled it, it would mean extra costs to the school division in terms of paying for Workers Compensation coverage for teachers, not necessarily a bad thing.

An Honourable Member: There is no recommendation in the report.

Mr. Loewen: Well, the minister says there is no recommendation in the report, and she hides behind this kind of a—*[interjection]*

Well, if she wants to give a speech, get up and speak, but she hides behind this kind of ridiculous duplicity in facts.

Yes, there are no recommendations, just like there were recommendations that were not followed. What is the difference? How can we trust her? We cannot trust her government, we have seen that. If that is the case, then just stand up today on a point of order. You seem perfectly willing to do it in defence of your deputy minister who had a heavy hand in this. Stand up today on a point of order and tell us that you are going to exclude teachers. Otherwise, it is the property taxpayers, not the provincial government, that are going to bear the cost of this. They are going to offload it to the property taxpayers in the city of Winnipeg and in the province of Manitoba. Again, if you want to do it, make it part of your election platform.

Mr. Speaker, we see this time and time and time again from this government. We see them saying one thing and doing another, and I think that is unfortunate for the people of Manitoba.

There are some very good provisions in this legislation, and those provisions are the ones that have come forward from the recommendations in the Workers Compensation Review Committee, and I think that is something that should be, we should look forward to passing. The trouble is, you know, it is all these little things that this NDP government includes in the legislation that are not mentioned.

An Honourable Member: Are you for it or against it?

Mr. Loewen: Well, and the member from Transcona asks if I am for it or against it.

I can tell you unequivocally, sir, that every member on this side of the House is for legislation dealing with fire workers, as we would have been in 2000 if you had brought it forward then. This is a clean-up for what your government refused to do in

2000, refused to do in 2001, and only half did in 2002.

But, if you would do the right thing, sir, and bring it forward in a bill on its own, we would pass it tomorrow, or as quickly as we could. I realize the process might take a little longer, Mr. Speaker, and we would not want to usurp the process, but we would move it as quickly as we possibly could. No doubt this government, as they have done in the past, would say, "Well, it is the opposition stalling and stalling and stalling it." But I can assure them that would not be the case. So, if it is that important a legislative item to this minister and to the Member for Transcona (Mr. Reid) and to the Minister of Water Stewardship (Mr. Ashton), bring it forward as a separate piece of legislation and it will pass.

I would remind the member from Transcona, as I would remind the minister, that we have 56 presenters to this bill, and so, as a result of encompassing this legislation, presumptive legislation for firefighters in this bill, they have subverted the very goal that they are standing up in this House and purporting to support. They could have brought that before this Legislature. We could have dealt with it in committee on its own. The firefighters could have come and explained their case and we could have had the science before, so we could have had that bill passed by now, but they have mired it down in their political rhetoric and in their mishandling and bungling of this particular bill.

* (16:50)

So we are faced, Mr. Speaker, with a situation of being in a bit of a quandary. I think the only fair thing to do is to continue to wait for hopefully the Minister of Labour (Ms. Allan) and other members to stand up and give the real position of their government, to send this bill to committee, to hear what those 56 presenters have to say. I am sure the business community, the employer council will have some comments with regard to this bill and how again the balance has been taken out of the report that they in good faith worked on, that they in good faith provided to the minister, and she has once again completely subverted that process.

There are 100 recommendations in this report. A fair number of them that are of a general nature that do not necessarily need to be encompassed in legislation, but there are many, many more that have

been purposefully left out of this legislation. I think the Minister of Labour and her colleagues on the opposite side of the House are going to have to be accountable for this, not only to employers.

I would just like in closing to add one more little twist to this. We know how this government likes to delve into these supposedly independent organizations. We have seen that in terms of their handling of the investments, and particularly we have seen it with the appointment of Mr. Alfred Black, who was the chief investment officer at Workers Comp, on to the Teachers' Retirement Allowance Fund and how he forced TRAF to make investments against their better judgment, simply because it was at the will of government, not in the best interests of the teachers who rely on that fund.

Similarly, we have seen investments from Workers Compensation that are driven by government policy as opposed to sound investment decisions, and I realize that my time is running out. I appreciate the opportunity to put some words on the record with this bill. The member from Transcona wants to make more comments from his seat. We will look forward to taking this to committee. We would look forward him tomorrow bringing a bill before this House that deals with the issue regarding firefighters. As I have assured him in the House and as I will assure him outside of the House, we would be for that immediately at every day of the week. Thank you, Mr. Speaker.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, before I speak directly to the bills, I wanted to actually extend my compliments to the individuals that were involved in ultimately making the report, and it is titled *Working for Manitoba: Workers Compensation for the Twenty-First Century*, a report of the Legislative Review Committee on the Workers Compensation Act, done in February 2005. Obviously, they put in a great deal of effort in materializing this document. I appreciate the efforts that individual presenters had made to the review process and those interest groups that also made presentation.

I think there was a huge need that needed to be addressed in regard to changes to The Workers Compensation Act, and I think this goes a long way in addressing a number of those needs. It is encouraging to see the depth of recommendations that have been brought forward to the minister,

noting that the minister has acted on a number of those recommendations. There are other recommendations that, whether it has been modified to a certain degree and then acted on, and some recommendations that, in fact, were not acted on.

I think, wherever you get workers and the employers working together and building on consensus, forming recommendations, that we as legislators should do what we can in terms of acting on them, because those are the two biggest stakeholders. We should be doing what we can to be able to accommodate that.

We recognize that Bill 25 provides better compensation for individuals receiving WC benefits in terms of long-term injuries, no longer penalized with the drop of compensation, which is a very strong positive. One of the recommendations that I personally like is the fact that the lowest paid will not be further impoverished as they will, in fact, be entitled to up to 100 percent of their wage. Mr. Speaker, really, from my point of view, for someone that is at that low-income threshold and then they have the unfortunate incident which, ultimately, puts them onto workers compensation, they should not be further penalized by having to take a percentage of their low income that they were making in the workplace. So I see that as a very strong positive.

Pay for the day of the accident, again, you know, you get into an accident at work, Mr. Speaker, and it does not make sense why it is that you would not be paid for that particular day. It just kind of adds insult to injury by WCB not providing compensation for that day in which you happen to get injured.

There is a balance that needs to be achieved between benefits and obligations of the injured worker. We see, in certain parts of the legislation, attempts to address that issue. We see that there is better accountability for Workers Compensation being taken into consideration. We have movement more and more towards, whether it is Workers Compensation or other government organizations, having audits done in a more formal fashion so that government can get a better sense that the taxpayer or the clients, the ratepayers, are, in fact, getting what it is that we are ultimately paying for. So we see that as a positive.

It was very encouraging, I was here, as we all were, in regard to the day we had the firefighters in

the public gallery, and I think that it was indeed appropriate. It has taken a while, but we finally have recognized, Mr. Speaker, the need to make the changes. It is going to take into consideration concerns that the firefighters have brought to our attention for a number of years. I share with the member from Fort Whyte some of the frustrations in terms of why we would even have had to have waited as long as we have, knowing that there have been some changes over the last number of years, and it could have been very easily incorporated at that point.

Mr. Speaker, I did want to also make reference to a couple of the recommendations that really caught my eye, that I thought I would read in the Chamber, even though I have had opportunity to go through all of the recommendations. It was interesting, again, the member from Fort Whyte made reference to one that I had also noted, and that was recommendation 7: "The extension of coverage should only occur after employers and workers in those industries where extension might occur have had a full and free opportunity for consultation and discussion. This dialogue should be initiated by Workers Compensation Board."

Again, here is something in which the minister has modified in a very serious way, in essence, empowering the Cabinet through regulation to determine which industries are in, which industries are out, and we do not know in terms of the criteria that are going to be established. There are many teachers, Mr. Speaker, as an example, that want to be able to have an entitlement to Workers Compensation. I notice the minister had heckled from her seat that, well, they were not a part of the report. She is right. They were not a part of the report directly, but indirectly they were. We all know, I believe, that there is a significant percentage of the teaching profession that believe that they should be entitled to workers compensation. There is concern because of the issue of stress, and that is the primary reason why they opted out. The minister acknowledges that, and I appreciate that.

* (17:00)

The point, of course, Mr. Speaker, is that that particular recommendation is a significant variation from what we see before us and maybe the minister can address that concern when we get into the committee stage. But, as I say, not all my comments

are negative, because there are some positive things, like recommendation No. 9, "All aspects of the coverage should be reviewed in five years." I think that things have changed. The title of the report is, in essence, implying getting ready for the 21st century and it dictated that we needed to have this comprehensive change, but, through time, things do need to change, and I see that particular recommendation as something that really acknowledges that need for change, that even though we are bringing forward changes today, there is going to be a need for further changes, in time.

Seventeen, and I am just pulling a few of the recommendations, that "Workers Compensation should continue to monitor the evolving science to determine when and if to broaden the coverage of occupational diseases." I have had a couple of cases. One in particular was a relatively young lady who was feeling very frustrated through Workers Compensation because she had carpal tunnel syndrome, which is something that occurs if you are using a keyboard extensively. The doctor had clearly indicated, after numerous years, 15-plus years, of sitting at a keyboard, that there was a need for operations within her arms, that she was experiencing a great deal of pain. We ultimately went right through the appeal and at the end of the day we were able to prevail.

But you know something, Mr. Speaker? I believe that there are a great number of individuals that are out there that have injuries of this nature or of a similar nature and are too easily put to the side. I truly believe that is why, with recommendation No. 17, it is important for us to recognize that as occupations change, you know, I often think in terms of the Yellow Pages. If you look in the Yellow Pages 25 years ago and you look up computers, you might see a half a page in the Yellow Pages. Today it is huge numbers of pages. It is because the working environment changes significantly and with those changes you get different types of injuries.

Injuries are not as simple as someone lifts a box, trips and breaks a leg, or, in lifting another individual, they sprain a back. They are very complicated and the different types of injuries that are there need to be respected. I have always maintained that one of the most important things that we can do, whether it is Workers Compensation or MPI, is ensure that we have an appeal mechanism

that allows for a very high sense of fairness to both the client and the employer in this case and that it is kept at a level in which an individual can feel comfortable in knowing that they do not have to have a lawyer in order to make a difference, as an example.

Recommendation 22: "The act should be amended so that wage loss benefits are calculated with no reduction to 80 percent after two years." Again, financial compensation is what Workers Comp is supposed to be all about and one would often wonder why it is that, once you hit that two year mark, you can justify having that reduction. Are we trying to give them that extra push out of Workers Compensation? Are we saying that we do not believe that you are entitled to Workers Compensation benefits after two years so we are going to reduce it to apply more pressure on you to get back into the work force? Again, it is a recommendation that, I think, at least in part, recognizes that 27, the act should be amended so that workers who are 61 years of age or older will be eligible to receive wage-loss benefits until they are fit to return to work, or for 4 years, whichever occurs sooner.

Again, there are a lot of positive recommendations. I see that recommendation as a very strong positive, Mr. Speaker. Aging is a part of life. If you are 61 years old or 62 years old, again, quite often through your employer and so forth, you are paying into benefits. If, by chance, you happen to get injured at a certain age, you should not have to be additionally penalized or penalized unfairly. That is, again, why it is, in my opinion, a very good recommendation.

Number 37 also caught my eye in terms of the act should be amended so that the amount granted to cover funeral expenses is increased to \$9,300 in 2005, and that this amount be indexed annually. For some of us, you might look at this and say that it is an interesting recommendation, but the reality of it, Mr. Speaker, is it is very significant. The reason why I point that one out is because I do believe, through these hundred recommendations that we have before us, that they are fairly sound recommendations. I think they bridge many different issues that Workers Compensation is facing. That is why I believe that it was good for the government to recognize this report and follow it up by bringing forward legislation that we currently have.

I do not want to give the impression to the government that the legislation cannot be improved. I believe that there is always room for improvement, Mr. Speaker. We within the Manitoba Liberal Party have no problem in terms of this bill going to the committee. We understand that there are a number of presenters that want to be able to express their thoughts on this bill. I do know that in terms of constituency work, probably next to, let us say immigration, Workers Compensation is probably the next major issue that I am having to deal with, and it affects so many people. I suspect that even though the list of things is just over 50 right now, it would not surprise me if there are a number of people that are going to be added to that list between now and whenever this bill ultimately passes second reading because there is a very high level of concern in terms of what is happening with Workers Compensation.

So, having said that, as I say, the principle of the legislation is something that we can be supportive of in terms of going to the committee stage. We look forward to hearing the presentations and, ultimately, this bill coming back to third reading, and would encourage the minister responsible for the legislation, again, to approach it with an open mind in the sense that she be open to amendments at the committee stage if, in fact, there are things that do come out of the committee stage, because it very much should be a people's-type of legislation, Mr. Speaker. The worker, the employer has a great deal invested in this. I think, as I indicated at the beginning of my comments, the individuals that put this report together did a fabulous job in providing the recommendations to this Chamber.

With those few words, Mr. Speaker, I will end my remarks. Thank you.

Mr. Speaker: Any other speakers?

When this matter is again before the House, it will remain standing in the name of the honourable Member for Turtle Mountain (Mr. Cullen).

Bill 33—The Planning Act

Mr. Speaker: Now we will move on to Bill 33, The Planning Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

What is the will of the House? Stand? *[Agreed]*

Bill 30—The Manitoba Agricultural Services Corporation Act

Mr. Speaker: We will move on to Bill 30, The Manitoba Agricultural Services Corporation Act, standing in the name of the honourable Member for Lakeside (Mr. Eichler).

What is the will of the House? Stand? *[Agreed]*

* (17:10)

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, it is my pleasure to put some words on the record in regard to Bill 30, The Manitoba Agricultural Services Corporation Act.

Mr. Speaker, this is a bill that the government has brought forward. It was part of their Throne Speech, where they indicated that they would be amalgamating the corporations, the Manitoba Ag Credit Corporation and the Manitoba Crop Insurance Corporation. They have indicated that they will be amalgamating those two long-standing corporations in Manitoba under the new name of the Manitoba Agricultural Services Corporation.

Mr. Speaker, I guess there are a number of issues raised around this kind of an amalgamation. I would first like to say that there is certainly a need to move bills like this into committee so that we can begin to hear from the intentions of not only the persons that have dealt with the corporations in the past, but farm groups and farmers individually across the province of Manitoba and any other lenders or institutions that might feel like they need to come forward to make a presentation on this new type of a structure.

Mr. Speaker, I noted that the minister in her comments indicated that the amalgamation would allow for efficiencies in areas such as human resources and information technology while maintaining the existing functions of the respective corporations. As I read the bill, it goes on to indicate that they will have a chairman named and appointed by the government. There will be two vice-chairs in regard to this bill. There will be a vice-chair in charge of, basically, the Manitoba Agricultural Credit Corporation and there will be a vice-chair in charge of the Manitoba Crop Insurance program. I guess the first thing that comes to mind as I read that is where are the savings.

I see the government trying to make an attempt here to bring this bill forward and there have been concerns expressed to me throughout the province in regard to the types of impacts that this will have on some of our rural communities as well as individuals that are borrowing funds from MACC today or using crop insurance as a tool to protect their resources, if you will, in regard to drought and frost and hail and other circumstances that impact crops.

I know, throughout my farming career, we certainly used crop insurance on a regular basis. It was something that gave us a good deal of confidence in being able to move forward on a daily basis, to be able to manage. It was a tool to manage our debt with and our operations and to move forward with any reduction, with a little bit of reduction, of risk in regard to a very risky business in the crop and grain and livestock sectors, with forages.

I want to just put on the record that there is a good deal of concern that, you know, the purposes of this act are to support and encourage sustainability, development, diversification throughout the province. That can be done, but it is being done now under those two areas. The government has not indicated where the savings will be in administration and I guess there is a concern there. We have seen this government attempt to combine things in the past under the auspices of saving money and it just has not worked under this government's rule. They have not been able to manage those jurisdictions well that have combined in the past and I would hope that that is not the case in regard to this kind of an amalgamation.

I see that in the budget one of the reasons that the Minister of Finance used for bringing this together was to help continuously improve services in rural Manitoba. He said we are proposing legislation to amalgamate the Manitoba Ag Credit Corporation and Crop Insurance Corporation. I guess any time I see the word "amalgamate" under this government, I would say that this is certainly another forced amalgamation.

I would like to ask the government where this was coming from, who was asking for this type of amalgamation. It is certainly an important question to ask. I think all of the rural members of the government in power today could go back and ask their local citizens, local farmers and people in their

towns as to just who was asking for this type of amalgamation, but then I pause because I kind of threw out a bit of a facetious question there. The government has a very limited number of members in rural Manitoba, so do they really care about this type of an amalgamation taking place?

I guess I would even look at the Minister of Agriculture (Ms. Wowchuk) coming from her home region, which is one of the strongest agricultural regions in the province, and ask whether or not persons in that region were asking for this to take place. I guess, if government wanted this kind of an amalgamation just to fit with their GO offices, the growing opportunities, as they call it—some of the rural towns are calling it just simply GO because the people that are working in their communities are going somewhere else to work in another office.

If it is an opportunity to fulfil the space in some of those communities and do it in an amalgamated manner, then perhaps there might be some savings there, but I guess I throw out again just where was the request from citizens in Manitoba to go ahead with this kind of an amalgamation. I only say this because the history of this government that we have seen from the past, when the member from Brandon East was the former Minister of Education, we saw forced amalgamation throughout the province of Manitoba in regard to school boards. That was going to save us \$10 million. Well, that worked really well. I am being facetious, of course, because there were no savings.

There was a huge cost in amalgamation of those forced school boards, and I would only throw out again that, if they did not learn from that mistake in forcing some of those areas, you could say that there was a bungling of that whole process in regard to the school divisions. Then I say, "Is this coming forward now to try to say that they have been successful with some kind of an amalgamation?"

Because, Mr. Speaker, I look at things like The Planning Act that is before this House as well, and I only throw out something, maybe it is facetious, but there are opportunities there to, as well, bring in some bigger regions, and an amalgamation of thoughts and ideas, but is it just the forerunner to forced amalgamation of rural municipalities in this province? I have a concern over that in regard to Bill 30 as being a precursor to some of the concerns that municipalities are expressing to me in that whole regard.

They say that there will be no new powers in this whole bill. It will have distinct funds on how it runs in two different departments, similar to what is already there, working independently. I do not see much saving in regard to appointed persons in this kind of a position, although it does state that there will only be five to nine, and the five to nine persons appointed by the Lieutenant-Governor-in-Council for those positions. That will cut down on some board members, I suppose, but keeping distinct funds, and I think that is very, very important.

I challenge the government to make sure that everything they do in the future with this act is kept in distinct funds, so that the Crop Insurance premiums the farmers are paying are not used to cross-subsidize the Agricultural Credit Corporation, and that funds that are being lent from the present Agricultural Credit Corporation are not being used in any way to supplement or look at the area of the Manitoba Crop Insurance process as well in regard to whether the fund may fall into a shortfall in payments or in premiums to cover vast coverages that are required. That could happen as early as this year, and the fact that there was over \$190 million used in crop insurance last year, so it used up a good deal of the resources that were built up in that Crop Insurance fund from premium levels throughout the various three levels of Canada, Manitoba and farm premiums that are paid in that program.

* (17:20)

So I would say that, if another year like that happened, the government might have to dip into its reserves to help support that program, and I would only say that that is a concern for everyone. I would certainly hope that there is no cross-subsidization in those areas and that funds are not used to— well, let us just say that I hope that funds are used in their appropriate manner and that they can continue to be done in the manner that they have been held in long standing in this province.

There are areas, of course, that seem to have fallen through the cracks, and one might be the Wildlife Damage Compensation program that is not insurance as under this bill, and in some other areas. With such a subcommittee, Mr. Speaker, being responsible for this oversight of this flank, would there be a subcommittee to deal with this in the future? That is one of the areas that I see of concern, but I guess for practical purposes the decision made

about these programs tends to come from the department, with the corporation simply playing the administrator of those programs. I only offer that as a concern. You must say that the new corporation will now pay interest to the province on monies borrowed from the Consolidated Fund, and we have to make sure that those are used in a responsible manner as well.

A few other changes that this bill brings about, Mr. Speaker, are in the areas of expanding services in the future. We need to make sure that the board knows exactly, and I hope from what I have read in the act—I believe that it lays it out very clearly—that that is not abused, that there are not excessive services that presently are not used by either of these organizations today, other than what the corporations put into being. If it will really improve the appeals process under these areas, although combining the two of them, I am assuming it is going to take two appeals processes as well, because they are very different in the types of appeals that come forward from a crop insurance hurt as opposed to an appeal in regard to non-payment of loans or actually being able to appeal the reception of a loan from the present Manitoba Agricultural Credit Corporation.

This bill is supposed to allow for the rolling over of budget funds from one budget year to the next, Mr. Speaker. Of course, we would hope that the funds built up in the credit corporation have been doing that over the years, and we hope they would continue. There is one thing that I want to say that I think was pointed out to me, oh, you could say that this was by a fairly long-time New Democrat who came to me one day and said, "You know, if everybody had wanted this kind of a bill in the Manitoba Ag Credit Corporation and in the Manitoba Crop Insurance Corporation, we really would have perhaps seen the boards publicly making statements that would have helped out in this regard."

It was pointed out to me that, if this was such a very good bill, then why did the present chairman of the Manitoba Agricultural Credit Corporation quit. I mean, the present chairman was a long-standing New Democrat, a member of this House, former Minister of Agriculture, and he quit. He is no longer the chairman of the Manitoba Agricultural Credit Corporation. So, I guess, maybe that is a question that could be asked of the minister in charge of this bill as it moves forward. I think that maybe we will have a chance to hear from him when it comes to

committee, but I would certainly hope that they clarify any problems that might have arisen in making this amalgamation, if there were any.

So, Mr. Speaker, those are just a few words that I wanted to put on the record as this bill moves towards committee, and I would end it there and look forward to comments of others.

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, this proposed bill, or this bill that we have in front of us, proposes to amalgamate two of the most significant areas that government has to intervene, if you will, for lack of a better word, but, in fact, assist, I would suggest, is a better term, in the productivity and the viability of agricultural enterprise in this province.

I hope and I think there are some questions that the minister is going to have to answer in committee, questions that have already been posed to some extent by my colleague from Arthur-Virden, questions that some of my other colleagues have raised in discussion around this bill. I hope that the minister and/or the government has not decided on a whim, or on a case of, "Well, we can do better than you can do better," or some other less well-substantiated reason to go ahead with this amalgamation at this particular time in our history.

One argument that is always put forward for amalgamation of boards is that it reduces the number of appointees that government has. In some cases, where these are paid responsibilities for directorships, these can be considered patronage. Certainly, they carry some prestige and they are very important to the agricultural community. If you are a director on the Agricultural Credit Corporation or the agricultural insurance corporation, Manitoba agricultural insurance, you are considered a respected and responsible peer within the agricultural community. That is the basis upon which directors should be chosen, I would suggest. Because of the philosophical and policy interventions that can occur through these two corporations, the board of directors can, indeed, influence future policy direction, which is understood and, I think, accepted and probably even supported by the cross-section of the agricultural community that these two entities are designed and were originated in order to support.

But, to bring forward an amalgamation now, I hope it does not deteriorate into some kind of a shotgun wedding, because that would be very

inappropriate and very difficult for the corporation. We need the focus of the seniors management in both of these corporations to bring their A game to the office every day right now because of the challenges that are facing agriculture.

I do not think that that would come as a surprise to anyone in this Chamber. Even our urban members have heard often enough the concerns that have been raised by the agricultural community about lack of leadership, lack of direction, from this government on agricultural issues. In that context, I find it astounding that one of the major areas of intervention that we are going to get from the government this year is to amalgamate these two corporations. I mean, give me a break.

Has the Minister of Agriculture (Ms. Wowchuk) or the Premier (Mr. Doer) not got enough other things on their plate relative to agriculture that they have to worry about removing a five- or six-member board and amalgamating it into one new board, a super board, to manage both? The savings are a pittance. The savings are a waste of time, effort and breath on the part of the minister. That is not to say that the principle is wrong, but it does say that I am very sceptical that we have spent this much time, effort and staff time designing amalgamation at the very time when we are pressing both of these corporations to bring their A game in support of the agriculture community. It is not that agriculture is going to go down the toilet tomorrow. It is that we are facing significant change, that changes, modernization, need to occur.

I see that we are rapidly approaching the hour at which you will be adjourning the House, Mr. Speaker, and let me make one other point, and make it clearly, about this amalgamation. There are questions that this minister should be prepared to answer in committee. One is where there can be assignment of production. In other words, where a farmer has a mortgage or a loan and he is borrowing money, he can assign his production. So, if he hauls a load of wheat to the elevator, he can have it under contract and have expenses deducted, or, more specifically to this case, if the farmer has a mortgage and, at the same time, has an insurance claim, I hope that these two entities will remain enough at arm's length, that the Agricultural Credit Corporation will not be able to jump the cue, if you will, and take a claim against that operator's insurance money.

That would be a deal breaker, Mr. Speaker, if somehow that relationship changed, because private-sector funding in agriculture is still very important. Private sector very often likes to have that assignment of insurance. We will want a clear answer and a promise from the minister on that point.

Mr. Speaker, as we go forward, the other aspect of this legislation—

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Ste. Rose (Mr. Cummings) will have 24 minutes remaining. Also, it will remain standing in the name of the honourable Member for Lakeside (Mr. Eichler).

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 18, 2005

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