

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

*Published under the  
authority of  
The Honourable George Hickes  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	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.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, June 3, 2009**

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

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

Routine proceedings; introduction of bills; petitions.

**ROUTINE PROCEEDINGS**

**PETITIONS**

**Parkland Regional Health Authority—  
Ambulance Station**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The communities of Eddystone, Bacon Ridge and Ebb and Flow First Nation rely on emergency medical services personnel based in Ste. Rose, which is about 45 minutes away.

These communities represent about 2,500 people. Other communities of a similar size within the region are equipped with at least one ambulance, but this area is not. As a result, residents must be transported in private vehicles to the nearest hospital if they cannot wait for emergency personnel to arrive.

There are qualified first responders living in these communities who want to serve the region but need an ambulance to do so.

A centrally located ambulance and ambulance station in this area would be able to provide better and more responsive emergency services to these communities.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider working with the Parkland Regional Health Authority to provide a centrally located ambulance and station in the area of Eddystone, Bacon Ridge and Ebb and Flow First Nation.

This petition is signed by Jeannette Richards, Thor Erlendson and Kathleen Johnson and many, many other fine Manitobans.

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

**Photo Radar**

**Mrs. Bonnie Mitchelson (River East):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

It is important to protect the safety of construction workers who are on the job by having reduced speeds in construction zones when workers are present.

The provincial government handed out tickets to thousands of Manitobans who were driving the regular posted speed limit in construction zones when no construction workers were present.

A Manitoba court has ruled that the reduced speed zones in construction areas were intended to protect workers and that the tickets that were given when no construction workers were present were invalid.

The provincial government has decided not to collect unpaid fines given to motorists who were ticketed driving the normal posted speed limit when no construction workers were present.

And the provincial government is refusing to refund the money to many hardworking, law-abiding Manitobans who had already paid the fine for driving the regular speed limit in a construction zone when no workers were present.

We pe-petition the Legislative Assembly of Manitoba as follows:

To request that the Attorney General (Mr. Chomiak) consider refunding all monies collected from photo radar tickets given to motorists

driving the regular posted speed limit in construction zones where no workers were present.

Mr. Speaker, this is signed by Donna Clement, Catherine Abrahams, J. Phillips and many, many other Manitobans.

#### **Midwifery Services—Interlake Region**

**Mrs. Myrna Driedger (Charleswood):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Residents of the Interlake Regional Health Authority do not have access to midwifery services.

Midwives provide high quality, cost-effective care to childbearing women throughout their pregnancy, birth and in the post-partum period.

Women in the Interlake should have access to midwifery care.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider working with the Interlake Regional Health Authority to provide midwifery services to women in this health region.

This is signed by Tara Loewen, Jennilee Dueck, Roshanna Plett and many, many others.

#### **Long-Term Care Facilities—Morden and Winkler**

**Mr. Peter Dyck (Pembina):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Many seniors from the Morden and Winkler area are currently patients in the Boundary Trails Health Centre while they wait for placement in local personal care homes.

There are presently no beds available for these patients in Salem Home and Tabor Home. To make more beds in the hospital available, the regional health authority is planning to move these patients to personal care homes in outlying regions.

These patients have lived, worked and raised their families in this area for most of their lives. They receive care and support from their family and friends who live in the community, and they will lose this support if they are forced to move to distant communities.

These seniors and their families should not have to bear the consequences of provincial government's failure to ensure that there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities.

And to urge the Minister of Health to consider working with the RHA and the community to speed construction and expansion of long-term care facilities in the region.

This is signed by Linda Peters, Jen Kolesar, Linda Maxwell and many, many others.

#### **Traffic Signal Installation—PTH 15 and Highway 206**

**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 August 2008, the Minister of Transportation (Mr. Lemieux) stated that traffic volumes at the intersection of PTH 15 and Highway 206 in Dugald exceeded those needed to warrant the installation of traffic signals.

Every school day, up to a thousand students travel through this intersection in Dugald where the lack of traffic signals puts their safety at risk.

Thousands of vehicles travel daily through this intersection in Dugald where the lack of traffic signals puts at risk the safety of these citizens.

In 2008, there was a 300 percent increase in accidents at this intersection.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate installation of traffic signals at the intersection of PTH 15 and Highway 206 in Dugald.

To request that the Minister of Transportation recognize the value of the lives and the well-being of the students and citizens of Manitoba.

Signed by Councillor Robert Bodnaruk, Howard Smith, Louise Smith and many, many other Manitobans.

### **Seven Oaks Hospital—Emergency Services**

**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:

The current Premier (Mr. Doer) and the NDP government are reducing emergency services at the Seven Oaks Hospital.

On October 6, 1995, the NDP introduced a matter of urgent public importance that stated that "the ordinary business of the House to be set aside to discuss a matter of urgent public importance, namely the threat to the health-care system posed by this government's plan to limit emergency services in the city of Winnipeg community hospitals."

On December 6, 1995, when the then-PC government suggested it was going to reduce emergency services at the Seven Oaks Hospital, the NDP leader then asked Premier Gary Filmon to "reverse the horrible decisions of his government and the Minister of Health and reopen our community-based emergency wards."

The NDP gave Manitobans the impression that they supported Seven Oaks Hospital having full emergency services seven days a week, 24 hours a day

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier of Manitoba consider how important it is to have the Seven Oaks Hospital provide full emergency services seven days a week, 24 hours a day.

This is signed by C. Santiago, N. Joaquin, D. Cawkling and many, many other fine Manitobans. Thank you, Mr. Speaker.

\*(13:40)

### **Twinning of Trans-Canada Highway**

**Mrs. Mavis Taillieu (Morris):** I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

The six-kilometre stretch of the Trans-Canada Highway passing through Headingley is an

extremely busy stretch of road averaging 18,000 vehicles daily.

This section of the Trans-Canada Highway is one of the few remaining stretches of undivided highway in Manitoba and has seen countless accidents, some of them fatal.

In its January 2009 budget, the federal government indicated it would work with the provincial government to cost share the improvements to this stretch of the Trans-Canada Highway.

In the interests of protecting motorist safety, it is critical that the dividing of the Trans-Canada Highway in Headingley is completed as soon as possible.

We petition the Legislative Assembly as follows:

To request that the Minister of Infrastructure and Transportation (Mr. Lemieux) consider meeting as soon as possible with his federal counterparts to finalize this cost-sharing arrangement needed to move the twinning of the Trans-Canada Highway forward in order to ensure that the federal monies available for this important project do not lapse.

To request that the Minister of Infrastructure and Transportation consider making the completion of the dividing of the Trans-Canada Highway in Headingley in 2009 an urgent provincial government priority.

And this is signed by Bonnie Leullier, Jean Ammeter, Robert Leullier and many others, Mr. Speaker.

### **Photo Radar**

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

It is important to protect the safety of construction workers who are on the job having reduced speeds in construction zones when workers are present.

The provincial government handed out tickets to thousands of Manitobans who were driving the regular posted speed limit in, in construction zones when there were no construction workers present.

A Manitoba court has ruled that reduced speed zones in construction areas were intended to protect

workers and the tickets that were given when no construction workers were present were invalid.

The provincial government has decided not to collect unpaid fines given to motorists who were ticketed driving the normal posted speed limit when no construction workers were present.

The provincial government is refusing to refund the money to many of the hardworking, law-abiding Manitobans who already paid the fine for driving the regular speed limit in a construction zone when no workers were present.

We present the Legislative Assembly of Manitoba as follows:

To request the Attorney General (Mr. Chomiak) consider refunding all monies collected from photo radar tickets given to motorists driving the regular posted speed limit in construction zones where no workers were present.

Signed by Rosella Cheuk, Graham Advent, Gene Shalai and many, many others.

## COMMITTEE REPORTS

### Standing Committee on Legislative Affairs Second Report

**Ms. Erna Braun (Chairperson):** Mr. Speaker, I wish to present the Second Report of the Standing Committee on Legislative Affairs.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Legislative Affairs presents the following as its Second Report.

**Mr. Speaker:** Dispense?

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on LEGISLATIVE ASSEMBLY presents the following as its Second Report.*

#### Meeting

*Your Committee met on Tuesday, June 2, 2009 at 6:00 p.m. in Room 255 of the Legislative Building.*

#### Matters under Consideration

- **Bill (No. 3) – The Forest Amendment Act/Loi modifiant la Loi sur les forêts**

- **Bill (No. 17) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail**
- **Bill (No. 21) – The Labour Mobility Act/Loi sur la mobilité de la main-d'œuvre**
- **Bill (No. 23) – The Buildings and Mobile Homes Amendment Act/Loi modifiant la Loi sur les bâtiments et les maisons mobiles**

#### Committee Membership

*Committee Membership for the Tuesday, June 2, 2009 meeting:*

- *Hon. Ms. ALLAN*
- *Mr. ALTEMEYER*
- *Ms. BRAUN*
- *Mr. NEVAKSHONOFF (Vice-Chairperson)*
- *Mr. PEDERSEN*
- *Mr. SCHULER*
- *Mrs. STEFANSON*
- *Mr. SARAN*
- *Hon. Mr. STRUTHERS*
- *Hon. Mr. SWAN*
- *Mrs. TAILLIEU*

*Your Committee elected Ms. BRAUN as the Chairperson.*

#### Public Presentations

*Your Committee heard the following thirteen presentations on **Bill (No. 3) – The Forest Amendment Act/Loi modifiant la Loi sur les forêts**:*

*Ward Perchuk, Spruce Products Ltd.  
Wade Cable, Louisiana Pacific Canada Ltd.  
Doug Hunt, Tolko Industries Ltd.  
Grant Kurian, Grant Kurian Trucking Ltd.  
Roberta Kurian, Seer Logging Inc.  
Marvin Hovorka, J. Hovorka and Sons Ltd.  
Scott Spicer, CAO, R.M. of Whitemouth  
Mary Granskou, Canadian Boreal Initiative  
Gaile Whelan-Enns, Manitoba Wild Lands  
Andy Pelletier, RM of Reynolds  
Andrew McCuaig, Tembec  
Ron Thiessen, The Canadian Parks and Wilderness Society  
Eric Reder, Wilderness Committee*

*Your Committee heard the following four presentations on **Bill (No. 17) – The Workers***

*Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail:*

*Jim Budde, Private Citizen  
Alex Forrest, United Firefighters of Winnipeg  
Gordon Hudson, Private Citizen  
Kimberly Buchanan, Private Citizen*

*Your Committee heard the following one presentation on **Bill (No. 21)** – The Labour Mobility Act/Loi sur la mobilité de la main-d'œuvre:*

*John Doyle, Manitoba Federation of Labour*

#### **Written Submissions**

*Your Committee received the following two written submissions on **Bill (No. 3)** – The Forest Amendment Act/Loi modifiant la Loi sur les forêts:*

*Matthew Heide, Private Citizen  
Doug Dobrowloski, Association of Manitoba Municipalities*

#### **Bill Considered and Reported**

**Bill (No. 3)** – The Forest Amendment Act/Loi modifiant la Loi sur les forêts

*Your Committee agreed to report this Bill, without amendment.*

**Bill (No. 17)** – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

*Your Committee agreed to report this Bill, without amendment.*

**Bill (No. 21)** – The Labour Mobility Act/Loi sur la mobilité de la main-d'œuvre

*Your Committee agreed to report this Bill, without amendment.*

**Bill (No. 23)** – The Buildings and Mobile Homes Amendment Act/Loi modifiant la Loi sur les bâtiments et les maisons mobiles

*Your Committee agreed to report this Bill, without amendment.*

**Ms. Braun:** Mr. Speaker, I move, seconded by the honourable Member for The Maples (Mr. Saran), that the report of the committee be received.

**Mr. Speaker:** It's been moved by the honourable Member for Rossmere, seconded by the honourable Member for The Maples, that the report of the committee be received.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

#### **Standing Committee on Human Resources First Report**

**Ms. Jennifer Howard (Chairperson):** Mr. Speaker, I wish to present the First Report of the Standing Committee on Human Resources.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Human Resources presents the following as its First Report.

**Mr. Speaker:** Dispense?

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Human Resources presents the following as its First Report.*

#### **Meetings**

*Your Committee met on the following occasions in room 254 of the Legislative Building:*

- June 1, 2009
- June 2, 2009

#### **Matters under Consideration**

- **Bill (No. 11)** – The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant le Code de la route et la Loi sur la Société d'assurance publique du Manitoba
- **Bill (No. 13)** – The Medical Amendment Act/Loi modifiant la Loi médicale
- **Bill (No. 15)** – The Victims' Bill of Rights Amendment Act/Loi modifiant la Déclaration des droits des victimes
- **Bill (No. 18)** – The Regulated Health Professions Act/Loi sur les professions de la santé réglementées

#### **Committee Membership**

*Committee Membership for the June 1, 2009 meeting:*

- Ms. BRICK
- Mr. CALDWELL
- Hon. Mr. RONDEAU
- Mrs. DRIEDGER

- *Mr. DYCK*
- *Mr. GOERTZEN*
- *Ms. HOWARD*
- *Ms. KORZENIOWSKI*
- *Mr. MARTINDALE*
- *Mrs. MITCHELSON*
- *Hon. Ms. OSWALD*

*Your Committee elected Ms. HOWARD as the Chairperson at the June 1, 2009 meeting.*

*Your Committee elected Ms. BRICK as the Vice-Chairperson at the June 1, 2009 meeting.*

*Committee Membership for the June 2, 2009 meeting:*

- *Hon. Mr. BLAIKIE*
- *Mr. BRIESE*
- *Hon. Mr. CHOMIAK*
- *Mr. CULLEN*
- *Ms. DERKACH*
- *Mrs. DRIEDGER*
- *Ms. HOWARD (Chairperson)*
- *Mr. JENNISSSEN*
- *Ms. KORZENIOWSKI*
- *Hon. Ms. OSWALD*
- *Mr. WHITEHEAD*

*Your Committee elected Hon. Ms. KORZENIOWSKI as the Vice-Chairperson at the June 2, 2009 meeting.*

### **Public Presentations**

*Your Committee heard the following presentation on **Bill (No. 13)** – The Medical Amendment Act/Loi modifiant la Loi médicale:*

*Dr. William D.B. Pope, College of Physicians and Surgeons of Manitoba*

*Your Committee heard the following 42 presentations on **Bill (No. 18)** – The Regulated Health Professions Act/Loi sur les professions de la santé réglementées:*

*Bonnie Coombs, Private Citizen*

*Pat Chevrier, Private Citizen*

*Eric Alper, Manitoba Association of School Psychologists Inc.*

*Dr. William D.B. Pope, College of Physicians and Surgeons of Manitoba*

*Kathy Doerksen, College of Registered Nurses of Manitoba*

*Dr. Sandy Mutchmore, Manitoba Dental Association*

*George Fraser, Massage Therapy Association of Manitoba*

*Randall Stephanchew, Manitoba Pharmaceutical Association*

*Kyle Macnair, Canadian Society of Hospital Pharmacists*

*Scott Ransome, Manitoba Society of Pharmacists*

*Troy Harwood-Jones, Manitoba International Pharmacists Association*

*Gayle Romanetz, Private Citizen*

*Colleen Metge, Faculty of Pharmacy, University of Manitoba*

*Tim Pattern, Private Citizen*

*Sandi Mowat, Private Citizen*

*Laurie Thompson, Manitoba Institute for Patient Safety*

*Annette Osted, College of Registered Psychiatric Nurses of Manitoba*

*Laureen Lipinski, Private Citizen*

*Colette Raymond on behalf of Kevin Hall, Private Citizen*

*Penny Murray, Private Citizen*

*Heather Milan, Private Citizen*

*Nicholas Honcharik, Private Citizen*

*Scott McFeetors, Private Citizen*

*Greg Harochaw, Private Citizen*

*Gerald Clement & Greg Stewart, Manitoba Chiropractors' Association*

*Bill Eamer, Private Citizen*

*Brian Head, Private Citizen*

*Don Nazeravich, Private Citizen*

*Colette Raymond, Private Citizen*

*Danica Lister, Private Citizen*

*Verna Holgate, College of Licensed Practical Nurses of Manitoba*

*David Wayne Rivers, Priority Inc.*

*Doug Penner, Private Citizen*

*Elmer Kubler, Private Citizen*

*Mark Scott, Private Citizen*

*Brent Penner, Private Citizen*

*Curtis Unfried, Private Citizen*

*Mel Baxter, Private Citizen*

*Barbara Sproll, Private Citizen*

*Pat Trozzo, Private Citizen*

*Jeff Uhl, Private Citizen*

*Professor Blake Taylor, Private Citizen*

### **Written Submissions**

*Your Committee received the following two written submissions on **Bill (No. 18)** – The Regulated Health Professions Act/Loi sur les professions de la santé réglementées:*

*Andrea Belanger, Vision Council of Canada*

*John Gray, Canadian Medical Protective Association*



**Bills Considered and Reported**

- **Bill (No. 11)** – *The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant le Code de la route et la Loi sur la Société d'assurance publique du Manitoba*

Your Committee agreed to report this Bill, with the following amendments:

THAT the following be added after Clause 3(b)(iii) of the Bill:

(iv) in clause (a.2), by striking out "subclause (a)(vii) or (viii)" and substituting "any of subclauses (a)(vii) to (viii.2)".

THAT Clause 4 of the Bill be replaced with the following:

4(1) Subsection 279.1(1.1) is amended

(a) by striking out "253(a) or (b)" and substituting "253(1)(a) or (b)"; and

(b) by striking out "or subsection 254(5) or 255(2) or (3)" and substituting ", subsection 254(5) or any of subsections 255(2) to (3.2)".

4(2) Subsection 279.1(1.2) is amended

(a) by replacing clause (a) with the following:

(a) a conviction for an offence referred to in any of the following provisions of the definition "Category B offence" in subsection 264(1):

(i) subclauses (a)(vii) to (viii.2), or

(ii) clauses (a.1) to (a.3);

(b) by replacing subclause (b)(i) with the following:

(i) an offence referred to in subclause (a)(iii), (iv) or (v) or clause (a.1) of the definition "Category A offence" in subsection 264(1),

(i.1) an offence referred to in any of the following provisions of the definition "Category B offence" in that subsection:

(A) subclauses (a)(vii) to (viii.2), or

(B) clauses (a.1) to (a.3), or

- **Bill (No. 13)** – *The Medical Amendment Act/Loi modifiant la Loi médicale*

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 15)** – *The Victims' Bill of Rights Amendment Act/Loi modifiant la Déclaration des droits des victimes*

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 18)** – *The Regulated Health Professions Act/Loi sur les professions de la santé réglementées*

Your Committee agreed to report this Bill, with the following amendments:

THAT Clause 28(1)(g) of the Bill be replaced with the following:

(g) information about each disciplinary proceeding in which a finding under subsection 124(2) or clause 131(1)(b) has been made against the member, including

(i) the nature of the finding,

(ii) the nature of any order made under section 126, 127 or 131, and

(iii) any terms, limits or conditions of the order;

THAT Clause 28(2)(f) of the Bill be replaced with the following:

(f) information about each disciplinary proceeding in which a finding under subsection 124(2) or clause 131(1)(b) has been made against the associate member, including

(i) the nature of the finding,

(ii) the nature of any order made under section 126, 127 or 131, and

(iii) any terms, limits or conditions of the order;

THAT Clauses 28(3)(b) and (c) of the Bill be replaced with the following:

(b) the information described in clause (1)(g) or (2)(f) relating to a disciplinary proceeding completed within the current calendar year or the 10 previous calendar years;

THAT the following be added after Clause 28(3) of the Bill:

**Information not to be available on the Internet**

28(4) Information that is available to the public under subsection (3) and that relates to an ailment, emotional disturbance or addiction that a member is suffering from, or has suffered from, must not be made available to the public on the Internet.

THAT Clause 78(3) of the Bill be amended in the heading and in the Clause by striking out "and Dental Assistants".

THAT Clause 98(3) of the Bill be amended by striking out "the council considers necessary to assist the investigator" and substituting "the investigator considers necessary to assist him or her".

THAT Clause 99(1) of the Bill be amended in the part after clause (f) by adding "or, if it is necessary to protect the public from exposure to serious risk, on the direction of the chair of that committee" at the end.

THAT Clause 101(2) of the Bill be amended by striking out "written submissions about the findings in the report" and substituting "a written submission under subsection 102(2)".

THAT Clause 104(2) of the Bill be replaced with the following:

**Censure may be made publicly available**

**104(2)** Subject to subsection (2.1), the complaints investigation committee may make available to the public the name of an investigated member who has been censured and a description of the circumstances that led to the censure.

**Censure relates to ailment, addiction, etc.**

**104(2.1)** If, in agreeing to accept a censure, the investigated member admits to suffering from an ailment, emotional disturbance or addiction that impairs his or her ability to practise the regulated health profession, the complaints investigation committee

(a) must not make any information about the investigated member or the censure available under subsection (2); and

(b) may inform an employer, person or entity referred to in section 133 of the censure and provide a description of the circumstances that led to it.

THAT Clause 105(3) of the Bill be replaced with the following:

**Voluntary surrender may be made publicly available**

**105(3)** Subject to subsection (4), the complaints investigation committee may make available to the public the name of the investigated member, the fact that the member has voluntarily surrendered his or her registration or certificate of practice and a

description of the circumstances that led to the voluntary surrender.

**Voluntary surrender relates to ailment, addiction, etc.**

**105(4)** If, in agreeing to voluntarily surrender his or her registration or certificate of practice, the investigated member admits to suffering from an ailment, emotional disturbance or addiction that impairs his or her ability to practise the regulated health profession, the complaints investigation committee

(a) must not make any information about the investigated member or the voluntary surrender available under subsection (3); and

(b) must inform an employer, person or entity referred to in section 133 of the voluntary surrender and provide a description of the circumstances that led to it.

THAT Clause 129(1) of the Bill be amended by striking out "Subject to subsection (2)" and substituting "Subject to subsections (2) and (3)".

THAT the following be added after Clause 129(2) of the Bill:

**If ailment, emotional disturbance or addiction impairs member's ability to practise**

**129(3)** If a finding has been made under clause 124(2)(g), the college, when making information available to the public under subsection (1), must not make available to the public

(a) the name of the investigated member; or

(b) any personal health information about the investigated member;

unless the college is satisfied that the public interest in making the information available to the public substantially outweighs the privacy interests of the investigated member. In this subsection, "**personal health information**" means personal health information as defined in The Personal Health Information Act.

THAT the following be added after Clause 129 of the Bill but before the centred heading:

**Appeal of decision under subsection 129(3)**

**129.1(1)** If the college intends to make information available to the public under subsection 129(3), the college

(a) must give notice of its intention to the investigated member, and advise the investigated

member of his or her right to appeal the decision as set out in this section; and

(b) must not make any information described in clause 129(3)(a) or (b) available to the public under subsection 129(1) until the time period described in subsection (2) has lapsed, or, if an appeal has been filed, the investigated member's appeal is exhausted.

**Notice of appeal**

**129.1(2)** An investigated member may appeal a decision by filing, within 10 days after receiving notice from the college under clause (1)(a), a notice of appeal with the court.

**Copy of notice must be given to the college**

**129.1(3)** The investigated member must, without delay, give a copy of the notice of appeal to the college, and the college is a party to the appeal.

**Decision of the court**

**129.1(4)** After hearing an appeal under this section, the court may confirm, reverse or vary the college's decision to make the information available to the public.

**Court to protect privacy**

**129.1(5)** On an appeal, the court must take reasonable precautions to protect the investigated member's privacy, including his or her identity, which may include receiving representations *ex parte*, conducting hearings in private and examining records in private.

THAT Clause 189(1)(d) of the Bill be replaced with the following:

(d) information about each disciplinary proceeding in which a finding under subsection 124(2) or clause 131(1)(b) has been made against the owner, including

- (i) the nature of the finding,
- (ii) the nature of any order made under section 126, 127 or 131, and
- (iii) any terms, limits or conditions of the order; and

THAT Clauses 189(2)(b) and (c) of the Bill be replaced with the following:

(b) the information described in clause (1)(d) relating to a disciplinary proceeding completed within the current calendar year or the 10 previous calendar years;

THAT the following be added after Clause 189(2) of the Bill:

**Information not to be available on the Internet**

**189(3)** Information that is available to the public under subsection (2) and that relates to an ailment, emotional disturbance or addiction that an owner is suffering from, or has suffered from, must not be made available to the public on the Internet.

THAT Clause 207(16) of the Bill be replaced with the following:

**207(16)** Subsections 105(3) and (4) are to be read as follows:

**Voluntary surrender may be made publicly available**

**105(3)** Subject to subsection (4), the complaints investigation committee may make available to the public the name of the investigated member, the fact that the investigated member has voluntarily surrendered his or her registration, certificate of practice or pharmacy licence, as the case may be, and a description of the circumstances that led to the voluntary surrender.

**Voluntary surrender relates to ailment, addiction, etc.**

**105(4)** If an investigated member, in agreeing to voluntarily surrender his or her registration, certificate of practice or pharmacy licence, as the case may be, admits to suffering from an ailment, emotional disturbance or addiction that impairs his or her ability to practise the regulated health profession or operate a pharmacy, the complaints investigation committee

(a) must not make any information about the investigated member or voluntary surrender available under subsection (3); and

(b) must inform an employer, person or entity referred to in section 133 or 133.1 of the voluntary surrender and provide a description of the circumstances that led to it.

THAT Clause 220(1)(ee) of the Bill be amended by striking out "and Dental Assistants".

THAT Clause 221(3) of the Bill be amended in the heading and in the part before clause (a) by striking out "and Dental Assistants".

THAT the proposed Item 15, as set out in Clause 233 of the Bill, be amended by striking out "and Dental Assistants".

THAT the proposed definition "practising dentist" in the English version, as set out in Clause 237(2)(c) of

*the Bill, be amended by striking out "and Dental Assistants".*

**Ms. Howard:** Mr. Speaker, I move, seconded by the honourable Member for St. Norbert (Ms. Brick), that the report of the committee be received.

**Mr. Speaker:** It's been moved by the honourable Member for Fort Rouge, seconded by the honourable Member for St. Norbert, that the report of the committee be received.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

Tabling of reports.

### TABLING OF REPORTS

**Hon. Greg Selinger (Minister of Finance):** Yes, Mr. Speaker, I'd like to table the following: the Crown Corporations Council 2008 Annual Report, and a Report pursuant to section 63 sub 4 of The Financial Administration Act Relating to Supplementary Loan and Guarantee Authority for the fiscal year ended March 31, 2009.

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** On behalf of the Minister of Infrastructure and Transportation (Mr. Lemieux), I am pleased to table the Annual Report 2008 of the Winnipeg Police Service Central Traffic Unit Photo Enforcement Safety Program.

**Mr. Speaker:** Ministerial statements.

Order, please.

### Introduction of Guests

**Mr. Speaker:** I'd like to draw the attention of honourable members to the public gallery where we have with us today, we have Chief Warrant Officer James Holland, who just received the Royal Military Institute of Manitoba Institute Award, and Mr. Holland is accompanied by friends from the sergeants, sergeants and warrant officers mess, as well as his wife Hannelor and son Mike and daughter Chrissy Merell; and members of the Royal Military Institute of Manitoba, Mr. and Mrs. John Law and Mr. and Mrs. George Chapman, Q.C.

Also we have the president of the No. 4 legion, Mr. Ronn Anderson, who are the guests of the honourable Member for St. James (Ms. Korzeniowski).

And also in the public gallery we have with us Guy and Ria Bergeron, who are the guests of the honourable Member for Morris (Mrs. Taillieu).

And also in the public gallery we have with us Kate MacNeill and James Smith, who are the guests of the honourable Member for Brandon East (Mr. Caldwell).

And also in the public gallery we have from Kildonan East Collegiate, we have 22 grade 9 students under the direction of Mr. John Thompson. This school is located in the constituency of the honourable member for—the honourable First Minister (Mr. Doer).

And also in the public gallery we have from Centennial School, we have 28 grade 4 students under the direction of Ms. Cathy Renaud. This school is located in the constituency of the honourable Member for Selkirk (Mr. Dewar).

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

Oral questions.

### ORAL QUESTIONS

#### 1999 Election Campaign Returns

**Mr. Hugh McFadyen (Leader of the Official Opposition):** In 1999, the NDP engaged in a centrally organized scheme to swap cheques, falsify election returns and claim election rebates that they weren't entitled to at the expense of Manitoba taxpayers.

Mr. Speaker, the, the party then entered into a series of steps to cover up these transactions, and, at the time, in 2003, the Minister of Finance (Mr. Selinger) was called to a meeting and expressed in that meeting his deep concern about what was happening and demanded that he receive a letter exonerating himself from, from this centrally orchestrated scheme.

I want to ask the Minister of Finance: In addition to the steps that he took to protect himself—to protect himself, what steps did he take to protect Manitoba taxpayers?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Yes, and Mr. Speaker, just before I comment, I want to say how humbled I am to be speaking in a Legislature with the military people who've devoted their lives to allowing us to be in a place that has free speech.

Mr. Speaker, I hope that people will also pay attention to the Leader of the Opposition, who was wrong again yesterday when he claimed and tabled in this House documents found on a return from The Pas that did not match the first. The second election return was legally signed by the candidate, in that case Oscar Lathlin, and the third return was one that is administratively required by Elections Manitoba, and required to be put in place. So, yesterday, when the minister claimed—when the member claimed there was a conspiracy and a scheme and all the other words that he uses, he was factually wrong. I will hope you apologize about that today, because the three filings were standard practice, and like so much—

**Mr. Speaker:** Order.

**Mr. Chomiak:** —the member has said during this last two weeks, he was wrong.

\* (13:50)

**Mr. McFadyen:** Mr. Speaker, at law there's only one—there's only to be one record, not conflicting duelling records of election returns.

The fact is the Minister of Finance (Mr. Selinger) who sits in the House today is the guardian of the public purse, has election returns that sit on file without auditor sign-off. The Minister of Finance asked for and received a letter exonerating him from the scheme to take money from taxpayers that they weren't entitled to. He expressed in that meeting his concern that the matters that were then being covered up would eventually become public.

I want to ask the minister who got the letter, in essence, trying to cover his back: What steps did he take in order to cover and protect the people of Manitoba, the taxpayers of Manitoba and to ensure the integrity of elections in Manitoba?

**Mr. Chomiak:** And the Leader of the Opposition makes my point. That is correct. In 2000, and—in 1995, when the Tories filed an inaccurate statement, they were asked to correct it. They paid back the money and a reform and revised statement was provided and sanctioned by Elections Manitoba.

In 1999, when a statement was found to be inaccurate, Elections Manitoba went to the New Democratic Party, a re-signed statement was provided and a report was provided that indicated that the statement was revised. Yes, there is only one statement, as approved by Elections Manitoba, like

they did for the Tories in 1995, like they did for us in 1999.

The schemes and the conspiracies are in the brain of the Leader of the Opposition.

**Mr. McFadyen:** I want to thank the Attorney General for the impressive smoke screen that he's trying to create here. I can understand why, as the co-chair of the 1999 campaign, he may be feeling a little bit defensive about what was happening under his watch in the 1999 campaign.

But, the fact is, Mr. Speaker, it was the Minister of Finance whose campaign filed the return that was incorrect. It was the Minister of Finance's amended return that was never audited. It was the Minister of Finance who attended the meeting in 2003, asked for and received a letter to protect himself. It was the Minister of Finance's department that issued the cheque, the rebate cheque, to his own party that should never have been issued.

I wonder why the Minister of Finance won't stand up today and respond to questions about why it is that he took steps to protect himself and yet didn't take a step or lift a finger to protect Manitobans.

**Mr. Chomiak:** Mr. Speaker, in committee, under, under rigid cross-examination by the Member for Steinbach (Mr. Goertzen), the Elec-Elections Manitoba indicated—

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

**Mr. Speaker:** Order.

**Mr. Chomiak:** —that the members' opposite statements were wrong. They indicated that all parties had had revised statements, not the New Democratic Party alone, the Conservative Party and the Liberal Party.

Mr. Speaker, in the report of Elections Manitoba, 2003, it indicates that 13 statements from the N—from the NDP had, had improper—improprieties. They were filed as amended statements, accepted by Elections Manitoba, the money was refunded and the money was—and the money was returned.

Mr. Speaker, the same thing happened in 1995 with the Conservative Party, when \$13,000 was—

**Mr. Speaker:** Order.

### 1999 Election Campaign Returns

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, we know that when the 1999 election returns went from

the 13 individual NDP campaigns to the NDP central campaign, they declared work that the union members had done properly as donations in kind, which would not trigger a taxpayer refund.

We also know that when these returns were submitted to the NDP central campaign, they were changed to wrongly make a refundable election expense and flow \$70,000 of taxpayers' funds to the NDP.

The Minister of Finance was ultimately made aware of this falsification, but neither he nor anyone else in the NDP revealed who changed these claims to falsely try to collect \$70,000 from taxpayers.

Will the Minister of Finance (Mr. Selinger), who's responsible for the public purse, please stand up today and say who changed the claims?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, on the 13 claims, as indicated, when it was identified that there was a problem, the assets received and the, the revenues paid out were, were adjusted. The statements were adjusted. The statements were provided to Elections Manitoba, and Elections Manitoba accepted those statements, and the money was refunded.

As the Chief Electoral Officer said, the report was signed by the chief financial officer, it was filed with Elections Manitoba, accepted and dealt with in exactly the same fashion in this case, Mr. Speaker, and the same thing happened in 2003 when we're looking at situations with respect to other candidates and in 1995, from the Chief Electoral Officer of Manitoba.

Mr. Speaker, they have been so wrong in their many accusations. I'm surprised they stand up and can make those same accusations over and over and over again.

**Mr. Goertzen:** I wonder if you would unleash the Minister of Finance (Mr. Selinger), because the Minister of Finance, the keeper of the public purse, he found out about this scheme, and he knew that it was wrong so he asked for a letter from the NDP exonerating himself of any wrongdoing. He got a get-out-of-jail card free, and he got it from the NDP party.

But what he didn't do is disclose it to anybody else. He put his party loyalty ahead of the interests of taxpayers. Now he has a chance to right that wrong. Can he put the public ahead of his party? Can he do the right thing and tell us who falsified those

13 election returns to try to get, wrongly, \$76,000 from taxpayers they were never entitled to, Mr. Speaker?

**Mr. Chomiak:** Mr. Speaker, in the publicly provided report—and this has been around this Legislature for six years—the report says: The following 13 NDP candidates filed amended election statements from 1999.

They named the candidates, Mr. Speaker. The correction was made. Elections Manitoba was to have the amendments refiled. The Auditor had resigned before the date of the audit report and the amended returns were refiled, just like they were in the Conservative Party in 1995. Therefore, Elections Manitoba verified that the amended returns reflected the same information as the initial audited returns except with respect to revisions arising from the required amendments.

Mr. Speaker, the Member for Steinbach goes, as usual, way over the top, way over the top, way over the extreme.

**Mr. Goertzen:** Maybe if the co-chair for the 1999 campaign was doing his job, this wouldn't be before the Legislature today.

Mr. Speaker, the Minister of Finance (Mr. Selinger), the Minister of Finance correctly recognized his vulnerability, both politically and perhaps professionally, and demanded that he be given a letter to exonerate himself from this scheme, but what he didn't do is disclose the scheme itself. He took care of himself, but he didn't bother to take care of taxpayers. Instead, it was left to a campaign official agent who had a crisis of conscience to come forward and do that for the Minister of Finance.

Will the Minister of Finance finally today do what he should have done years ago and tell us who on the NDP campaign falsified those claims to try to get \$76,000 of taxpayers they were never entitled to?

**Mr. Chomiak:** Mr. Speaker, the member sounds like a psychologist peering into the minds of perhaps Tory campaign strategists. He was the campaign chair of the last campaign where the only issue was crime and crime and crime, and now I know his preoccupation was jail.

Mr. Speaker, we banned union and corporate donations. Members opposite voted against it. They've never got over the banning of union and corporate donations. When we filed our returns in 1999, central office always looks over our returns.

Good heavens, The Elections Act is quite complicated and you want to get it right. In this case, 13 statements were refiled, accepted by Election Manitoba. Why do you insist on attacking the credibility and the professional judgment of Elections Manitoba—

**Mr. Speaker:** Order. Order.

**1999 Election  
Public Inquiry**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** It was his party that asked an internationally respected forensic auditor to be removed from Elections Manitoba work, because he was asking too many tough questions about NDP returns and because he was the one who discovered the scheme after the 1999 election, Mr. Speaker.

Mr. Speaker, in addition to Mr. Asselstine, who has raised serious concerns about what took place in the course of the post-'99 investigation, Mr. Treller, this morning, a former NDP official agent, a member of the New Democratic Party of Manitoba, said that there's a need for a public inquiry. He said that need arises from the fact that Elections Manitoba didn't even take the time to interview him in connection with their investigation after the 1999 election.

A key player in this whole situation, he wasn't even interviewed by Elections Manitoba. He's noted the irony of the fact that Mr. Toews was charged even as his party was engaged in a deliberate scheme to get rebates they weren't entitled to.

Mr. Speaker, I want to ask the Minister of Finance (Mr. Selinger), who is intimately familiar with this entire issue, who was at the meeting, who demanded the letter: Will he support Mr. Treller from his own party and ask his government to call an inquiry?

\*(14:00)

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** When Elections Manitoba was asked why that auditor was removed he indicated it was a contractual matter. It had nothing to do with that case.

So, Mr. Speaker, he's wrong. The Leader of the Opposition is wrong. When he filed three statements yesterday that he said were some kind of scheme, he was wrong. When he said that the 13 statements that went in were some kind of a scheme, he was wrong. They were publicly disclosed and changed, and the

election, and the election acts were followed in all cases.

Mr. Speaker, in nine—

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

**Mr. Chomiak:** Well, you know, Mr. Speaker, it was okay in '95 for the Tories to be over budget 13,000 and pay it back and amend the—

**Mr. Speaker:** Order.

**Mr. Chomiak:** —but somehow it wasn't okay in—

**Mr. Speaker:** Order.

**Mr. Chomiak:** —NDP to pay it back and amend it.

**Mr. Speaker:** Order.

**Mr. Chomiak:** I don't get it, Mr. Speaker.

**Mr. Speaker:** Order. Order. Let's have decorum. Order. Order. Order. Order. Let's have a little decorum, please. We need to hear the questions and the answers. You have about three seconds left.

**Mr. Chomiak:** What's okay for the Tories, Mr. Speaker, was okay for the NDP and the Liberals. That's what the Chief Electoral Officer [*inaudible*]

**Mr. Speaker:** Order.

**Mr. McFadyen:** Well, Mr. Speaker, on all of the points he makes he's completely wrong, and I think if he wants to put it to a test he should sign the Order-in-Council, set up an inquiry and allow Mr. Asselstine to open up his files, go under oath and testify, allow Mr. Treller to go under oath and testify, call the Minister of Finance (Mr. Selinger) who today seems to not want to respond to questions.

It's the Minister of Finance who we're posing these questions to. He's the guardian of the public purse. His department issued the cheque. He got the letter from his own party. Why won't he stand up today? He was concerned about it in 2003. Mr. Treller is saying the exact same thing today that the minister said six years ago.

Why won't he support Mr. Treller today and call on his Attorney General to set up a judicial inquiry so we can settle this matter once and for all?

**Mr. Chomiak:** Mr. Speaker, following the 2003 election, the auditor for the provincial Tories refused to certify their election financial statements. Scarrow & Donald identified concerns in a letter to the Tories dated October 3, 2003.

I haven't asked for that letter, Mr. Speaker. Where is that letter? Our—and the letter says, and I quote, from the Chief Electoral Officer, our examination indicated significant deficiencies in the accounting records and system of incernal—internal control.

In view of the possible material effect on the financial statements they could not sign the Tory financial statements. They subsequently were signed four months after, approved by Elections Manitoba, no charges were laid, \$13,000 was repaid, Mr. Speaker, the exact same scenario.

Mr. Speaker, the one-trick pony Leader of the Opposition insists on doing things—

**Mr. Speaker:** Order.

**Mr. Chomiak:** —his way all the time.

**Mr. Speaker:** Order.

**Mr. McFadyen:** Well, thank you, Mr. Speaker, and, and I do wanna to say that I, I respect the Attorn—Attorney General's ability to generate a smoke screen. And I know that he's the self-appointed human windshield in terms of dealing with this issue, but the fact is the individual who's got all of the first-hand information about what transpired, the individual in this House who's got a return sitting on file when they still haven't been able to find an auditor to sign off on is the Minister of Finance (Mr. Selinger).

So why won't the Minister of Finance stand up and indicate what he knows about what took place, and will he today support the call by Mr. Treller from his own party? Will he join with all three parties who have now called for an inquiry? Will he support the indications of Mr. Asselstine who says that he was removed from this file, and will he call on the Attorney General to have an inquiry? But more importantly, will he at least stand up today and begin to respond to some questions?

**Mr. Chomiak:** Mr. Speaker, yesterday the Leader of the Opposition tabled three forms and said something was wrong. He was wrong. It was inaccurate. He should stand up and apologize.

Mr. Speaker, the 13 returns that are referred to are in Elections Manitoba report provided to the public on the Internet, six years after, provided to everyone in this House. They have been raising it. And it was attested to and assigned and agreed to by Elections Manitoba.

When the identical situation occurred with the Tory party, it was dealt with in the same way except it wasn't put in the report, Mr. Speaker. The member ought to think about the ethics, and he ought to think about the principles rather than attack, rather—

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

**Mr. Speaker:** Order. I don't know how anyone can—can even hear the response. Order. Order. Order. It's time for questions and answers. Order. If members wish to have a conv—order. If members wish to have a conversation back and forth, use the loge, please, because the rest of us wan—we want to hear the questions and the answers.

**Mr. Chomiak:** Rather than attacking individuals inaccurately and personally, and even making suggestions that all three parties have asked for a, for an inquiry, Mr. Speaker, is—

**Mr. Speaker:** Order.

**Mr. Chomiak:** —dead wrong.

**Mr. Speaker:** Order.

### 1999 Election Public Inquiry

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, it's clear that the NDP is intent on using every tactic to hide the truth about this rebate scheme from Manitobans. The Minister of Finance (Mr. Selinger), his self-appointed and the appointed, by Order-in-Council, defender of the public purse, he knew that it was wrong so he decided to get a letter to protect himself but not to protect the taxpayers. He put his interests ahead of those taxpayers.

You know, the Minister of Finance, he's a big boy. He can get up and he can answer his own questions. What he has to do is stand up today and tell people, put his own political ambition aside, and tell Manitobans whether or not he will support a public inquiry, so we can find out the truth about the \$76,000 that shouldn't have been claimed and all the thousands of dollars previous to 1999 which were also falsely claimed, Mr. Speaker.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, the member talks about falsely claimed money before 1999, \$13,000 by the Tory party of Manitoba.

Now, Mr. Speaker, the way to do this in these situations is to follow the money. Seventy-six thousand dollars was accounted for, refiled and paid back. Members opposite in their conspiratorial



minds, their conspiratorial schemes, ought to go back before 1999. *[interjection]* Yes, we put in a law that said no union and corporate donations. I would love to talk about some of the corporate donations I know that went to the Tory party. You want me to start talking about that? You want me to start talking about that?

Mr. Speaker, 1999, when we passed the law banning union and corporate donations, they've never got, gotten over that. They voted against it, and if he wants to talk about money before 1999, it went to the Tory party.

**Mr. Goertzen:** Mr. Speaker, the Minister of Justice, who was the campaign co-chair for the 1999 campaign and now is the chief lawmaker for the province, never revealed this scheme. The Minister of Finance (Mr. Selinger), who today is charged with protecting the public purse, was the only one concerned about anything and he was concerned about protecting himself, not protecting the taxpayers.

Both of these individuals put their personal interest ahead of their public duty. It took a NDP whistle-blower to come forward to reveal this scheme.

Will the Minister of Finance, not the human windshield, not the Minister of Justice, will the Minister of Finance stand up today and say that there should be a public inquiry, like has been asked for by the NDP whistle-blower and others around this scheme, Mr. Speaker?

**Mr. Chomiak:** Annual report, Elections Manitoba, based on information not previously available, Elections Manitoba concluded an investigation in 2000 concerning the completeness and factual basis of certain information reported in the PC Party of Manitoba, 1995 election financial statement.

In 2000, an amended form, five years later was filed by the PC Party based on amended statement. The total advertising expenses of the PC Party were determined to be in excess of the 1995 advertising limit by \$13,000, Mr. Speaker.

This was in the 2000 annual report, Mr. Speaker. It speaks for itself.

**Mr. Goertzen:** We want people to be able to speak for themselves. There has been a public inquiry call for the, by the current president of the Treasury Board of Canada, Mr. Treller, who was the 1999 official agent for Mr. Schellenberg, the NDP

candidate and, subsequent, the MLA for Rossmere. He says that he's willing to testify at the public inquiry but, not surprisingly, the people who have the most to lose in this, the NDP ministers, they don't want a public inquiry.

Will the Minister of Finance (Mr. Selinger)—you know, he knew in 2003 that this scheme was wrong. That's why he asked for a letter, not to protect taxpayers but to protect himself. Will he today, do the right thing, put aside self-interest, any leadership ambitions, and do the right thing and call for a public inquiry to shine a bright light in a dark corner, Mr. Speaker?

\*(14:10)

**Mr. Chomiak:** Mr. Speaker, we spent two hours in committee with Elections Manitoba the other day. This is the quote from the head of Elections Manitoba: With respect to the repayment of reimbursement and the refiling of return, first thing is to set some context. That's not unusual. There is not a political party in the House that hasn't filed a financial statement, that has not repaid reimbursement at one point—in some cases, more than once. So this has happened in the past, across the board, having not resulted in prosecutions in either cases.

Mr. Speaker, the members opposite do not have substantial ammunition to raise in this House. They go on an issue that Elections Manitoba has told them they are wrong. The facts are wrong. The statements filed yesterday were wrong. The allegations today are wrong. They are preoccupied with a scandal, preoccupied with a scheme. Maybe it has something to do with the fact that they've lost—

**Mr. Speaker:** Order.

### **Manitoba Hydro Brandon Exclusion from Public Meetings**

**Mr. Rick Borotsik (Brandon West):** Mr. Speaker, every Manitoban knows that the proposed west-side Bipole III is fraught with controversy. The site selection and environmental assessment is supposed to include consultation with potentially affected communities, resource users, landowners, interest groups and potentially affected stakeholders. Manitoba Hydro is in the process of holding open houses, but it seems Brandon's open house is conspicuously absent from the schedule.

Can the Minister responsible for Manitoba Hydro please tell residents of Brandon and

southwestern Manitoba why they are excluded from these consultations?

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

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

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** I'd like to thank the member from Brandon West for a question that allows me to get up on my feet and provide an answer to the House. It's a wonderful opportunity to, once again, say that Manitoba Hydro is conducting public meetings on the bipole issue throughout Manitoba. If the member from Brandon thinks that there's an active interest on that, having a meeting in Brandon, I'm sure that can be arranged.

**Mr. Borotsik:** Mr. Speaker, the minister, and certainly Manitoba Hydro, should have known there was an active interest from Brandon and southwestern Manitoba.

Mr. Speaker, the NDP has justified the west-side route by saying there are east communities with concerns about the project. Now they are forcing Hydro to go to the west-side route and they aren't even talking to residents of Brandon. Brandon is the second largest community in this province, and the NDP are saying this city doesn't matter.

Mr. Speaker, will the minister come clean and admit that the real reason why he isn't holding an open house in Brandon is because the whole consultation process is nothing more than a PR smoke screen trying to justify the west-side route?

**Mr. Selinger:** Mr. Speaker, I know the member has a prepared set of questions. He may have missed my first answer. We're prepared—I'm prepared to ask Manitoba Hydro, I'm prepared to ask Manitoba Hydro to hold, to hold a meeting in Brandon. I would hope the member would take that in good faith and maybe think of something a little more creative if he has a third question.

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

**Mr. Speaker:** Order. Order. Order.

### Guy Bergeron

#### Lack of Support for Sandbagger Invention

**Mrs. Mavis Taillieu (Morris):** Mr. Speaker, Mr. Guy Bergeron, the inventor of the Sandbagger, the sandbagging-filling machine, is recognized across this country, in the United States and as far

away as Australia for his invention. Yet, he has been poorly treated by this government.

Will the Minister of Infrastructure and Transportation (Mr. Lemieux) explain why he failed to help Mr. Bergeron with his request for a Sandbagger to take to Toronto to promote his business?

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** Mr. Speaker, as someone that is in addition to being the Acting Minister of Infrastructure and Transportation, I can certainly indicate that having worked with so many Manitobans in the recent flood, I would put on the record how much we certainly appreciate the sandbags that were there. We used tubes for the first time, which was a very useful intervention and, certainly, if the member has any specific concerns, I'm sure I can raise them with the Minister of Transportation.

But I do want to put on the record, Mr. Speaker, this is one province where we should probably have sandbagging as part of our school curriculum, because it's part of the Manitoba culture to get out and volunteer and help. And certainly, notwithstanding, any of the specific concerns the member is raising, we certainly appreciate any and everyone that's been part of that sandbagging over the last—

**Mr. Speaker:** Order.

**Mr. Ashton:**—number of decades.

**Mrs. Taillieu:** Mr. Speaker, Mr. Bergeron spent countless hours this spring attending to every location where his Sandbagger was used to make sure that it was working properly.

*Dragons' Den*, a television program where entrepreneurs get a chance to showcase their ideas, invited him to come and do a show to showcase his invention and his dedication to the flood-fighting efforts. They wanted him to bring a machine, but the problem was he didn't have any left.

Mr. Speaker, Mr. Bergeron helped save many people's home this spring that the ND—but the NDP would not help him.

Why did they refuse to loan him a sandbagging machine so he could be on *Dragons' Den*?

**Mr. Ashton:** Mr. Speaker, I'm sure we can, we can look into this, but, quite frankly, this past spring our

concern was that sandbagging was to protect Manitoba homes, not a, a TV show in, in, in Toronto.

If it can be accommodated, Mr. Speaker, I'm sure that the department and Minister of Infrastructure and Transportation would be more than pleased to do that.

But I would have expected, Mr. Speaker—I know the member did ask, yesterday, some questions on the flood in terms of flood response. It took some time. But that's been our real focus the last period of time: putting up sandbags, protecting Manitobans and, quite frankly, I think we, as a province, all of us did a good job.

It's not about NDP or politics, Mr. Speaker. It's called protecting Manitobans.

**Mrs. Taillieu:** Mr. Speaker, when Mr. Bergeron made the request it took three weeks for this government to get back to him to say, no, and the time has run out.

Mr. Speaker, Mr. Bergeron is in the gallery today. His invention was used in 1997, this year here and in Fargo, North Dakota.

*Dragons' Den* invited him to the show. He did not have to vie for the spot. They offered to pay the shipping fees, and the Bergerons themselves would have paid the insurance, but they had no machine in stock. The Province has several. The flood was over, but the minister refused to loan him one of the machines.

Why did the minister refuse Mr. Bergeron his request after all his efforts? Why did he dismiss this opportunity to showcase this Manitoba success story on *Dragons' Den*?

**Mr. Ashton:** You know, Mr. Speaker, every department of the—this provincial government worked 24/7 during the flood, and in case the member—

**Mr. Speaker:** Order. Order.

**Mr. Ashton:** —thinks that we're out of flood season—

**Mr. Speaker:** Order. Order. Order. We need to hear the response, please.

**Mr. Ashton:** Well, and, Mr. Speaker, in case the members opposite think we're out of the flood season, this is Manitoba. We've had significant flood risks, and there are parts of the province, like the Interlake, where there still is flooding. So before members opposite, after the fact, ask about a sandbag

machine going to a television program, I said we'd look into it.

But, Mr. Speaker, our first priority was to protect Manitobans. That's what we did with the sandbag machines. We did it with the help of Manitoba volunteers. That's the real issue here: protecting Manitobans.

And I wish the member opposite would get a reality check about what the real concerns are, are here, Mr. Speaker.

### Child and Family Services Gang Member Policy

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, as the Minister of Family Services knows, Child and Family Services workers are obligated to make decisions on the best interests of the children.

Perhaps the minister can explain to me why I've been approached by a mother whose daughter has been living with a gangster. Surprisingly, when she approached a senior administrator with the Child and Family Services, he painted a glossy picture to the mother of how the child needs to go through these troubled behaviours to learn the error of her ways.

I ask the minister: Are children living with gang members an acceptable practice for this minister?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Well, Mr. Speaker, there is a role, of course, for legislators in looking and raising issues about particular cases, and if the member has information, he could certainly pass it on and we will have the professionals look at that matter and ensure that the appropriate checks and balances and the standards were applied.

\* (14:20)

**Mr. Gerrard:** Mr. Speaker, the child of whom I speak is a troubled child who the minister actually has been made very well aware of. The origin of her association with a gang member strikingly appears to have been her time in a Child and Family service foster home which had an open-door policy, a policy which let her run around all day and late into the evening with a gang member.

I ask the minister: Is it the minister's policy with regard to Child and Family Services foster homes which let foster homes allow the children in their care to be running around with gang members?

**Mr. Mackintosh:** Well, Mr. Speaker, the denigration of foster parents by the member is not, I

think, in the interests of the well-being of the child welfare system. He wants to make allegations, he can pass them on. They will be investigated specifically. I know the member certainly listens to adults, and I know that adults vote. Children don't vote.

This is the same member—I want to make this clear to the House. This is the same member who raised an issue with me about a family and an apprehension, and you know what he told me? He said, he spoke with the parents and he concluded that in no way could they have abused the children and he demanded that I interfere and immediately return the child to those parents where charges were laid by the police, an investigation by the Child Protection Centre. We stand up for children.

**Mr. Gerrard:** Mr. Speaker, I have it in writing from the minister that when it comes to what's happened with this children that he has said that he believes departmental policies and procedures have been properly applied in this situation.

I would ask the minister: What kind of departmental policies and procedures has he got that allows Child and Family Services children in the guardianship of Child and Family Services to be running around with gang members?

**Mr. Mackintosh:** Well, Mr. Speaker, it's an unfortunate fact that there are children in care who unfortunately have been lured to gang activity themselves, and we are raising awareness and working with foster parents to ensure that there is better supports, that there is better tools at their disposal to identify gang involvement and what to do.

There's Project Gangproof that has been launched by this Province to enhance gang awareness for, indeed, all parents of Manitoba, but if the member is truly concerned about the well-being of children, he will pass on his concerns, Mr. Speaker, and I ask him, please, next time to refrain from demanding that there be political interference in a professionally overseen system where there are doctors, police and child welfare workers. Indeed, he said, after my discussions with the parents and the grandmother, I doubt there is any child abuse here. He said, I am waiting in my office. Return the children now—

**Mr. Speaker:** Order.

### Northern Growing Opportunities Centre Grand Opening

**Mr. Frank Whitehead (The Pas):** Mr. Speaker, we know that there are many agricultural and agribusiness-related opportunities waiting to be developed or expanded in Manitoba's northern and rural areas. I would like to ask the Minister of Agriculture, Food and Rural Initiatives what she is doing to increase the production, processing and marketing of fresh, healthy foods grown in northern Manitoba, and what programs are being offered to the people in terms of agriculture-related information and education programs.

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** I thank my colleague for that important question, Mr. Speaker. This government has known and has worked for some time between the Department of Agriculture, Food and Rural Initiatives, Aboriginal and Northern Affairs and Health and Healthy Living to look at opportunities where we can produce more food in the north, where we can have opportunities for people to grow food and have it a fresher supply and reduce some of their costs.

I was very pleased to be in Thompson with my colleague, the Minister of Aboriginal and Northern Affairs (Mr. Robinson) to announce the opening of a new northern Growing Opportunities centre where we will have people who will work and transfer knowledge to them on how to grow food, how to process food and how to have a supply in the north for people in the north, Mr. Speaker.

### Influenza (H1N1) Northern Communities Pandemic Plan

**Mrs. Leanne Rowat (Minnedosa):** Twelve people from St. Theresa Point First Nation have been hospitalized with severe flu symptoms, a possible outbreak of H1N1 influenza. The chief of St. Theresa Point and other community leaders were meeting yesterday to pull together a pandemic plan.

The community is isolated and inaccessible by road, and many of the residents live in substandard overcrowded housing. In fact, Chief McDougall said yesterday that the community lacks the infrastructure to deal with a full-scaled outbreak.

Can the Minister of Health explain to the community of St. Theresa Point what is the plan to respond to the pandemic crisis in, in remote northern communities?

**Hon. Theresa Oswald (Minister of Health):** I thank the member for the question. The issue of pandemic planning in Manitoba, I can assure the member, encapsulates all communities in Manitoba whether they're a provincial jurisdiction or a federal jurisdiction.

Certainly, in this community, the federal government is the lead, but we've been working in very close proximity with them ensuring that if they should need any additional supplies, indeed any additional human resource power, we've provided extra doctors and a pediatrician in the community.

I can also assure the member that information concerning H1N1 is going to be provided later on today by the medical officer of health. There are severe respiratory illnesses travelling across Manitoba, not necessarily H1N1, but precautions need to be similar, Mr. Speaker.

**Mrs. Rowat:** Mr. Speaker, people of St. Theresa Point are very worried. One pregnant woman lost her baby due to this illness. The local school has been closed. Residents have been told to stay home from work and the nursing station is handing out face masks. Residents are worried that the unhealthy and crowded living conditions on the reserve will contribute to the spread of the influenza.

Grand Chief Ron Evans told media yesterday that pandemic planning in many areas is still a work in progress. Remote northern communities face a very different set of challenges than those in southern Manitoba.

Why did the Minister of Health not ensure the pandemic plan for these regions was in place before an outbreak of influenza occurred?

**Ms. Oswald:** Again, as I said to the member opposite, that First Nations Inuit Health is the lead on this. We've been in close contact with them. They have been part of pandemic planning.

Certainly, there is a table that has been assembled including the Assembly of Manitoba Chiefs, MKO, Southern Chiefs Organization, the Manitoba Métis Federation, and that's part of the Manitoba pandemic plan that has occurred over many years.

This work, of course, led to the co-ordination of a tripartite group. That group has been meeting regularly. The health professionals from the federal government, ha—although we have made several

initiations of offers of help, say that they are appropriately staffed and arranged right now, but we are ready to go in to help them.

And, indeed, there's no member of this House that wouldn't agree the conditions on First Nations communities, where it comes to housing and water, need to be improved. We have to work on that together.

**Mr. Speaker:** Order. Time for oral questions has expired.

Members' statements.

## MEMBERS' STATEMENTS

### Guy Bergeron

**Mrs. Mavis Taillieu (Morris):** I rise today to recognize the creative genius of Mr. Guy Bergeron of Elie who, without the benefit of any engineering studies, invented the Sandbagger, the 12-legged machine which over the last 19 years has pumped out millions of bags and stopped millions of litres of flood water from inundating cities and towns not only here in Manitoba but all over North America.

Mr. Bergeron first conceived of the idea in 1976 when he was a gravel pit operator, but it was not until 1990, when convalescing from open heart surgery, that he put his idea on the drafting table. This whole steel mechanism is like a 12-legged octopus with a conveyer belt transporting sand to a rotating head which funnels sand down 12 spouts to fill 5,700 sandbags an hour.

The Sandbagger was used to fight the flood of the century in '97, both in Manitoba and in Grand Forks. And, again, in 2009, this year's cen—this year's biggest flood to date, the invention was showcased at the St. Andrews Fire Hall where it helped volunteers fill bags to fight against the rising waters north of Winnipeg. It helped save many homes and property along the Red River in the city and south of Winnipeg. The city of Fargo was also saved this year with the help of two of his sandbagging machines.

\*(14:30)

Mr. Bergeron has sold his invention from Abbotsford, British Columbia, to Minnesota in the United States. Winnipeg and the Province of Manitoba own several of these machines between them. Mr. Bergeron has been consulted by the Army Corps of Engineers and flood experts from Britain and Australia.

But 79-year-old Mr. Bergeron is not resting on his laurels. He has other inventions at the patent office.

Mr. Speaker, many Manitobans owe the protection of their property to Mr. Bergeron's high-efficiency sandbagging machine. He should be recognized for his creative genius here at home as much as he is further away from Manitoba. So, today, I stand in the Manitoba Legislature to recognize and applaud Guy Bergeron and his wife Ria for this invention that has saved so many people from too many floods here in Manitoba. Thank you.

#### **Canadian Cancer Society Relay for Life**

**Ms. Sharon Blady (Kirkfield Park):** Mr. Speaker, a year and a half ago, I was diagnosed with cancer. Like the 171,000 people who will be diagnosed with cancer this year, this was a hard and scary time for my family and I. The following days and months were difficult and filled with constant worry about the future.

After a tough and, thankfully, short battle with cancer, I rise in the House today to recognize a community that works towards making the lives of cancer survivors, cancer victims and all those affected around them easier. The Canadian Cancer Society is a national community-based organization whose aim is to eradicate cancer and enhance the quality of life of people living with cancer. One way that the society works to meet its mission is by hosting the Relay for Life, a community-based non-competitive event to raise funds to support research and services for people living with cancer.

This year's Relay for Life was held on May 29th at Goldeyes park. Thousands of people showed up to participate in the relay, which brings together family and friends to celebrate cancer survivors, remember loved ones lost to cancer and fight back in the hope of finding a cure for this terrible disease.

Mr. Speaker, this was my first relay as a survivor. It was a very moving experience to do the survivor's lap with other survivors as our names were read out. After that inaugural lap, the teams and families joined us on the track. I did laps with each of my family members, and we took time to talk about what it meant for each of us to be there now that I'm a one-year survivor. The most illuminating part of the event was the opportunity to connect with other cancer survivors and learn about their stories.

The relay was a festive all-night event with decorated team tents, children's activities, relay

teams dressed in a variety of themes and performers who brought music and entertainment. The track was also outlined with small luminaries, each in honour of a survivor or a lost loved one and were lit when the sun was set.

The Canadian Cancer Society hosts two events in preparation for the relay. The Relay for Life kickoff was on March 23rd, where I was invited to be the guest speaker. On April 20th, the society hosted a Relay for Life cancer survivor reception for survivors and team captains to meet each other. All the planning and pre-events culminated in the Relay for Life that took place this past weekend.

I would like to congratulate and thank the Canadian Cancer Society for its hard work and its successful event and wish it the best as we continue to celebrate, remember and fight back until a cure for this disease is found. Thank you, Mr. Speaker.

#### **Kenneth Clarence Westfall**

**Mr. Peter Dyck (Pembina):** I'm very pleased to recognize the extreme generosity of one of my constituents in his final will. Kenneth Clarence Westfall bequeathed \$600,000 to five local community organizations in Morden after he passed away last September at the age of 74.

Mr. Kenneth Westfall will be remembered for being a cheerful man. He was a private person, yet he cared for his community as we can see by his donation. Mr. Westfall led a modest lifestyle. He was a dedicated farmer who was known to baby his tractors.

Kenneth Westfall was truly dedicated to his community, as he lived in Morden for 45 years. He can be described as a man of great cheer and optimism. Mr. Westfall enjoyed hunting and fishing in his spare time. He always took pride in his home and kept his house and farmyard neat and tidy. Mr. Westfall's yard was one of the prettiest yards in southern Manitoba.

The recipients of Mr. Westfall's estate include Boundary Trails Health Centre Foundation, the local United Way, the Morden Area Foundation, Tabor personal care home and the Morden Community Thrift Store. Each organization will receive \$120,000 from Mr. Westfall's estate. All five organizations are very grateful for the donation, as for many of the organizations this was the largest single gift it ever received. The money will go towards funding for palliative care and spiritual care, a new personal care

home, and it will also be distributed among—amongst charitable organizations.

Mr. Speaker, I hope that all honourable members will join me in recognizing Mr. Kenneth Clarence Westfall for his very generous contribution to the Morden community. Kenneth Westfall was never one to ask for a great deal but he gave away much of what he earned throughout his life. His kind heart and thoughtfulness will not be forgotten as his contribution will help make many people—will help many people for generations to come. Thank you.

#### **Eriksdale Dance Troupe**

**Mr. Tom Nevakshonoff (Interlake):** Mr. Speaker, when we think of the arts, people often have a tendency to focus their thoughts on Winnipeg as the centre where the professional groups and the major facilities are located. However, thanks to the consistent financial support from the Crown corporation, Manitoba Hydro, and the satellite program of the Royal Winnipeg Ballet, the art of dance is flourishing in rural Manitoba.

On May 9th, I had the pleasure to attend a gala affair to celebrate 10 years of dance in the community of Eriksdale. Of course, initiatives such as this would not be possible without active involvement at the local level. The Eriksdale Dance program is the brainchild of Mrs. Dolly Lindell, but I know she would be the first to agree that it takes an entire community to accomplish a worthy task, and I would be remiss if I did not acknowledge all the locals who have pulled together on this over the past 10 years. Whether one taught classes, helped with set-up, sat at tables or made donations, all who contributed deserve merit.

Most of all, I want to acknowledge participants of the program for being active and developing their own personal talents. Truly, at times during the performance, it was difficult for me to tell who was and who was not one of the profench—professional dancers of the visiting troop from the Royal Winnipeg Ballet.

From a healthy living perspective, most of all it was wonderful to see the very young children learning to dance, as it left me with the certainty that they were well on their way to living active lives as adults. But healthy living is a lifelong endeavour, and it was also heartening to see the parents leading by example as was evidenced in the performance of *Rich Girl*. Kudos to the young man who played the role of Daddy Warbucks in that number.

In conclusion, I stand today to affirm that appreciation and practice of the arts is alive and well in rural Manitoba, and I commend the people of Eriksdale for putting on a class performance that lends credence to this statement. Thank you, Mr. Speaker.

#### **Children's Hospital 100th Anniversary**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, first, I want to say a word of congratulation to the Children's Hospital in Winnipeg which is celebrating 100 years, with major events this weekend. Congratulations to all at the Children's Hospital and the many people, including many guilds, who have contributed to the success of the Children's Hospital over the last 100 years.

Second, I want to say a word about Chantal Harmon [*phonetic*], a 30-year-old woman with cerebral palsy who is living in Flin Flon with her mother Fern.

Her mother has been trying for months to get her adequate housing and home care but with no success and little help from the government. The result is that her condition is deteriorated to the extent that she has many bedsores, extensive rashes, a fever and congestive heart failure, and her mother's been told that her condition is so severe that she may die in the next few days.

A central problem has been the provision of adequate housing and home care. Chantal [*phonetic*] has not been able to have a proper bath or have her hair washed properly for a year. The inadequate provision of home care is such a problem that her mother has been told that Chantal's [*phonetic*] current condition, which is so severe, should have been entirely preventable with reasonable home care.

Optimally, given the congestive heart failure, Chantal [*phonetic*] might now best be coming, best come to Winnipeg to see a cardiologist. But her mother's been told by her doctor that her condition is so precarious that it might be dangerous for her to fly to Winnipeg and she must stay in Flin Flon. When asked about care in Flin Flon, her mother's been told she would have to go to Winnipeg to receive adequate care. But surely, it should be possible to provide adequate housing and home care in Flin Flon for Chantal [*phonetic*].

\* (14:40)

The government has been negligent in not ensuring Chantal's [*phonetic*] present critical

condition was prevented. I call on the government to act to ensure the best in home care is available to Chantal [*phonetic*] and that she can move to better housing as fast as possible.

**Mr. Speaker:** Grievances.

### GRIEVANCES

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

**Mrs. Myrna Driedger (Charleswood):** Yes, on a grievance, Mr. Speaker.

Well, Mr. Speaker, I don't often stand up in the House on a grievance and—but there's certainly some things happening today that, that one feels one has to put some comments on the record.

Mr. Speaker, today's NDP is no more. They've converted back to the old NDP where they're going to beg, borrow and rob the public blind while spending taxpayers' money to say that they have balanced the budget.

Mr. Speaker, the, the chronology of all of this is very, very interesting, if we go back to 1999 where they promised to keep balanced budget legislation. Then, if we proceed through other elections, they kept the same promise but there were some of us that were sceptical because that wasn't their really true colours. For those of us that listened to some of the debate in the '90s we would certainly remember what some of the comments were. So, in their heart, we knew that balanced budgets were not something that they were particularly fond of. In fact, they were quite critical and cynical about them and had a lot of very, very negative things to say.

So the—you know, their change in their comments during 1999 was obviously an opportunistic time for them to win an election and try to reassure the public, 'cause the public had a lot of fear about what the NDP really stood for. They had a horrible track record under Howard Pawley for what they did in terms of cranking up debt and spending and, and I think Manitobans were very leery about that. And so, in 1999, I think the NDP were well aware, even though they basi—basically were extremely critical of balanced budget legislation, they decided they were going to be opportunistic and support that.

They continued for a few years but during their, their time in government they have also done a lot of spending and they've don—done a lot of spending without a lot of looking to the future. A lot of their

spending was able to occur because they are recipients of 40 percent of funding from the federal government.

So, while we see other provinces right now struggling with the recession, 40 percent of the money that, that comes from Ottawa comes from these struggling provinces who are now being forced to run deficits but, at least, they have the honesty to talk about the budgets in those provinces being in deficit. We're not seeing the same here in Manitoba, Mr. Speaker.

Mr. Speaker, last spring the NDP introduced changes to the balanced budget legislation that eliminated the requirement for the Province to balance their books on an annual basis. Instead of having to balance their operating budget each year, the NDP could then balance their budget on a four-year rolling average using income from the Crowns. This legislation was passed in the fall of 2008.

On April 30 of this year, the Finance Minister introduced Bill 30, The Budget Implementation and Tax Statutes Amendment Act. This bill removed any obligation for the Province to pay down their debt over a three-year period, and this was certainly sending up a lot of alarms and red flags for many of us.

Then, in the 2009 budget, the Province indicated that instead of making the legislated \$110-million payment against debt set out in the newly passed balanced budget legislation, they would be reducing their minimum debt payment to \$20 million. And then just weeks after presenting their 2009 budget the NDP introduced Bill 30, and under that bill the Minister of Finance (Mr. Selinger) now had the authority to determine how much, if any, of the debt is paid down for the next three years.

So it was interesting how, how all of this has transpired over this period of time. So, rather than rewriting legislation in order to balance the budget, we'd been calling on the NDP to take another look at their wasteful spending and postponing payments towards the debt, we feel, is very irresponsible and it's dangerous given our current economic uncertainty.

And there has been a lot of debate in this House about this and, Mr. Speaker, when, when we raise our children we, we raise them trying to make them understand what it means in terms of spending, to only spend what you have, that if you start applying



for credit cards and you're starting to, to crank up your debt on your credit card, the interest payments, at some point, can kill you if you don't start to pay off some of this money. And, yet, that is exactly what we've seen the government do. And, you know, while they're debating the legislation, some members were even standing up in this House talking about their right to have all this money flow from other provinces, a right when this Province was in a position where they weren't even trying to make things better here and to create a better economy and to be able to stand on our own two feet.

You can certainly see, you know, provinces needing support when they have an economic crunch, but what we saw in Manitoba was a lot of, a lot of spending by this government and a lot of questionable spending when we see, you know, the money that they want to put into the vote tax, when we see the hydro line and the wastage of dollars there. You know, this government certainly could have been looking at ways to properly spend their money, to set it on priorities instead of trying to find every loophole they could to, you know, find money and to put it towards all of their spending sprees.

And for them to postpone the debt is something that we have some very, very significant concerns about because, at some point, Mr. Speaker, somebody has to pay these debts. They just don't disappear on their own. And my fear, in having two young sons, it's going to be their generation and the generation after them that are going to inherit this debt that this Province has cranked up. You can't have a debt over \$20 billion in a province and expect that things are just going to go merrily along on their way. And I fear that, for my kids, this is something that they're going to be looking at.

I have one son that I imagine he and his friends are having a really good look at where they want to end up, and whether it will be Manitoba I don't know. But they're certainly looking and they're a very, very smart group of young men and women, and they're looking at where their best advantages are. And they take a lot of things into account, whether it is going to be the debt, whether it's going to be taxes, whether it's going to be services, and I'm amazed at this generation of young 20-year-olds that are looking at where they want to be. And they've got so many options before them. And this government has not positioned Manitoba to be the province that is necessarily going to be the one that attracts these kids.

You know, they have grown up in environments where, you know, they've tried to be fiscally responsible, and I'm very proud of my son. He's certainly very well aware of what it means to be spending too much and he knows what it means to have a credit card that, you know, he'll be paying down, you know, interest payments on, and he knows that when you're doing that, you're taking it away from other things that are really important.

So I find it very, very offensive that this government has compromised the future of all these young people here by doing what they've done and been very, very irresponsible in cranking up the debt and then wanting not to make any payments towards it. That is really an unbelievable situation, and then, for this government to take taxpayers' money, something like \$300,000 of taxpayers' money to go out and tell Manitobans that they're balancing the budget, just adds one more offence on top of all of the rest of it. And what we're going to see is a legacy of debt. So we're moved, we're far removed now from the new NDP, they're dead, we're back now to the old NDP and what it means to Manitoba's future.

So, rather than, you know, all the money that went on Spirited Energy, on the west-side bipole, on enhanced driver's licences, on the vote tax, you know, there were opportunities for them to spend smarter, and they didn't do that. Instead, they really went on a free-for-all spending spree, and they're spending it on some things that certainly could, could and should be looked at in a different way. Instead of putting Manitoba into debt the way they have, they should have been much more responsible, Mr. Speaker, and I fear for our young people and, you know, I certainly hope that this young group of men and women that I've been talking about decide to stay in Manitoba, but I know right now they're seriously looking at that. Thank you.

\*(14:50)

## ORDERS OF THE DAY GOVERNMENT BUSINESS

### House Business

**Mr. Speaker:** The honourable Official Opposition House Leader, on House business?

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, on House business, Mr. Speaker. I would ask for leave to announce the private member's resolution that would be—will be considered on Thursday, June the 11th.

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

**Some Honourable Members:** Leave.

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

**Mr. Hawranik:** In accordance with rule 31, sub 9, I would like to announce that the private member's resolution that will be considered Thursday, June the 11th, 2009, is the resolution on 80th Anniversary of Women as Persons, sponsored by the honourable Member for Morris (Mrs. Taillieu).

**Mr. Speaker:** Okay, in accordance with rule 31(9), it's been announced that the private member's resolution that will be considered Thursday, June 11th, 2009, is the resolution on 80th Anniversary of Women as Persons, sponsored by the honourable Member for Morris.

The honourable Government House Leader, on House business.

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, on House business, I'd like to call on second reading of Bills 35 and Bill 36, and then I wonder if I have leave of the House to call third readings on Bills 3, 17, 21 and 23.

**An Honourable Member:** 2, and 2, 2.

**Mr. Chomiak:** I don't need leave for 2.

**An Honourable Member:** Oh, okay, I'm sorry.

**Mr. Chomiak:** And then 2.

**Mr. Speaker:** Okay. The order of business for this afternoon, second readings of Bills 35 and 36, and is there leave for concurrence and third reading for Bill 3, 17, 21 and 23? Is there leave?

**Some Honourable Members:** Leave.

**Mr. Speaker:** It's been agreed to, and also we'll have third reading of Bill No. 2. That will be the order of business.

**Mr. Chomiak:** Mr. Speaker, insofar as matters are occurring in the—outside of the Chamber of which I have no control, maybe we can flip the order of Bill 35 and 36 to be 36 and 35.

**Mr. Speaker:** Is it the—is it—we will deal with second reading of Bill 36 first; then it'll be followed by Bill 35. Okay? I'm going to—I'm going to call second reading of Bill No.—Bill No. 35 then—Bill No. 36, The Manitoba Public Insurance Corporation Amendment Act, the enhanced compensation for catastrophic injuries.

## SECOND READINGS

### Bill 36—The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries)

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Speaker, I move, seconded by the Minister of Conservation (Mr. Struthers), that Bill No. 36, The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries); Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (majoration d'émnifission en cas de lésions catastrophiques), be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It's been moved by the honourable Attorney General, seconded by the honourable Minister for Conservation, that Bill No. 36, The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries), be now read a second time and referred to a committee of this House.

**Mr. Chomiak:** Mr. Speaker, I'm pleased to be in a position to announce a significant number of changes to enhancements on benefits to those Manitobans who are unfortunately catastrophically injured in an automobile accident.

Mr. Speaker, it's, it's like many—like many tragedies and many things in life, it's impossible for those of us who have not gone through that experience to even comprehend or even totally understand the incredible tragedy that affects individuals who are catastrophically injured and, at the same time, it's also incumbent on us to try to do everything that we can to improve and enhance their lives, for their lives are as valuable and as important as any one of us or anyone else.

The enhancements that we're announcing are the result of a recognition that the needs of people who are severely injured in an automobile accident require proactivity on the part of MPI. Some time ago, the government asked MPI to carry out a comprehensive review of the Personal Injury Protection Plan. Bill 36 is a result of that study, and it's our commitment to Manitobans' need and meeting the requirements of Manitoba.

I'm very pleased, Mr. Speaker, to say that catastrophically injured Manitobans will receive immediate benefits ranging from a minimum of

\$80,000. Some will receive as much as \$145,000. For example, someone who received a 70 percent impairment payment for paraplegia in 1994 will see that sum increased. Overall, when this bill becomes law, about 120 Manitobans will receive \$14-million worth of enhanced benefits. An additional \$35 million will be set aside to improve their ongoing benefit payments over the course of their lifetime. An additional \$30 million has been set aside to ensure these enhanced benefits could be provided to all other current claimants whose injuries may meet the new definition of catastrophic injury.

It's important, Mr. Speaker, that auto insurance ratepayers understand that there will be no impact on the insurance premium. The public auto insurance model is clearly working and benefiting us all.

Just by way of background, Mr. Speaker, Manitoba adopted a no-fault automobile injury compensation system in 1994. The Personal Injury Protection Plan was established through the unanimous support of the Legislature to achieve two specific goals: First, to stabilize compulsory auto insurance rates for all Manitobans; and, secondly, to increase significantly the benefits available to those seriously injured in automobile accidents.

The new coverage enhancements will strengthen what is already a comprehended injury compensation scheme considered among the best not only in Canada but in North America. The five enhancements to the Personal Injury Protection Plan benefits are as follows: Income replacement indemnity, permanent impairment payment, personal care assistance, transitional expense coverage, death payment coverage and funeral expenses.

Bill 36 establishes a clear and understandable definition of catastrophic injury. This definition is similar to those used by the Saskatchewan government insurance and the Transport Accident Commission in the state of Victoria, Australia.

Those individuals who sustain serious and permanent injuries that meet this definition will qualify for the enhanced benefits that we are discussing today. The bill also clearly establishes the corporation's responsibility to assist these claimants in obtaining not only the benefits under the PIPP program but the benefits under other provincial programs such as home care or family support. Mr. Speaker, it was never the intention nor has it been the practice for PIPP benefits to stand on their own, and this bill clarifies the corporation's

responsibility to co-ordinate claimants' access to other programs.

Mr. Speaker, the government of Manitoba is particularly pleased to announce that these enhancements will apply to all current PIPP claimants who meet the definition of catastrophic injury. Those individuals who sustain serious and permanent injury that meet this new definition of catastrophic injury will qualify for the enhanced benefits that we are outlining today.

First, income replacement indemnity changes: Today, any young person who's seriously and permanently injured before they establish any work record at all—for example, a student or a young child or, if you will, someone who has not yet, quote, proved their workforce capacity, unquote—receives an income replacement based on the industrial average wage. That is the average amount earned by working Manitobans of every age, every experience, every profession. However, those who are injured in the early years of their working lives receive an income replacement based on their actual earnings when injured. In the majority of cases, Mr. Speaker, the injuries are more minor and last a short while, but those with permanent catastrophic injuries have found themselves locked into a lifelong income replacement based on their entry level of employment.

\*(15:00)

This bill proposes to change that. Everyone, Mr. Speaker, who could take—who sustains a catastrophic injury will receive an income replacement based on no less than the industrial average wage—just like those who are injured with no work history.

Second, Mr. Speaker, the permanent impairment payment, unlike all other PIPP benefits, this payment is not intended to actually reimburse an expense; it is intended to be a financial recognition that someone has suffered a permanent loss of function or physical or mental capacity.

This bill proposes to increase the amount payable to those meeting the definition of catastrophic injury to \$215,000. Since 1994, the payment has increased from \$100,000 to \$136,000 through annual indexing. The decision to top up the impairment payments for all existing claimants who meet the definition, and were injured right back to 1994, is unprecedented, Mr. Speaker, and I want to repeat that. This decision will top up those

impairment payments for all existing claimants who meet the definition and were injured all the way back to 1994.

Public auto insurance programs often extend benefit improvements retroactively, but this has been historically limited to income replacement coverages. So we're very pleased that we're continuing and expanding on a practice that shows the advantages of a public auto insurance no fault system.

Mr. Speaker, over the past few years, the accumulated cost of the personal injury permanent claims have been somewhat less than expected and, in the interest of fairness, the decision was made to direct those savings towards those who have sustained the most serious injuries since the program was established 15 years ago.

On a going-forward basis, Mr. Speaker, these benefit enhancements would result in increase in annual claims costs of approximately \$7 million per year. The public insurance corporation has assured me that, given the strength of the basic insurance program, no rate increase will be required to fund these enhancements.

Manitoba's public insurance model continues to provide Manitobans with the best coverage. It's also a system which has evolved and, when changes are necessary through ongoing program review, these changes are made. And, in the case of this particular bill that we're looking at, unprecedented changes are made to deal with retroactivity, Mr. Speaker, and to deal with issues of basic wage rates and, and other related matters.

So, Mr. Speaker, I'm very pleased that, that we've had opportunity to review the plan, that we've been able to put together amendments to deal with catastrophic injuries and to deal with the benefits provided to individuals who find themselves in these tragic, but more hopeful today, I would suggest, program.

And I look to members of this House for speedy passage of this, of this, of these amendments; again, the enhancement of income replacement indemnity, permanent impairment payment, personal care system, transitional expense coverage, death payment coverage and funeral expenses. The, the, the three issues, the, the latter issues, those related to death payment coverage and funeral expenses, are, are matters that have been changed to take into account certain factors that have been discovered

with respect to, for example, funeral expenses that are attributed to an injury, that are far more expensive today than perhaps were in the past, as well as death payment coverage and the intersection of those kinds of benefits that are provided for in the bill, Mr. Speaker.

But, on the whole, I think we're very pleased that we've been able to come to a position in this province where the benefits will be increased, will be increased retroactively in some instances, and will continue to provide top-level care for all Manitobans.

So, with those few comments, Mr. Speaker, I look forward to debate and a subsequent movement of this bill into, into committee. Thank you.

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I move, seconded by the honourable Member for Turtle Mountain (Mr. Cullen), that we adjourn debate.

**Mr. Speaker:** It's been moved by the honourable Member for Pembina, seconded by the honourable Member for Turtle Mountain, that debate be adjourned. Agreed?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

**Mr. Speaker:** Bill No. 35, The Municipal Conflict of Interest and Campaign Financing Act (Various Acts Amended).

### House Business

**Hon. Dave Chomiak (Government House Leader):** Yes, Mr. Speaker, on House business.

**Mr. Speaker:** On House business.

The honourable Government House Leader, on House business.

**Mr. Chomiak:** Yes, while I have the chance, again, Mr. Speaker, I wanted to thank the Opposition House Leader, and the third-party House leader, for the unprecedented co-operation and trust that we've developed over the last several years of working together in formulating a proposal for House rules and House order that sees the House business done both efficiently and in the interests of all Manitobans.

I've found the experience, as we've evolved over three years to develop these rules and regulations, we've actually evolved from an ad hoc system to a system that, that, that fits certain situations, but we've

been trying to evolve, as a result of experiences in other jurisdictions, we've been trying to evolve to a, what I would term, a Saskatchewan-like system, where there's some set times and some set passages of bill, followed by bills that the opposition holds over for a period of time, and then subsequently passes. We've evolved from an ad hoc system to an actual planned system that we've seen in the last two sessions, and that I'm hopeful, in subsequent years, in this House, can develop into a permanent feature of this House so that there could be some sense of, some sense of timing and some sense of ability–predictability in this Chamber for matters of this kind.

So I wanted to use the opportunity as a, just prior to the discussion on Bill No. 35, to, again, thank all members of the House but, in particular, in a very meaningful way, the Member for Inkster (Mr. Lamoureux) and the Member for Lac du Bonnet (Mr. Hawranik) for their helpfulness and their trustfulness. We can't function in this House, Mr. Speaker, without trust. It simply cannot happen. This—the system cannot move forward unless we have the capacity and the ability to trust one another, and it certainly has been experienced, and I want to thank all members for that.

So, with those few words, Mr. Speaker, I wanted to just make sure that all members recognize the importance of what—the work that had been done by, particularly the Opposition House Leader and the third-party House leader in this regard. Thank you.

**Bill 35—The Municipal Conflict of Interest and Campaign Financing Act  
(Various Acts Amended)**

**Mr. Speaker:** Second reading, Bill No. 35, The Municipal Conflict of Interest and Campaign Financing Act (Various Acts Amended).

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** I move, seconded by the Minister of Finance (Mr. Selinger), that Bill No. 35, The Municipal Conflict of Interest and Campaign Financing Act; Loi sur les conflits d'intérêts au sein des municipalités et le financement des campagnes électorales municipales (modification de diverses dispositions législatives), be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It's been moved by the honourable Minister for Intergovernmental Affairs, seconded by the honourable Minister of Finance, that Bill No. 35, The Municipal Conflict of Interest and Campaign

Financing Act (Various Acts Amended), be now read a second time and be referred to a committee of this House.

**Mr. Ashton:** It is with a great deal of pride that I bring forward this legislation. I want to stress, Mr. Speaker, that there's nothing more fundamental in our democratic system than our electoral process. The federal governments and provincial governments have brought in legislation based on many of the same principles in Bill 35. In particular, fundamentally, when, when we decide, through our elections, who represents us, it's individuals that seek to run for political office. And the fundamental principle of campaign-financed reform that has been brought in by, first, the Liberal federal government, acted on further by the federal Conservative government and, here, in our province with our NDP government, the fundamental principle has been established that individuals are the basis of our democracy. And that is why this legislation does very simply what we do federally and provincially, and will allow individual Manitobans to contribute towards the electoral process, but there will no longer be the ability for unions and corporations to donate. That, I believe, is a fundamental principle of our democratic system.

\* (15:10)

I also want to stress that we've built on the current by-laws that are in place in the City of Winnipeg. We also, for the first time in our 198 municipalities, are going to have disclosure of donations, again what we do provincially—in this case over \$250. In fact, we adopted the same campaign finance limits that were brought in by the City of Winnipeg, in this legislation, and I think that is very important. Manitobans should know, when there are significant donors, who those donors are, and that is a key part of what we're doing.

We also are requiring municipalities to bring in campaign restrictions in terms of expenditures. Recognizing there are 198 municipalities, we do not have a one-size-fits-all approach. It will be set by each municipality. But, Mr. Speaker, I want to stress that we believe this will actually democratize our process of municipal elections, and it will make it a level playing field. And we're asking, in this particular case, that the same principles be applied to our municipal governments that are in place for federal and provincial elections.

And if it was good enough for the Stephen Harper Conservatives and good enough for this New

Democratic Party government, notwithstanding that the version of the Conservatives in this province have voted against this kind of legislation provincially, I would hope that they would follow the lead of their federal cousins and bring in a fundamental sense of democratic reform in this province, which is individual citizens should be able to run and contribute and decide elections, not vested interests that currently, under our current regulations, can write big cheques, make major donations, and in many municipalities no one will ever know about it. That is what this is about.

I also want to stress, Mr. Speaker, and this will be of particular interest to those who are part of the Public Accounts Committee, that the other key part of this legislation mirrors what the Auditor General put forward in terms of recommendations in the La Broquerie audit and investigation. Now, as the Minister of Intergovernmental Affairs, I committed on behalf of the Department of Intergovernmental Affairs to approve, adopt and follow up on the recommendations from the R.M. of La Broquerie report.

And let's not forget that there were very significant concerns raised that were identified by the OAG specifically rating to—relating to municipal conflict of interest. And I want to give you a couple of examples, Mr. Speaker. Every MLA in this Legislature at the beginning of each session has to file a declaration of assets. It's part of our conflict-of-interest policy. It is tabled in the Clerk's office. It is available for public scrutiny. Now you would think that makes sense. If you want to have conflict-of-interest disclosure, you would have it available to the public. But, currently, and we saw this certainly through the situation in the R.M. of La Broquerie, there is no such equivalent municipally. People do have to file reports, but they then file with the CAO. They're sealed. They're not open. And we're not asking for anything more that municipalities do than we do provincially here in the province and have done for the better part now of 25 years.

I want to stress as well, that the R.M. of La Broquerie audit identified significant concerns about lack of procedures for employee conflict of interest, Mr. Speaker, employee conflicts of interest. And, in fact, identified some specific conflicts of interest that occurred in La Broquerie because they were inadequate procedures. We adopted the recommendations, and what this bill does under the conflict-of-interest provisions requires municipalities

to bring in conflict-of-interest guidelines for municipal employees.

So, Mr. Speaker, when we debate this bill, it's about, yes, campaign finance reform. But, quite frankly, it's also about conflict-of-interest reform.

There are a couple of other things I wanna stress, Mr. Speaker, and that is that this ha—this is not a new issue. The Association of Manitoba Municipalities had recently—in fact, members opposite may not be aware of this—called for campaign finance rules. This—a lot of focus and, certainly, and I respect the views of the mayor of the city of Winnipeg and, and city council here, but the city of Brandon previously asked for campaign finance rules from municipalities in Manitoba. So it'd be interesting how the Member for Brandon West (Mr. Borotsik) votes on, on this particular legislation.

We have campaign finance rules in municipalities across Canada. Alberta, now members opposite, you should pay attention when I talk about Alberta. They just passed a private member's bill which will significantly strengthen municipal campaign finance rules in that province. I'm assuming to pass a bill in that Legislature you have to have significant support from Conservatives. Members, you know, if they don't want to listen to Stephen Harper on campaign finance reform they may want to listen to their, their cousins in, in Alberta.

And I really want to stress that we have an important deadline coming up because 2010 we have our regularly scheduled municipal elections. This will, this will make a very significant difference, I believe.

I also want to stress, by the way, that we've done it in a way that limits the, the paperwork and, and the onus on municipalities because I, I and I think it's important to stress, by the way, that probably a majority of municipal counsellors in, in this province don't actually even go through an election. It's been one of the facts of life that there are many municipalities where people are, are claimed. Many others seek election and don't spend much, if anything, in, in, in seeking elected office. So many people are not gonna be affected by this.

I do believe though that this lets you remove one of barriers and I've heard this from, from people in municipal politics. I've heard this from individual citizens. A lot of people feel intimidated about running because of the fact that they feel they have

to have a significant access to financial resources. And that should not happen. It should never be something that is a key factor in anybody running for political office, particularly local municipal office. People should not have to fear that they will not have a fair chance because others may have access to, to corporate or, or union funds or any major donors without any restrictions in how much they can donate, without, in fact, even any knowledge of what is actually donated.

We do not know in 197 municipalities what was donated in the last election, the previous election because there's no requirement for disclosure. And, in fact, if you look at it, Mr. Speaker, we've had decades of progress at federal and provincial levels on those basic principles. Right now the choice for this House is going to be legislation that is consistent with the needs of 2010—the next municipal elections—and beyond, and our current sense of campaign finance reform and democratic reform. And I think it gives us an opportunity to all vote affirmatively for a process that would be far more democratic and, and transparent.

And I want to finish off, Mr. Speaker, by saying that we shouldn't underestimate the degree to which we have seen significant reform at the municipal level decade over decade in this province. You know what? There was a time, 100-plus years ago when only men that owned property could vote in municipal elections. Well, men, but they had to be citizens, could not be First Nations. I believe in the—you know, one city of Winnipeg election in the turn of the previous century, 6 percent of the population was able to vote.

Now we've expanded the franchise, Mr. Speaker. We've expanded it federally, provincially and municipally and, dare I say, within the lifetime of many members of this House. I was until 1960 federally that First Nations people could vote in this country, not until, I think, 1952 or 1953 that First Nations people could vote in Manitoba election. So it's not that long ago that we actually understood that you need a universal franchise that all citizens should be able to vote.

But what we are dealing with here with our municipal governments is the fundamental principle of democratic reform, that it's citizens that should decide those elections, not just a theoretical, an actual ability to vote, but that the actual ability to run for an election, Mr. Speaker, which we believe will be enhanced by this particular bill.

\* (15:20)

We are—through this particular bill, through the transparency and the accountability are, I believe, gonna take a step to bringing about democratic reform in this, in this, in this province. And I want to stress, this is about democratic reform for all our 198 municipalities. I also think it's critical to recognize that we should never be in a situation where members who seek public office are perceived to, or actually have a conflict of interest, nor with our municipal employees—should not be able to use inside knowledge to benefit themselves, should not be able to benefit their own business holdings, Mr. Speaker.

And it's been decades since we've had any questions about this in this House. And I note the Attorney General (Mr. Chomiak) will have significant experience with this because he was very much part of drafting, then, as a drafter, the initial conflict-of-interest laws and regulations that we have in this Legislature. And I think you'll note, Mr. Speaker, that's taken a lot of the kind of controversy that used to exist out of the picture provincially, because of the disclosure, because of the restrictions.

The La Broquerie audit showed us, in one municipality, that we are at risk in all of our municipalities of having, at a minimum, perceived—and, in fact, more likely, actual conflicts of interest for employees and for municipal politicians. And I don't believe for a moment that the vast majority of municipal politicians are free from a conflict of interest. I know that we're very lucky in this province, that many people that agree to serve their fellow citizens on, on municipal government—but you know, Mr. Speaker, this is not about anything that's punitive. This is about opening up for transparency and re-establishing, we believe, a level of confidence that was clearly not there in the situation of the R.M. of La Broquerie. And I want to stress, by the way, that a significant amount of work has been done in that R.M. to comply not only with the Auditor General's report but to go beyond that. So I stress that this is something that occurred in the past that has been corrected. But it's not sufficient to say it's corrected in one municipality. We need to make it very clear that there's conflict-of-interest regulations; they're in place to protect the public interest in 198 municipalities.

So I want to conclude by saying that certainly I look forward to a healthy debate. I do respect those

that have differing views. It will be interesting to see what side of this the members opposite will be on. You know, Mr. Speaker, we know they're—I like to say they're stuck in the '90s. I think, many times, it's really the 1890s, not the 1990s. And if they want to show that they have some sense of the current sense of democratic reform, I don't think they have any option but to support this.

You know, Mr. Speaker, can you imagine if they don't. We will be in a position where it would certainly make any of their questions on past elections in this House ring hollow. But, you know, I don't want to be in a position—I would never want to say this about members opposite, that even Stephen Harper supports these kind of restrictions. In fact, it was the federal Conservatives that brought in the ban on union and corporate contributions, not the Liberals, not the Liberals. The Liberals—*[interjection]* They initiated the first step, the member's quite right. They initiated the first step, but until the Con—Stephen Harper came in, you could still donate. There was a restriction on all donations, but you could donate through a business or through a union. That has only been changed as of the last election.

So you have a choice. The vision of this government, this NDP government. And I don't know if I can get these words out, but the vision of the Stephen Harper Conservatives or, Mr. Speaker, we'll see where members opposite land on this particular issue. I know they have a natural tendency to oppose anything that's being brought forward, but I do want to stress the choices are clear.

Our vision in this bill is very clear. It's, it's transparency and accountability. It's about democratic reform. It's good enough for the federal government, it's good enough for the provincial government, and we believe it's good enough for our municipal governments, and I would urge all members of this House to support Bill 35, a very progressive bill that's based on the reality of 2010. I fully expect members opposite to consider supporting this because this is about the progressive vision for the future for our municipal governments. Thank you, Mr. Speaker.

**Mrs. Bonnie Mitchelson (River East):** I move, seconded by the Member for Ste. Rose (Mr. Briese), that debate be adjourned.

**Mr. Speaker:** It's been moved by the honourable Member for River East, seconded by the honourable

Member for Ste. Rose, that debate be adjourned. Agreed?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill No. 3, The Forest Amendment Act; Loi modifiant la Loi—*[interjection]* Don't you have to call it?

**Mr. Speaker:** Okay, now we'll move on into concurrence and third reading.

### CONCURRENCE AND THIRD READINGS

#### Bill 3—The Forest Amendment Act

**Mr. Speaker:** We'll deal with Bill No. 3, The Forest Amendment Act.

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Finance, that Bill No. 3, The Forest Amendment Act; Loi modifiant la Loi sur les forêts, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

**Mr. Speaker:** It's been moved by the honourable Attorney General, seconded by the honourable Minister of Finance, that Bill No. 3, The Forest Amendment Act, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

The honourable Member for Carman to speak?

**Mr. Blaine Pedersen (Carman):** To speak.

**Mr. Speaker:** The honourable Member for Carman.

**Mr. Pedersen:** Mr. Speaker, I just want to put a few words on the record for Bill 3 on third reading, The Forest Amendment Act.

And I was in committee last night when the—when there was presenters to this bill, and there was certainly a wide variety of opinion on this bill. Perhaps the only consensus out of the—of—from all the presenters, it was that the government did not consult with anyone before doing this, before bringing this bill in.

So, but, but there was—like I said—there was a wide variation of, of views on logging, banning logging within the provincial forests, and the, the



three main logging companies in Manitoba, Tembec, Tolko and Louisiana-Pacific, were—all made presentations and, and their main concern, two concerns, again, first of all, is that they were not consulted. The legislation was brought forth and they learned the same time as everyone else. They had no input into the bill.

But, aside from that, their main concern of this bill is, is the section about fines, and it, it's not even about the amount of the fines, although they, they thought they were a little excessive. But they could live with the amount of the fines, but it was a process in which the fines would be, would be put in place, and it was—their suggestion was that this should not go to courts.

With the act, within the bill, as it is proposed, that the fines would go to, to court through a judge, and they're saying that this is different than Saskatchewan, Alberta and British Columbia, where they have an independent third-party in there to, to a—a—appraise the—whether there should be a fine and, in fact, in, in one of the companies gave an example of, of the fine, the fine—instead of doing fines the companies were able to do some remediation work and—in order, in order to, to avoid a monetary fine they could do remediation work, such as if a stream had got some debris pushed in it, they could, could fix it up and, and if they had cut outside the, the, the area where they were supposed to be cutting, they could take less forest in a different area.

And so they had some very positive solutions to that, again, in, in determining fines and in determining whether there was justification for a fine, they are suggesting a much different route in the courts.

So, hopefully, the minister would take that under advisement. I'm not sure, I haven't—he did not make reference that he would look at amendments to that, and the time is growing short for amendments to come on this so, so hopefully he would.

\* (15:30)

The other—one of the other interesting points that, that came out last night was that through this bill logging is still allowed in the Duck Mountain Provincial Park, which feeds Tolko and Louisiana-Pacific. And they're still allowed to log in the Duck Mountain, but the Whiteshell parks, there the logging has been stopped already, even on the bill hasn't—even though this bill hasn't passed yet, that they're—they're now stopped from logging in

those. And it was the independent operators that, that presented last night, and they, they had some real concerns about where was the justification.

*Ms. Marilyn Brick, Acting Speaker, in the Chair*

They couldn't log in, in, in the Whiteshell parks and yet, Duck Mountain, was—you were able to log in the Duck Mountains, and the minister's comments actually were fairly interesting at the end of the—in the summation of the bill that—and I haven't seen *Hansard* so, and I'm certainly looking forward to seeing that, but he was alluding to, well, there was only a few jobs in southeastern Manitoba where there was some 1,400-plus jobs in the Duck Mountain logging, and so that the loggers from the southeast were feeling, well, they—they were feeling like they didn't matter. They got the feeling that they didn't matter to this government, whereas a lot of jobs in the Duck Mountain this government was willing to overlook logging a provincial park.

So they certainly brought forward some real concerns. The one presenter was employing some 40-some people in her company and she's down to six employees now. She was paying the payroll tax. She won't have to pay the payroll tax now because she's down to six employees. We know what that's doing to provincial revenues when companies are forced to downsize. We know that the logging industry as a whole is in severe downturn, and it's hard enough to maintain a company and maintain a business in a downturn, and then the government turns around and basically kicks you out and says, we don't need you anymore, and that's, that's a, that's an unfortunate approach to take.

We did also hear from some of the, I hesitate to call them environmental groups because I don't think they have the environment at their best interest, because the loggers are the true environmentalists. They know what's happening in the forest.

But there was some people presenting that supported this bill, in fact said it didn't go far enough, that they don't support logging, and it was interesting, when I asked one of the presenters about how would you prevent fire and what about cottage—'cause they talked about industrial use of provincial parks, and they were talking about logging as being industrial, and yet we know that there's a huge cottage industry in the Whiteshell, and when I asked a presenter about that, what he thought about the cottage industry, he wanted to see it in—not spread out as much. He wanted to see it very tightly—in areas of very tight control and, well, my first

thought, then, is what happens with sewage and water, but we didn't get into that.

But I also asked the presenter about fire because we know that logging on a sustainable basis is healthy for the forest. It promotes regeneration. If you don't log out of there, you're going to get a lot of down fall, and it's going to create a huge fire hazard, and when I talked to these independent loggers last night after the hearings, they expressed some real concern about fire potential in the Whiteshell, and with the cottage industry and a tinderbox of fire material, they said there's going to be—it's a disaster waiting to happen in the Whiteshell, and so I don't believe this government has taken this into consideration. They've asked these logging companies to go in when there's been fire damage, when there's been wind damage, to clean up downed logs or logs that would otherwise be lost if they weren't harvested in a timely manner.

So, now with this ban on logging there, those companies won't be able to go in there, and, in fact, they were even saying that they're really considering—if they were asked, they don't know whether they would go in there to clean up any logging, giving, given how they've been treated by this government, and at the rate the logging industry—maybe in a few years they won't be there anyway, given the financial downfall that they're facing right now, too.

So the committee certainly was an interesting exercise last night. It brought out many different points of view. We hope that the Minister of Conservation (Mr. Struthers) will take this into consideration before he brings this bill forward. We'd like to see some amendments brought through. I think he should go back to these logging companies and to the independents and get—and consult with them. It's never too late to consult. We know he didn't consult before by his own admission, and it's never too late to do that, so we'd like to see him go back there and bring in some good amendments and, again, it's the two basic areas. It's about the fines and the fine mechanism and also about access and addressing the fire potential, fire risk within particularly the Whiteshell, because there is such a huge cottage industry within that area.

So, with that, Madam Deputy Speaker, I will leave that. I—the bill is coming—is in now for third reading. We—again, I just want to reiterate that the Minister of Conservation needs to take a proactive approach on this instead of reactive and we hope that

it will be good for Manitoba's forests on a sustainable basis.

Thank you, Madam Deputy Speaker.

**Hon. Jon Gerrard (River Heights):** Madam Speaker, I rise just to indicate that we in the Liberal Party will support this bill. We recognize that it's not perfect in a variety of ways, that it certainly could have been improved and it would have been improved, I'm sure, if the minister had done the consultations that he, he should have done. It was very poor of the minister not to do the kind of consultations that would have improved the bill.

However, one of the questions which clearly is outstanding is the minister's plan for management of forests in provincial parks. What is the long-run plan? Is it the minister's plan to have climax forest in all provincial park, or is the minister's plan to have forest which will be renewable and present in different stages? And if the latter is the approach, how is the minister going to achieve that? I think this was an important question that wasn't answered and certainly in terms of this bill—while we certainly support this bill and this measure—that I think that the minister could have done much better.

**Mr. David Faurichou (Portage la Prairie):** Thank you very much, assistant deputy minister, and it is a pleasure for me [*interjection*]-Speaker, Speaker. Sorry, mis-mis-misspoke myself. Maybe perhaps that's a premonition of, of what is yet to come.

I would like to—I say, appreciate the opportunity to stand and, and participate in third reading debate of Bill No. 3, The Forest Amendment Act, which first came before the House on November the 24th, 2008, and was last night quite actively addressed by the public and those interested parties at committee.

Now, I want to thank the honourable Member for, for Carman whose actual witness to the committee proceedings is extremely valuable to the, to the process. And as a individual that was in attendance to another committee, it's something that I, I regret, the way we pass legislation in the House, not affording those honourable members that have the responsibility to always keep themselves schooled on the legislation before this House. In fact, it's incumbent upon we as elected individuals to keep ourselves abreast of the proceedings in the House and the legislation before us as it is important to always represent those that have supported us and elected us to this Chamber.

And it's not to have any slighting of those that serve this ex—this Chamber, it's—such extraordinarily well and those are the individuals engaged in production of our *Hansard* and official record for the Chamber. It is just a, a, a, a point that I would like to leave with the Government House Leader that for third reading debate, we, as members that obviously cannot be at two places at one time are afforded the benefit of, of, of having in *Hansard* and committee proceedings the record before us before we are asked to pass the third reading—bills through third reading. And it is important because, as I, as I mentioned before, that we have the opportunity to listen to the public because the public, as we're all elected by the public in this Chamber, it is incumbent upon us to always keep a listening ear and, in the case of this particular bill, I was at another committee meeting and unable to hear first-hand the presenters.

\*(15:40)

Now, Bill No. 3 is a document which we on this side of the House believe has merit, and we'll support the bill, although there are considerations that we have and would like to air those considerations insofar as that the bill itself does give extraordinary powers to those in the representation of the Crown and does, in some cases, supersede what is the normal course of action that is required of peace officers here in the province of Manitoba. And I know that there is, on occasion, a requirement for expedited action to minimize the breaking of the law and the ramifications thereof, but it is all, always something that I personally believe is—when we give powers that supersede the judicial practices that are enshrined in our laws and are to safeguard the rights and freedoms of law-abiding citizens of Manitoba, it does draw concern.

Also, too, I would like to make mention that there—a clause, a second-last clause on page 16 of the act is that this, section 31, subsection 1, "This Act, except sections 9 and 31, comes into force on a day to be fixed by proclamation." And this is a clause that always draws my attention when I see it in not only this act but others, that allows government a great deal of latitude as to when, in fact, the legislation does come into play. And the particular clauses that are exempt—I might just make mention of the clause. It is the actual prohibition on logging in provincial parks.

So this clause, clause No. 32, effectively lays mute the entire act, because the actions throughout the whole entire act are specifically focussed on

logging in provincial parks. So, when you have clause 32 contained within the legislation, really, in essence, we are passing legislation solely for the singular purpose of this government giving them the ability to put out another press release and to give the impression, yes, indeed, the illusion, that this government is prohibiting in the provincial parks when that is not the case as I have read clause No. 32.

And this is something that I wonder why the government essentially puts this type of language into bills and gives no explanation for it.

I also would like to know—and I haven't had the opportunity to question the minister—as the minister has proclaimed on numerous occasions the efforts and the energy of this government to bring forward thousands of, of additional camping spots and also cottage lots, many of which have—are located within the confines of provincial parks.

And if one was to, to think that maybe it's not such a big deal when you only consider a modification or addition of, of some camping sites or a, a few more cottages being constructed in provincial parks. But, when you consider the number that the minister has referred to on so many occasions, that adds up to a significant amount of, of area within our provincial parks.

And I wonder whether or not the, the, the government has—allows for itself to, to be exempted from, from this particular act because there, there is no mention of the, the Crown and its ability to expand the numbers of cottages within the provincial parks and, and the addition of more ca—camping sites, which I'm not speaking against. It's just that it's information that I, as elected member of this Assembly, have yet to acquire, and I think it's pretty, pretty important that the government disclose what their intent is, as well, because they are asking Manitobans to accept this legislation when, perhaps, the government itself is unwilling to do so.

Now, I would also like to reiterate what my honourable colleague from Carman stated, was that a constant refrain from presenters last night was that of the lack of consultation. It, it—I find it extraordinary in this time of technology that Manitobans are not granted the opportunity to provide feedback as stakeholders in legislation.

And this, this leaves me wondering what then is the government attempting to hide. It's, it's either that or they are acceptant of the, of the point of view that

perhaps this government lacks the ability to do so because, well, wonder if it is because the government doesn't want to or because they're unable to do so. And it can't be both; it has to be one or the other.

So you are very co—you and I should be very, very concerned when, when the government fails to provide adequate, adequate time frame to, to comment on legislation and also to adequate notice of the content of legislation before the House.

In fact, when coming to the Chamber and introducing legislation, most of the consultation with stakeholders should have already taken place. That way, then, the legislation is crafted with the knowledge of those that have the knowle—the knowledge and that being those individuals that are on the ground and working each and every day with the, with, as it, as it pertains to this bill in the logging industry.

\* (15:50)

And I would like to look to the government and ask them not to, to have this occurrence again and to learn from this experience and to make absolutely certain that all stakeholders are consulted in, in some fashion, at the very least provided notice, adequate notice that legislation is being considered. And then, after it is introduced, that th—those that are, are able or wanting to can, in fact, participate in the, in the discussion and, of the particular bill and I'd like to encourage the government to do so.

Assistant Madam Deputy Speaker, I thank you very much for the opportunity to of participated in third reading debate, The Forest Amendment Act, and I look forward now to the question.

**The Acting Speaker (Ms. Brick):** The—is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Ms. Brick):** Question. The question before the House is concurrence and third reading on Bill No. 3, The Forest Amendment Act.

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

**Some Honourable Members:** Agreed.

**The Acting Speaker (Ms. Brick):** Agreed. The—agreed and so ordered. I declare the motion carried.

### **Bill 17—The Workers Compensation Amendment Act**

**Hon. Dave Chomiak (Government House Leader):** Madam Deputy, Deputy Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill No. 17, the workers compensation act; Loi modifiant la Loi sur les accidents du travail, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for the third time and passed.

**The Acting Speaker (Ms. Brick):** It has been moved by the honourable Minister of Justice and seconded by the honourable Minister of Finance that Bill No. 17, The Workers Compensation Amendment Act, as reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

**Mrs. Mavis Taillieu (Morris):** Madam Deputy Speaker, I'm once again pleased to speak on Bill 17, The Workers Compensation Amendment Act. Under this bill the rebuttable presumption of compensation for firefighters who contract certain cancers is expanded to include a primary site esophageal cancer and a primary site testicular cancer.

I had the pleasure of being at committee last night when Bill 17 was brought before the public and had the opportunity to hear a couple of presenters and what they had to say about firefighting, the occupation and the diseases that, that they can be, that they can acquire because of the, the dangerous chemicals and situations that they may be in contact with.

I, I noted Alex Foret—Alex Forrest's presentation where he spoke about the number of cancers that have increased in the, in the firefighters within that occupation and not only the numbers have increased but they have been occurring at an earlier time in, in their lives and, and certainly that robs them. If they do develop this type of—these types of cancer it robs them of their youth, robs their families of them as, as a member of their family. And as we heard from one presenter, she spoke very passionately about the death of her father who died of esophageal cancer and who had been a firefighter for many years.

Mr. Forrest also explained how the science shows that the number of cases have increased and once certain cancers are identified by study that then they will also be included on the list to be included under The Workers Compensation Act so people and

families can be compensated should firefighters contract these diseases.

He also talked about the hazards when a firefighter goes into a, a, a burning building or a situation where the exposure is much more complex than it ever has been because of the number of plastics that have been developed and are used more and more in building and in our homes for a variety of things. And we know that when these plastics melt and burn, they give off chemicals, many, many dangerous fumes, nauseous fumes, and these fumes are not only inhaled but they're also absorbed through the skin.

Now, he's also been asked the question about the advent of greater protection in the firefighter equipment that they now use in these days, but he also said that, regardless of that, the, the exposure to these dangerous and poisonous chemicals is something that they do come in contact with and absorb into their bodies, Madam Deputy Speaker.

He talked about how once firefighters would go out to a fire and return to the fire hall and shower down to rid themselves of the fire debris and fumes that—he said the water is black, and they go home again and have another shower and the water is black, and two days later they could have another shower and the water is black. And this is because of the nauseous chemicals that have been absorbed into their body and are being, then, expelled from the body. So it's a compelling argument to add two more types of cancers to the rebuttable presumption of compensation for firefighters.

I note that in Mr. Forrest's presentation that many other provinces have similar laws to what has been enacted in Manitoba, but he also notes that, currently, the provinces of B.C. and Saskatchewan have coverage for testicular cancer, and Ontario has esophageal cancer covered under their legislation. So it's evident that other provinces are moving in this direction, although it doesn't appear, at this point, that any other provinces are actually going to both of these cancers concurrently.

But, Madam Deputy Speaker, I want to just talk a little bit about the firefighters, whether they be full-time firefighters as an occupation or whether they be part-time and volunteer firefighters in the many communities in this province. We know that they put their lives on the line many times when they go to fires and would enter into a fire where they do not know what they are going to find. We also know, in the rural communities, many of these people are

volunteer, and when they answer that call in the middle of the night, they get up, they go to the fire hall, they go on the fire machine, or fire truck, and go to help fight a fire of whatever magnitude, they're not aware until they actually get there.

So there are many dangers in this occupation and I think it is important that should they develop some types of cancer that are more associated with firefighters because of the risks and because of the hazards that they encounter regularly in the course of their livelihood, that they be compensated in appropriate ways and their families be compensated.

Mr. Speaker, I know many firefighters and I have a few friends of mine that have been firefighters for over 25 years, both of them just recently within the last year elevated to captain status. They live in my constituency, but they work in the Winnipeg Fire Department, and I know that they are very dedicated people and have worked many years to get where they are today, and I want to congratulate them. One of them is retiring and the other, unfortunately, is waiting at home for a quintuple bypass, open heart surgery, and it's, he's been waiting for a couple of months now and anxiously awaiting to get this surgery as he's unable to work at the present time.

\* (16:00)

I know, Mr. Speaker, that—sorry, Madam Deputy Speaker, we've debated this piece of legislation in the House before. We have said that we, of course, will support this legislation. We support the concept, we support the legislation, and we support the firefighters, whether they be full-time firefighters with the city of Winnipeg or the city of Brandon or any of the cities that have full-time fire departments and all of the rural fire departments in the province.

I had the occasion to be invited to a regional meeting in my constituency where I had a number of fire departments—a number of fire departments at the meeting to discuss a variety of issues that affect them as a group. And at that meeting they had two guest speakers, and the guest speakers were the two firefighters who survived the fatal Gabrielle Roy fire of two years ago.

It was a very moving experience to listen to how they remembered the fire and what happened to them. They walked us through their recollection of what happened that evening, and their injuries. They also told—or at least one of the firefighters explained his long road to recovery following extensive burns to much of his body where he was in the Health

Sciences Centre for almost a year. The recuperation period was long and painful as burns are one of the most painful things to handle, because there's not only skin grafting, dressing changes, it's—as he explained it—it was absolutely excruciating pain that he had to go through about four hours every day, and, no matter what kind of pain-killing medication was given to him, it just didn't take away the pain.

So we can certainly respect the work that the firefighters do and the situations that they find themselves in, and the life-threatening situations. I found the, this speech by this firefighter so moving that I—I do a golf—a charity golf tournament every year and I choose a charity, a different charity every year, and this year I've chosen the Firefighters Burn Fund simply because I listened to that firefighter speak of his experiences in the Gabrielle Roy fire.

So I think it's important that we have this legislation. It's been to committee. People presented at committee. We've debated it in the Legislature, which is the process that we go through, and so I'm pleased to say that we will be supporting this legislation and look forward to it passing. Thank you, Madam Deputy Speaker.

**Mr. Ron Schuler (Springfield):** Yes, and it's with great pleasure that I put a few comments on the record in regards, in regards to this bill. I'm sure I've told this House before, but years ago when we used to live in an apartment on Talbot Avenue in Elmwood, and early one Saturday morning the fire alarm went off and, like most people in apartment blocks, you don't really pay that much heed to it, figured out maybe it was time to check things out, and opened up the door into the hallway and found out that I got a face full of smoke and realized that there was something very serious happening in the apartment block.

We quickly got dressed, rushed outside and the fire did end up getting very severe. It was lit purposely. It was arson. It was done in a locker room, and, unfortunately, there was an older couple on the second floor and, because of the stress and the smoke and it was a very chilly morning, that individual—of the couple—the man ended up dying a few days later because of the stress and the smoke inhalation, and very unfortunate. But we were all standing outside very cold, very stressed out. It was a very trying time, obviously, to watch your apartment burning, and we saw the fire trucks coming down, down Talbot. They were coming from Stadacona, that's where the hall was, and you could see, see their

lights blinking and, and hear the sirens wailing, and it is one of the most unbelievable feelings you can have when you actually see help coming and, you know, they couldn't have come fast enough. And we're just—when they arrived, we all felt, I think, like cheering and clapping because we were so happy they were there. People were stuck on the overhang of the second floor. You could crawl out on a window on the overhang, and they were trying to get away from the smoke. They couldn't even make it to the main floor and exit. So they had to rescue some people, and then they ended up putting the fire out.

So for anybody who's actually had an experience where they've been rescued by the fire department or had a family home or an apartment block, or whatever the case may be, and they were assisted by the fire department, they know how important our fire department is, how important the work is and how great you feel afterwards. You're so happy that you have individuals who are prepared to—and I've used this example before—the natural instinct is to flee out to get away from, and what do our firefighters do? They go into danger, not flee away from, and that must take an unbelievable amount of self-discipline. I mean, that must take an unbelievable amount of grace, to actually force yourself to do and fight against what comes instinctively, and that is to flee danger, and not our firefighters. They actually go into danger to help us, to help those of us, the civilians who aren't trained, who, you know, don't know what's going on, and we are so happy when these trained men and women come to our assistance, to our help.

Today, we have in front of us a bill where the firefighters, the men and women who protect us, are asking for our help. And I think it's only becoming that, as the science recognizes that there are cancers that are attributed to the workplace—years ago, in, I think it was 2002, when the first piece of legislation came forward, I happened to be the Labour critic, and I believe it was Becky Barrett was the minister at that time, and worked with her on it, and, you know, was very pleased that that legislation went through. We obviously supported it.

Alex Forrest, who's been just an unbelievable advocate for his members, has worked very hard on this. He's always taken a very credible line. He's not overstretched his reach. He's always said, where the science is, that's where we should follow.

And this is the kind of legislation that we all should be supporting on a bipartisan basis. We

should all be pleased to stand up and recognize that those who come to our rescue when we need them, now need us to come to their assistance.

And there was a great presentation last night in committee, and the daughter of a firefighter got up and explained how—I believe it was her father had esophageal cancer, and how she—she basically related how he passed away, and it was very, very passionate. It was a very sad story, and, you know what it did is it really humanizes this issue, that we're not talking about numbers and statistics. We're not just talking about science and reports and all that kind of stuff, but there's actually a real human face to this, and I think we all really appreciated the fact that she came forward. Her other sister was there, as was the mother, the widow of the firefighter who passed away, and we certainly appreciated the fact that they put a human face to what we're trying to do here with this piece of legislation.

So I'd have to say that this is one of these moments which—it's unfortunate that the media gallery isn't full. The cameras should all be out. The tape recorders should be whirring. It's another one of these moments where there's going to be unanimous consent, unanimity on an issue, and we would like to, once again, thank those men and women who fight that instinctive urge to rush away from danger, instead, go into harm's way to take care of us, to rescue us, to protect us.

To all the firefighters, the men and women on the front line, we'd like to say, thank you very much and, in turn, we are here for you today to pass this legislation, which is only right, it's only just. Thank you, Madam Speaker.

\* (16:10)

**Mr. Kevin Lamoureux (Inkster):** I, too, want to put on the record a few thoughts before Bill 17 actually passes third reading and, ultimately, will receive royal assent.

Madam Deputy Speaker, as you can tell by speeches that have been given here this afternoon or last night in regards to Bill 17, that this is, indeed, a bill that has received unanimous support from all members of this, of this Chamber, and we recognize, in particular, the efforts that Mr. Forrest and his association has done in terms of informing and bringing education, not only to the members of this Legislature but to members of legislatures across Canada. I found his presentation to be very enlightening in the ways in which they brought

forward this particular recommendation, and what I appreciated about his presentation was the fact that he talked about how other jurisdictions—and I believe it was five or six other jurisdictions that have now accepted what Manitoba has done a few, a few years ago with regards to extending services to firefighters.

So what we've seen, Madam Deputy Speaker, is an association, I believe, behave in a very responsible fashion to the degree that they have the support of members of, of all political parties and have even gone the next step. And I think, Mr. Forrest, in particular, should be applauded for the simple reason I think that he is probably the one that's really led, led the issue for not only firemen in the province of Manitoba but for firemen across, across this—across Canada, and we look forward to hearing from Mr. Forrest in the future.

There was another presentation that Mr. Budde had made last night. And I think that Mr. Budde kind of captured some of the issues related to Workers Compensation that really need to be given far more attention. And I really welcomed the way in which he approached the committee in the sense of recognizing the value of this particular bill, but then after that, he then went on to talk about some of the concerns, as he saw them, with Workers Compensation.

Members of the Legislature would be familiar with Mr. Budde. He is the individual that we see as we walk up the stairs of the Legislature. On many days, he's been there for—over the last year, and I found him to be very respectful of the—of his—in his demonstrations as he's tried to express himself to elected officials here. And I hope that the minister, in particular, is listening as to what individuals like Mr. Budde are saying about Workers Compensation and suggest to the minister responsible for Workers Compensation, that there is a responsibility for her to deal with other changes that are necessary, and we provide, with the Liberal Party, our co-operation in trying to better serve injured workers.

Finally, to conclude, I would want to also add my words to Kimberly Buchanan who made presentation yesterday. She had her sister and her mother there. It was very touching, what it is that she had said. I would encourage members to, to read exactly what it is that she said in *Hansard* from the other night. I thought it was kind of an appropriate conclusion to the bill in terms of its passing, and if one could attach a name to this particular bill, I would suggest her father, Mr. Buchanan, would

probably be the most appropriate name to, to be attached to this particular bill. Thank you, Madam Deputy Speaker.

**The Acting Speaker (Ms. Brick):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Ms. Brick):** The question before the House is concurrence and third reading of Bill No. 17, The Workers Compensation Amendment Act.

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

**Some Honourable Members:** Agreed.

**The Acting Speaker (Ms. Brick):** Agreed and so ordered. I declare the motion carried.

#### **Bill 21—The Labour Mobility Act**

**Hon. Dave Chomiak (Government House Leader):** I move, seconded by the Minister of industry, Competitiveness and Trade, that Bill No. 21, The Labour Mobility Act; Loi sur la mobilité de la main-d'œuvre, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for the third time and passed.

**The Acting Speaker (Ms. Brick):** It has been moved by the honourable Minister of Justice, and seconded by the honourable Minister of Competitiveness, Training and Trade, that The Labour Mobility Act, reported from the Standing Committee on Legislative Affairs, be concurred in and now read for a third time and passed. That is Bill No. 21.

**Mr. Blaine Pedersen (Carman):** And we did come through committee on this bill last night. There was only one presenter, The Manitoba Federation of Labour, and they expressed some concerns about the level of training that may ensue from, from this bill in terms of lowering the standards. I'm not sure whether that will really happen. I think that—I trust the minister will ensure that we don't lower our standards in Manitoba for training, and, and we, we know that the Québec example was used again where they don't have Red Seal Program in Québec, and the Red Seal for trades is the recognized level of skill for most trades in Canada.

So we'll, we will certainly be watching this too, and I know the minister will have some further groups coming forward in terms of legitimate

objectives. Right now, the lawyers have a legitimate objective because they, in Québec they practise civil law. The rest of Canada, they practise English common law.

The midwives are another legitimate objective in terms of training. Apparently, other prov—there are other provinces that do not train wives, for instance, in intubation, so right now, midwives are an exempted under the labour mobility. And licensed practical nurses in Manitoba will have a, will have an exemption under this as training in some of their fields is not up to Manitoba standards, or at least that's what the licensed practical nurses of Manitoba have said.

The early child, early child educators are rather upset about Bill 21. They were not at committee last night, so we weren't able to hear from them. I know that the medical lab—laboratory technologists of Manitoba are also—have expressed concerns, but having spoke to them, and I'm sure the minister has spoken to them too, they have some concerns about training, again, from Québec, which doesn't write the Canadian standards, but they will—they're willing to look at this legislation, the medical lab technologists, and if there is the provision come up where someone comes in who has not written the Canadian standard, they will certainly address that issue as it comes.

The overall bill, we feel, is, is quite worthy, quite—it's—we would have liked to have seen it a long time ago. We have more trade barriers between provinces in Canada than we do between countries like Canada and the U.S., the Free Trade Agreement. However, the, the governing party of the day doesn't like it. In fact, it's been very good for Manitoba. It's been very good for Canada. We need to free up trade within Canada, between our provinces.

This Bill 21 only deals with labour mobility. We believe this is a first, a good first step. We would like them to see this government become very much more aggressive in, in working on free trade within Canada. We have many of our industries, agriculture is certainly no exception, where we have a lot of trade barriers within, within Canada between the provinces. Transportation is another area, another industry that, that has excessive rules and regulations between provinces and it's just a nightmare for those who are in the transportation industry. For those that are in the agriculture industry, it's, it's an impediment to trade. And we're all, we're all in the same country, so we would like to see some real aggressive



movement by this government to, to get out there and, and have free trade within Canada.

\* (16:20)

We know that there, there will be objections to that. They—and I, and I hope that one of those objectors is not this government in terms of, of encouraging free trade.

The—we know that the NDP don't like trade—free trade. They've, they've spoken against it at, a, a great deal and, and this, this bill is—they could take—this bill is an example that they could take and look at TILMA, which is the trade agreement between Alberta and B.C., and use that as an example for, for easing regulations for—between provinces for not only just for labour but for permits and ability to trade wi—between provinces. *[interjection]*

And, you know, well, perhaps, perhaps the, the former member from Brandon West will be assigned that. I, I don't know. We'll, we'll eagerly await. His contract, by the way, is up in August, so we eagerly await—*[interjection]*

**An Honourable Member:** Brandon East. You said West.

**Mr. Pedersen:** No. The former Member for Brandon West is, is currently working for the department, and I eagerly await to see whether his contract is renewed at the end of August and it's—there is, there's a lot of, lot of work to do in trade in Canada.

We would like to see this government become much more aggressive on this. We know that in spite of their assurances that all is well in, in Manitoba, and, and meanwhile, the rest of, the rest of Canada is suffering in economic recession. We know that that's not quite the case here. There's going to be a, an economic downturn with the rise in the Canadian dollar up—upwards of over 92 and a half cents the other day, I believe it was down—it's down a couple cents today, but, but, that, that definitely affects our manufacturing. It affects our agricultural trade immensely.

I know last night in committee in Bill 3 about the logging ban, the ban on logging in Manitoba parks, I was talking to a couple of the independent loggers afterwards, and, and there is no doubt that the rise in the Canadian dollar has seriously affected th—the forestry industry. It's, it's under enough—*[interjection]*

It's under, under enough stress right now and then with the rise in the Canadian dollar and there

are, there are pundits out there who are predicting a, a dollar at, at, at par.

So, you know, the—that's why trade within Canada would be—we can't restrict Cana—trade just, just within Canadian borders only, we have to be international traders. But the more that we can trade between provinces, it helps in every way, it helps these—our companies in Manitoba to be able to continue to do business as they, maybe are, are competitive within the country.

The—there is many other things that this, this government could do in terms of making our, our businesses—helping our businesses to become more competitive. Interesting, though, last night one of the logging companies used to hire 40-some employees. They were paying the payroll tax. Now, they're down to six employees, and they won't be paying the payroll tax. So, if that—that's—that directly affects government. It, it affects businesses throughout Manitoba on a, on a downturn.

We know that there's huge downturns coming within the manufacturing, based on a rising dollar, based on, on lower demand because of the economic recession that's out there. I hope this government becomes much more proactive in terms of, of labour mobility—er, in terms of trade mobility within Canada. It's, it's certainly a step that, that we feel should happen, and I hope that, that they really do come through and look at free trade within Canada. That would be a, a great step forward. Thank you, Madam Deputy Speaker.

**Mr. Kevin Lamoureux (Inkster):** Madam Deputy Speaker, I, too, was wanting to put some words on the record before Bill 21 passes this afternoon.

Very, very briefly in the sense that I've had opportunity to talk about labour mobility on other legislation and where I had, the—I was afforded the opportunity to actually talk a great deal about the Red Seal Program, and it was interesting to see some of the feedback, in particular from the Manitoba Federation of Labour in regards to the Red Seal and the concerns that they did express with respect to what might be happening to some of those skills, skilled professions or trades going into the future if we don't do enough due diligence in ensuring that those skill sets are, in fact, more enhanced as opposed to being brought down to a lower level.

Madam Deputy Speaker, the principle of the bill is something which we do support in terms of the ability of employees in the province of Manitoba to

be able to use those skill sets in other jurisdictions is something which we believe in the long run is in Manitoba's best interests if not in, you know, Canada's best interests as, in fact, we try to break down some of the barriers that are there that prevent free and more opportunity for mobility within our different provinces. And recognizing that the important role in many of these trades have to play in the development in our economy, we suspect that, at the end of the day, that this will, in fact, be a positive bill for the workers, but to let the minister know that we do look towards seeing the regulations that ultimately come from here and the type of diligence that is done to protect the many different trades that this legislation will, in fact, affect.

I do appreciate the meeting with the minister and the debriefing on this particular bill. As I indicated to the Minister of Conservation (Mr. Struthers), it's always appreciated when ministers take the time to sit down with you and express what the intent of the legislation is meant to be. Thank you, Madam Speaker.

**The Acting Speaker (Ms. Brick):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Ms. Brick):** The question before the House is concurrence and third reading of Bill No. 21, The Labour Mobility Act.

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

**Some Honourable Members:** Agreed.

**The Acting Speaker (Ms. Brick):** Agreed and so ordered.

I declare the motion carried.

### **Bill 23—The Buildings and Mobile Homes Amendment Act**

**Hon. Dave Chomiak (Government House Leader):** I move, seconded by the Minister of Agriculture and Rural Development and Food and deputy House leader—and deputy leader, that Bill No. 23, the building and mobile homes amendment act; Loi modifiant Loi sur les bâtiments et les maisons mobiles, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

**The Acting Speaker (Mr. Brick):** It has been moved by the honourable Minister of Justice

(Mr. Chomiak) and seconded by the honourable Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk) that Bill No. 23, the building and mobile homes amendment act, reported from the Standing Committee on Legislative Affairs, Bill No. 23, be concurred in and now read for a third time and passed.

**Mrs. Mavis Taillieu (Morris):** I'm once again happy to put a few words on the record in regard to Bill 23, the building and mobile homes amendment act. In this bill, farm buildings are currently exempt from The Buildings and Mobile Homes Act, but this bill makes a farm building subject to the act if it has a building area that is larger than the size specified in the regulations, and I think that's the key here, Madam Speaker, is that the size of the farm building is going to be designated in the regulations and the minister has committed in this House that she will consult with the regulations with the stakeholders to ensure that everybody is getting exactly what they think they are getting here.

\* (16:30)

And it's been noted by the study done by the office of the Fire Commissioner that fires on farms pose a special threat because farm buildings are so geographically dispersed and it's difficult to get to some of these farm buildings, so once they're engaged in a fire, by the time a, a, a fire department would be able to attend to the fire, the buildings would likely have been consumed by the fire. So the purpose would be to alleviate fires or prevent these fires from happening in the first time, so having some regulations in regard to the construction of the buildings would be an important way to not only save a lot of fires, but also, certainly, we have to have—take regard for the firefighters that would be attending. We certainly would have to take into consideration the farmers and their families who use these buildings because, as we know, there has been some fatalities, one recently in Portage la Prairie where a man lost his life, and we certainly won't—would like that not to be the case. Also, there's been a lot of farm animals lost in barn fires over the last few years, and it results in millions of dollars, and in many cases it's devastating for farms, for farm families, and they are really unable to carry on their, their, their organization and their business when these devastating things occur.

So this speaks to some safety issues in regard to construction. It's for new construction of buildings. It's—the proposal is—the government proposal is that it

will be for all farm buildings over 600 square metres and that is—I think it's approximately 6,400 square feet, so that's a, a fairly large building but, as we know, buildings on farms can be used for a multitude of reasons: storing equipment and machinery, animals—of course, livestock is a major use of the barns—storage of grain and a, a, a number of uses. So it's important that these barns would be—these buildings would be protected.

*Mr. Rob Altemeyer, Acting Speaker, in the Chair*

Now, there were no committee—at committee last night, there were no presenters, but I did speak to a, a, a couple of the stakeholders, Manitoba Pork Council and Keystone ag producers.

The, the Keystone ag producers—the comment made from Ian Wishart was—and, and he said to me, if we get what we think we're getting, we have no problem. So what he's referring to is the minister has agreed to consult in the regulations so that the barn sizes are agreed upon with the stakeholders and there are—there is consultation there. He also said there should be no retrofits. He said that would be very bad because it would be very costly to the, to the farmers to have to retrofit the barns to comply with this regulation. So it's specifically for new barns.

I also spoke with the Manitoba Pork Council and they were also supportive of the legislation because, as they indicated, many insurance companies are, are requiring that barns be built in such a manner, so there's, there's requirements under insurance companies and if that's going to be the case, there's—there needs to be some regulation in regard to the ability for farmers to insure their barns.

He also indicated, you know, there's timing issues here because the pork industry is not in the mood for another financial hit. As we know, last year the moratorium placed on the expansion of hog barns has negatively impacted on many producers, and if this, if this bill is intended to be a financial burden to pork producers—specifically to hog barns—then it would be looked on as not a very timely thing and, and certainly a hit that they don't want to be forced into with the new regulation.

He also noted that the old buildings would need to be grandfathered, and this would be for new or expanded barns. And he said if it's not grandfathered, we're in big trouble.

So I think the key here is, it's a safety issue to protect the livestock in the barns, to protect the people that may be in those barns and certainly the

firefighters, should they have to be fighting fires in those barns. And if, if there's a consultation process, as the minister has promised, where there will be an agreement with the stakeholders that the barn, in regard to barn sizes, which is the proposal right now is buildings over 600 square metres be required to built according to building code. So, of course, this does not mean the smaller, the smaller buildings but the major, major buildings on, on farm land.

I also note that currently in Manitoba local municipalities are normally responsible for classifying buildings, land-use planning, zoning and building permits, and all municipalities are required to issue building permits for the construction of residential buildings and commercial and industrial buildings smaller than 600 square metres.

Now, some municipalities were able to permit buildings over 600 square metres but in many areas of the province this is done by the office of the Fire Commissioner. So, with this expansion to—of the building code to, to farm buildings over 600 metres, and it's being as it is right now, any fees recovered from building permit inspections would be going to the office of the Fire Commissioner.

Some municipalities have the ability to do the inspections themselves on buildings over 600 metres but many don't and some, I know, are looking to have that capability because then the permit—the inspection fees would go to the local municipality, and in that way they could support other things such as fire departments within their, their local areas.

So I think with that, Mr. Deputy Speaker, I think that we have support for this bill. There certainly is some concerns with the stakeholders just in terms of the consultation process that will occur with the regulations, but as I said last night, as well at committee, and the mem—the minister has said in this House, she's committed to doing consultation about the regulations and we also reiterated that and encouraged the minister to live up to that and make sure that the stakeholders are happy with this bill.

Thank you very much, Mr. Deputy Speaker.

**Mr. Ralph Eichler (Lakeside):** Mr. Deputy Chair, I just want to put a few things in regards to Bill 23 on the record, backing up and substantiating what the Member for Morris had talked about in regards to consultation with the farm groups. And I, I, I did take note that the Manitoba Pork Council, the association of municipalities, Keystone ag producers, in

particular, were consulted in the drafting of this particular legislation. And I was at the bill briefing and I have to commend the, the minister on the job that, that she had done in regards to this but also in regards to the comments that was put on the record regard to consultation on the regulations.

I think it's imperative and it's been talked about and I won't drive the message home too hard, but it is important that we do ensure that those same groups, those other stakeholders that need to be consulted, other than the ones that were already mentioned, we need to make sure that we do the best job we possibly can in drafting of those, those regulations is gonna make this, this bill what we hope and need it to be.

When we look at the loss of life, be it that of human life or livestock, we always want to make sure that those checks and balances, in fact, are in place. And I think that, in the long term, we can see significant gains as a result of this particular piece of legislation when it comes to insurance cost for the producers of this province. And I know that the first reaction that I had, oh, my gosh, that's gonna be a, just another, another burden for the, for the farmers that are gonna have to try and come up with as far as extra cost. But I think in the long run that our—actually our costs for our producers will actually see a downturn in their overall cost, maybe not in the first year, maybe not in the second year, but maybe in that year eight, year nine, year 10 or year 12, and on from there.

\* (16:40)

But the most important thing is we can't put a value on, on the loss of livestock or life, and we certainly want to make sure that, that whatever we do in this House is gonna be conducive to ensure that, that those, those safety issues are, are up front and most important to the people that work in these buildings, that work around these buildings, and, of course, to the protecting services that look after these buildings as well.

So, having those—said those few words, I just wanted to make it clear that, that we are certainly pleased with the consultation process that was followed in this particular bill, and, and the, the last thing that I wanted to put on the record in regards to that was the, the loss of, of life for the animals. And I know that, that there's been a decline in the farm incomes for, for a number of our producers, and I know that they take that, that very seriously, and, and I know the first thing that pops up in a lot of people's

minds is that, oh, there's a, another producer that, that set fire to his barn. And that's certainly not the case.

I know that it's so important for, for our farm families, that, that once something like this happens, usually it's, it's gone forever, and anytime they lose, you know, livestock from one thing or another they take that very, very seriously.

So, with that, we're glad to see the bill move forward.

**The Acting Speaker (Mr. Altemeyer):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Mr. Altemeyer):** The question before the House is concurrence and third reading on Bill No. 23, The Buildings and Mobile Homes Amendment Act; Loi modifiant la Loi sur les bâtiments et les maisons mobiles.

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

**Some Honourable Members:** Agreed.

**The Acting Speaker (Mr. Altemeyer):** And so carried.

## **Bill 2— The Animal Care Amendment Act**

**Hon. Dave Chomiak (Government House Leader):** Yes, Mr. Deputy Speaker, I move, seconded by the Minister responsible for Agriculture and Rural Development and Food, and deputy leader, that Bill No. 2, The Animal Care Amendment Act; Loi modifiant la Loi sur le soin des animaux, as amended and reported from the Standing Committee on Agriculture and Food, be concurred in and be now read for a third time and passed.

**The Acting Speaker (Mr. Altemeyer):** It has been moved by the honourable Government House Leader, seconded by the honourable Minister for Agriculture, that Bill No. 2, The Animal Care Amendment Act, as amended and reported from the Standing Committee on Agriculture and Food, be concurred in and be now read for a third time and passed.

**Mr. Ralph Eichler (Lakeside):** Mr. Deputy Speaker, I just got a few things I was to put in regards to The Animal Care Amendment Act, Bill 2, and that has to do with, in particular, the, the recommendations brought forward by the Manitoba Cattle Producers, and I think it's important that their, their definitions and their care, their

understanding of the bill be read into *Hansard* and I'd like to do that at this time.

It has to do with, in particular, section 1(1): definition of abandoned animal, page 1 of Bill 2. MCPA finds that the proposed definition of abandoned animal problematic and asks that the word "apparently" be struck from the clause (a) in the definition of abandoned animal.

And the rationality of the animal or owner-ownerless is, is or not an animal protection officer should take all reasonable steps to determine if the animal is, in fact, ownerless before undertaking a specific action.

MCPA also asks that that words "sold" be—"sold or" be struck from clause (c) in the definition abandoned animal. Their rationale there, again, is the act of selling land does not necessarily entail that the land has been vacated and thus the animal abandoned. Vacant premises should be only criteria in this clause, not status of land ownership.

2. Section 1.1: delegation by director, page 4 of Bill 2. MCPA expresses concern with respect to the broad and sweeping scope of the proposed section 1.1 of the act in granting powers and duties to any person. MCPA recommends that the delegation of authority under the act come with conditions, terms, conditions and credentials, qualifications rather than as open ended as in a manner of which it is currently presented.

3. Section 5.1(1)—a new section 5.1(3): loading in good faith, page 4 of Bill 2. MCPA requests that the words, "or transport" and "or transported" be replaced with for transport in section 5.1(1), and that further exception be added through a new section 5.1(3) loading in good faith, stating that: The act of loading and transporting an otherwise fit animal for humane and acceptable transport which nonetheless becomes unfit during transport despite standard precautions does not constitute a violation with respect to subsection 1.

Again, the rationale, MCPA is concerned that the current wording of the proposed act unfairly places a liability on the producer who in good faith loads an animal which appears to be fully fit suddenly becomes unfit during transport. Drivers, transporters need to be held—to hold some responsibility for undue care and attention to their cargo.

4. Section 5.2, auction mart reporting, page 5 of Bill 2. MCPA strongly recommends the Province to reconsider and put aside this section to the amendment act for further review. Our discussions and conversations with the Manitoba Livestock Marketing Association have indicated they have serious concerns with their ability to comply and enforce this proposed section of the act. In particular, there's lack of flexibility in the language surrounding this part of the act and questions need to be raised about how realistic it is to create a situation in which crews at the auction mart receiving sheds, usually working for minimum wage and without expertise in questions of animal neglect, are tasked with making determinations regarding fit and unfit animals from the perspective of abuse. MCPA strongly urges caution by government in this regard.

5. Section 5:3: veterinarian reporting, page 5 of Bill 2. MCPA requests that section 5.3 either be withdrawn entirely or at the minimum changed to read: believes on reasonable grounds that the animal has been or is subject to deliberate neglect or abuse.

Again, the rationale: MCPA believes that the well-intentioned proposal for vet reporting may, in fact, do more harm than good in animal health and welfare. Making veterinarians reporting agents under the act will likely create a new climate of distrust between vet and client and thus increase the likelihood of producers holding back on vet consultations out of anxiety or suspicion. Producers need to be reassured that there is some degree of confidentiality between the vet and themselves. The proposed wording of the act is far too vague and therefore too broad in what constitutes neglect/abuse, e.g., does a vitamin or mineral deficiency constitute neglect? MCPA strongly advises caution with this section and de—delay on its implementation.

6. Proposed addition to the amendment would include further amendments to section 7 of The Animal Care Act that would further clarify or detail the qualifications of a provincial animal protection officer.

The rationale, again, the MCPA has long been concerned with the wording of existing legislation which allows the minister to appoint any person as an animal protection officer. We believe the current language is too loose and that some type of generic criteria with respect to training and conditions for such appointments be specified under the act.

The next one is section 10, The time frame of a right to appeal of animal officer order.

MCPS–MCPA requests that the proposed section 10.1 be reworded to give a producer 14 days to file a notice of appeal with the appeal board.

Section 8.10.2: restriction of ownership. MCPA requests the Legislative Assembly reconsider and remove the proposed clause (ii) under subsection 10.2(1).

And No. 9, section 33, animal care appeal board and appeal panels. MCPA strongly urges the Legislative Assembly to add the following section or act or similar section: 33.5(6) When hearing appeals involving commercial farm animals, at least one of three members of a panel must be an active agricultural producer engaged in commercial production of that species of animal in question.

And, just in closing, I know the Member for Minnedosa (Mrs. Rowat) has a few things she'd like to put on the record, and I know the minister and her staff has done an outstanding job in drafting the regulations, and from my understanding, from speaking with the minister, this spring, again, on this particular bill, I know that the amendments are being drafted as we speak.

Again, we want to encourage the minister and her staff to do the consultation process in order to get the best possible regulations to ensure that Bill 2, the animal care protect–The Animal Care Amendment Act be, be one that's going to be meaningful and less hurdles that'll have to be jumped over by our producers and our people that we've been elected to represent within the province of Manitoba and that the care of the animals is of the utmost importance.

With that, thank you, Mr. Deputy Speaker.

\* (16:50)

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, just to put a few brief comments on the record. The Liberal Party will support this bill. We recognize that there are some significant problems with that which may be modestly improved, it–depending on the regulations. But, nevertheless, animal safety is–and animal health and animal welfare is very important to us and it's important that the bulk of this bill pass because animal safety issues are of vital concern, I think, to all Manitobans and in the future, certainly, you know, our industry depends on good husbandry

of animals and good safe care of animals. So, for those reasons, we're gonna be supporting this bill.

**Mrs. Leanne Rowat (Minnedosa):** I appreciate the opportunity to put a few words on the record with regard to the animal care act. I think the intent of the bill, as I see it, is, is important and, and addressing cases of animals who may be abandoned or may be in need of, of intervention through, through inspections or, or searches. I, I know that there have been concerns with puppy mills and, and other types of organizations such as that, that we do need something in place to, to, to get a handle on, on that type of a situation.

But what has come to my attention–and I know the minister is aware of the concerns that have been raised by a constituent of mine and I want to first thank the minister for taking the time to meet with my constituent. Dave Shelvey is, is the owner of Westman Reptile Gardens and recently became a Manitoba Star Attraction. So his facility is, is one of a kind, it's–he raises reptiles and, and other funky animals at his, his establishment and I think he is an expert in a lot of ways with regard to raising and the handling of these animals.

Dave approached me and, and indicated that he had some–just some concerns with regard to the, the act, but more specifically to the regulations that'll be coming into play with regard to this bill. He has some very serious concerns with how this act will unfold and how it will have a direct impact on, on the business he, that he operates.

He's looking for clarification on a number of areas and the minister was kind enough to spend some time with Mr. Shelvey and to listen to his co–concerns, his comments. We had also put in writing the concerns and questions that he had with regard to potential regulations. So I encourage the minister to continue that dialogue–her department to continue that dialogue, to include Mr. Shelvey in any types of committees or discussions that will develop the regulations with regard to this act, 'cause I believe that Mr. Shelvey, when he says he cares about his animals and cares about where these animals live after they leave his care, is quite genuine in, in his comments.

He raised questions and concerns with regard to the level of, of, of training and expertise of animal protection officers. He wants to ensure that when people do come into his establishment, that the officers who will be ins–inspecting his reptiles have the knowledge base to make an accurate assessment

of how they're being cared for. So he's looking for an assurance that there will be some dialogue and, and understanding about the environment that his reptiles and his animals live in and that will be part of the, the discussion dialogue when inspections take place.

He also asked for clarification with regard to businesses outside the province who will require—or whether they will be required to obtain a Manitoba license before any business transactions can be made and if so, how long these licenses will be valid and what is anticipating a li—and what will be the anticipating licensing fee.

*Mr. Speaker in the Chair*

He also looked for clar—is looking for clarification on whether a veterinarian is required to inspect every animal being shipped to and from pet stores and pounds, et cetera. He saw that as a challenge in that, that—and a point that he made was that it's important that—to note that many stores or outlets sell small animals, which retail for as little as a dollar, and, therefore, it would be necessary for a veterinarian to inspect a \$1 mouse or a \$4 hamster. So he, he's really wanting to make sure that there's some common sense protocol in, in some of the regulations that are being put forward.

So I really would just like to indicate to the minister and have it on the record that Mr. Shelvey appreciates the interest in his concerns and his interest in being a part of the regulations that are being developed on, on—in partnership with this bill, and I would like to thank the minister and thank the

government for, you know, bringing forward some legislation that actually will pay attention to, you know, what we see as a serious, serious issue when small animals are being treated in an inhumane way and that this will provide some, some direction and some support for these animals and also hold to account individuals who are actually taking these animals and, and, and selling them

So I want to thank the minister for giving me some time to share Mr. Shelvey's views and look forward to working with her on the regulations.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is concurrence and third reading Bill No. 2, The Animal Care Amendment Act. Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

**Mr. Chomiak:** Mr. Speaker, insofar as people will be working very late tonight and have worked late all week, I wonder if we might call it 5 o'clock.

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

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

**Mr. Speaker:** Okay. The hour being 5—the hour being 5 p.m., the House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 3, 2009

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