

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

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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 25, 2005

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PETITIONS

Pembina Trails School Division—New High School

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

These are the reasons for this petition:

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

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

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

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

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

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

The government is demonstrating a lack of respect for the students and families in Whyte Ridge, Lindenwoods, Linden Ridge and Richmond West by

refusing to provide adequate access to education within the community.

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

Signed by Lia Yankewilz, Jenny Wong, Brad Bridgeman and many, many others.

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

Generally Accepted Accounting Principles

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

The background to this petition is as follows:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by Alex Chua, Glenn Lennox and Iigelo Agbanawag.

*(13:35)

Ambulance Service

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

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

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

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

Signed by Ken Kaebe, Fern Kaebe, Kristen Kaebe and many, many others.

MINISTERIAL STATEMENTS

Provincial Mining Week

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): I have a statement for the House.

Mr. Speaker, I am very pleased to proclaim this Provincial Mining Week in Manitoba. I would draw your attention to the proclamation you and each member has received. It outlines the Province's commitment to our mining industry and the contributions this industry makes to our social and economic well-being.

Mr. Speaker, the business cardholder at your seat I am proud to say was crafted by staff at the Rock Lab of Industry, Economic Development and Mines. For those interested, the zinc ingot comes courtesy of HBM&S in Flin Flon.

Mr. Speaker, I would also like to take this opportunity to recognize the men and women whose hard work is key to mining success in Manitoba. Our commitment to this industry is clear as evidenced by the recent renewal of the popular Mineral Exploration Assistance Program. It is also important to recognize the efforts that the industry has made to ensure that exploration in mining is conducted in an environmentally and socially responsible manner.

In closing, Mr. Speaker, I invite you to join us for the Provincial Mining Week activities at The Forks this weekend. Entrance is free, so bring the family.

Mr. John Loewen (Fort Whyte): I thank the minister for his statement. Mining is, indeed, a very

important industry for this province for its economic base. It is the second-largest primary industry in this province and one that means a great deal to everybody in Manitoba and particularly those close to 15 000 individuals that earn their livelihood from it as well as the companies that provide work for them.

I would certainly like to thank all those involved in giving us this lovely cardholder to remind us of the importance of the industry to our province. We on this side of House, of course, are thankful that they do the good work here that they do.

We would like to see the government provide a little better economic environment to ensure the continued growth of this industry, particularly given the high prices that we see these days for their products. We wish them much success in the future and hope the industry will expand with the province. Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): I ask for leave to speak to the minister's statement.

Mr. Speaker: Does the honourable member have leave?

An Honourable Member: No.

Mr. Speaker: No? It has been denied.

*(13:40)

INTRODUCTION OF BILLS

Bill 209—The Firefighters Compensation Act (Workers Compensation Act Amended)

Mr. Cliff Cullen (Turtle Mountain): I move, seconded by the Member for Portage la Prairie (Mr. Faurshou), that Bill 209, The Firefighters Compensation Act, be now read a first time.

Mr. Speaker: It has been moved by the honourable Member for Turtle Mountain, seconded by the honourable Member for Portage la Prairie, that Bill 209, The Firefighters Compensation Act (Workers Compensation Act Amended), be now read a first time.

Mr. Cullen: Mr. Speaker, this bill amends The Workers Compensation Act to expand the rebuttable

presumption of compensation for firefighters who contract certain cancers to include part-time firefighters, primary site colorectal or ureter cancers and primary site lung cancer in non-smoking firefighters. Heart injury within 24 hours after attendance at an emergency response is also presumed to be an employment-related accident. Thank you.

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

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today Tyler Barrett, Cameron MacDonald, Chantelle Horel, Kimberly Palmer and Katie Robertson, who are the members of the Manitoba Cerebral Palsy Sports Swim Team, and their coach, Karen Williams. These visitors are the guests of the honourable Minister of Family Services and Housing and the Minister responsible for Persons with Disabilities (Ms. Melnick).

I would also like to draw the attention of honourable members to the public gallery where we have with us from Linden Christian School 42 Grade 9 students under the direction of Mr. Mark Glor and Mr. Darryl Rempel. This school is located in the constituency of the honourable Member for Fort Whyte (Mr. Loewen).

Also in the public gallery we have from Gordon Bell Senior Off Campus-Urban Life Skills 8 Grades 9 to 12 students under the direction of Ms. Phyllis Cummer. This school is located in the constituency of the honourable Member for Point Douglas (Mr. Hickey).

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

ORAL QUESTIONS

South Beach Casino Smoking Policy

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, there is a new beginning for the Brokenhead First Nation. This community has now seen the opening of the South Beach Casino. This Premier (Mr. Doer) has touted his support, his personal support for a

smoke-free work environment. He has touted that support both locally and nationally. Will he now stand up and protect the rights of the workers to a smoke-free environment at the South Beach Casino?

Hon. Dave Chomiak (Minister charged with the administration of The Gaming Control Act): Yes, Mr. Speaker, as a result of recommendations from 1997 to establish five First Nations casinos in the province of Manitoba, the second of five is shortly opening up in the Brokenhead District to provide for some economic development for First Nations.

I am also aware of the fact that the issue of smoking and non-smoking is not only an issue in Manitoba, but four other provinces: Saskatchewan, Ontario and New Brunswick. I understand that there are some court challenges pending with respect to this in New Brunswick, as well as the fact that the federal government has indicated to the Saskatchewan government that they are not—

Mr. Speaker: The honourable Member for Ste. Rose.

Mr. Cummings: It is very important that there be some clarity to how this government intends to deal with this issue. The Premier has consistently demonstrated again that he will say one thing when he is outside of this House, but wants to remain silent in this House when I ask the question.

Now, Mr. Speaker, it has been established through the courts that provincial authority is the responsible authority for controlling gaming. Does this Premier now recognize that authority?

Mr. Chomiak: Mr. Speaker, I have to correct the member. The federal minister responsible, Andy Scott, has indicated that they will not enforce a non-smoking by-law on Saskatchewan First Nations communities and, in fact, that has come from the federal government. I also remind the member there was an all-party task force that signed an agreement with respect to smoking ban that did not apply to First Nations communities nor did it apply to military establishments under the jurisdiction of the federal government. That was an all-party task force.

Mr. Cummings: The most disappointing aspect of this is that the Premier is still consistently refusing to address the question. We now know that the Province has the authority for gaming. They could

attach the condition of a smoke-free environment to protect the health and the well-being of the workers and the patrons in places where gaming is occurring or in casinos as we are talking about today. Will this Premier stand in his place today and take a position on behalf of the workers in this new South Beach Casino?

* (13:45)

Mr. Chomiak: Firstly, the Government of Saskatchewan, as I understand it, attempted to attach a by-law to smoking facilities on First Nations land in Saskatchewan and were advised by the federal government that they did not have the ability to enforce that particular by-law. So it has already been tried. There are four jurisdictions in the country, Saskatchewan, Ontario, New Brunswick and Manitoba, who are dealing with this issue. Rather than get caught up in a constitutional challenge and lawyers and fighting the issue, Mr. Speaker, we are continuing to monitor the—

An Honourable Member: You gave them a licence.

Mr. Chomiak: We are continuing to follow the dictates of the all-party task force that was agreed to in this Legislature that dealt with smoking as an issue on all jurisdictions, with the exception of First Nations communities and military establishments, signed by all parties.

Special Education Legislation Proclamation

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, a Special Education Review was completed in 1999, and then the NDP sat on it for almost four years, until just before the 2003 election when they introduced legislation to guarantee educational programming for special needs children. That legislation died on the Order Paper, and then they reintroduced the legislation again. It passed a year ago and it has never been proclaimed.

I would like to ask the Minister of Education why he is dragging his heels on proclaiming this very important piece of legislation.

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): I remember the committee hearings on this legislation. One thing that was evident during those committee hearings is the

amount of consultation that had gone into this process and our commitment to continue to consult with all stakeholders with respect to this very important initiative in Manitoba's education system, Mr. Speaker.

There were 48 recommendations that were brought forward by that Special Education Review Initiative. We have acted on, or are acting on, all 48 of those recommendations. We have committed to develop the regulations in consultation with the stakeholders, and I remember the member from Tuxedo asking repeatedly, "Are you consulting? Will you consult?" So, yes, we are consulting on the regulations, Mr. Speaker, and we are bringing it forward.

Mrs. Driedger: Mr. Speaker, I would like to indicate that nothing has been done for six years, and these consultations that the minister is talking about finished six months ago. Manitoba is one of the few provinces that does not have legislation to guarantee or ensure education for special needs children. I would like to ask the minister when he intends to proclaim that legislation.

Mr. Bjornson: Mr. Speaker, it is a curious comment from the member opposite to say nothing has been done, when in my first response I mentioned that with 48 recommendations from the Special Education Review Initiative, that we have acted on or are acting on all 48 of the recommendations.

The legislation is passed and we are moving forward with the development of the regulations. For the member to suggest that the consultations were over six months ago is wrong because the consultations have continued in various forms beyond the original consultation process. There will be a report forthcoming with respect to how those consultations have transpired and that report will be issued in the fall. Mr. Speaker, we are on track, on time and we are going to deliver on this very important initiative.

Special Education Initiatives Funding

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, he is hardly on time or on track. We are six years down the road. They have introduced a bill twice and they keep stumbling forward with this legislation. It appears that they are dragging it out and I have to wonder if it is because they have not

done their homework on it and looked at the actual costing of this legislation.

Mr. Speaker, the superintendent of the Lord Selkirk School Division said that special needs funding is misleading. She also says that of the 6.5 million in additional special needs funding this year there was no new funding for the neediest students. She is also saying that the problem is compounded because the government only funds 80 percent of funding for special needs children.

I would like to ask the Minister of Education has he costed out this legislation. Will he agree to adequately fund it? Does he have the money for it, or does he intend to offload this onto the school divisions who are extremely worried that is what he has in mind?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, our record is very clear on this issue. In fact, her funding has increased by over 24 percent since we have been in office with respect to special education initiatives. We have been consulting with our partners on all facets of this legislation, on all facets of the regulation, and I find it odd that the member opposite would talk about offloading the taxes because we know the record and the impact that announcements of zero, zero, minus 2, minus 2.6 and zero had on the education system.

We put \$129.8 million into the system since we have been in office compared to \$15.2 million under members opposite. We actually have put more money into special education initiatives than they did in the entire system in six years, Mr. Speaker.

* (13:50)

Special Education Legislation Proclamation

Mrs. Mavis Taillieu (Morris): Mr. Speaker, a recent letter I provided to the Minister of Family Services (Ms. Melnick) outlines the difficulties that a foster family who was assured before they adopted their foster child that they would continue to receive the supports related to her disability.

Family Services has allowed for an educational assistant in the classroom but then reneged and offloaded the child to the Department of Education,

but, Mr. Speaker, the Minister of Education never did proclaim his legislation which would have provided the appropriate educational programming. Will the Minister of Education get on with it and provide the programming that children need?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, we are providing the support for special education, as I said; 48 recommendations, acting on or have acted on all 48 of those recommendations. Again, our record on education funding is exemplary when you consider what members opposite did in their tenure and their funding for education. I mean, the facts speak for themselves, \$129.8 million in six years in the base in our education system as well as making sustainable affordable tax cuts and relieving the burden on the taxpayers. Our record is clear and I will stand on our record.

Mrs. Taillieu: Mr. Speaker, while the minister stands and pats himself on the back, children are suffering. Children are falling through the crevices between this government's departments. Family Services has told these parents once they adopted their foster child all supports related to her disability would continue, and they did not.

Mr. Speaker, why does a child have to suffer because these ministers will not do their jobs? The Minister of Family Services says it is not her responsibility and points the finger at her colleague, and then the Minister of Education did not do his job and proclaim the legislation.

Mr. Speaker, which minister will stand in the House today and claim responsibility for children with disabilities?

Mr. Bjornson: Mr. Speaker, every minister on this side of the House will stand and be responsible for children with disabilities. We have a Healthy Child Committee of Cabinet with a number of initiatives that are very proactive and start with early childhood initiatives in assessing student need. We have the Healthy Baby initiative, the first of its kind anywhere. We have a number of different Cabinet ministers at the table with the Healthy Child Committee of Cabinet.

Members opposite, talking about funding of programming, when their budget in the election campaign said 1% increase to education, that is

rather questionable, given the track record that they had going into the election. Mr. Speaker, we do not need lectures from the member opposite about how to fund and support children and families because this is a government that does fund and support children and families.

Mrs. Taillieu: Well, Mr. Speaker, the Minister of Family Services has remained in her seat so we know that she cares not for children with disabilities. Will the Minister of Education commit today to proclaim Bill 13 to provide the appropriate educational programming needed by many Manitoba children and families?

Mr. Bjornson: We have committed and we are committed. We are committed to go through a process with the stakeholders which we have been engaged in for the last year. Like I said during committee last year, the member from Tuxedo said, "Are you consulting? Are you consulting? Are you consulting?" That was one of the questions I heard repeatedly when people came and presented.

Yes, we were consulting and we promise to continue to consult and we are continuing to do so. That is part of our commitment and that is our commitment to the children of Manitoba that we are going to have the best possible appropriate educational programming in place. All 48 of those recommendations we have acted on or we are acting on. That is action, Mr. Speaker.

Health Care Services Private/Public Partnerships

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, yesterday this NDP Premier (Mr. Doer) stood in this House and said, and I quote, "We had to basically admit that the situation was severe and we sent patients to the United States to get cancer treatment because that was the right thing to do."

Today there are about 1200 Manitoba children who are being forced to suffer, Mr. Speaker, for more than a year for urgent dental surgery. We have seniors being forced to wait up to three years for urgent hip or knee replacement surgery. Will the Minister of Health finally admit that this, too, is a severe situation? Will he agree to send these patients, not to the United States, but to the private clinic here in Winnipeg that is capable of treating them immediately?

Hon. Tim Sale (Minister of Health): In the first place, the member should understand that there is no private clinic licensed or capable to do hip replacements or knee replacements. That is in-patient surgery, always has been in-patient surgery. It is in-patient surgery in every province in Canada. So far as I know, there is no in-patient private clinic and, under our legislation, there will not be private hospitals in Manitoba, Mr. Speaker.

Secondly, the waiting list for dental surgery is approximately a thousand currently, according to the WRHA. We are peeling that waiting list down. The volumes are increasing in dental surgery and we agree that this situation has to be dealt with. I would be interested to hear the member opposite speak on behalf of prevention and work with us to get the federal government on side to prevent dental cavities in the first place instead of having to do surgery on little children.

* (13:55)

Mrs. Stefanson: Well, Mr. Speaker, I guess the Minister of Health is saying that it is okay to send our patients down to the United States, but it is not okay to support the private clinics that offer these services right here in Manitoba. Shame on them.

Mr. Speaker, yesterday the Premier said, and I quote, "The Canada Health Act's first requirement is to deal with patients' needs, and I think the Minister of Health proved that with the action he took with our patients in the States." If this NDP government can put politics aside and deal with the needs of cancer patients by sending them to private clinics in the United States, they should have the sense to deal with the urgent health needs of other patients by sending them to private facilities right here in Manitoba.

Mr. Speaker, my question for the Minister of Health is since he and his Premier have already acknowledged that the wait-list for pediatric dental and orthopedic surgeries is too long will he now agree to use private clinics in Manitoba to reduce these wait lists. They have the capability of doing it. Do they have the political will of making it happen?

Mr. Sale: Mr. Speaker, I would invite the member to do a little homework. A hip replacement is a four- to five- or six-day stay in an acute care hospital. You cannot do it in Pan Am Clinic, Western Surgical

Centre or Maples Surgical clinic. They are not equipped, nor licensed, nor would they claim, in fact, the capacity to do that. If the member has any doubt on that, she might ask her friend who is apparently the owner of Maples clinic. He will tell her the same thing that I am telling her.

In terms of surgeries for children with dental care, we are going to do an additional 600 surgeries this year. We repatriated surgeries to Thompson. The volume at Health Sciences is staying where it was, Mr. Speaker. We will reduce that list. We continue to contract with Western Surgical Centre for cataracts. We are not ideologues on this issue. Where it is appropriate, we do it.

Mrs. Stefanson: Mr. Speaker, perhaps the Minister of Health should do his homework on this issue because this government has the ability to contract out for overnight stays to private clinics in Manitoba. They have the ability to do that. He should do his homework. Shame on him.

Mr. Speaker, what is so frustrating, though, to many Manitoba children and seniors in need of urgent dental or orthopedic surgery is that this government refuses to send them to private clinics right here in Winnipeg, but has no problem sending other patients to private facilities in the United States. What this Premier fails to recognize is that Manitobans who are forced to live in pain for years on end are not just being denied a quality of life, they are being denied a life.

Will the Minister of Health finally acknowledge how severe this situation is and agree to sit down with Maple Surgical Centre to discuss and seriously consider accepting their proposals?

Mr. Sale: We have been around this particular bend a number of times. We have 111 operating rooms in Manitoba in the public sector. We are not short of operating rooms, Mr. Speaker. What has caused surgeries to be cancelled or deferred or delayed in the most recent months is anesthesia. Maples cannot manufacture anesthesia that is not already in Manitoba unless they take those doctors away from the public system. That is the fact. So we are not short of ORs, we are short of anesthetists. We will peel down the waiting lists. We have new anesthetists coming this summer who are graduating. We have a number in training, approximately 20 in total. We are making up that shortfall. We have 11

more than in 1999 when we formed government. The waiting lists will come down. Maples is not able to do long-stay acute care procedures. The member should know that.

Brandon Health Centre Emergency Room Services

Mrs. Leanne Rowat (Minnedosa): Yesterday the Minister of Health assured Manitobans that the Brandon ER would remain open and would continue to provide quality service, despite the critical shortage of doctors.

Mr. Speaker, a constituent of mine had his hand severely mangled in a farm accident. Due to the closure of the ER in Rivers, Mr. Wolfe was forced to go to Brandon ER for treatment. Unfortunately, as a result of severe staff shortages and an outbreak of flesh eating disease, Mr. Wolfe was told to go home and return to the ER the next day. Is this what the minister considers quality health care services?

Hon. Tim Sale (Minister of Health): I would invite the member to provide me with the real details of this case. If, in fact, there was improper advice given to this citizen and he needed acute care immediately and did not get it, then we will take action in that regard, Mr. Speaker.

Mrs. Rowat: I think the minister should retract his comments yesterday that people are not being turned away from ERs. He should really get his facts straight and learn a little bit about this issue.

My constituent suffered a serious injury which could not have been dealt with at his local hospital in Rivers because the ER remains closed. *[interjection]* We will talk about the Premier's (Mr. Doer) province another time. He went to the Brandon ER and was informed that, after all the money spent on visual appeal for the building, they cannot stock their emergency admittance rooms with a full supply of bandages because of budget restraints. Brandon has already been forced to purchase beds. Perhaps the community should now be fundraising for bandages.

I would like to ask the Minister of Health what his plan is to assure that the ER services will remain open in Brandon and that no other patients are turned away and told to come back later.

* (14:00)

Mr. Sale: First of all, Mr. Speaker, the Brandon ER is one of our most busy and best equipped emergency rooms in the province. It is a brand new facility and I was privileged to be at the opening, a brand new facility that I might add was cancelled five times by the previous government. We built it.

In terms of any allegations of supplies, I will investigate whether there are, in fact, any supply issues, but it sees over 30 000 people a year and I simply cannot imagine that they are short of bandages, Mr. Speaker.

Mrs. Rowat: Mr. Speaker, this is a comment made by the health staff within his facility there, so he had better speak to the facility people there and find out exactly what is going on.

Let me remind the Minister of Health that he was made aware of this impending crisis in January. The chief of emergency medicine at Brandon health centre has stated that the ER could be forced to close sending patients to Portage or Winnipeg for treatment. I think the minister better take heed.

Will the Minister of Health assure western Manitobans today that no other patients will be turned away and told to come back later?

Mr. Sale: Mr. Speaker, I will repeat what I said yesterday in the House, that I have spoken with the Brandon Regional Health Authority. They have assured me that the ER will stay open, that it is open and will stay open. They have staff that are available. Yes, there are challenges in the ER, and I would just remind members opposite who were not elected at the time, but in 1996, the Canadian Association of Emergency Physicians said there will be a national shortage of 562 ER doctors by 2001. The government of the day at that time persisted in cutting enrolment in the medical school. We are now not harvesting what was not planted.

Manitoba Industrial Opportunities Program Maple Leaf Distillers Loan

Mr. John Loewen (Fort Whyte): Mr. Speaker, a December 21, 2001, news release from the Manitoba government titled: "Manitoba to benefit from agreement between Maple Leaf Distillers and Pernod Ricard International" indicates that as a result of a

recently signed exclusive agreement between Manitoba-based Maple Leaf Distillers and internationally known Pernod Ricard, Manitoba has been chosen to be the manufacturing and distribution centre for selected products for the Canadian market for Pernod Ricard.

The news release then goes on to indicate that as a result of this agreement the government has agreed to supply a \$1.5-million MIOP loan to Maple Leaf Distillers. I would like to ask the Minister of Finance (Mr. Selinger) if he can indicate when he or his government first became aware that no agreement as mentioned in this press release actually existed or was ever signed.

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, I would like to inform the House that the Maple Leaf Distillers' loan had normal due diligence by the department, and it was done before this deal was planned. It was not done after the deal was planned, so in other words, the MIOP loan was approved with proper due diligence with the company before the sales agreement could go forward. It was not part of the original business plan, it was not part of the original loan. It was done before the business plan and the new sales agreement was even contemplated.

Crocus Fund Maple Leaf Distillers Investment

Mr. John Loewen (Fort Whyte): Mr. Speaker, I will take the minister at his word, but if that is the case then why would the Premier (Mr. Doer) be putting out a press release indicating that the MIOP loan is predicated on the fact that this exclusive agreement has been signed when, in fact, no agreement was signed. In fact, the only agreement between the company was cancelled a year later because Maple Leaf Distillers, according to Mr. Claude Bouley from Pernod Ricard, indicated that Maple Leaf was not paying their bills and has a substantial debt outstanding.

We have also learned today, Mr. Speaker, that the Maple Leaf Distillers is in the process of negotiating the buyback of their units that were sold to Crocus for \$7.5 million. Will the minister stand up today and indicate to this House how much that buyback is for? How much is Maple Leaf paying to buy back the \$7.5-million investment from the Crocus Fund?

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): The member opposite still does not understand. He still does not get it. We do not control the investment policy of the Crocus Fund. What happens is there is a board of directors and an executive, a board of directors and an executive that control the management in everyday operations of the fund.

Different governments have successively said that it is important to have venture capital, it is important to have investments in businesses, it is important to create jobs, it is important to create economic growth. Former ministers like Merv Tweed have also crowed about the importance of investments and co-investments in companies. It is important to know that successive governments have supported venture capital. Successive governments have said that this is important to create jobs and economic benefit, and we conclude that we wish to be part of growing the economic pie, but we do not manage Crocus. We do not manage the everyday operations and we do not control its investment policy.

Mr. Loewen: Mr. Speaker, this minister's idea of a growing economic pie is to cost unit holders \$60 million because of an appalling lack of oversight on behalf of the NDP government. They took on the responsibility to monitor the fund. They gave themselves the authority to obtain any and all information from the fund, and yet we have one of the largest investee companies in the fund announced in a press release from the Government of Manitoba alongside the Premier of Manitoba indicating an agreement is there but, in fact, an agreement was never, ever signed. This company is now buying back its shares from Crocus at who knows how much, about one cent, two cents on the dollar. The minister will not tell. The Premier will not stand up and tell the details of this agreement.

The question remains: Who on that side of the House is standing up for the unit holders? Who on that side of the House is willing to stand up for the taxpayers? Why are the unit holders and taxpayers being left to blow in the wind?

Hon. Gary Doer (Premier): Mr. Speaker, the minister already answered the question on the due diligence and the issue of Maple Leaf, and they are

in compliance with their agreement, but I would point out in the six press releases I have on Isobord—*[interjection]*

Well, the members may laugh because their names are in it, but the Province of Manitoba lost \$30 million in Isobord. Seven press releases: \$7 million lost by Crocus; Winnport, \$7 million lost by the Province; \$6.7 million lost by Crocus. In fact, the co-investments between the Province of Manitoba and Crocus were well over \$95 million before we came into office. Mr. Speaker, nobody in this Chamber is perfect, but let the record show that this MIOP loan is on schedule.

Some Honourable Members: Oh. Oh.

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

Drug Dependency Treatment Programs for Youths

Hon. Jon Gerrard (River Heights): Mr. Speaker, the record of this Premier and this government when it comes to young people is appalling. Under this government, teen pregnancies are unacceptably high. Young people, some as young as 10 to 11 years old, are stealing cars in record numbers. Drop-out rates in Manitoba schools are among the highest in Canada. Now we learn today that the number of teenagers being treated by a physician for drug dependence has doubled over the period from 1998 to the present to 2004.

My question to the Premier is this: Why does this government care so little about young people that the outcomes are getting so much worse?

Hon. Tim Sale (Minister of Health): Let us start with the first remark that the member made in regard to teen pregnancies. When we opened the Teen Clinic in Elmwood High School, we had one of the highest pregnancy rates in Winnipeg, in the Elmwood area. One and a half years later, after that clinic has been in operation under Healthy Child Manitoba, the pregnancy rate in East Kildonan of teenagers has dropped by 58 percent, Mr. Speaker. In the area around Elmwood itself, it is down by 26 percent.

We care about teenagers. That is why the Minister of Education (Mr. Bjornson), the Minister

of Health, the Minister of Healthy Living (Ms. Oswald) have worked on a task force in regard to the needs of young people in Manitoba. That is why we have adopted a harm reduction approach in regard to drug usage and increased our education for young people on drug issues. That is why we have increased our funding to the Manitoba Alcoholism Foundation, Mr. Speaker. That is evidence of our commitment to young people.

* (14:10)

Mr. Gerrard: Mr. Speaker, I have served on that task force and we have heard from presenter after presenter who has said the outcomes remain appalling because this government has done very little. One school, one area, is not enough to change things dramatically for the whole province. What we need is change in the whole province.

Mr. Speaker, the numbers do not lie. Manitoba Health's own numbers from '98 to 2004, which I table, show that the number of teens in Manitoba receiving treatment by a doctor for dependence on drugs has doubled under this administration. What is the matter with this government that the outcomes continue getting worse? They are throwing money here and there, but the outcomes are getting worse.

Mr. Speaker, my question to the Premier is when will he step up, take responsibility and take some major action, instead of pretending that all is well.

Mr. Sale: It is the most puzzling question. The member appears to be complaining about a doubling of treatment resources for children who have drug-related issues, Mr. Speaker. That seems to me that that is evidence of our commitment to increase supports for young people who need treatment. It is evidence that not only did we do so, but it is working. More children are seeking assistance. More children are getting treatment, and we will continue to increase resources so that children, young adults who have problems will have the resources to help them deal with those problems. He is talking about a success, as far as I can figure out, not a failure.

Mr. Gerrard: Mr. Speaker, this NDP government is trying to put a bizarre spin on the fact that there are more teenagers who are getting addicted to drugs and requiring treatment from drugs. The reality is that this government is not doing its job. We heard it again and again during the task force meetings. The

government has been throwing money at programs when it is outcomes that count and it is outcomes that are important.

I ask the Premier to finally stand up and acknowledge that the outcomes, time after time after time, the rates of child poverty, the problems with drug addiction are worse, not better, under his administration. When is this government going to take some action instead of just tinkering around the edges?

Hon. Gary Doer (Premier): Having attended meetings with early childhood development experts both in the province and again, nationally, Manitoba was singled out for recognition in terms of some of the major advancements we have made on early childhood development. It has been noticed, and Fraser Mustard has noted that the Healthy Baby program is unique in all of the western world, a program that was developed by our government. Investing in the nutrition levels of mothers in targeted areas, it is now serving many more mothers. We have more investments in early childhood development.

There is, regrettably, a drug problem. Part of the solution is to prevent it, but also part of the solution is to be honest enough to admit it, and put more resources into treatment and counselling. That is what we are doing, Mr. Speaker. I think the member's question is regrettable because it does a disservice to a lot of work we are doing for children. A lot more work in this province is necessary, and we will do it a lot more effectively if we work together for kids instead of playing politics.

Greenhouse Gas Emissions Reduction Strategy

Mr. Rob Altemeyer (Wolseley): Mr. Speaker, yesterday, I and all the other honourable members in the Chamber had the pleasure of—*[interjection]* If we are ready.

Mr. Speaker, I and all the other honourable members in this Chamber, yesterday had the pleasure of listening to the member of Springfield get a little confused. Hard to imagine, but the good folks at Hansard have confirmed for us that he was getting a little mixed up on the difference between emissions of lead from a mine, which we have reduced, and emissions contributing to climate change, greenhouse gas emissions.

Luckily, the party on this side of the House understands Grade 9 science and I would be pleased to ask the Minister of Conservation if he could explain new initiatives working with our rural municipalities to reduce greenhouse gas emissions.

* (14:20)

Hon. Stan Struthers (Minister of Conservation): Thank you very much, Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): On a point of order, Mr. Chair, I thought Question Period was supposed to be an opportunity to ask legitimate questions based on research.

Mr. Chair, had the member watched the national news yesterday, he would have confirmed for himself and for his government that Manitoba, indeed, does have the third worst record in the country, so I am interested in hearing what the minister has to say.

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, it is an unfortunate interruption on one hand, but on the other hand, it allowed the minister to collect his thoughts from that hardball question. I know I look forward to the answer as much as members opposite. I just do not understand why they will not allow the member to answer the question. It is a very important question.

Mr. Speaker: Order. On a point of order raised by the honourable Official Opposition House Leader, he does not have a point of order.

* * *

Mr. Speaker: The honourable Minister of Conservation, to continue his answer.

Mr. Struthers: Thank you very much, Mr. Speaker. Indeed, it was a pleasure last Friday to join with the officials from the Association of Manitoba Municipalities and the mayor of Gladstone who I

think are showing, along with us, tremendous leadership in moving forward with this very important issue.

Through the Sustainable Development Innovations Fund, we have provided \$160,000 for municipalities, matched by the AMM and the local leadership, to put action plans together in which we can, and members opposite should get this, in which we can, on the one hand defend the environment and produce environmental benefits along with improving the bottom line for little communities and municipal undertakings throughout our province.

Mr. Speaker, this underscores this government's commitment to making sure that we are there for small communities, and we are also there to improve the energy efficiency numbers throughout Manitoba. Thank you very much.

Pine Grove Rest Stop Plumbing and Water Supply Repairs

Mr. Jack Reimer (Southdale): Mr. Speaker, one of Manitoba's top industries in generating wealth is the tourism industry here in Manitoba. Each year, thousands of people travel throughout Manitoba's highways to visit and enjoy our parks. One of the most popular destinations is the Whiteshell Provincial Park just east of Winnipeg on the border.

Mr. Speaker, how can the only public rest stop east of Winnipeg be out of order at this time of year, and port-a-potties are the only way for public conveniences?

Hon. Ron Lemieux (Minister of Transportation and Government Services): Indeed, we agree that the tourism industry is very, very important to Manitoba. It is a billion-dollar industry. Every year we work very, very hard to increase tourism in Manitoba.

With regard to the specific question, Pine Grove Rest Stop, there was some trouble with regard to the plumbing, and we are looking to rectify the situation. We are looking at three departments working together to look at a plan to take a look at the—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable minister has 12 seconds left.

Mr. Lemieux: Mr. Speaker, the bottom line is we are going to take care of the problem at Pine Grove. We are going to fix it. We are going to make it better than ever.

Some of their behaviour, I wonder if they are even potty trained half the time.

Some Honourable Members: Oh, oh.

Mr. Speaker: Does the honourable member have leave?

An Honourable Member: Leave.

Mr. Speaker: Yes? Yes. [*interjection*] He said yes. The honourable member has leave for one question.

Mr. Reimer: Mr. Speaker, this is truly a make-work project for the government, three departments to fix a toilet. It is unbelievable.

If I could only ask the minister again, he said they are working on the problem. Can he assure the people of Manitoba and the tourists that will be going on the highway east of Winnipeg that a flushable toilet and water will be available in the Pine Grove hall?

Mr. Lemieux: Yes.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Missing Children's Day

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, May 25 is Missing Children's Day in Canada. I rise today to draw attention to the plight of the thousands of children who are missing from their homes and families. Our thoughts and prayers go out to those families today.

According to the RCMP Missing Children's Registry, in 2004 over 67 000 children across Canada were reported missing. As a former CEO of Child Find Manitoba, I was witness to the determination, co-operation and commitment of police departments as well as countless individuals and caring agencies in Manitoba and abroad that led to many children reported missing being safely returned home to be united with their loved ones. For this we all owe a tremendous gratitude.

While we can all share in the joy of the safe return of children to their families, we are still grimly reminded that many other families continue to live and struggle with the painful nightmare of a missing child. Children are our most precious resource and a valuable key to the future. A missing child profoundly impacts not only the immediate family, but the loss reverberates throughout our neighbourhoods, community and us all.

During May, the Green Ribbon of Hope is recognized as a symbol to remember missing children and to seek their safe return. It is also used as an expression of our thoughts for missing children, their families and friends. The concept of the Green Ribbon of Hope was originated by the students and faculty of Holy Cross Secondary School in St. Catharines, Ontario, following the abduction and subsequent murder of Kristen French. In memory of this tragedy, the students and faculty generously directed that their idea for the green ribbon be used exclusively as a symbol of hope by Child Find Canada. Green is regarded as the colour of hope and epitomizes the quest for the safe return of all missing children. The green ribbon is a legacy from Kristen.

Today we ask all honourable members to join us in encouraging parents, family members, guardians and community leaders to help our children learn about their own personal safety, Internet safety and preventative measures they can take to help avoid potentially dangerous situations. Steps like these can go a long way in preventing the tragedy of another missing child. A missing child is everyone's responsibility. Thank you.

Mr. Andrew Swan (Minto): Mr. Speaker, each year more than 65 000 children are reported missing in Canada. While most are safely returned to their loved ones, some children are never found and, of course, today is National Missing Children's Day. We dedicate this day to missing children and pledge our continuing efforts to locating them.

National Missing Children's Day was first recognized in Canada in 1984. It takes place during Child Find Canada's Green Ribbon of Hope Campaign, which strives to increase public awareness about missing children in Canada. Protecting our children is a community effort. It is critical that parents, teachers, family members and friends provide children with the necessary information, skills and support to protect themselves.

Safety education helps children develop confidence and critical thinking skills so that they will be prepared to deal with dangerous situations. Parents should practise and rehearse safety skills with their children regularly to ensure that they become second nature. Parents should also have high-quality photographs of their children. If a child goes missing, good pictures are needed so that they can be readily identified. Pictures help the community contribute to the recovery effort and are an effective tool when many people see them. For this reason, Manitoba has developed an Amber Alert program dedicated to recovering children in the event of an abduction.

Mr. Speaker, children are now exposed to predators through the Internet. Manitoba was the first province to set up an Internet-based tip line to clamp down on predators, Cybertip.ca. Recent educational campaigns have highlighted the need for us to be vigilant in protecting our children. Manitoba has spearheaded the Children Online Protection Committee to further these efforts.

I would like to thank all the community organizations and volunteers, particularly Child Find Manitoba, who work tirelessly to reunite children with their families. In addition, I would like to commend this government for working with these organizations to protect our children. Thank you.

* (14:30)

Laurie Boon

Mr. Larry Maguire (Arthur-Virden): It is with great honour that I stand in the House today to congratulate Miss Laurie Boon on her recent award. Miss Boon, who is a Senior 4 student at Virden Collegiate, was recently honoured with a Student Citizen Award present by the Manitoba Association of School Trustees. The intent of these awards is to honour the efforts of Manitoba students for promoting good citizenship within both their school and their broader community.

Miss Laurie Boon is definitely deserving of this prestigious award. Not only has she served as a peer counsellor at Virden Collegiate, but has also demonstrated her leadership by sitting on the student council. Laurie has also proven her outstanding commitment to her community by volunteering to assist handicapped children through the Circle of

Friends, the elderly at the Virden palliative care home and the Sherwood nursing home as well as by working tirelessly to support the Canadian Cancer Society.

Laurie truly exemplifies what it means to be a good citizen within her community and this province. This year alone, Laurie has received the Hope Medal from the Virden Lions Club, The Optimist of the Year honour and the Young Humanitarian Award.

Miss Boon will graduate this year and hopes to continue to help others by pursuing her dream of becoming a doctor. Once again, I congratulate Miss Laurie Boon on receiving this well-deserved award and I wish her continued success in her future personal and academic goals.

Maples Collegiate Unity March

Mr. Cris Aglugub (The Maples): Mr. Speaker I want to highlight an important event which occurred today. That event was the 10th annual Maples Collegiate Unity March. I am please to say that this has been my fourth time participating in the march. The march began at Maples Collegiate and finished on the front steps of the Manitoba Legislature.

Mr. Speaker, the Unity March is a significant event undertaken by the staff and students of Maples Collegiate to raise awareness of racial discrimination. The march reminds us legislators that we must promote the end of discrimination in our communities. I am proud to say that the Maples Unity Group co-ordinates this march every year. This group of seven students is devoted to eliminating racism in our communities. The group also promotes peace through its many yearly activities. This includes food drives, bringing speakers to speak on racism, volunteering at homeless shelters and participating in Remembrance Day ceremonies. One of the biggest events planned by this Unity group is Unity Day. This day is held in conjunction with the International Day for the Elimination of Racial Discrimination.

Mr. Speaker, I am happy to say well over 300 students attended today's march. Participating students came from many different cultures and backgrounds. Their determination shows us people from many backgrounds can unite to promote values

of mutual respect, cultural inclusion and the embracing of diversity.

Mr. Speaker, I want to thank the Minister of Labour and Immigration (Ms. Allan) for her speech, and the Member of Parliament for Winnipeg North for attending today's event. Lastly, I congratulate the staff and students of Maples Collegiate who participated in today's march. I commend everyone for promoting peace and the elimination of racism. Thank you.

Women's Awards/Accomplishments

Hon. Jon Gerrard (River Heights): Mr. Speaker, first I would like to congratulate a number of impressive Manitoba women. Recently I had the pleasure of attending two very important events in our city, the YWCA Women of Distinction Awards and the 2005 Manitoba Woman Entrepreneur of the Year Awards.

I would like to take this opportunity to congratulate the Women of Distinction Award winners: Buchi Nnadi, Cherry Karpyshin, Coleen Dufresne-Campbell, Leigh Murphy, Lindor Reynolds, Betty Black, Navdeep Bhullar, Pauline Clarke, Lee Newton and Barbara Shumeley.

I would also like to recognize the winners of the Manitoba Entrepreneur of the Year Award: Dallas Ballance, Kal Barteski, Heather Boyd, Jane Campbell, Sherrill Hershberg, Gladys Sarens, Priti Shah and Donna Warenko.

Mr. Speaker, all these women are to be commended and congratulated for their leadership and their contribution to our province.

Second, Mr. Speaker, I would like to express the support of the Liberal caucus for the mining industry in Manitoba. Clearly the industry is doing a lot of things, but the government has been doing very little. They could be doing much more and should be doing much more.

Thirdly, I want to comment on the extraordinary inefficiency of the present NDP government. The story of three departments being needed to fix a toilet reminds me of the old joke about how many people does it take to change a light bulb, "one person to hold the light bulb and four to turn him around." It is a sad day when the NDP government are so efficient

that they have to have three departments in order to fix a toilet.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call debate on second readings on 2, 3, 6, 7, 8, 9, 25, and then would you please interrupt proceedings at 4:30. for Bill 22?

DEBATE ON SECOND READINGS

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

Mr. Speaker: Resume debate on second readings on Bill 2, The Child and Family Services Amendment Act (Child Protection Penalties), standing in the name of the honourable Member for Fort Whyte (Mr. Loewen).

What is the will of the House? Stand?

An Honourable Member: No.

Mr. Speaker: It has been denied.

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I welcome the opportunity to speak to Bill 2, The Child and Family Services Act, which increases penalties for offences that relate to child protection and child exploitation. Sexual exploitation of youth is described as luring a child under the age of 18 into a sexual act and involvement in the sex trade or pornography in exchange for money, drugs, shelter, food, protection or other necessities. Certainly, this is something that needs to be addressed and is a terrible thing that happens to children that have very few support systems. Certainly, anything that will increase penalties that relate to offenders is a step in the right direction.

Now, the reasons given to bring this bill forward were that it would strengthen and serve as a deterrent for those who would offend and commit offences of this nature against some of the most vulnerable in our society, children, and especially children living without supports.

* (14:40)

However, we have found that actually the real reason behind this seems to be that the department wants to be able to send out cautionary letters. The purpose of the bill is to fight the child exploitation but act as a deterrent when cautionary letters are sent out. It seems to be the practice in the department that they would send out letters to people that they feel have been trying to lure younger children into prostitution or into sexual crimes, and so they feel that it might be a good thing to send out a cautionary letter. They feel that this will be more of a deterrent if they can say in the letter that fines are going to be now up to \$50,000 instead of the \$300, and sentences of up to 24 months. Hopefully, this will serve a purpose, but certainly it seems to be a law that does not really have much teeth to it if it is only going to be increasing what they can say in a letter, Mr. Speaker. These crimes are terrible crimes when committed against children, and criminal charges should be laid not just under The Child and Family Services Act but criminal charges because these crimes warrant that.

I recognize there is some sensitivity around this bill because as it has been stated with charges under The Child and Family Services Act, there is sensitivity to the fact that victims do not have to testify. I recognize the sensitivity to that. Some of these victims are maybe very young, and it may be very difficult for them to testify. Certainly, there is recognition of that. However, Mr. Speaker, I am concerned that perpetrators of these most heinous crimes may actually get away with it.

We know that if you are charged under federal legislation and then you are charged under provincial legislation, under two different jurisdictions, you do not get the status, if you will, as a repeat offender because you may get charged on one level of government and maybe get charged on another and not be recognized as a repeat offender. You would have to be charged on the same level within a certain length of time to be recognized as a repeat offender, Mr. Speaker. So there does seem to be some concern here that this bill does not really go far enough to address the most serious of these crimes.

This bill has been introduced, I think, two years now, and we are wondering why it has been taking so long. Why has the government taken so long? Why did they not act on this bill immediately, Mr. Speaker? They say they need to protect children. They want to protect the best interests of children,

and yet they have taken so long and dragged their heels on this, and we have to question why that is.

There seems to be a lot more that can be done when we are talking about protection of children and support systems. I know the Minister of Family Services (Ms. Melnick) has said in Hansard on November 25 last year that children who are victims of sexual exploitation are particularly vulnerable victims. They are children whose trust is abused and whose circumstances are taken advantage of. They are children with few supports, Mr. Speaker. I think that is crucial when we talk about children that have few supports, children who come to the city of Winnipeg from more remote communities are brought here and then left without support systems. They find their way into certain activities where they are lured into activities they do not want to be in, but they do not have any other supports or help to keep them away from those kinds of activities.

I think what we would need to do within this department to strengthen the bill is not just look at what we do after a crime is committed but what we do to prevent these crimes from being committed. Certainly with bringing enhanced fees, enhanced fines, enhanced criminal time to be served, that is one step, but I do not think that goes far enough, as I have said before, but also looking at the support systems so that there is no opportunity for these children to go to street activities and to be put in close proximity to those who might abuse them, Mr. Speaker. When children come into care, when children come into our city, there needs to be a lot more programs put in place to protect those children that have few supports and maybe no family members here to look out for them. Sexual exploitation of children, as I said, is something that is a most disgusting and disgraceful activity, and certainly those that would engage in this and would perpetrate this on young, vulnerable children should be severely punished, Mr. Speaker.

I think that with this legislation, increasing the fines, increasing the time that an offender would spend incarcerated is a good step, but, as I say, I fear this is only going to be used as information that can be used in a cautionary letter, which I understand these letters do go out to some people they suspect of being perpetrators of these crimes but cannot prove it so they send cautionary letters to caution them that this activity is going to cost them a lot more money than it was before or they have to spend more time in

jail. I think that being proactive to this before this situation actually arises is much more desirable than to have to address it in a letter to a person, which may or may not serve as a deterrent. I mean a letter is a letter is a letter. It may be just tossed in the garbage the way a lot of information today is.

Mr. Speaker, I think that, as I said, when we talk about these most serious crimes, we need to think of how to stop someone that has done this from doing it again. If that means that person needs to be charged under a criminal offence, I think that probably needs to be looked at, and as I said, having been charged in one jurisdiction and then in another does not allow for this person to be treated as a repeat offender.

Mr. Speaker, I think this bill does address, in part, some deterrents towards people that would commit these most serious crimes to children. I think that probably there is more that could be done in this amendment to this act. It seems that it is almost, "Well, we have to do something, we have to bring some legislation, and so we will just do a little bit here and a little bit there." But I think that, as I say, we need stronger deterrents than just cautionary letters and stronger enforcements of these penalties for such heinous crimes. Also, we need to recognize that the victims of these crimes may be young and very vulnerable, and certainly discretion is necessary.

We know there are facilities within the city and province that have been set up to deal with victims of sexual exploitation, and we know there are waiting lists to get into some of these facilities, so we know these activities are still going on. Certainly, it would be in our best interest to deter these activities and prevent them with strong penalties. I think that what we could do to strengthen this bill, and I will be bringing this as an amendment, that any fines, fees collected, should they ever be collected from perpetrators of these most serious crimes against our children, would be dedicated to services for those children for therapy services and support services that they would require as a result of these crimes perpetrated against them.

So, with that, Mr. Speaker, I would like to allow comment further from my colleagues, and then we will recommend that we pass it to committee. Thank you.

* (14:50)

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I am pleased to have an opportunity to put some comments on the record on Bill 2, The Child and Family Services Amendment Act (Child Protection Penalties).

What this bill does is it increases penalties for offences that relate to child protection. It is a noble goal to prevent and reduce child and youth sexual exploitation.

It is interesting that today is Missing Children's Day in Canada and, certainly, no better time to talk about increasing ways that we can further protect our children. This bill is very near and dear to my heart. I was involved with Child Find at a provincial and national level for 12 years. We spent a lot of time addressing issues of child protection, especially child prostitution and child pornography.

I would like to acknowledge the work of Child Find at this point in time and recognizing their 20 years of service to Manitobans. This is their 20th anniversary this year. Child Find began at the time that a young girl named Candace Derksen went missing in this province, and now, 20 years later, it is still disconcerting that nobody has ever been able to find out what exactly happened to Candace. But she was missing for a number of months, and then her body was later found in the city.

I think this bill is very important, and I would like to just comment about the sexual exploitation of children as being what I would consider to be child abuse. During our time in Child Find and during my time in government and in opposition, I firmly believe that sexual exploitation of children is child abuse and that there are no two ways about that.

I have spent time with former child prostitutes. I have learned more about child prostitution through them and other adult prostitutes that I have talked to, and I found out more from all of them than anything I could have ever learned in a book or a lecture. It was their experiences and the things that happened to them, whether it was how they got into the business, how they survived it, how they got out of it and what is needed. They have offered great advice in terms of how to address this issue.

They also feel very, very strongly that what is needed must come about with a deep understanding of the issue and not from just do-gooders going out

there and trying to make themselves feel good by their initiatives. That was the one thing that came through loud and clear. They want people to take the time to understand these issues. So it was important during my time with Child Find that I spent a lot of time talking to youth that are affected, whether it was runaway youth, whether it was child prostitutes, whether it was starting to delve into the issues of pedophiles and what made them tick, whether it was having national debates with lawyers on community notification when a predator is released into the community. It all became part and parcel of looking at what we can do to address this issue of sexual exploitation of children.

A very disturbing aspect of all of that was, certainly, sitting through what I guess I would call classes on child pornography at a national conference and listening to a police officer who came up from the United States, who showed us various forms of child pornography. It was certainly something extremely, extremely difficult to sit and listen to, to watch, whether it was a video, or to look at, whether it was drawings, or to read when it was from a group like NAMBLA, the North American Man/Boy Love Association, who felt that sex before eight with little boys, or it is too late. Certainly, all of those aspects are extremely disturbing.

It is disturbing to know that there are groups like that out there, groups that are made up of very high-profile, well-positioned professional people at all walks of life that are quite ready to take advantage of small children. It would probably surprise people enormously to know that you could have doctors, lawyers, judges, any area of professionals that also get involved in these networks and particularly, preying on children on the Internet. It is not just the bogeyman on the street that is targeting children. There is a great deal of sophistication now in luring children through the Internet.

I do want to acknowledge the incredible work that was started in Child Find a number of years ago and then has accelerated in leaps and bounds in the past few years to the formation of CyberTip where people at Child Find actually have a site where child pornography can be reported and where people actually sit all day long in front of the computer surfing sites or checking out tips that come in. I just want to say to those people that—and I have talked to them and said this to them—I give them an awful lot of credit for what they are able to do, and for the

fortitude with which they do it because that is not anything easy to do.

What I saw was nowhere near what I saw at a conference, but what I did see at a conference made me very determined that we must go hard at fighting this issue of child pornography, child prostitution. We must take it on in a very concerted, driven way to make sure that we can protect children from people that are so willing to prey on children.

Manitoba also has the highest runaway rate per capita in Canada. We have had that distinction for so many years. Certainly, children that run away from home are very vulnerable because they are more accessible to people that choose to prey on kids. Drugs become a significant issue. Child prostitution becomes a significant issue. These kids, we are looking at over 3000 a year in Manitoba that go missing on an annual basis. Most of those are runaways. Those kids are vulnerable. We tend to see the kids on the streets. Some look pretty tough, but beneath that tough veneer, there are some pretty scared kids that are just fighting for their lives and fighting to survive. That is why when we see legislation like this, we must be very committed to ensuring we have tough laws to deal with any form of child exploitation.

I think this bill, however, is somewhat debatable in terms of how effective it is going to be. At least, in my view, it is an effort towards addressing this issue of toughening the laws to deal with child exploitation. I certainly have some degree of cynicism that the people out there preying on kids are going to be deterred by this, by the fines that are out there, but I think it at least is moving in the direction that we do need to go to address this issue.

I do have some concerns in regard to protecting children from abuse. As we are looking at the definition of child abuse and looking at increasing penalties to protect children, are we saying that increasing the penalties serves as a deterrent, rather than being a punishment or retribution. I hope sincerely that it will be seen as a deterrent as much as it is a punishment, but ideally, to be able to deter people from going down this road in the first place is definitely some place where we really, really want to be.

* (15:00)

When we look at protecting children in the province, I certainly hope all the agencies out there

are going to be working from the same script in terms of what the definition is of child abuse, what the definition is of exploitation. I hope that the child protection agencies out there are all going to stand firm and reach the highest goal possible in terms of their expectations of the legislation, their expectations of themselves in enacting the legislation and that we are going to have consistent standards across all child protection agencies in the province. I do not think that there is any room for watering down any definitions, any standards, any penalties, because all kids that are in positions like this are extremely vulnerable. We have to be sure that all children have the benefit of the best protection that we can provide to them.

I am pleased to see that Manitoba is leading the way in a number of preventative measures. You know, as I mentioned, Cybertip, which is www.cybertip.ca, is a Manitoba Web site created to help prevent the on-line sexual exploitation of children. It is the first on-line service in Canada to report instances of child exploitation. I have had an opportunity to tour this site. I have had an opportunity to hear that they are doing the kind of things that they were set up to do. They are cracking some of the Web sites. They are finding the people and dealing with those people that are willing to post child pornography on the Web sites.

I am certainly pleased to see that it was Child Find that was at the forefront of doing this, and that the work that started a number of years ago on this issue, where Child Find Manitoba were the leaders in the country in terms of taking this issue and feeling that it was important enough to address, particularly with our high number of runaways in this province, I am pleased to see that that has continued to move forward so that we have been noticed as being a leader in the country in terms of addressing sexual exploitation of children. I am so pleased to see that they have succeeded in catching a number of predators. I do really want to acknowledge the incredible work that is done there because it is not something that is easy to watch. I have to give the people that look after that site all the credit in the world because I think they are incredible human beings for what they are doing. I applaud them for what they are doing.

You know, here in Winnipeg we have the Integrated Child Exploitation Unit, also known as ICE, staffed by the Winnipeg Police Service and the

RCMP that investigates child pornography users. I am also pleased to see that in 2003 the Province hired a new prosecutor to specialize only in child pornography cases. We have to become more sophisticated than the predators that are out there because they certainly are moving towards levels of sophistication that, unless we put all our efforts and determination behind it, we are not going to be able to keep up with they are at.

In looking at what some of the stakeholders have said about this legislation, Norman Boudreau, the vice president of Beyond Borders, has indicated that it is a very, very good way at getting against the pedophiles and the predators where it is going to hit them the most, in their pocket book. Certainly, in speaking with Roz Prober, who started Beyond Borders in Manitoba and has been known as a strong children's advocate, you know, is somebody I have known and respected for a number of years. As my role in Child Find was one of a children's advocate, in that way Roz Prober also took on some of the extremely difficult issues that Beyond Borders was tackling. Roz was involved and still is very supportive of Child Find. The groups work well together to take on and tackle this issue.

Joy Cramer from the Child Protection Branch has indicated that in Manitoba it is a huge problem and also within the Aboriginal community. Cramer also indicated that sexual exploitation in Manitoba is a big problem. She applauded the proposed amendment and said it will add to the strides Manitoba has already made in protecting youth. Cramer added that children coming from the province's North to attend school often arrive with few social supports and can find themselves vulnerable to street influences. The poverty experienced by many children in Winnipeg's core also makes some targets of people who would want to put them on the streets.

I would indicate too that child prostitutes come from all parts of the city, and I have been aware of instances where there have been some also from Charleswood making their way downtown. Child prostitution is something that is an issue I became very interested in back in my Child Find days, and it was difficult to sit and talk to children who were in the trade and to find out how they got there, how so many people abandoned them in the first place, and how they ended up being forced to survive in the only way they in their young age knew how. Very, very disturbing to see how some of these kids have

ended up on the street, and I applaud their resilience in surviving what is a dangerous world and what is a tough world out there on the streets of any city in this country. These young kids, you know, do their best and they face a lot of odds, and we have to be there to give them the kind of tools we need.

Drug use tends to be quite rampant among child prostitutes because that is how they numb their pain, and that is what gets them moving from one situation into another, because sometimes without the drugs the reality just becomes too difficult for them to deal with. There are a lot of issues that just evolve from that.

Our gang problems here certainly do not help the prostitution industry out there at all and, you know, with our gangs becoming bigger, larger, more sophisticated, with the Hells Angels moving into town, all of a sudden you have got a much tougher dynamic to address as well. Certainly, when you look at the gangs like the Hells Angels that run the prostitution and the drug trade for a large part in this province, we have got to urge the Minister of Justice (Mr. Mackintosh) to do more than just put out his news releases. You know, these gangs, the Bandidos, have come in under the NDP; the Hells Angels have come in under the NDP. These people are quite willing to take advantage of those who are more vulnerable out in society. I would urge this Minister of Justice to certainly take his job more seriously and to look at doing more than just issue news releases that there are some ugly situations on the street. Maybe he needs to get out of his office a little bit more and experience some of these.

The one thing that Child Find did certainly for me in my 12 years with the organization is it taught me a lot about what is going on, on our streets, and to become acquainted with some of those real issues from the real people so that I am not just going to be a politician up here talking from a phone call or watching something on TV or reading something in a book, that I have seen first-hand what is going on, on the streets, and I have talked to these children, and I have to talk to their workers and organizations in the community, networks that are out there.

*(15:10)

Back in the mid- to late nineties it was Child Find that led the charge to start dealing with this issue of child prostitution, and we started it by

bringing in and having a seminar here with some child prostitutes who came in from Vancouver, and that has probably had one of the most profound effects on my life. You know, spending several days with these young women and learning so much about what happened to them. From there we were able to partner with the Filmon government to start to look at this issue of child prostitution, to look at the need for a safe house for child prostitutes in Winnipeg and to push this issue forward.

I have to give credit to the Member for River East (Mrs. Mitchelson), who was the Minister of Family Services at that time, and to Doris Mae Oulton, who was the head of the Children and Youth Secretariat, who very willingly and openly listened to what we had to say and embraced this idea. We started to work on a strategy in this province being very cognizant of the necessity to partner with the community stakeholders who were the ones that said, "Make sure if you are going to do this, do this for the right reasons, with the right understanding and make sure you do your homework."

I moved from Child Find into the government at that time, and I was honoured to be given the opportunity by our Minister of Family Services, the member from River East, to be able to continue to champion this issue in government. I am pleased to have the opportunity to continue to speak to it today.

The minister that has put forward the bill, the Minister of Family Services, feels that these amendments will go a long way. I agree with her when she says the acts are unacceptable and appalling and they are. I wish I had her optimism that the amendments will go a long way. My experience with Child Find says that may not be so, but they are part of an arsenal to protect our kids. They are part of the arsenal of tools that we need to put in place to move the issue forward.

What I did learn at Child Find over the many years and then with my experience with the Children and Youth Secretariat, Doris Mae Oulton, and all of the community networks that came together passionately to discuss this issue and fight for something better was that what we do need is be part of an overall strategy, that it is absolutely integral to any solution is the involvement of community stakeholders. What I became very aware of is that we need a strategy. We need a follow-through. We need an evaluation and we need a very strong

commitment. There cannot be just piecemeal programs or piecemeal legislation that is put forward. It has to become or be part of a much larger strategy.

When I look at the government and I see, for instance, the number of johns that have been picked up and sent to john school, how committed is the government to really making sure that program goes forward. How many johns' cars are confiscated? Where is the sincere effort by the government to really follow through on some of these. Governing is more than just putting out a news release like the Minister of Education (Mr. Bjornson). You know he talks a good line, but, when you look at what the follow-through is, sometimes there is negligible follow-through. Sometimes you have a minister that does not even know what is going on in his department, and one becomes more and more frustrated and cynical with this government's, you know, governing by news release rather than making that sincere commitment to really dig into an issue, dig their heels in, and move an issue forward with the intent of making some good things happen.

Certainly, I would urge this government to continue to build a strong strategy to protect our kids, but as I said, we do need to see an overall strategy. We need legislation. We need enforcement. We need safe houses. We need public education and awareness.

One of the saddest stories I heard at the time we were working on this issue with Child Find was the number of adults in this city that come from the suburbs, that drive through the core area of Winnipeg and throw pennies out to the child prostitutes on the streets. A lot of these kids are victims. They are victims of maybe their home. They are victims of the street. They become victims for a number of different reasons. I certainly do not think it is appropriate that the system victimizes them more, or people going out for a drive thinking that entertainment for the night is to watch the child prostitutes on the street because these are victims. You know, some of them can be 10 years old. Some of them can be 12 years old.

We have a kiddie track in Winnipeg, and there is probably nothing more distressing than to know that little kids are put on the street. For some of these little children, if you are being sexually abused at home, some of them will decide, "Well, I will go out on the street and at least make some money from it."

This is where Family Services has to be extremely vigilant in protecting our children because there really, really is no excuse for any tolerance in our society for child abuse, for sexual exploitation of children, child prostitution, child pornography. We should not be tolerating that. I note that there certainly has not been much in the terms, if anything, in public education and awareness from this government.

Community resources are extremely important. Again, the fight against gangs and the fight against drugs have to be paramount in addressing this. So you need an overall strategy. Sadly, I have not heard this government articulate one, and that I find disturbing, because we were certainly moving forward in the late nineties with an overall strategy that, had we had the opportunity to continue and to work with those community stakeholders, I think that we could have seen many good things happen.

So, with those few words, Mr. Speaker, we are certainly prepared to move this bill on to committee and to hear what the representatives that come to committee have to say. We look forward to the passage of this bill, and we look forward to further strengthening of this issue in terms of other legislation and more programs by the government. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 2, The Child and Family Services Amendment Act (Child Protection Penalties).

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

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

Mr. Speaker: Bill 3, The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended), standing in the name of the honourable Member for Carman (Mr. Rocan).

What is the will of the House? Is it the will of the House to—

An Honourable Member: No. Denied.

Mr. Speaker: Leave has been denied? Okay.

Mr. Leonard Derkach (Russell): Mr. Speaker, I am pleased to rise to speak on this bill because this is an important bill for many private landowners because private landowners should not have to endure the fear of being held liable if, in fact, an incident happens on a trail. That responsibility has to be either with the Trails Association who carry the liability, or it has to be an insurance company that carries that liability, not the property owner.

Mr. Speaker, I do not find that this is objectionable to myself in terms of the presentation of this bill to the House. I think it is an appropriate step, but I do have some concerns about trails and the liabilities associated with trails throughout the country. This is fine for trails that go through private property and where it is a trail designated as a trail but it runs through private property. There are other trails that are on public property, such as abandoned railways, and in those cases, although those trails also run through private property, the land adjacent to the trail has never been sorted out in terms of ownership because the trail only uses the 14 feet or 15 feet of the trail, but on either side of the trail there is a right-of-way. It is my hope that any incident that should occur on that right-of-way on either side of the trail would also be covered by the liability insurance carried by the Trails Association.

* (15:20)

Mr. Speaker, the landowner should absolutely not have to carry any responsibility for accidents happening on a trail because, whether it is because of animals that that landowner may have adjacent to that trail that caused the incident, or whatever may have caused it. The rights of landowners have to supersede a trail going through there, and somebody else must be responsible for carrying that liability.

I think that is probably the most important issue in this bill, Mr. Speaker. I certainly want to indicate to the minister that I think this is an appropriate step and that we should, indeed, move ahead in this way. But I think we need to take a look at the other issues that are associated with trails and the liabilities that perhaps are attached to them and assure people that are allowing those trails to go through their adjacent properties that there is no liability associated with that trail to the landowner. With that, I will conclude my remarks on this bill.

Mr. Jack Reimer (Southdale): Mr. Speaker, I just want to put a few short words on the record in regard to the bill, The Recreational Trail Property Owners Protection Act. It has been pointed out by my colleague—I guess one of the concerns was in regard to liability to private owners that have trails going through them. The trails that—*[interjection]* I have my colleagues here trying to distract me from this very, very important bill that I want to put some words on the record.

Mr. Speaker, the significance of trailing, if you want to call it, has become more and more important as a recreational area that people are participating in. One of the things that I think we are all aware of is the Trans Canada Trail that we have heard advertised or heard it mentioned in publications and on television and how people are taking advantage of getting outside and enjoying a lot of the recreational facilities that we have not only here in Manitoba but right across Canada. One of the ways is for people to walk on trails that are designated.

It is not only a form of healthy living, but it is also a very informative way to see some of the parts of the provinces and the country that are not usually available to the visual eye as you drive by. Sometimes when you are driving on highways and you are stopping at rest stops, you know, there are trails that go through the rest stops that people can enjoy the rest stop and have the trail as they go. So it is a good thing that a lot of these rest stops are available for not only the motoring public but the people that are walking by in trails that are usually geared towards that. So these are a lot of the things that I know that are addressed by legislatures right across Canada in trying to accommodate the people that are involved with recreation and fitness in their lifeline, their livelihood, I mean, I should say.

The recreational trails that would be designated here in Manitoba would be reasonably clear and designated by the Manitoba Recreational Trails Association or another non-profit organization designated in the regulations in regard to where the trail is. Granted, Mr. Speaker, it deals with the liability that owners have on where the trail goes through private property. I think that it is a good piece of legislation in the sense that it does outline the exact responsibilities.

The person that does have a trail going through their private property does have the responsibility to

make sure that he or she does not litter that trail with something that could be obstructive and could cause some sort of harm to the person that is travelling or walking through that particular area. So it does set up parameters of reference that they have to abide by, which is good, and I think that it is something that we feel that we want to support on that.

With that, Mr. Speaker, I will let one of my other colleagues here that wants to put a few words on record speak, as we are moving on to somebody else here who wants to speak. Time.

Mr. David Faurichou (Portage la Prairie): I, too, would like to participate in the debate on second reading of Bill 5, pardon me Bill 3, The Recreational Trail Property Owners Protection Act. I do want to speak in support of the legislation. I believe this is necessary legislation that provides guidance and definition to the liabilities of property owners. Speaking from personal experience, we have set aside undisturbed wild lands along the Rat Creek in Portage la Prairie for just this specific purpose, so that persons can experience the undisturbed wild lands as nature provided and spend time observing nature and quell sometimes the stresses and frustrations that each and every one of us face in our everyday lives, to experience the quiet and soothing times that Mother Nature can afford us in areas that are away and off the beaten path and buffer us from the trials and tribulations that we face as we go through life.

Mr. Speaker, I truly support Bill 5. I look forward to—Bill 3, sorry, going on to committee. The public will have opportunity to comment further on this legislation, but I would like very much to see the government call committee and see this legislation move through the legislation process so that it can once again be entertained within the Chamber for third and final reading, as well as Royal Assent. Thank you very much.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 3, The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended).

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

Bill 6—The Real Property Amendment Act

Mr. Speaker: Now we will move on to Bill 6, The Real Property Amendment Act, standing in the name of the honourable Member for Fort Whyte (Mr. Loewen).

What is the will of the House? Stand?

An Honourable Member: Stand.

Mr. Speaker: Okay, the honourable Member for Fort Whyte, to speak.

Mr. John Loewen (Fort Whyte): I do appreciate the opportunity to put a few words on the record regarding Bill 6, The Real Property Amendment Act. In reviewing this bill, it seems that it certainly offers up some valuable amendments in terms of simplifying some of the processes in bringing the legislation in Manitoba more up to date and more consistent with what we see in other provincial jurisdictions, particularly across western Canada.

I do not have any particular disagreement with this bill. It certainly will allow individuals who are party to a registered mortgage to make some adjustments to that mortgage without any undue requirements in terms of reregistering the mortgage or the encumbrance. Also, I note that it certainly does allow discretion for individuals who are not resident in the province of Manitoba to receive more information than the present act requires.

* (15:30)

I understand considerable consultation has gone on in the preparation of this bill. Although I understand there are some issues that the surveyors have indicated their displeasure with, the consultations undertaken by the department with the financial institutions and the bar association and realtors will have shown acceptance.

I believe it is appropriate at this time to move this bill on to committee. Hopefully, the land surveyors will come to committee and make a case for any objections that they might have to this bill, which, hopefully, the minister will take note of and keep an open mind to possible suggestions that may be made in committee in terms of enhancing this bill further and still accomplishing what the minister has set out to do within this bill.

So, having said that, I know there are other members that would like to put some words on the record regarding Bill 6, and then we will look forward to taking this bill to committee and hearing what the public has to say before giving further opinion on this legislation. Thank you.

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, as it pertains to debate in second reading for Bill 6, The Real Property Amendment Act, I stand in support of the amendments as proposed. It does, indeed, streamline the mechanism in which one can register a mortgage.

It has been suggested that a streamlining and more user-friendly process be established so that the re-registering at the land office properties for minor encumbrances that currently do require a full-fledged registration process will now be able to be slightly amended, or be amended, and without the costly and time consuming process of re-registration.

I will say that this legislation is one that mirrors legislation already in place in British Columbia, Alberta and Saskatchewan. I am glad that the government—although it has taken its time to recognize that consistency between western jurisdictions is important so that developers and others can have the same process and be familiar with operations in the various jurisdictions without having to re-school them in the process in Manitoba. So having this legislation brought forward today does improve the situation by bringing consistency and a familiar process that persons operating within the realtor sector will be able to have understanding of the process and be able to work more efficiently.

It also recognizes in the bill that persons do move out of the jurisdiction of Manitoba, and that this legislation will now provide for allowances that persons that own property here in Manitoba, just because they have now a permanent residence outside of Manitoba, they will have the benefit of being contacted as it pertains to any encumbrances or any actions taken involving property which they own.

So, Mr. Speaker, I believe that this legislation is long overdue. I support the legislation, and I very much look forward to the government showing some action regarding this legislation by calling committee as soon as this bill is passed through second reading of this Assembly. Thank you very much.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I, too, just want to put a few words on the record. It is a bill in principle which we can be quite supportive of. When you do a quick read through of it, you find that it is very much on the line of making things a little bit more consumer friendly. That is a positive step forward whenever we see that happen.

In essence, it provides for an amending agreement, if you like, after you have first registered your mortgage. We all know there is a great deal of effort and cost, to a certain degree, in terms of registering a mortgage in the first place, as opposed to having to incur additional costs of de-registering and so forth. It allows for amending an agreement which makes things a little bit easier.

We also recognize that it deals with the issue regarding the power of sale and foreclosures. I think it brings some clarity to the issue in terms of the amending agreements, I am sorry, in regard to clarity of the procedures for appealing.

With those few words, we are quite prepared to see it go to committee. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 6, The Real Property Amendment Act.

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

Bill 7—The Personal Investigations Amendment Act

Mr. Speaker: We will now move to Bill 7, The Personal Investigations Amendment Act, standing in the name of the honourable Member for Fort Whyte (Mr. Loewen).

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

An Honourable Member: No

Mr. Speaker: No. It has been denied.

Mr. Gerald Hawranik (Lac du Bonnet): I am very pleased to be able to put a few remarks on the record

on behalf of the constituents of Lac du Bonnet with respect to The Personal Investigations Amendment Act. From what I can tell, by and large, the financial industry and the consumer groups have welcomed these changes. They have been consulted, from what I can tell. They seem to have embraced the terms in the act, but having said that though, Mr. Speaker, I think there is room for improvement in the legislation.

Mr. Conrad Santos, Deputy Speaker, in the Chair

The bill involves the modernization of the act, particularly as it relates to consents that are required before personal investigations are conducted. One of the things the bill does permit is electronic consent. I think that is an important part of the legislation because those in rural Manitoba do not always live close to their financial institution, and if there is some way of making it more convenient for people in rural Manitoba, particularly those who live a distance from their financial institution and particularly when they are applying for credit or loans at their credit union or bank, if there is some way of making it easier for them, I am all in favour of that. One way of doing it, of course, is electronically. Most people have Internet services within their community, within their homes at this point, in most of rural Manitoba. I can tell you that particular provision would have support in rural Manitoba.

My concern about consents, first of all though, is that will they draw it. Will the financial institution taking the consent for financial information, will they draw that properly to the attention of an applicant? I have seen some of the consents that have been signed by individuals who are applying for credit in financial institutions. I can tell you that sometimes you not only need a magnifying glass to read the consent form, but you might even need a microscope to read it. That is my concern, more so than modernizing the consent process, and have they been explained the consent properly by the financial institution. That is again a concern that I have, including all of the ramifications, before they do sign the consent form.

I have seen, time and time again, in my practice as a lawyer in rural Manitoba, people come to me. I will give you some examples, Mr. Deputy Speaker, as to how they have a misconception of what they signed. I have had individuals come to me at various times showing me a vehicle lease they signed, for

instance. I think most of us here in this Chamber have seen vehicle leases and the complexities of those leases and the fact that there is a great deal of small print including the front and back of the document. They tell me they thought they bought this vehicle where, in fact, they were leasing a vehicle. They made that kind of mistake. That is my concern about creating legislation which does not really deal with the root of the problem in my opinion, and that is that we have to explain those kinds of financial transactions that people get into on a day-to-day basis. People have to know what they are signing before they sign it. Sometimes salespeople, sometimes people who work in financial institutions do not bother and do not take the time, do not explain all the ramifications and all of the small print within the document.

* (15:40)

Another example, Mr. Deputy Speaker, I can tell you of is there are a number of people who came into my office and explained to me that they thought that they purchased a piece of property and that they actually owned it 52 weeks of the year. When you look at the document, you can understand why they have that misconception when you look through the entire document and read through it all, and to their astonishment when you explain that in fact they do not own the property, they own a piece of it. They own a timeshare, say a one-week or two-week period within the year.

I have even had people come to me as their solicitor and ask me about a document that they were not quite sure of before they signed. Yet they still signed it, and there are a number of people who have signed life leases who in fact thought that they were purchasing the property as well. So those kinds of mistakes, those kinds of things happen because of the complexities of our society and because of the complexities of our financial institutions and so on. So those kinds of things happen, and I believe that we ought to do more to ensure that people are aware of exactly what they do sign and they are explained the ramifications of what is in the document.

One way of doing that, Mr. Deputy Speaker, and I would hope that the minister is listening to my argument because I believe that what we can do is to codify consent forms, make consent forms consistent throughout the province and not have different kinds of consent forms throughout the province and

developed by financial institutions in a different manner and with different terms. I believe that it can be codified. There are a number of examples throughout Manitoba, throughout legislation where we have codified documents, and then there should be absolutely no excuse in terms of people understanding what they are signing before they sign it.

I will give you some examples. Under the Residential Tenancies provisions, the Residential Tenancies lease is codified. That can be used by a landlord and a tenant to ensure that the document is consistent, whether or not they are leasing in the city of Winnipeg or whether they are leasing in the city of Brandon or any rural community throughout this province. There are also the applications for rent increases and rent rollbacks. Those are all codified, Mr. Deputy Speaker, so it prevents confusion.

Land Titles documents: Most Land Titles documents are codified so that people understand when they see a transfer of land they know exactly what it is going to do without reading the fine print. They know exactly what that document is going to do. That includes transmission applications, mortgages. Mortgages are codified in terms of form and content within the Land Titles Office so that they understand, so that consumers understand after they sign the mortgage document itself that they understand the obligation. They understand the interest rate. They understand the term and the amortization and the payment and so on. So all those kinds of things are codified today, caveats, mortgage sale documents. All of those documents are codified.

Corporate documents, in terms of disclosure requirements when borrowing money by large corporations, those are, in fact, codified as well. There are many other examples, and I only give you a few to illustrate the fact that there are documents now within our system that are codified. What that does is to create a consistent level of understanding, consistent documents that people understand exactly what they are signing.

In terms of the consents that are going to be required under this legislation, I believe that the minister should consider codifying consents for investigations so that people know exactly what they are getting into before they sign it, Mr. Deputy Speaker, even if the individual taking the consent does not fully explain the consent, does not fully explain the ramifications of signing it and does not

fully explain the fine print including the back of the document.

The other part of this bill eliminates conflict with federal privacy legislation so that it requires that an individual who applies for credit is given 10 days written notice of a personal investigation being conducted of them. I think this is an important part of the legislation, Mr. Deputy Speaker, because this gives 10 days notice and it gives a chance for an individual to stop the process of investigation in case a mistake was made, and mistakes are made in these kinds of situations. So it gives them a chance to, in fact, dispute whether or not a personal investigation should occur, and it gives them a chance to dispute the invasion of possible privacy where a consent was not properly given, so I think that is an important part of this particular piece of legislation.

Another provision in this bill provides that, in terms of bankruptcy, the number of years for reporting adverse information on personal credit card reports is reduced to 6 years from a period of 14 years, provided that the individual has gone bankrupt only once, and afterwards there is no time limit. This change is consistent with what happens in other western provinces. The first-time bankrupt, it is a little more flexible, it is less harsh, mistakes should and can be, in my view, mistakes, in terms of bankruptcy and the way people manage their money and the way they conduct their businesses, mistakes sometimes are made, particularly the first time.

I can tell you, Mr. Deputy Speaker, it may not be their fault that they are bankrupt. It may be circumstances beyond their control, such as, perhaps, the economic policy of this government, in terms of how they deal with the economy in this province, and it may, in fact, have caused the individual to go bankrupt because of that, so it may be beyond their control. Bankruptcy has horrible consequences to the quality of life of individuals, in terms of their ability to come back, their ability to be able to deal with their personal lives and financial condition.

Mr. Deputy Speaker, I think what has to be done, too, is there have to be consequences to credit reporting agencies in the event that they hold that adverse credit information beyond the six-year period, as suggested in the case of a first-time bankrupt. Sometimes credit agencies, and I have had the personal experience as a lawyer acting on behalf of individuals before with credit, credit agencies

sometime use that as a lever, that they are not going to delete adverse information from their records unless they get paid a certain amount of money or they collect a debt. It is almost like a threat, and there has to be some provision, I believe, in the legislation, which will bring some consequences to the institution, to the reporting agency, in the event that they do not delete that adverse financial information that was held for the last six years in the event that there is a first-time bankrupt.

With those brief words, Mr. Speaker, with that brief debate, I would like to conclude my debate, except to indicate to the minister that we are prepared to move this bill to committee. I hope that the minister listens to the presenters that are going to come forward at the committee, that he listens to the industry representatives that will be coming forward, the financial industry and he listens to the consumer groups and that, in fact, he listens to my debate in terms of codification, because I think that is an important aspect to this legislation that would improve the legislation and it would ensure that there is an understanding by consumers as to what, exactly, they are signing before they do sign it.

Mr. David Faurichou (Portage la Prairie): I rise to participate in second reading debate as it pertains to Bill 7, The Personal Investigations Amendment Act. This proposed legislation does indeed bring forth harmonization in text to legislation that is similar in the province of Manitoba as is the federal legislation, and it is very important that we do recognize similar text so that there is no confusion when dealing with this very, very important matter of personal information.

*(15:50)

The proposed legislation does, indeed, bring forward the concerns of various organizations and agencies. I understand that the Department of Finance, which has the responsibility of Consumer and Corporate Affairs, did consult with the Canadian Bankers Association, the Canadian Credit Union Association, the Consumers' Association, Brandon Chamber of Commerce and the Winnipeg Chamber of Commerce in putting forward the amendments to The Personal Investigations Amendment Act.

The very substantive change that this legislation calls for is a reduction in the number of years to which personal information is made available, from

14 years down to 6 years. This is in keeping with the current legislation in other western jurisdictions. I believe it is, again, as I stated for Bill 6, important that we are consistent with neighbouring jurisdictions because there are numerous individuals, businesses and agencies that have responsibility in operations in multijurisdictions. And for them to continue to reschool themselves in their operations from jurisdiction to jurisdiction, I think, is not cost-effective and, in this age of reduced margins, it is very important that we are consistent from jurisdiction to jurisdiction so that interjurisdictional operating agencies, firms and organizations are able to operate and understand the legislation as it pertains to them.

Also, too, this legislation does provide for use of electronic information between government agencies. I know that the use of electronic mail and notification is used in everyday operations, has become normal practice. However, it is very important that we verify the recipient of personal information and currently that technology, although it does exist, has yet to be proven, that the recipient is, indeed, the individual which is logged on. So this legislation does not provide for electronic transmission of information to individuals, but it does provide the ability to transfer information between government branches from different government levels. So it does expedite the communication of information between governments. So I am pleased to see that that is taking place.

Also, it is interesting to note that The Personal Investigations Act is not gender-neutral. It is legislation currently written in one gender and this amendment does change that. I hope that this will be the last piece of legislation that has to deal with gender-neutral legislation, because, as a newcomer to this Legislative Assembly, I would hope that that would be normal practice, to recognize that both male and female participation in society is equal and regarded by this Assembly as important.

I have heard from colleagues in the Assembly that perhaps I am not as new to this Chamber as some. I do recognize that I actually have now exceeded the average tenure of an MLA in this Assembly, being six and a half years. I have now exceeded seven in my service to Portage la Prairie as my community's member of the Legislative Assembly. I truly remain in awe of the responsibility charged to myself to enter this magnificent building,

representing a community that I am very proud of, and I remain truly humbled and honoured to have that ability and responsibility.

So, Mr. Speaker, having said those few words pertaining to Bill 7, The Personal Investigations Amendment Act, I support its passage of the second reading so that it may be passed on to committee so the public can have their say as it pertains to this bill. Thank you very much.

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, I, too, want to put some words on the record before Bill 7, The Personal Investigations Amendment Act, passes to committee. It is one of those bills, again, which I think we can be fairly supportive of, particularly in going into committee.

I did get a chance to chat with one of my constituents, and he had indicated that it is nice to, in essence, see a bill of this nature address an important issue that affects many Manitobans, that issue being that of bankruptcy. The idea of reducing from 14 to 6 years in terms of reporting, I think, is a positive. I have always argued the only real failure is those that fail to ever try. Someone has an idea and sometimes things, for a wide variety of reasons, do not work out the way they had initially hoped and planned and, quite frankly, dreamed about making it happen. Unfortunately, businesses fall to the wayside and bankruptcy occurs. We see this particular legislation dealing with those that have had bad luck at least on one occasion, that we be a little bit more sympathetic to that. Therefore, seeing the reduction is a positive thing.

The other comment that I want to make reference to, I believe it was the member from Lac du Bonnet who commented in regard to that small print on financial documents. I have always been amazed, Mr. Speaker, to what degree a font can actually be reduced, and with the assistance of a magnifying glass, be able to read. It is something which all of us can be somewhat sympathetic to when, whether it is purchasing a vehicle or going for a mortgage document or whatever it might be, you are given this lengthy document, and they kind of turn it around and say, "Okay, here is where you sign on these three or four spots." And then all of a sudden you are expected to do what?

I have not seen someone actually take the document, sit down, and if they actually read every

word, it would probably take them quite a while. The loans officer or mortgage officer or whoever it might be would have to be a very patient person as every word is, in fact, read. I do not think that we are naïve to believe that, in fact, every contract, every word is, in fact, read. There is an element of trust that is there, and we have to do what we can to ensure as much as possible that trust is not necessarily taken for granted, that there are some things that we can do.

Mr. Speaker in the Chair

I personally think that the federal Personal Information Protection and Electronic Documents Act is a positive piece of federal legislation. I understand, and as someone has quite accurately pointed out, it does not go far enough. With all the changes, and I note Bill 204 without citing any names, as one of those bills that even goes further, will fill some of those gaps in terms of the issue of privacy legislation.

I think all of us are very much aware of just how much technology and how small fonts can get and the importance of signed agreements in that we have to do what we can to protect the consumer and the individual, Mr. Speaker. I see this as fairly minor, gender-neutral housekeeping change in some areas. To others, dealing with the reduction from 14 years to 6 years, as I say, generally are positive things. There is always room for more. We anticipate the government at some point in time will want even to do more.

With those few words, Mr. Speaker, we are prepared to see the bill go to committee. Thank you.

* (16:00)

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 7, The Personal Investigations Amendment Act.

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

Bill 8—The Manitoba Council on Aging Act

Mr. Speaker: Now we will move to Bill 8, The Manitoba Council on Aging Act, standing in the

name of the honourable Member for Morris (Mrs. Taillieu).

What is the will of the House? To remain standing?

Some Honourable Members: Stand.

Mr. Speaker: Stand? Okay. It has been agreed to.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I am pleased to put a few comments on the record on Bill 8, The Manitoba Council on Aging Act, which will entrench the Manitoba Council on Aging into legislation.

The Manitoba Council on Aging serves as an important role as it acts as an adviser to the Minister responsible for Seniors (Ms. Oswald). I would point out, though, Mr. Speaker, that the Manitoba Council on Aging has been in place for 25 years and it has worked very well. Now with the legislation, I certainly hope that the government is going to take more seriously the information that is being put forward by seniors and that the minister does not just talk to seniors, but actually does listen to their advice and act on their advice.

We have certainly seen in a number of situations, whether it is the pension, whether it is Pharmacare deductibles, or any number of other issues where this government has purported to talk to seniors, but has actually ended up punishing them rather than actually heeding their advice and concern.

Certainly, the Manitoba Society of Seniors is to be commended for their ongoing advocacy of trying to move issues forward that would be beneficial for their members and trying to advocate on behalf of their members. Unfortunately, we found that the NDP government is not always listening to them and acting on their advice.

While I support the bill, Mr. Speaker, because it does ensure enhanced input from seniors, and I think that is important. I think we should always be talking to our communities and our stakeholders out there. I would like to outline how contrary, though, a number of NDP policies are to this specific legislation.

The first one I will talk about, Mr. Speaker, is the Pharmacare issue because, under the Doer

government, Pharmacare deductibles had increased 5 percent every year for the last four years and it is now at 20 percent higher than what it was when they formed government, contrary to the Minister of Health at that time indicating that this was not anything that they were going to be doing. They have certainly gone down that road of increasing Pharmacare deductibles.

Of course, seniors are amongst the most impacted by this hike to their Pharmacare deductibles, and in many cases, according to the Manitoba Society of Seniors, they have been pushed into a corner of having to make the difficult decisions of choosing between milk or medicine. Many seniors that are on a fixed income are the most seriously affected by this NDP policy. It certainly punishes them because there are a number of seniors that are struggling just to survive.

Between various increasing costs out there, this is the one cost where they maybe have a bit of latitude compared to having to pay property taxes or something else like that where they cannot have any latitude. This is the one place where, between food or medicine, they will end up having to cut back in order to have adequate funds for their fixed costs. So it certainly penalizes seniors through the back door. As much as Manitoba Society of Seniors came forward strongly saying that this was going to hurt seniors, the NDP government never listened and slammed the door on them.

Orthopedic waiting lists are another absolutely huge concern in my view. While it took this government a long time to act on the waiting list for cardiac surgery or the ER deaths, the government after all of those made front page news, they certainly acted. However, as much as those were crises in their own way, the orthopedic situation is going to be a worse crisis in many ways because it is going to be something that is going to affect many, many thousands of people. I think orthopedic patients are paying a horrible price for a health care system that is failing them, and for an NDP government that is failing them. Through their lack of initiative and ignoring warnings on orthopedic surgeries they have basically put in place a crisis that is going to continue to grow, and it is going to become more and more difficult to address this NDP-created crisis.

With our aging population we are going to see increasing arthritis and with increasing arthritis we

are going to see an increasing need for hip and knee replacement surgeries. This government has been negligent in dealing with this particular issue, and I say that because, although we have the former Minister of Health who has run around saying many times that they have added more surgeries to the system, they are doing more hips and knees, we actually find out that the Minister of Health has been misleading in his comments, because as much as he said that year after year, the Winnipeg Regional Health Authority has indicated, in fact, it was their vice-president of medicine who said that they have not added a single additional hip or knee replacement to its budget. These were comments that came in January of this year.

So despite the fact a lot of warning was given to this government—and I would like to add here as just a sidebar, Mr. Speaker, that it is unfortunate that, when it comes to health care, the only time this government does act is when there is a crisis that hits the front page of the paper, as we saw with cardiac patients on waiting lists being bumped numerous times, some up to five and six times, where we saw 11 patients die before this government did anything. This government had warnings. They heard warnings that the system was crumbling and they chose to ignore those warnings. Those red flags went up long before that first patient died and this government did nothing. This government also had warnings and red flags go up on the ER situation and they did nothing until patients started to die and mothers started to miscarry in the emergency before this government did anything to address those situations.

Here was another one with the hips and knees. While they are saying they were doing more, they, in fact, were misleading and were not doing more. The Winnipeg Regional Health Authority has said that they have not been able to add a single additional hip or knee replacement to its budget despite a warning four years ago that demand in the province would rise by as much as 80 percent. The average wait for non-emergency joint replacements is currently about nine months, but we know many patients who are waiting two and three years for what their doctors call urgent surgery.

So can you imagine, Mr. Speaker, being in that kind of pain, to be classified as urgent, and yet they are waiting three years for action by this government to address the orthopedic waiting list? It was not until a leaked report came forward and this government was confronted with one of their own

reports of four years ago did they start to do anything. Well, why do leaked reports always have to come forward? Why do they not listen to good advice that they have been given time and time again and act on it before a crisis emerges? This government has a tendency to wait for the crises.

* (16:10)

Mr. Speaker, the 2001 orthopedic feasibility study projected that Manitoba would need to increase the number of hip and knee replacements it does by at least 500 and possibly as much as 1680 by this year. They knew that in 2001 and yet, according to the vice-president of medicine at the WRHA, they did not add a single surgery in any of those years and kept their numbers at 2100 surgeries. So they sat on this I think damning report because it is showing what this government has not done. They certainly had ample warning and they ignored it. They put it on a shelf. They let it gather dust and they did nothing. Now we have got 1200 patients waiting and, in fact, probably more for hip and knee surgery in this province. In fact, the waiting list in Winnipeg soared 224 percent from 431 in July of '01 to about 1400 patients last year, so much for a government that likes to crow about the good things they are doing and how they are controlling waiting lists in their province.

Mr. Speaker, what we can see is a sad situation where we have got patients in incredible pain, some of them having to quit their jobs, some of them becoming totally immobile, some that are restricted to their homes because they cannot move, some in wheelchairs. It goes on and on, not to mention the fact that they cannot hold their grandchildren, they cannot go for walks with their spouses, they cannot go for drives in their car just to get out of the house because they cannot stand the pain. Then, on top of all of that, we have got them taking all kinds of medications, probably many of them at their own expense.

So, while the government likes to crow about doing something effective in this area, this has been a dismal failure on behalf of this government, a failure of caring for our seniors in this province. It is Brock Wright, the vice-president of the Winnipeg Regional Health Authority, who said more money was invested in the system but it did not buy additional surgeries. So it is disconcerting when you have the medical professionals out there telling the

truth and the Minister of Health (Mr. Sale) is running around misleading Manitobans.

The NDP should have taken this report, this 2001 orthopedic feasibility study, much, much more seriously. They should have looked at it, and over the last four years certainly looked at what they could do to address this problem rather than just pouring more and more money into the system and more and more money. They have added a billion and a half dollars into health care, and it has not bought any more orthopedic surgeries in this province. It has not bought any more pediatric dental surgeries. We see surgical numbers in different areas dropping rather than increasing at a time when they should be increasing. So we have got a government that is moving from crisis to crisis in health care, and I have to say that some of these crises are of their own making. Unfortunately, it is the orthopedic patients that are paying a horrible price for this government's inability to manage the health care system.

So I would certainly urge the Minister of Health to wake up. I wish, too, that what this government might have done is paid more attention and had an honest look at that 2001 orthopedic feasibility study. Rather, we have the Minister of Health running around pumping up those numbers, saying that he has done 2700 when, in fact, he was caught in that misleading statement because even the WRHA said that the minister was providing false numbers because he was including partial replacements. It certainly pumped up the numbers and made it look better but, in fact, was actually very misleading.

What a disservice to seniors, Mr. Speaker, seniors who are the ones in this incredible pain, and yet we have got a minister much more worried about protecting his backside than actually being the type of minister to be accountable and transparent in the information he provides. But this is very typical NDP behaviour because when they cannot defend their actions, they fudge numbers to make things look better. We have seen that with hallway medicine. We have seen that with nursing vacancy numbers. Now we see it with the numbers that are being presented by the Minister of Health in relationship to the number of hip surgeries that were done.

I think it is shameful for the Minister of Health to be behaving that way. If they had paid just a little bit more attention to that report, we might have better outcomes right now for our seniors. Certainly,

their response was a pathetic response to an emerging crisis and, you know, I am livid about that, Mr. Speaker. I think that this government had a responsibility, and has a responsibility to seniors. Instead, when they knew a crisis was emerging in 2001, they let it become an actual crisis rather than dealing with it.

There was a gentleman, Bob Harris, who waited 14 months, and he reached the point of such frustration, he went to the media because he was told that he was going to have to wait 11 more months before he had both of his knees replaced. He is 67 years old. He was told that his knee problems were urgent in September of '03, and yet in January of this year he was told that his estimated surgery date was December of '05. This was a man with both knees giving him extreme pain. He was considered urgent by his doctor, and yet he was told he had to wait. He could not work. He could not exercise. He could barely get around. This man was told that he would have a much longer wait. He was frustrated by a system that has not done enough to keep up so that patients like him do not have to suffer.

That is certainly what we see with this government, Mr. Speaker, is a government that is not willing to look at some of the opportunities that are out there for them. You know, we have seen it in a number of areas. Rather than looking at innovation, they do let ideology get in their way. Rather than looking at some good initiatives that have been put before them, they slam the door shut on them and do not even want to meet with doctors out there that do have some solutions that they are willing to put forward.

The other day Senator Kirby was in town. Senator Kirby has been part of a Senate committee that studied the state of the medicare system for more than a year. He was in town making a presentation before a number of people from this community, and he said that governments have an obligation to buy health care services from the most efficient supplier as long as they meet quality standards. He said that that is not an endorsement for a private or a for-profit health care system, but one that will make sure Canadians get the most for their money. Quoting him, he said, "It is the only way to make the health care delivery system more efficient and its providers more productive."

It is interesting that in his comments Senator Kirby certainly did take a shot at this government. In

fact, it was one of the first words out of his month, because he did call on the Manitoba government to put their ideology aside and questioned why they would shut down and buy a private clinic, the Pan Am Clinic, and spend health care dollars on that, rather than buying services, why they would want to get into the business of buying bricks and mortar because that money, which has amounted to \$7 million now, with \$4 million in terms of buying the clinic, and then another \$3 million to fix it up, we could have seen an awful lot of good come out of that. That would have bought a few, you know, several CT scanners or it would have bought more surgeries. It certainly would have paid for more orthopedic surgeries.

It was quite distressing to hear our Health Minister (Mr. Sale) dismiss Senator Kirby's suggestions, saying that there is no evidence a mix of public and private clinics would increase efficiencies or decrease costs. We have a Minister of Health that is so willing to put blinders on and to go out making dumb statements like that when every industrialized country in the world has a mix of publicly funded private clinics. We rank out there with Cuba, Korea and Canada in terms of sticking to some very strict ideology that hurts patients. I suppose until somebody in the government actually is afflicted with some health care problem, where they are going to have to be on a wait this long, I guess maybe then we will see some action from this government.

But very distressing to see a government that is much more willing to put the ideological blinders on and to run around fearmongering and actually putting misinformation on the record because, despite the fact when we talk about publicly funded private clinics, nobody is talking about, you know, people paying and jumping the queue. The only people that are talking about it is the fearmongering that is going on with the NDP, because there are many successes in many countries where you have publicly funded private clinics, and they do work very well. We have got a government that looks at one small study done here in Manitoba and then takes that one study and pretends like it is the be-all and end-all in terms of talking about this situation.

What we are talking about is adding more capacity and finding some efficiencies in the system. Instead, what we have is a government that comes in and immediately puts forward Bill 25 to prevent overnight stays in a clinic. What happens if a patient

has surgery in a private clinic, starts to bleed and needs to be left in, or their blood pressure drops dramatically, or they are having some bad effects from the anesthesia? But what do you do with this clinic? You have got to take this patient that is already in trouble, put him in an ambulance and send him to a hospital rather than allowing him a few more hours in a private clinic to recuperate before sending him home. Well, that is pretty dumb in terms of looking at efficiencies, but also it is hurtful and harmful, potentially harmful to patients.

Instead, we have got a government that is running around, trying to make it sound like private clinics are the bogeymen in the system, when in fact, a lot of the other provinces, Québec being the one that is certainly foremost out there, and everybody is turning their back to what is going on in Québec with the proliferation of private clinics.

We have got our Premier (Mr. Doer) that buddy-buddies up with the Premier of Québec, and they go to all their premiers' meetings. They are best buddies there, and I wish that our Premier would open his mind to some discussion with Premier Charest and look at some of the successes they are having there where they are dealing with waiting lists. Our waiting lists are only going to continue to grow, because, as we have an aging population, one of the highest aging populations in the country, we are really going to run into some serious problems. It is not we as legislators as much as it is going to be the patients in this province that are going to suffer for some very, very bad government policy.

Then you have got the Health Minister saying the evidence is against what Senator Kirby was saying. What an insult to Senator Kirby, to Doctor Keon, who is the head of the Heart Institute who was part of this. These were some very, very talented people that consulted across the country and I think did far more research and homework on this subject than this NDP government ever has done.

This government does not even want to look at what is happening in other countries. Even though Canada's health care system is rated 29th, all they can do is pretend like the big bogeyman is the United States who is rated 37th by the World Health Organization. Well, who wants to compare us to the United States? We are 29th. Let us look at other countries that are doing better than us and try to find out what is good in those countries.

You cannot replicate what is happening in other countries because you do have to look at what would work in your own province, but for heaven's sakes, the way this government is going, you would think that everybody else was doing worse, and we were right up there being the best. Unfortunately, that is far, far from accurate, and we are seeing it with the orthopedic cases. We are seeing it with the orthopedic cases that are before us.

Then we have our Premier that goes to Toronto, and when he thinks nobody in Manitoba reads the *National Post*, he comments to the editorial board in the *National Post* that, oh, he supports private clinics. He supports finding better ways to treat patients, and if they are on long waiting lists, then, yes, we should send them to private clinics.

Well, why was it okay when he formed government to send patients who are waiting for cancer treatment, radiation treatment, why was it acceptable then to send them to the United States to private clinics for treatment? But now we have orthopedic patients in a crisis, and it is not okay now. Where we have pediatric, 1200 kids, with excruciating dental decay and in incredible pain waiting for care, but it is not okay to send them to a private clinic.

None of that makes sense, and yet here we have a government, a Premier (Mr. Doer) that can talk one way in Toronto, and he comes back here and he is back to being the labour leader here and does not want his union buddies, his labour leader buddies to hear what he said in Toronto. Well, I have a funny feeling some of them probably read the *National Post* and are quite well aware that he is talking out of both sides of his mouth as the chameleon that he is.

Then we have the Minister of Health (Mr. Sale) having the gall to actually say after Senator Kirby's statements, and I quote, "Do you want to have your heart operated on by the guy who puts in the lowest bid?" Well, that is absolutely ridiculous. It is fear-mongering. The Minister of Health knows darn well that heart surgeries are not done in private clinics and it is not out in a bidding war, but it is the typical fear-mongering that this government is becoming very, very well known for.

Senator Kirby also cited a recent Environics poll which he said showed that 66 percent of Canadians approved of having for-profit facilities deliver

publicly funded health care services. So, while the NDP and the Premier and the Minister of Health will try to twist that, what these people are saying is, "Help us. Please help us. Publicly funded private clinics, if they will help us, please allow them to be used." Instead, we have the arrogance of a government that refuses to move down that way.

Another issue that I think is severely affecting seniors is the issue of hallway medicine, where we have an NDP government in the 1999 election promising to end hallway medicine in six months with \$15 million. Well, here we are many, many years later, almost six years later. Their quick-fix solutions did not help, and then they try to pretzelize what they actually said, make it a little bit, "Well, I did not really say that; people misunderstood me. Well, this is really how it was," when, in fact, there really were no ifs, ands or buts about it. It is in black and white on their own documents that said they were going to do it. Well, another failure by this NDP government because the problem has not been resolved.

What is more, we have got some seniors that are actually dying in ER hallways, palliative care patients that are having medication delivered to them during an Easter weekend on a stretcher in a hallway, or, in one case in a hospital, that dying patient moved into the waiting room because there were no more stretcher places in the hall. When we see elderly patients receiving that kind of care from a government that promised them more, shame on a government that is certainly willing to try to buy votes any way they can get them. Say whatever they want before an election, as they did with passing legislation for special needs children just days before an election. Run out there and try to tell people that you are doing this when it is a very, very deceptive way of putting your position forward and very misleading to the public.

The pension issue is another one. Certainly, we, in opposition, and many Manitobans pushed the NDP government to make a substantive pension policy shift and finally they agreed, but because they were embarrassed into it, I do not think they truly wanted to do it, but they agreed to do it. Certainly, it was because of the pressure of our member from Springfield that forced policy changes in this government regarding unlocking of pensions. Certainly, there is a number of seniors and a number of women seniors that wanted this to happen so that

they do not have to suffer so much, that they would have an opportunity to access more income if they needed it as they aged.

* (16:30)

Another area where this government, as much as they are talking about establishing formally a Manitoba Council on Aging, perhaps they might want to listen to a lot of the seniors out there that are asking this government to address the issue of property taxes. As I have indicated before to the Minister of Education (Mr. Bjornson), we are going to see one mother of a tax bill next year, and the Minister of Education does not seem to want to address this issue. He floundered around with his answer in concurrence, and all we are asking this government to do is address this issue. Where we are seeing property assessments going up 23 percent next year, what is this government going to do to address the issue of what this is going to do to people that have to fund education off their property taxes?

Mr. Speaker: Order. The honourable member's time has expired. When this matter—

Some Honourable Members: Oh, Oh.

Mr. Speaker: Order. When this matter is again before the House, it will remain standing in the name of the honourable Member for Morris (Mrs. Taillieu), as previously agreed.

DEBATE ON REPORT STAGE AMENDMENTS

Bill 22—The Water Protection Act

Mr. Speaker: As previously agreed, the hour is 4:30, and we had agreed that we would move on to Bill 22, The Water Protection Act.

There are two amendments, moved by the honourable Member for River Heights (Mr. Gerrard) and the first amendment is to clause 2(2), standing in the name of the honourable Member for Ste. Rose (Mr. Cummings).

What is the will of the House? Stand?

Some Honourable Members: Stand.

Mr. Speaker: Okay, it will remain standing in the name of the honourable Member for Ste. Rose.

Any speakers to the amendment? *[interjection]*
Okay, I will give a second here.

An Honourable Member: Which number are you on, Sir?

Mr. Speaker: Clause 2(2), The Water Protection Act.

Okay. The honourable Member for Ste. Rose wishes to speak, so it will not remain standing in the name of the honourable Member for Ste. Rose. The honourable Member for Ste. Rose will speak.

Mr. Glen Cummings (Ste. Rose): Thank you, Mr. Speaker, and thank you for your indulgence. With this number of amendments, one has to get their paper organized, and I am probably the least capable of doing that in this Chamber.

This topic of no net loss of wetlands strikes me as being an issue that all members of this Chamber need to discuss and have an understanding of regardless of whether or not this ends up becoming an integrated part of this bill or not. There is a principle at stake here that I suggest this bill does not necessarily deal with appropriately. It is very easy to say, as this amendment does, and I am not going to deride the amendment, but this is sort of like the precautionary clause in a number of environmental pieces of legislation or environmental writings where, when you talk about the precautionary clause, you say, well, if we are not sure what is going to happen, then we better not do anything or allow anything to happen in case it is in fact going to cause a detrimental situation. While I do not doubt the good intentions of the Leader of the Liberal Party in bringing forward this motion, perhaps it goes a little over the top in how we can best deal with protection of wetlands in this province.

There is another part of this bill that does talk about the protection of wetlands, Mr. Speaker, and that is the section that talks about the possibility of some compensation for land. Presumably, if I recall the clauses in the bill that talk about land that might be used or set aside or protected for riparian zones which would lead to water quality improvement, I just want to put it on the record that there are a number of people in rural Manitoba, I would say there were a number of people, a lot of people in rural Canada, particularly rural agricultural Canada, where there is competition between the agricultural

industry and those who are working for the care and protection of nature, if you will, to use the generic term, where we have not necessarily reached an understanding that, to a large degree we depend on the good will and the responsible actions of the people involved in agriculture.

I had an interesting conversation with one of my colleagues, recently as last evening, where one neighbour was doing everything he could to deepen potholes to make sure that there was adequate duck habitat, ended up selling that quarter to his other neighbour who had large machinery which needed room to get between these duck ponds or it was not of any value to him. As friends, they had to agree they both had different views of the environment. I would argue that neither one of them was wrong, but where there becomes a problem is that this is not necessarily taken in context as part of the whole and particularly in this bill.

That is where I want to put some caution on the record. In the context of this bill, to talk about no net loss does not necessarily lend itself in the most appropriate way to the protection of water quality. No net loss is usually referred to in terms of habitat. It is usually referred to in terms of quality of habitat, accumulation of habitat in adjacent areas so it is of the most benefit to the affected species that perhaps we are talking about.

When you take all of that into consideration, there are other parts in this bill that we would like to see greater strength and importance given to. That is relative to the protection of set-aside where in the agricultural community, there is a view that there is some land out there that has been put under the plough, if you will, that perhaps should not have been. I think all farmers who are wise enough to look at the big picture would admit that there are some acreages that are not as productive as they should be, and perhaps they should have been left in a non-productive state, which would have provided habitat and in the case of water protection might have provided for riparian areas.

They need to be part of a planned approach. The thing that is starting to draw a line in the sand between urban and agricultural citizens is that, and I have said it on the record before in this Chamber, many of the rural landowners who depend on the land for their productivity and for their livelihood know the right decisions that they have to make.

They also know that they have to pay bills at the end of the year, and occasionally they push the envelope further than they should. They would be quite prepared to set aside land for protection of riparian areas, but let us not have somebody from inside the Perimeter come out and talk about the environment that is out there on my land and possibly impede on my ability to earn a living, which is where many of the agricultural people would in fact be—pardon me for stepping away from the mike, Mr. Speaker—would probably impede their ability to make a living.

So, if you put that into context, there is a plan out there that has been put together by a number of people in the agricultural community and supported by the Keystone Agricultural Producers, supported I believe in principle by this government, supported certainly on this side of the House. That is where there would be a program that would provide some compensation or a purchase plan to set aside some fragile areas or to set aside some areas for green purposes.

* (16:40)

Certainly, I can recall a lot of people who are critical of livestock and the grazing function associated with raising ruminants, but the fact is that that land is less likely to be eroded, that you can set aside some of that land in a manner that is more protective, and it would provide the benefit that is being sought in a water quality improvement bill, which this one hopefully is.

So, with respect, Mr. Speaker, I want to be very clear that I am not deriding this amendment but I am suggesting that this issue is more appropriately dealt with in other parts of this bill, and that by strengthening other parts of the bill we will end up with what I consider a more appropriate regulatory regime that will benefit wildlife, that will benefit agriculture and will benefit water quality.

You know, there are a lot of us in the agricultural community who look to the south, and I know that we are occasionally critical of our American friends. We are critical of some of their major programs, agricultural programs, that is. There is one program the Americans have had for years that we in Canada have envied, and that is their agricultural set aside. They did it for economic reasons. They set aside land for economic reasons, saying that

we have overproduction, therefore we will take the land out of production, put it in grass set aside, and in some cases those grasslands are not even allowed to be harvested or cut, but they are available in case of a drought or an emergency. They will then allow them to be harvested, much the same as we do with some of our wildlife preserve areas.

The interesting thing that happens when some of that land is set aside, and I want to draw the comparison between that and what we might be able to do in a set-aside program, that could be enhanced and built up through the regulations of this bill if it was properly done, that there are people who love to hunt upland game on both sides of the border. We used to have a lot of American hunters who came up to participate in that sport on this side of the border. What is happening since the set-aside program took hold in North and South Dakota is that the Canadians are going down stateside.

So, by simple example, I think, Mr. Speaker, that demonstrates that you can enhance opportunity for wildlife, at the same time, dealing properly or conscientiously with the responsibility of looking after the land and, believe me, if you got a tract of land, and it could be several quarter sections set aside with grass on it that is two feet high, you have got a magnificent riparian area. If there is any kind of water that falls on it, it will be well cleaned before it flows into the stream. There is no possibility of other contaminants getting in there because that land is not being used for anything except habitat.

So, that aside, Mr. Speaker, having said that and not putting it aside would be a better way of referring to what I just said, I think we need to think about where we are going with this bill in that context. The best benefit that we can provide to water clarity is to improve riparian areas. But, if that riparian area takes out 35 acres southwest of 12, 14, 16, do I just donate that to the improvement of water quality in my area, or do I have a right to say to the society as a whole, "I am prepared to set that aside; I am prepared to fence it so that my livestock would not contribute to any kind of pollution on that waterway; I am prepared to do a lot of things; but I also have to be able to talk to my banker that I am still going to be able to pay the taxes on that land, that there is some benefit if I cannot afford to do it out of the goodness of my heart, is society prepared to make it so that it is a little bit easier for me to do it?" In fact, it may be, at least, a break-even situation.

There are other clauses in the bill, Mr. Speaker, that I think will appropriately address that conundrum and I would encourage us to think about those amendments. If you allow me 30 seconds to consult with my colleague, we will get on with the rest of this bill.

I yield the floor to my colleague.

Mr. Jack Penner (Emerson): I certainly want to echo some of the things that my colleague has said and, certainly, we must respect the fact—

Mr. Speaker: Order. I am sorry. The honourable member has already spoken to this amendment, and you cannot speak twice to the same amendment.

Mr. Leonard Derkach (Russell): Mr. Speaker, I think I am still alive in terms of being able to speak to this one, and I do have some comments that I want to express with regard to this amendment.

This is a typical amendment that has not been thought through very carefully because it is impossible to put in legislation an amendment of this nature that will simply guarantee to Manitobans that there will never be any net loss of wetlands as a result of this legislation or in any action that is taken by the activity of people on our landscape. It would be foolhardy for us to try to guarantee anything of this kind in legislation.

Mr. Speaker, I know the member is trying to do the right thing in terms of ensuring that we do have wetlands preserved in this province for the aquatic life that occupy these wetlands, but it is trying to be a little bit politically cute to try and appeal to all of those people who are concerned about these issues, to say that in legislation we will enshrine that there will never be any loss of wetlands. You can image the cost that would be associated with it.

For example, in the simple task of trying to provide adequate transportation routes in our province, and our highways have difficulty enough today trying to comply with environmental standards as they build the necessary roads we have through this province to get our commerce moving and to ensure that we are still viewed as a province that supports a healthy transportation system and to enable us as humans to be able to get our products to and from markets. Mr. Speaker, the minister of highways will tell you that one of the more significant challenges in trying to fund highways is

to try to anticipate what the environmental costs are going to be to mitigate against those areas which are impacted on when you build a highway through a particular area.

Now, if you go into my part of the world, Mr. Speaker, and to the east of the community I live in, we have what is known as pothole country. If you were to try to build a road through that country, you would find the cost would probably almost double to where you might build those same types of roads in southern Manitoba where you do not have potholes. You do not have a lot of potholes down in Winkler and Morden country. It has all been drained. It was drained at the turn of the century so there is a bit of difference.

The area east and north of where I live was all at one time termed to be very poor-quality land and not suitable for a lot of human activity, but now we found that there is, in fact, a tremendous value to it and this land does have some of the finest areas that should be preserved for wildlife and for tourism, as well as for aquatic life. Mr. Speaker, that is an area we try to protect as much as possible, but there are instances when you have to conduct human activity where it does impact on things like wetlands.

Mr. Speaker, I think it is naive for anybody to think that we could enshrine in legislation that there never would be a loss of wetlands, if you like, a net loss of wetlands, as a result of human activity in this province. For that reason, I, as one individual and as one MLA, am somewhat opposed to this kind of an amendment coming to this bill. Thank you.

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

Some Honourable Members: Question.

* (16:50)

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

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

The amendment has been defeated.

* * *

Mr. Speaker: Now we will move on to the subamendment to clause 21(1), standing in the name of the honourable Member for Selkirk (Mr. Dewar).

What is the will of the House? Stand?

Some Honourable Members: No.

Mr. Speaker: No?

What is the will of the House?

Is it to remain standing in the name of the honourable Member for Selkirk?

Some Honourable Members: No.

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

Hon. Jon Gerrard (River Heights): Mr. Speaker, I would ask for leave to withdraw this amendment because the Minister of Water Stewardship (Mr. Ashton) is putting in a replacement which will incorporate some of the concepts with the help of Jack Penner—

Some Honourable Members: The Member for Emerson.

Mr. Gerrard: Sorry, with the assistance of the Member for Emerson (Mr. Penner), and the Minister of Water Stewardship can come to a replacement which will substitute. So I will withdraw that amendment.

Mr. Speaker: For the information of all honourable members, the honourable Member for River Heights has stood up to withdraw the amendment, but we have to deal with the subamendment, and that was not moved by the honourable Member for River Heights. It was moved by the honourable Member

for Emerson (Mr. Penner). We have to deal with the subamendment first.

Mr. Penner: Thank you very much, Mr. Speaker.

Mr. Speaker: Not to speak to the amendment. You have already spoken to the subamendment.

An Honourable Member: And the requirement is that we withdraw that amendment, Mr. Speaker?

Mr. Speaker: Okay. So the honourable member is asking to withdraw the subamendment.

Is the House agreed? *[Agreed]*

Mr. Gerrard: I now request leave to withdraw the amendment.

Mr. Speaker: Does the honourable member have leave to withdraw the amendment to clause 21(1)? *[Agreed]*

Point of Order

Mr. Speaker: The honourable Minister of Water Stewardship, on a point of order?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, if I could—

Mr. Speaker: On a point of order?

Mr. Ashton: If I could, Mr. Speaker, I am rising to ask leave to move a substitute amendment. This follows from the two removals of the previous amendment and subamendment, and it is agreed to by all parties. So I am asking for leave to remove the amendment.

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

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

Mr. Cummings: Mr. Speaker, I just wanted to observe on the new-found harmony and co-operation in the House and observe that things are moving along quite well as long as we can keep the minister and the House leader in order.

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

Mr. Leonard Derkach (Official Opposition House Leader): On that same point of order, Mr. Speaker.

Mr. Speaker: Official Opposition House Leader, on the same point of order.

Mr. Derkach: Mr. Speaker, I just want to say that, to that same point of order, the reason there is harmony in this House right now is because, unfortunately, the minister did not get it right the first time, and members of the opposition have tried to make it right and finally were able to convince the minister that by bringing sub-sub-sub-sub-sub-amendments in we might finally get this legislation right at the end of the day.

Mr. Speaker: The honourable Minister of Water Stewardship, on the same point of order?

Mr. Ashton: On the same point of order, Mr. Speaker, and I suspect it is probably not a point of order, but I just want to indicate, and I will explain in more detail once we get into this, that, indeed, when good ideas come forward they should be considered. In this case, both the opposition critic and the Member for River Heights (Mr. Gerrard) came up with good ideas. I would say that any minister, any government, would want to listen to good ideas.

So what we are doing here, Mr. Speaker, may look a little bit procedurally complicated but, really, is taking two good ideas, combining them into one, and we may actually get some unanimity on this one, which is not always a bad thing.

Mr. Speaker: On the point of order raised by the honourable Member for Ste. Rose (Mr. Cummings), he does not have a point of order.

* * *

Mr. Speaker: Now I am going to put the question.

Does the honourable Minister of Water Stewardship have leave to introduce an amendment to Bill 22?

Does he have leave?

Some Honourable Members: Leave.

Mr. Speaker: If leave has been granted, then we will distribute the bill and then the honourable member will introduce it.

Mr. Ashton: Mr. Speaker, by leave, I would like to move, seconded by the Member for Emerson (Mr. Penner)—

Some Honourable Members: Oh, oh.

Mr. Ashton: I repeat, Mr. Speaker, seconded by the Member for Emerson,

THAT Bill 22 be amended in Clause 21(1) by adding "and of local government, agricultural and environmental perspectives" after "Manitoba".

Motion presented.

Mr. Ashton: Just in case anybody has any wrong ideas, Mr. Speaker, this is not Ottawa, and I am not anticipating that the Member for Emerson is going to be crossing the floor.

Mr. Speaker, I just want to make it clear because we had this develop on Bill 22 before where we actually supported an opposition amendment. I just want to make it clear for members on my own side that the reason this is being moved by the Member for Emerson is because, indeed, we do have agreement on this. If you could have a person thirding a resolution, it would be the Member for River Heights (Mr. Gerrard).

* (17:00)

Very simply, Mr. Speaker, the original amendment had suggested agricultural representation on the water council, a specific mechanism for it. The amendment brought in, in fact, by the Member for River Heights referenced that. The Member for Emerson came forward with a suggestion that we include local government, and this is what this amendment does. The reason there has been this approach as well, rather than trying to amend and subamend, was because the intent was very clear from both members of the opposition.

It is quite a reasonable proposition. The intent of the water council was to have those interests represented, Mr. Speaker, so I do want to put on the record that there is very good reason why the Member for Emerson (Mr. Penner) is seconding it and, indeed, why the Member for River Heights (Mr. Gerrard) withdrew the original amendment, and that is that the intent is to make sure it is a broadly represented water council.

So I do thank both the Member for Emerson and the Member for River Heights for putting this

forward. I would hope that all members of the Legislature would support what I think is a very reasonable amendment.

Mr. Derkach: Mr. Chair, I was wondering whether the minister would submit to a question on his amendment, since it is such a late date and there is a little bit of clarification that I would like to have on it.

Mr. Speaker: Does the honourable member wish to entertain a question by leave? Is there leave?

An Honourable Member: Leave.

Mr. Speaker: Leave has been granted, and the minister has agreed.

Mr. Derkach: Well, Mr. Chair, and I respect what the collaborative efforts of the opposition and the government have been in this regard, there is one aspect of this that has a significant impact on agricultural business people who do work in the rural part of Manitoba, and it is people who are engaged in activities that involve the use of water, and there are very many. You know, if we tried to list them today, I am sure we would miss some. I am wondering if that is a perspective that should not be taken into account in this amendment. I was wondering whether the minister could comment on that, whether or not there has been any discussion in that regard and whether that consideration could still be made at this late date.

Mr. Ashton: Mr. Speaker, for the member, the intent is, I think, quite clear in terms of the use perspective. We have evolved, with some of the discussions between the Member for River Heights and the Member for Emerson, moving away from a direct representative approach, because I think the intent was to make sure the agricultural perspectives were represented. That should be very clear because, certainly, agriculture has a direct interest in water issues.

So the use of the term "perspectives," I think, was very much a line put in, similarly with "local government." I just want to stress again that, rather than have a particular organization identified—organizations can be changed; we have seen that happen in the last number of years—the intent here is to make sure that we represent some of the constituent interest. I think, very clearly, as the members from the opposition have pointed out, agricultural interests

have to be represented. This amendment ensures that and so do local government perspectives. So I think the concern put forward by the member will be accomplished by the phrase "agricultural perspectives."

Mr. Derkach: Yes. Mr. Speaker, I am wondering whether the minister would, perhaps, consider the fact that business perspectives sometimes are not covered by agricultural or environmental or local government perspectives. These are important. I work in that part of an industry and that part of a sector of our society. So I am not talking about a specific business, though. I am not talking about that a business should be represented, but I am talking about a business perspective that should be considered in making up the groups, in fact, that are going to be represented.

It is just a matter of considering that whether it is incorporated into the representation of a particular business is one thing, but I think too, in the bill, if we were to include that, it would be some comfort to those people involved in that industry that, indeed, their industry's view, their industry's comments and their perspective are taken into account when you are considering the make-up of these boards.

Mr. Ashton: You know, I mean, I would certainly accept the concern put forward by the member. I just want to stress again that this amendment came about, really, through combining the two previous amendments. Following the concerns expressed by the Opposition House Leader, you know, I would be the last one to suggest that we have a subamendment or further amendment, Mr. Speaker.

So I appreciate the concerns, and I think the record will show that the member raised a legitimate point, and I am sure those interests will be represented on the water council.

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

Mr. Penner: Thank you very much, Mr. Speaker.

I have heard what the minister said in regard to the question. I heard the Member for Russell (Mr. Derkach) and the way he put the question. I think it is indeed a valid question that should be put when we deal with matters such as this bill and the appointments to boards such as the board that we are

discussing here and the membership of the board that we are discussing, because this, in essence, will, in my view, be a super board. It would have a tremendous amount of power, this board, in making advances to government, no matter which party governs in this province. I suspect that this bill will be amended from time to time as we go on into the whole area of water issues consideration and the needs as they evolve in the future.

I am so concerned about the whole matter of clean water in this province that I am willing to accept some of the drafts of this bill as they are, but clearly want to identify that there should have been a lot more public debate and public consultation go on before we drafted this bill, because this bill will have, or could have, tremendous impact on the environment of this province, on the social aspects and needs of the people of this province, and indeed to help ensure that there is a process in place that will in fact be able to, in a meaningful way, yet in a conscionable way, govern and direct the whole matter of water and clean water in this province.

Seldom ever have I seen, Mr. Speaker, a bill such as this, which could have a tremendously powerful effect on the people of the province of Manitoba and how water issues are dealt with, be so bland in its approach from a policy perspective dealing with the actual content of the bill and the lack of clear directives and direction under this bill.

This bill, I have said it before, is enabling legislation at its best. It is so vague in its application that we should really demand from the minister a draft of the regulations. I would like the minister to hear this, and I would like him to listen to this, because the drafting of the regulations, in my view, will only give us a clear indication of how this government intends to deal with this bill and how they intend to deal with the issues surrounding water and ensuring clean water. This is indeed a most needed direction by government.

Let us not lose sight of the fact that we have had previous bills that deal with clean water, that deal with matters of water. There are three other bills that deal with water that are amended by this act but not specifically, again, leaving it to regulations, here is my big concern, Mr. Speaker, dealing with regulations that are drafted in confidence behind closed doors by Executive Council. A handful of people

will determine what direction this legislation should really take. Therein lies the biggest problem.

* (17:10)

One can interpret all kinds of things into this amended, amended, and thirdly amended, or sub-amended part of this resolution, clause 21(1). It deals with ensuring that local government at least will have some say on this board.

My view of local government is probably somewhat different than some other people's view of local government. Local governments are elected by local people, whether they are businesspeople, whether they are agricultural people, local councils, or councils of members of the AMM as an incorporate body, but they can be businesspeople, they can be farmers, they could be horticulturalists or they can be environmentalists. They can be, through that process, appointed or elected to this board.

I do not see any provisions for electing this board, but that might be of consideration, that there be elected members to this board instead of appointed members to this board. A farmer, you know, when we think of the term "farmer" these days, we think of a farmer in a totally different manner than we did 30 years ago. Mr. Speaker, 30 years ago, there was a mom and a dad and, most of the time, a handful of children that would run maybe a quarter section, a half section. A large farm would be a section, 600 acres of land. Today, when we look at these operations, some of these people have to be absolutely astute businessmen to manage the operations of today's farm.

I say to you, Mr. Speaker, that I believe the addition of an agricultural representative from the agricultural community on this board is absolutely imperative. When I look at what the government has added to this amendment, the environmental perspectives, without question, I think that you will find that any farmer, operator, businessperson being elected to this board will, No. 1, consider the environment, because the environment is everything this person does.

An agricultural operator today simply looks around and says, "This is the environment I have to deal with, work in and earn my living in." Environment is the utmost important consideration that these people make on a daily basis. I have a

great deal of difficulty with aspects of this bill, and that is why I propose the amendment that we will deal with a bit later in this act, which is in the preamble.

There was no discussion at all in the preamble of the large communities that we have that have nothing to do, or very little to do, with the agricultural community per se. Many of them are now two or three or four generations removed from that environmental perspective. We changed, which we will speak to later, the portion of the preamble to ensure it to be far more inclusive than what this bill was previously.

Previously, many people were telling me that, when they really looked at this bill, it was really, many of them considered, an attack on the agricultural community. Even in the definition section, it dealt with nitrogens and phosphorous. I remember well, back in the sixties, before the Green Revolution, when the scientists were telling us at every farm meeting I went to, "You cannot continue farming the way you do." They told us that as farmers. "If you continue farming the way you do, you are mining the soil, and your soil, by the year 2000, will not support you."

Very clear message at the time, and, boy, did the farm community react to that? Yes, they did. Fertilizers, commercial fertilizers came on the market during the sixties in a big way. Fertilizer attachments of all kinds and makes and models were attached to drills that had never even been heard of and were bought by farmers that had never heard the word "fertilizer," except the one that they had always been used to, the organic fertilizers.

The organic fertilizer was the manure taken out of their barns and spread in their fields in those areas where grain no longer grew. By the application of manures to these fields which were then considered, without question, and even today are considered the best organic materials you could buy, yet, today, many of the people that I hear out in many of the meetings I go to have almost demonized the word "manure." To me, Mr. Speaker, it is still the most appropriate, the most organic material, the most natural material that money can buy to apply to my land.

Any organic producer will tell you that manure is what they used to apply to their organic crops because it is a natural fertility product. Yet many,

even some in this room, well, maybe some of them are gone now who used to hold a high level of debate and demonize the word "manure," and I think that is unfortunate. I really think it is unfortunate.

Should we be careful of how much either organic material we put on our land or commercial material, fertility products we put on our land? Yes, we should be careful, very careful, because nobody in their right mind would pay a thousand dollars an acre for land and then go out and destroy it by overapplying the so-called nutrient products. But I will say to you this, that the application of those materials on our land has caused the world today to have more food produced globally than we need. Maybe that is a problem for us in many respects.

So I say to you, Mr. Speaker, the addition to the agriculture and the municipal aspect of this board of directors I think will be a complement to this bill. Clearly, I believe that what the Member for Russell (Mr. Derkach) was trying to say here is that the commercial aspect or the business aspect should not be forgotten in the application of this bill and the importance of that to the business community as well.

Mr. Gerrard: Mr. Speaker, I would just like to put a few words on the record. I am pleased that the Minister of Water Stewardship (Mr. Ashton) has decided to move forward on the suggestion, which was one that I made originally in the original amendment, that there be a farmer agricultural perspective represented on this council. I think it is very important that that in fact is going to be the case.

I would thank the Member for Emerson (Mr. Penner) for the discussions which we had when the Member for Emerson came to me and suggested the subamendment, which was to include a local municipal representative, and that perspective is now included in this amendment, which has all-party support.

* (17:20)

I am pleased that we are able to move forward together on this. I would agree that this bill has the potential to be a bill which, if well implemented, can have a significant impact on water quality. I think that we will see how important the council itself is. I personally feel that the council should be a very

important one and have a major role, but the act itself is not as clear in terms of providing for that role.

It will clearly depend on the minister in terms of the minister's choice as to how influential the council is. It may well be that this council evolves to be much more important than it is initially. We certainly hope so. We have seen all too often in the past that the government has looked at setting up councils which, to date, have been advisory without really having necessarily a lot of impact. I think that this is a council which could have more impact and not just be a sort of behind-the-scenes advisory council.

With those words, I will voice our support for this subamendment and am glad to see it moving forward.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is amendment to clause 21(1).

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

* * *

Mr. Speaker: Now we will move on to 10 amendments moved by the honourable Minister of Water Stewardship (Mr. Ashton).

The first one is amendment to clause 1(1), as amended, standing in the name of the honourable Member for Russell (Mr. Derkach). What is the will of the House?

An Honourable Member: Stand.

An Honourable Member: No.

Mr. Speaker: No? It has been denied? It has been denied. Okay. Anybody wish to speak to it? No?

Is the House ready for the question?

Oh, the honourable Member for Emerson, to speak to it.

Mr. Penner: Mr. Speaker, this amendment to this bill ensures that there will be a director of Water Stewardship, I understand, under the legislation and

directed by legislation. I found it rather interesting that the minister would have drafted a bill and forgot to actually ensure that he would have an administrative director in the legislation.

So I want to indicate clearly that we support the establishment of a directorate under this bill. I think it is imperative that there must be a director in this bill. I just want to indicate that we had also in our consideration made reference to the director in this bill in the amendment that we had put forward, which has been redrafted but also referred to establishing the directorate.

We clearly want to indicate that it is, I think, extremely important that there be a proper staffing of this department to ensure that the kind of expertise is there and that good common sense will be used to ensure that policies and regulations will, in fact, be drafted in such a manner that they are workable.

I just want to say that we had originally drafted an amendment and put forward which read: That the amendment in clause 1(1) of Bill 22 be amended by striking out everything under clause 1(1) and substituting the following, adding the following definition—commercial operation, we would take out the words "commercial operation"—"director' means a person designated under section 2.1 as a director of water protection."

Then we also went further in that and identified the changes that we are now pleased that the minister has agreed to: changing the definition of "nutrient value." We had that all in one amendment.

I suspect that if the minister would have taken a look at the land and water strategy that we initiated when I was the minister, that our government initiated when I was the minister, if he would have taken a look at the massive consultation that happened during that process, we met with some 1200 people across this province, from Churchill, Manitoba, right through to Emerson, and from Russell, Manitoba, right through to virtually Kenora, Ontario. We consulted with everybody. At the end of the day, if the minister would have taken a look at those, what I call "manuals for directing a land and water directive" or "putting in place a water directive in this province," he need only have gone to those documents and picked out the pieces needed to do a water protection act. It could have been; I think the whole recipe was there.

Clearly, that process, it was an onerous process. I mean, for the minister to go out and do some 20-odd meetings across this province—the minister chaired those meetings—and take the initiative, spend the time, and then, later on, do a series of round tables based on the discussions that we had at the initial round of consultations. Then they start putting what was said on the record. We had massive documentations of what people said across this province and brought them back and said, "Here, now, is the land and water strategy." It became a strategy.

Later on we did one on forestry; we did one on agriculture; we did one on virtually the whole raft of what happened on the land and in the water. I believe that process demonstrated truly the need for good administrative processes to be established and directed. Therefore, we believe it is important and will accept the resolution to establish a director that will have the authority to administer this act in a meaningful way.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment to clause 1(1) as amended.

Is it the pleasure of the House to adopt the amendment? *[Agreed]* The amended has been adopted.

* * *

Mr. Speaker: Amendment to clause 4.1, standing in the name of the honourable Member for Russell (Mr. Derkach).

What is the will of the House? Is it the will of the House for it to remain standing in the name of the honourable Member for Russell?

An Honourable Member: No.

Mr. Speaker: No? It has been denied.

Any member to speak?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment to clause 4.1.

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

* * *

Mr. Speaker: Now amendment to clause 4.2, standing in the name of the honourable Member for Russell (Mr. Derkach). Stand?

An Honourable Member: No.

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

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is—

An Honourable Member: No.

Mr. Speaker: No? Okay.

An Honourable Member: Just give us a minute, please.

Mr. Speaker: Okay.

Mr. Penner: The amendment, by adding the following after 4.1 in this section of the bill, again, I think, deals with matters that, in my view, should have been written into the initial draft of the bill. There should not even have been a question about not writing these sections into the bill.

Simply a look at "Advertising proposed regulations." I mean, it would be unimaginable to write the regulations under this bill especially, which is largely an enabling piece of legislation, without notifying the general public of what the regulations would really be or what they meant or just to implement them. I think it would not be acceptable to anybody; therefore, the bill now says:

Advertising proposed regulations

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

Secondly,

Written objections

4.2(2) Within 60 days after an advertisement is published under subsection (1), and subject to subsection (3), any person may refer a written objection to the proposed regulation to—

Mr. Speaker: Order. When this matter is again before the House, the honourable member will have 13 minutes remaining.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 25, 2005

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