

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

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

**Vol. LVI No. 53A - 10 a.m., Thursday, May 26, 2005**

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

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

**Thursday, May 26, 2005**

**The House met at 10 a.m.**

*PRAYERS*

**Introduction of Guests**

**Mr. Speaker:** Order. Prior to proceedings, I would like to draw the attention of all honourable members to the public gallery, where we have with us today Nicole Jowett. This visitor is the guest of the honourable Member for Charleswood (Mrs. Driedger).

Also in the public gallery we have, from École Springfield Heights School, 16 Grade 6 students under the direction of Mr. Camil Hamel. This school is located in the constituency of the honourable Member for Rossmere (Mr. Schellenberg).

Also in the public gallery we have with us from Prairie Rose Elementary School, 26 Grades 5 and 6 students, under the direction of Mrs. Patti Duncan. This school is located in the constituency of the honourable Member for Inkster (Mr. Lamoureux).

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

**ORDERS OF THE DAY**

**PRIVATE MEMBERS' BUSINESS**

**DEBATE ON SECOND READINGS—  
PUBLIC BILLS**

**Bill 201—The Legislative Assembly  
Amendment Act**

**Mr. Speaker:** Resume debate on second reading, public bills, Bill 201, The Legislative Assembly Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

**Point of Order**

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

**Mr. Leonard Derkach (Official Opposition House Leader):** Yes, Mr. Speaker. I was wondering whether or not I could seek leave of the House to ask that we proceed to second readings first, with Bill 200 I believe it is.

**Mr. Speaker:** Is there leave of the House to proceed with second readings of public bills, Bill 200 first. Is there leave of the House? [*Agreed*]

**SECOND READINGS—PUBLIC BILLS**

**Bill 200—The Personal Information Protection Act**

**Mrs. Mavis Taillieu (Morris):** I move, seconded by the member from Southdale, that Bill 200, The Personal Information Protection Act; Loi sur la protection des renseignements personnels, be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It has been moved by the honourable Member for Morris, seconded by the honourable Member for Southdale (Mr. Reimer), that Bill 200, The Personal Information Protection Act, be now read a second time and be referred to a committee of this House.

**Mrs. Taillieu:** Mr. Speaker, I am very pleased today to speak to Bill 200, The Personal Information Protection Act. It is my first private member's bill.

"Privacy is a right, and many believe that it is a fundamental human right." This is a quote from a report by the former Ombudsman, Barry Tuckett, entitled "Respecting Privacy, A Compliance Tool for Manitoba's Information Privacy Laws," released in October of 2003.

As the critic for Culture, Heritage and Tourism at the time, The Freedom of Information and Protection of Privacy Act fell within that department. I read this report with interest, and along with my own personal convictions regarding privacy protection and issues, it was the catalyst for this private member's bill to protect people's personal information.

It was shortly after this that the federal legislation, the protection of personal information

electronics document act came into force in January of 2004, respecting the collection, use and disclosure of personal information in the course of commercial activity, including provincially regulated organizations, in the absence of substantially similar provincial legislation.

It was at this time that I met Brian Bowman, who is a privacy lawyer with the privacy law group of Pitblado Barristers & Solicitors, and who had just started a series of articles on privacy issues called "On the Cutting Edge," which still run in the *Winnipeg Free Press*. Brian also serves as secretary of the National Privacy and Access Law Section of the Canadian Bar Association.

Over the course of this last year, Brian Bowman, along with Melanie Bueckert, also of Pitblado, have provided assistance in drafting this bill, and I would say that Brian Bowman has spent countless personal hours on this legislation. So we know that it has been done by an expert, as Brian is one of the most respected privacy lawyers in Manitoba, and I would like to give him full credit for drafting this Bill 200, a made-in-Manitoba approach to privacy.

The purpose of Bill 200 is to fill the gaps in privacy legislation by providing a made-in-Manitoba law which will govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of the individual to have his or her personal information protected and balances with the need of organizations that need to collect, use and disclose personal information for purposes that are reasonable.

By enacting this substantially similar legislation, which would be similar to the federal PIPEDA, we are creating a made-in-Manitoba law which would be much more user-friendly for businesses in Manitoba, would clarify jurisdiction over personal health information and fill the privacy gap in Manitoba by extending coverage to all Manitobans. Further, it addresses the collection of biometric data, which is defined as anything that is a person, such as fingerprints, palm prints, iris and retinal scans, facial scans, blood type, DNA and other very person-specific data.

Why do we need Bill 200? I think that respecting the privacy of individuals is so important we cannot afford to have gaps in the legislation. In Manitoba, we have laws that protect some individuals and not

others. Under The Freedom of Information and Protection of Privacy Act, public bodies, including hospitals, universities and colleges, are covered, but there is no coverage of employees in the private sector.

The federal law, and I will refer to that as PIPEDA, P-I-P-E-D-A, which is an acronym, protects those regulated under federal legislation and provincially regulated private sectors, but since it was enacted under the federal government's jurisdiction over trade and commerce, the law only applies to commercial activity. So, if you are a business conducting commercial activity, when you collect and disclose and use personal information, that information that you would give to a company is protected under federal legislation. There would be some protection against people using that personal information and selling it to another organization such as a telemarketer.

I want to address the issue of identity theft, and, I think today the front page of the *Free Press* said, "Huge identity theft feared; Personal data of thousands stolen from city company." My bill, this Personal Information Protection, Bill 200, seems to have come at a very good time, although we have been working on this for quite some time. Identity theft is a growing problem. In fact, how big is it in the newspaper? There are between 1400 and 1800 Canadian identity theft complaints every month. In 2002, the federal Department of Justice estimated the loss from 7600 complaints at more than \$8.5 million. In the first quarter of 2003, there were 2250 complaints, with losses exceeding \$5.3 million. An Environics study survey found that 3 percent of adult Canadians, more than 900 000 individuals, were victims of identity theft in 2003, and I am sure that that number has grown significantly in the last two years. It is a huge, growing problem identified by police and enforcement agencies.

\*(10:10)

Where do people get this information? Where do they gather this personal information that they can use to form another identity for themselves? We have to be careful what we do for this information, because sometimes this information can even be collected from the garbage cans. In fact, Mr. Brian Bowman wrote about this on April 4 in the *Free Press*, where one source of data was the dumpster, where thieves were rummaging through discarded

garbage to collect and obtain documents which would have banking information, insurance forms and even personal signatures.

But, Mr. Speaker, many private companies also have this data on employees. They would have, certainly, your name, telephone number, address and all of that, which is not particularly private, but they have your social insurance number. If you are a company that does direct banking for your employees for their paycheques, you would have their personal banking information, you may have insurance form information, pension plan information, you may even have some personal health information on the employee, and you would have their signatures. It is conceivable that this kind of information from a private company could be dumped into a dumpster as well, and it could be used as a source of identity theft. It is just not in regard to commercial activity. Personal information is personal information and can be collected from anywhere and on anybody.

So it is conceivable that identity theft can occur regardless if there has been a commercial transaction, so privacy legislation should not be limited to collection and use of personal data as it relates to a commercial activity, but it should be extended to cover employees' information. I do believe that the majority of employers would take extreme care with the protection of personal information about their employees, but there are growing risks today with the technology and with the identity theft that is occurring and is rising and, certainly, because of this, we need to make sure that data collection and use is protected in all the sectors within our province. Why would we not protect people that work in the private sector, when we protect people that work in the public sector? The risks are the same.

Now, I know that government has recognized the need to some extent, because we know that on March 15, 2005, the Finance Minister said in a press release, "Law enforcement agencies have named identity theft as the fastest-growing crime that businesses, consumers and governments face. Last year, we launched the identity theft kit for consumers and this year we are providing information that will assist businesses in protecting the personal information of their customers and dealing with identity theft and incidents when it occurs."

But, Mr. Speaker, what is missing here is the protection of employee information. We certainly recognize the attempts to protect information on customers, commercial activities, but then, when they talk about identity theft when it occurs, when identity theft occurs, it is too late. The personal information is not yours anymore, it belongs in the domain of the public and anybody can have access to it.

We need to do the protections before the information would be stolen. We need to protect the information, the personal information of every Manitoban. I do not know if this government feels that all people should not be afforded the same level of protection. I think that we would look at this as a non-partisan issue, that all people should be protected with their personal information, and I am certainly looking forward to the comments the Minister of Finance (Mr. Selinger) may make on this. I know that he has brought an amendment to The Personal Investigations Act. I am certainly hoping that it is not his intent to sneak into regulations something about the use of and protection of personal information. That would not be the appropriate place for something like this.

I am also aware that the Department of Culture, Heritage and Tourism conducted public consultations on The Freedom of Information and Privacy Act, known as FIPPA, as part of their five-year review. I would like to quote from a presentation that was given by the Manitoba Federation of Labour, their comments on the review of the personal information act. From that review it says, "It now appears that not all Manitobans enjoy the shelter of PIPEDA. Employees who work in workplaces that are regulated by federal legislation are protected by its provisions. An employee who is regulated by federal legislation is prevented from misusing or inappropriately sharing personal information about their employees." Unfortunately, this is not true for employees who work in workplaces that are regulated by provincial legislation. Currently there is no protection for these employees and that creates two classes of employees in Manitoba, those who do not have protection against misuse of their personal information and those who do.

So, Mr. Speaker, we know that the Minister of Culture, Heritage and Tourism (Mr. Robinson) is aware of this growing problem and the gaps in the legislation. I look forward to his support on

this bill. I know that he recognizes the need for it. We do know what Manitobans think. The former Ombudsman, Barry Tuckett, in his review said that six out of ten Manitobans believe they have less personal privacy than just five years ago, and at least one in two Manitobans, 55 percent, believe that it is more likely than not that they will suffer a serious invasion of privacy in the next two years. Mr. Tuckett's report also said it would be prudent, good practice and in public interest to ensure that the requirements of Manitoba's privacy legislation are better known, more fully considered and more systematically applied than now is the case.

It is extremely important that we recognize the technology, what has happened with technology today. I would like to just quote from a Mr. Jim McDowell, of a company called Security Essentials, who says, "biometrics appear to be a growth industry of the near future. However, until lawmakers are willing to tackle the privacy aspects of biometrics, there will be a tremendous opportunity for the misuse of biometric data."

We know just from the example in Winnipeg, just in the last year when McDonald's was collecting palm scans and thumb scans to identify young workers at McDonald's. There is no need to collect that kind of biometric personal information. There is no need for that for the type of job that is being done here. The simple message is do not collect data that you do not need. You do not have to be then afraid of how you use and disclose and store that information. The fear with this is, of course, are these young children, young persons that are being employed at restaurants and places that may use this kind of biometric data as a time punch-in, punch-out clock, are they being told what their personal data is being used for and is it secure?

I would just like to also say about the recent iris scan article in the paper about how that would speed up lineups at the airports. We have to be very mindful of this kind of technology that is available. Yes, it sounds very good. We would be able to move much more efficiently through a lineup in a security scan. What the article did not say, and if you want to do a search on this just go on the Internet and look up iris scans, you will see what this technology can do. It does not just collect the iris scan. It can collect all kinds of other medical information—

\* (10:20)

**Mr. Speaker:** Order. The honourable member's time has expired.

**An Honourable Member:** Leave.

**Mr. Speaker:** Does the honourable member have leave?

**An Honourable Member:** No.

**Mr. Speaker:** No, it has been denied.

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, I move, seconded by the Member for Elmwood (Mr. Maloway), that debate be now adjourned.

*Motion presented.*

**An Honourable Member:** No.

**Mr. Speaker:** No. There is a no.

#### **Point of Order**

**Mr. Speaker:** The honourable Member for Inkster, on a point of order.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would just like to speak to the bill, and then after I have spoken to it, if the member from Selkirk would like to adjourn it, we would be quite happy to see it adjourned at that time.

**Mr. Speaker:** Is it the will of the House to allow the Member for Inkster to speak? *[Agreed]*

The honourable Member for Inkster will speak.

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**Mr. Speaker:** The honourable Member for Inkster on Public Bill 200, The Personal Information Protection Act.

**Mr. Lamoureux:** Thank you, Mr. Speaker. I did want to put a few words on the record in regard to Bill 200. It is actually fairly encouraging, I must say, when you get a member, and I acknowledge the member from Morris has obviously done a considerable amount of work and put in a great deal of effort possibly working with others in bringing forward a bill that has a great deal of substance. In fact, if you really get into the bill, and I must admit I

have not read the entire bill, for a private member's bill, it is a very detailed bill. *[interjection]*

No, no, no, I have not said I have not read the bill, I have said that I have not read the entire bill, and it is the principle of the bill that I want to talk about. I must say, Mr. Speaker, that it is a bill of great substance. It is obvious that the Member for Morris (Mrs. Taillieu) has put a great deal of effort into it. I recognize that effort which suggests to you that a member of the opposition has likely done something which the government should have acted on.

I think that, as a whole, the public recognized the importance of what it is that this bill is trying to put into place. I do not know all those individuals that would have been involved in assisting this member in terms of bringing this bill to this Chamber, but having said that, I would like to extend my compliments to those individuals that would have been involved in putting this bill together. To those individuals that have assisted the member in putting together the information necessary in order to make this bill, I would extend my compliments.

I would look to the government at this stage and ask the government to give serious consideration as to the legislation that we have in private members' hour. We have before us a number of bills that really do need some attention, and I would ask the government to really seriously look at the legislation that is being brought forward by private members. I would cite Bill 200 as an excellent example, as a bill in which you have an individual that has put in a great effort and does merit the attention of the government.

While I was standing up, the government was quite content, it appeared, to adjourn debate on the bill as opposed to adjourning debate, as it has on many private members' bills, and I am somewhat flattered in the sense that they have been debating my bill and I commend them on that. I would encourage the government to stand up and speak on this bill. I think it is a bill, as other private members' bills, that warrants the attention of the government, at the very least, to put on the record what its position is on legislation that is being proposed by private members.

I would even go further, Mr. Speaker, and suggest to you that there is an obligation for the

government to take it to the next step, and that is to allow private members' bills to, in fact, be voted upon. We all know inside this Chamber that the government can avoid any sort of controversy by just choosing to talk a bill out or to leave it stand. Thereby, there is no vote.

I would not advise that for the government. What I would suggest that the government do is, in fact, allow private members' bills to be voted upon. If you support the bill, vote in favour of it, allow public hearings on the bill and allow then for individual Manitobans that might have participated in some of the preparatory work, the legislation that we might be looking at, i.e., Bill 200, and hear what they have to say about the legislation.

For those bills that you do not support, well, then, go ahead and vote against them. At least it puts it to rest. It allows members the opportunity to be able to say that the government voted against this particular initiative. I think that is the way that the government should be operating in dealing with private members' bills. After all, that is the expectation that they have of opposition members, that as government introduces bills, we are ultimately responsible and held accountable by the way in which we vote on government legislation. Whether it is minor housekeeping bills or it is budgetary bills, we are held to account for voting on government initiatives.

This is an opposition initiative and, Mr. Speaker, I would suggest to you that Bill 200 has more substance in it than a good number of the government bills that are being proposed. So I would suggest to you that this member, in particular, all members of this Chamber are entitled to feel or to sense where the government actually is on this legislation. If the government is prepared to support it, wonderful. Show it; vote for it. Allow it to go into committee and go from there. The worst thing you can do is just adjourn debate and not allow it to be debated and ultimately voted upon. You know, it is encouraging when you do see debate on private members' bills, and we would encourage that.

Having said that, Mr. Speaker, in dealing with the principle of the bill, it is something in which I think that all Manitobans would recognize has a great deal of value. Private information and the way in which it is collected, the way in which that information is ultimately used, and

the way ultimately in which that information is disposed of is of critical importance to Manitobans.

You know, one of the crimes that we do not really see too much of on a daily basis being run through the media or the type of crime that is quite often ignored is the crime of identity theft. Mr. Speaker, it is a crime that is increasing. We have more and more organizations and companies, some of them or a majority of them hopefully legitimate, but an increasing number of illegitimate companies or groups that are out there that are attempting to get information on each and every one of us. That should concern all of us, some more than others, those some being those individuals that have the authority to make a difference such as legislators inside this Chamber. We need to give more attention to the issue of identity theft.

This is why, when I look at this particular piece of legislation, the personal information protection, I see it as a Manitoba-friendly, positive, progressive move towards dealing with issues such as identity theft, Mr. Speaker, such as protecting the rights of each and every one of us. You know, we had a bunch of young people in the public gallery just a few minutes ago. Those individuals are a generation which are going to have to deal more and more with that whole issue of identity theft because it is increasing. It is going to have more of an impact on them. As society continues to move forward, there are some problems that are going to get worse, and identity theft and issues related to privacy are going to become more and more important as time continues. And it is a question of whether or not the government wants to be proactive or if it just wants to sit on its laurels and wait as the issue of privacy continues to grow and the government is forced to react as opposed to taking a proactive approach at dealing with the issue.

\* (10:30)

And, you know, the amount of information that is out there and how that information can be put on such a very small little computer chip is absolutely amazing, and it does not take much. That is why I think that what we should be doing is complementing in some ways federal legislation that is out there. We should be looking at that made-in-Manitoba approach at dealing with privacy-related issues and doing our part. That is why I look to the government and encourage the government to

recognize when a good idea comes to the Chamber to, in fact, act upon it.

I would suggest to you, Mr. Speaker that this bill, in principle, is a good idea. We support it going to the committee stage so that we could actually have direct public input on the bill and find out where there could be some changes, some amendments, possibly, put forward to make it even a better piece of legislation. If the government believes that this is something in which they could support, but in their back rooms, within the bureaucracy, they already have legislation of a similar nature being developed, well, now is a great time to get on the record indicating that that is the case.

We have had legislation, private members', from all political parties, Mr. Speaker, who have brought ideas into the Chamber and then only to sit and die on the Order Paper, and then the government shortly thereafter brings in additional legislation and then tries to assume credit. I think that what we need to do is to get away from the political credit idea and start doing what the Minister of Water Stewardship (Mr. Ashton) said yesterday inside this Chamber and that is, if you have a good idea that, in fact, he is open to it, and we should depoliticize things.

That was the Minister of Water Stewardship, and it is a speech which I suspect that I will probably make reference to once I get Hansard, because I agree with the Minister of Water Stewardship. I applaud the minister in terms of what it is that he was saying. When a good idea comes, that we should not just be looking for political credit, what we should be doing is what is in the best interests of Manitobans. That was the essence of what the minister was saying, and I look forward to what the minister has to say about this bill and other bills, because, you know, the minister was right, and in his case not only did he recognize a good idea, he acted on it. He, in fact, brought in an amendment that took into consideration what the Leader of the Liberal Party and the member from Emerson were talking about and incorporated the two into the legislation.

I applaud the minister for having the courage because, no doubt, it might not necessarily be what others within the Cabinet would have wanted to see, but I do applaud the minister for doing it. I think it is a move forward, and I would encourage other ministers to do likewise. I would encourage real, genuine reform inside the Chamber in terms of our



rules that would allow for discussions and debate and, ultimately, votes on issues of this nature.

Mr. Speaker, as I indicated, I did want to express my thoughts on this bill and encourage others to debate it, and as we get closer to a session, we should be treating private members' bills in the same fashion we treat government bills. Allow them the courtesy to be voted on and this way we know where people or all parties stand officially on legislation that we have before us, because private members' bills should be treated in the same fashion as government bills because, as the minister puts in a great deal of effort, so does a private member and both should have their should have their pieces being voted upon.

Having said that, Mr. Speaker, I will conclude my comments.

**Mr. Speaker:** Before I recognize the honourable Member for Southdale, I just want to inform the House that when I was putting the motion I had not concluded the adjournment because there was a point of order raised by the honourable Member for Inkster (Mr. Lamoureux). He sought leave to speak to this matter and there was agreement so I had not completed the adjournment motion. So we are still in debate and the honourable Member for Southdale has the floor.

**Mr. Jack Reimer (Southdale):** Mr. Speaker, I just wanted to put a few words on the record in regard to the proposed legislation that was introduced by the Member for Morris (Mrs. Taillieu), The Personal Information Protection Act, which was introduced just a few moments ago.

The member indicated that one of the reasons behind introducing this legislation is because of the growing concern about personal information and the access to personal information through the electronic media and other areas that we have been faced with in the changing world we live in. Indeed, when we look at some of the advances in communications and in computerization and the technology that we are being exposed to, what was in the norm a couple of years ago now is past.

We are into new areas of development and new areas of research and things of that nature that actually, to the large extent, and I think everybody agrees that as things change you have to adapt, you have to be aware of how these things can be utilized,

not only for the transference of information but the transference of records that are of vital importance to people and to business and to economies, and to health care professionals, and peoples of all natures in regard to performing their duties in trying to bring some sort of areas that they are involved with to a better enlightenment and to better efficiencies. Electronic and other areas of data information have become very, very prevalent and very, very commonplace, if you want to call it, in the sense of when we look at the computerization in all areas.

As was mentioned by the Member for Morris, the fact that just recently in today's paper there was mention of a large identity theft of a company here in Winnipeg that had a break-in. Some computers were stolen and there is the fact or the suspicion that, possibly, some of that information could be used for criminal activity or for areas that crime could be committed, but it is something that is naturally of very, very vital concern. We should all be concerned about this type of endeavour.

The member was trying to get on record some of the areas of her concern for the introduction of the bill. What she was referring to would be a made-in-Manitoba type of solution to how information is collected and disclosed. The fact that it is a made-in-Manitoba approach to how information can be collected has been addressed. It talks about the collection of biometric data. Even the terminology itself is something that is fairly recent in our vocabulary because of the fact that the analysis that can be done through simple scans, whether it is your fingerprints or your retina that has been alluded to where they now read your retina or your iris in your eye, palm prints, facial scans, a lot of times even blood type and DNA is transferred. So your personal identification now is a lot more than just your social insurance number. It is also other areas that have become available for people to make certain identities on your character. So other provinces, Alberta, British Columbia and Québec, have all enacted similar legislation. All three provincial acts provide for more precise rules and definitions than does PIPEDA, P-I-P-E-D-A, that is in effect right now.

\* (10:40)

The enforcement for provisions in both Alberta's and British Columbia's acts provide the provincial privacy commissioner with an order making powers

not contained in PIPEDA. Do we need private sector legislation? FIPPA protects the information collected in public organizations; PIPEDA protects the information of consumers. So the question is, why not extend this to all Manitobans?

To quote Dr. Bryan Schwartz, the Asper Chair of International Business and Trade Law at the Faculty of Law, University of Manitoba, and his paper entitled *Bridging the Privacy Gap: The Case for Enacting Substantial Similar Privacy Legislation in Manitoba*, "There is a compelling argument that Canadians' privacy rights should not be limited by the artificial segregation into commercial and non-commercial spheres. Although the impetus for national privacy compliance legislation was driven by commercial concerns, Canadians today face mounting privacy encroachment concerns in the non-commercial context."

He also goes on to say that statutes of Manitoba do not fully address the key issues, key gaps, in the federal legislation because these acts were designed for particular spheres of society. In essence, the gaps are not created by its content, but by its coverage.

What do we presently have in Manitoba, I guess the question could be asked, and could this legislation be incorporated? Well, The Freedom of Information and Protection of Privacy Act only applies to public bodies, including hospitals, universities and colleges. The Personal Health Information Act applies to Manitoba trustees of personal health information, including health professionals, health care facilities, public bodies and health service agencies that collect or maintain personal health information. But other organizations, including employers, frequently have personal health information in their possession and yet they are not trustees under FIPPA.

An employer's use and disclosure of personal health information in its possession may be bound by other statutes like the Workers Compensation Board, or not. Employees' personal information has few protections under Manitoba laws. Therefore, privacy protection for personal health information is not fully addressed under Manitoba laws, with some health information issues addressed under federal law. This would be simplified under Bill 200 that was just introduced.

The Mental Health Act applies to the clinical records held by the psychiatric care facilities. The

confidentiality and the disclosure provisions in The Mental Health Act prevail over those under FIPPA. The Personal Investigations Act limits the collection, use and disclosure of personal information, including employee information related to personal investigations and reports. Employees' personal information is protected for narrow purposes under The Personal Investigations Act. If the government tried to write into regulations the scope of this bill, it would not do justice to privacy concerns of Manitobans.

The Privacy Act creates a violation of privacy tort. "Although the option of taking civil action against a person for personal privacy invasion exists for all practical purposes, it is outside the financial cost of most Manitobans," says Dr. Bryan Schwartz.

So there are some gaps, even in these laws, which are significant enough to warrant legislation, and Bill 200 bridges the privacy gap and provides a made-in-Manitoba solution. One approach would be to address the weaknesses of PIPEDA by amending existing legislation such as the Employment Standards Code, or FIPPA, but there are problems with this approach. Parcelling privacy provisions only confuses the issue. This is an opportunity to be visual, to be visible, broad and an applicable statute that clarifies stakeholders' rights and obligations.

Enacting Bill 200 would decrease regulatory uncertainty for business in Manitoba. We would be better served if Manitoba enacted substantially similar legislation and would replace PIPEDA and give clarity to compliance obligations under FIPPA. It would not be efficient to add privacy provisions under the Employment Standards Code because the Manitoba Labour Board does not have the expertise of the Ombudsman of Manitoba in interpreting and weighing competing privacy and access rights. The most appropriate solution is to adopt Bill 200, the protection of personal information act.

Bill 200 would give Manitoba employees the protection of personal information and health information in particular. This would provide one legislative mechanism to address Manitoba employees' privacy issues. The bill was written by an expert, Mr. Brian Bowman, a privacy lawyer with Pitblado Barristers and Solicitors. He spent countless hours at no cost on this bill because he believes in privacy and the need for a made-in-Manitoba statute.

To not address this bill or to dismiss it would be irresponsible on the part of this government. By

not allowing it to pass to committee, this government shows no concern for the rights of employees in the private sector and would show a lack of understanding of the issues around privacy and would miss an opportunity it already has to protect all Manitobans.

If we are saying there is not a need to enact this bill, are we then saying that those who work in the public sector are more worthy of information protection than those who work in the private sector? Privacy is really a non-partisan issue—we have to work together—one which affects all of us and is important enough to all people that it would be done in the best interests of all Manitobans.

The bill is well written by an expert. It is well researched. It is in the best interests of all Manitobans. I would encourage the government to seize the opportunity and pass this bill on to committee. Thank you very, very much, Mr. Speaker.

**Mr. Doug Martindale (Burrows):** I move, seconded by the Member for Wellington (Mr. Santos), that debate be adjourned.

*Motion agreed to.*

#### **Bill 204—The Audiologists and Speech Language Pathologists Act**

**Mr. Speaker:** We will now move to Public Bill 204, The Audiologists and Speech Language Pathologists Act.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it is my pleasure to rise today to—

**Mr. Speaker:** You have to introduce the bill first, please.

**Mr. Maguire:** Mr. Speaker, I move, seconded by the Member for Pembina (Mr. Dyck), that Bill 204, The Audiologists and Speech Language Pathologists Act; Loi sur les audiologistes et les orthophonistes, be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It has been moved by the honourable Member for Arthur-Virden, seconded by the honourable Member for Pembina, that Bill 204, The Audiologists and Speech Language Pathologists Act,

be now read a second time and be referred to a committee of this House.

\* (10:50)

**Mr. Maguire:** I would like to thank the Speaker for allowing me to bring this forward at second reading and his patience with me in regard to the proper means of introduction, as this is the first bill that I have introduced in my political career in the Legislature. It is my privilege to bring this forward on behalf of the audiologists and speech-language pathologists of the province of Manitoba.

Mr. Speaker, this is very much a professional bill, as a number of bills that have been brought before this House in the past, that deals with providing the outline and determination of the professional issues that are being presently dealt with by the Manitoba Speech and Hearing Association. I want to say at the outset that I would certainly encourage the government support on this bill because of the nature of it, the way that it has been clearly written and professionally researched. I want to thank the Manitoba Speech and Hearing association people for the work that they have done in bringing this forward. In particular, I want to thank Miss Lori McKietuik, who is the chairperson of the college initiative for this organization.

Mr. Speaker, they have been working on this bill for several years in regard to making sure that it is brought forward in a very professional manner. I have had first-hand experience in dealing with a number of these individuals, and I know that they have proposed this to the government in the past. I believe it was somewhat of an oversight that it has not come forward previous, but I just want to say before I get into that that there is a great history in the area of speech and the hearing issues in Manitoba. These are extremely well-educated professionals in their field, and I believe that they certainly deserve to have a professional bill of this nature whereby they can perhaps deal with issues within their association in a more professional manner.

Mr. Speaker, I want to say that they have requested this professional bill to be brought forward on a number of occasions. I just want to refer to a letter that was sent by Miss McKietuik, Manitoba Speech and Hearing Association to have

this type of a bill placed before the House. One of the issues, I guess perhaps because of the agenda the government had at that time, the Deputy Minister of Health and Healthy Living as well, Mr. Sussman indicated to them that this bill would not come forward for the '03-04 legislative session but very much would be placed on the agenda for consideration in '04-05.

I am sure it is an oversight, Mr. Speaker, but some decision was made that it would not come forward by the government in this particular session, so I am bringing it forward. I brought it forward as a private member's bill in this Legislature because I believe very strongly that the association needs the ability to move forward with the type of professional bill that has been put forward before the House.

Mr. Speaker, I know the government has already passed parallel bills in regard to this, one particularly in my first term as a government member in this Legislature dealing with physiotherapists. I paid particular attention to that one as well because my wife is a physiotherapist. She worked for many years in that field, and I know how important it has been to the Physiotherapy Association of Manitoba to have that professional conduct bill as well.

Mr. Speaker, I just want to talk about the bill itself for a few moments. This bill contains nine parts, including the definitions and the transition, repeal and coming into force parts of the bill. The bill also speaks to the issues of practice in this area. I just want to say that, for the definitions of this act, an audiologist means a person who is registered as an audiologist under this act and a similar vein for speech-language pathologists are persons who are registered as speech-language pathologists under this act.

Mr. Speaker, for those who may not be as aware, the practice of audiology includes the assessment of auditory, balance, and other neural system functions and the treatment and prevention of dysfunction in these systems to develop, maintain, rehabilitate or augment auditory communicative functions.

Mr. Speaker, in the area of practice of speech-language pathology, the area includes the assessment of communication, swallowing, vocal tract, and other upper aerodigestive functions and the treatment and prevention of dysfunction or disorders in these functions to (a) develop, maintain, rehabilitate or

augment (i) oral, motor and communicative functions and (ii) elective modification of communication behaviours, and (b) enhance communication. I think that is pretty straightforward. It is just very clear, the definitions of the practices that this bill will monitor, and it just brings forward the opportunity for clarity in the definition of these professions.

Mr. Speaker, the Manitoba Speech and Hearing Association incorporated by a private act of the Legislature is continued as a body corporate under the name College of Audiologists and Speech-Language Pathologists of Manitoba. That would be section 4(1) of this particular bill under Part 3, and it outlines very clearly the functions, the structure, the purpose of the act, particularly the functions of it. General meetings once a year, special meetings can be given through requests signed by 10 percent of the members. These are common to most professional bills, and this is very clearly an opportunity to modernize a profession and bring it forward under this regard.

The governing body of the Audiologists and Speech-Language Pathologists of Manitoba would be called a council and the bill outlines many of the functions. There would be at least nine, no more than twelve persons who are to be appointed or elected in accordance with the by-laws. There would be at least three and no more than four persons elected or appointed to the council that are public representatives as part of that nine-to-twelve-person board. I think that has been a very credible move by this association to make sure that they have outside representation from outside the profession on their board so that they are always in touch with the feelings of individual Manitobans in regard to their performance and moves in that manner, Mr. Speaker. The council would establish a standing committee for the purpose of recruiting and selecting public representatives to serve on the council, so this bill very clearly outlines the function of the new council board.

The registers, Mr. Speaker, under Part 4 in the registration area, when an audiologist or a speech-language pathologist is registered, and they must be under this act, then they must provide their name, normal business address and business telephone numbers. A number of these areas are very open to the public. It is a very open bill, providing an opportunity for inclusion rather than exclusion. As I say, I cannot say enough about the support that I

would lend to the people that have drafted this bill. I have worked back and forth with them, and I think it has been very clear that the Legislative Counsel office has also done a lot of work on this and I have to commend Mr. Joynt for the work that he has done in preparing this bill. I also want to say that he indicated that given how close this bill was built on other legislation—

\* (11:00)

**Mr. Speaker:** Order. When this matter is again before the House, the honourable Member for Arthur-Virden (Mr. Maguire) will have five minutes remaining.

The hour being 11 a.m., we will move on to resolutions.

## PROPOSED RESOLUTIONS

### Res. 1—CAIS and the Deposit

**Mr. Speaker:** We will move on to Resolution No. 1, brought forward by the honourable Member for Lakeside (Mr. Eichler), CAIS and the Deposit.

**Mr. Ralph Eichler (Lakeside):** I move, seconded by the member from Emerson:

WHEREAS Manitoba farmers have found that the deposit requirement to the Canadian Agricultural Income Stabilization program, otherwise known as CAIS program, has become a major hindrance to access of the CAIS program supports which ties up much-needed money that could be used for other farm expenses; and

WHEREAS many producers are forced into loan situations in order to come up with the deposit, further pushing producers deeper into debt; and

WHEREAS many banks are even refusing to lend money to farmers who offer their future cash payments as security because the banks have little confidence in how the money will be paid; and

WHEREAS our agriculture producers who have suffered through difficult circumstances such as BSE, drought, frost or tariffs are fed up with the empty government promises that aid is finally coming their way; and

WHEREAS the Canadian House of Commons passed a resolution on February 8, 2005, which stated: That, in light of numerous recent disasters affecting agricultural communities across Canada and the government's failure to deliver timely relief to struggling farmers, whether by the Canadian Income Stabilization program or other programs, the House call the government to immediately drop the CAIS deposit requirement and honour the commitments it has already made to Canadian producers; and

WHEREAS the federal government recognized the need to remove the CAIS requirement in their budget delivered on February 23 and committed to working with provinces and territories to make the change; and

WHEREAS Manitoba's economy is heavily reliant on the health of the agricultural sector and the economic toll of these crises on the province's producers will ultimately be borne by Manitobans; and

WHEREAS Manitoba can be the leader in the country that pushes for a positive step forward for Manitoban and Canadian producers by advocating the removal of the CAIS deposit, thus enabling more farmers to access to supports.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider supporting the February 8 House of Commons resolutions which supported eliminating the deposit requirement for the CAIS program; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider lobbying their provincial government counterparts across Canada to ensure that there are seven provinces who support the changing of the CAIS program to remove the deposit requirement.

### *Motion presented.*

**Mr. Eichler:** It continues to be tough times in the province of Manitoba for our producers unable to catch a break, whether it is the prolonged BSE crisis or poor weather such as the drought in 2003 or the excess moisture in 2004 along with the heavy frost that happened in several parts of the province over

the past couple of years. Cash flow on the farm has become more difficult to maintain, and right now many farmers are struggling to ensure they can afford to put in a new crop into the field.

In fact, last night I was out with a number of farmers and from my area north, it is a huge number of acres of land that are still saturated from last year's rains. When you move over to the Selkirk area and the bog area of the Interlake, there is another area of which a large portion is still under water from last year, thus making it very difficult to get the crop in for the upcoming year and it puts another bit of uncertainty into the agricultural sector.

The deposit requirement ties up needed cash without any strong justification for it. The Minister of Agriculture (Ms. Wowchuk) on September 7 put out a press release saying the province of Manitoba is prepared to withdraw their need for the CAIS deposit. This motion is quite timely in order to move this on to ask not only the Province of Manitoba to withdraw the CAIS deposit, but, also, them within the other provinces. There are seven other provinces that are required to make sure that the CAIS deposit is withdrawn, so we are proud to see that the members on the other side of the House are onside with us, and to make sure that the other provinces make sure that they do withdraw the case requirement.

The House of Commons passed a resolution on February 8 asking the federal government to remove the deposit requirement, and that motion did pass and, in the budget of the federal government, recognized the need to remove the requirement to help producers rebuild after these challenging past couple of years. There is no money left for reinvestment. This is David Wolfe talking about yesterday's recent announcement with the farm incomes continuing to flounder.

Although receipts are up for the past year, the overall financial level and the hurt that is out there in the farming area, not just those with cattle farmers, but all farmers that are being affected by this, the bison industry, the sheep industry, the oils and the seeds—we could go on and on about the hurt that is out there.

There is just enough capital available for these farmers to keep up their buildings, keep up machinery, to keep up anything that has to do with

the maintenance of the day-to-day operation of their investments and their productivity to make them competitive in the marketplace. Never mind looking at new ways of putting in their crops, new ways of handling their cattle and new ways of trying to be competitive in the marketplace.

According to KAP, Canadian farmers made \$1.4 billion growing crops and raising livestock, but depreciation alone is \$4.5 billion, meaning that farmers were unable to make reinvestments into the sustainability of their operations.

The Minister of Agriculture (Ms. Wowchuk) has acknowledged that producers are going through challenging times and even announced that she will work towards removing the deposit, but, as we had pointed out earlier, the other provinces that are required to do this, we realize the ministers' meeting is going to be coming up in July, but we would like to see the minister and the government pass this motion in order to encourage those other provinces to get onside prior to July coming forward with their meeting.

However, she is talking about the CAIS funds being made available, but she needs to get the other provinces on board in order to make this change. Otherwise, this \$63 million that has been promised to the farmers through the CAIS program to make it available is no more than lip service, so we need to get this motion passed, need to get the CAIS deposit back into the hands of the farmers, especially now with the late seeding year.

As we all know, if the crop does not get seeded before June 1, which is coming up next week, the yields just will not be there. The crops will not be where they need to be in order to get the yield that we would like to get. Also, the chance of frost and damages is going to be coming forward once again. There is going to be another year of which we are hoping that we will have a bumper crop and extra grain for our cattle and our growing number of herds, because with those being up 30 percent, it is going to make it also very difficult to—may not have enough feed if we do not get the crop in on time.

Yesterday's StatsCan report on farm cash receipts show that the crop receipts were down 6.2 percent below the previous five-year average. Revenues were down 24 percent. Again, David Wolfe said farm incomes are not high enough to

keep the industry afloat in order to make sure that we have a viable industry.

Also in with that, the hurt for the Manitoba farmers is, as I have said before, just not near enough in order to keep up and to help producers rebuild after these challenging years. There is no money left for reinvestments, he goes on to say, and farmers are forced to live on the money that they use to keep their operation competitive on the international marketplace. I know that there is a hard-pressed line out there to try and stay competitive in the world market. I know the border to the south, with our American friends, there are a number of subsidies that are in place to help the farmers.

When we look at these receipts at overall total, it does not take into effect the count that the federal dollars that have been put in, the provincial dollars put in, so without these dollars, our total receipts would not be where they were today. With that in mind, the true gate receipts is what the bottom line has to be. We cannot continue on subsidies, count on subsidies to be the main source of income whenever it comes to the farm. We need to be competitive. We will need to find new initiatives in which way we can make that market competitive. Also, we have to make sure that we take advantage of the opportunities that are out there. As leaders in the province, with the University of Manitoba lab, the lab that is in Portage, also the test stations in Brandon and also in Carberry, we have to make sure that we can get these into place as well. Without the extra money coming from the CAIS deposit, we are just not going to be able to have enough money to do all the things that we need to do in order to become competitive.

\* (11:10)

We do have a number of members on this side of the House that want to speak on this, Mr. Speaker. So having said that, we urge the members on the other side of the House to support our motion, and hopefully this will go a long way in making sure that the \$63 million just in the province of Manitoba will be made available in a very quick fashion. Hopefully, the other provinces will see fit to make sure that the CAIS deposit gets back to their farmers, and we can make this a joint effort throughout all of Canada.

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

Having said that, Mr. Deputy Speaker, I will let the other members have a chance to speak. Thank you.

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Deputy Speaker, I am very pleased to have the opportunity to speak this morning on this resolution. I was concerned that I might miss it because I was, as the member mentioned, at the University of Manitoba. I was just at the university with Minister Alcock where we were making an announcement on investment in Smartpark and the Province's committing a million dollars into the infrastructure so that we can continue that research. So there is a total of \$3 million being invested into research, issues that really tie into the comments that the member opposite was speaking about, the importance of continuing our research.

I can tell the member opposite that this government is very committed. We just opened the Food Development Centre where significant investments were made. We just announced investments in Smartpark. The facility at St. Boniface Hospital is an important facility as well, Mr. Speaker, which we have invested in because we really do believe that we have to take agriculture to the next step. We have the primary production, but we have to find ways to value-add and look for new opportunities for our agriculture producers.

In fact, Mr. Speaker, that was part of our reorganization of our department: to get new opportunities in value-added, provide new supports for economic development in rural Manitoba. I have not heard the comments from the members opposite, but I hope that they would support this reorganization and new emphasis on value-added and economic growth in rural Manitoba because it is very challenging times in our rural communities. Certainly, if you look at the farm cash receipts, it has been a very difficult time.

The member opposite talked about the challenging year that we are in and the saturated land in his part of the province. I hope he would recognize how important the excess moisture insurance program is that we put in place when we formed government through our crop insurance which will pay \$50 an acre to those people who are not able to seed. It is a program that they did not have before we took office, Mr. Speaker, and it is a program that is very much appreciated. Farmers would much

rather get their money from the marketplace; they would much rather grow a crop. But they also need insurances, and this program that we have put in place through crop insurance is very helpful for them.

Mr. Speaker, the member has put forward a resolution, which is an issue that I have been working on for some time. In fact, from the inception of the CAIS program, we had concerns about the affordability of the deposit, and we raised that many times.

There are many challenges with CAIS. I have to say that I believe that one of the biggest challenges of CAIS is that BSE came along just when CAIS was being designed. At the federal government's insistence, we are trying to solve all of the CAIS problems, when I believe what we should have had is a disaster assistance program, a separate program to deal with the BSE crisis. Because we have blended it all into one program, there are challenges with it, but, Mr. Speaker, I want to tell you as well that there are reviews going on.

I can also say that when the program was being developed Manitoba argued successfully, I believe, for the deposit requirement to start at one-third rather than the full deposit because in the original program the full deposit was going to have to go into bank accounts and that was changed to one-third and, in fact, many people have not made a deposit into the program yet. There is a significant amount of money sitting in accounts, and much of that money was money that was rolled over from previous programs like NISA and that then people used it for their deposit, but there are people who have no deposits in the program. We now continue to work with other provinces and the federal government to develop alternatives to the deposits that more effectively engage producers in joint management of business risk under the program.

So, Mr. Speaker, as the member has indicated right now, there has been an amendment made. It was an amendment that said producers could withdraw all of their money from their accounts and no deposits will have to be made until March 31 of 2006. Between now and March 31 of 2006, we are going to be looking at alternatives. What can replace the deposits in this program? I can tell you that whatever replaces the deposits, we feel that it must contribute to stabilizing farm income. We must

engage producers in active business risk management. Ultimately, it must be affordable for producers, and it has to be cost neutral to the parameters of the program that had been set out.

Also, we believe very strongly that it must be WTO compliant. We are an exporting country. We do not have to put in place programs that could result in court challenges. And I can tell members opposite that when we were in the challenge on hogs for countervail and dumping, our CAIS program was looked at to see whether or not it could be challenged. It could not be challenged. We want to continue to ensure that it is not, that it is WTO compliant.

One of the very important parts of CAIS that I have always supported and will continue to allow before is that I do not want to, as we change the program and look at what deposits will be, I do not want to see any other of the production insurance programs put in jeopardy. We look at the last year and we look at how effective our crop insurance program was in the last year to help producers through a difficult year. We had record payments since the creation of crop insurance. We have put additional programs in to help, as I said, the excess moisture insurance program. As we develop a new way for producers to participate, we have to ensure that some of these themes that I have mentioned are complied with. In particular the WTO compliance and that we are not risking our production insurance which is a very effective program.

I can tell the members opposite that there is consultation with the industry that is ongoing right now to look at what the alternatives will be to the deposit and these alternatives are going to be, and the results of this consultation are going to be presented to the provincial and federal Ministers of Agriculture at our annual meeting that will take place in July of this year. But in the meantime, there are no deposit requirements until March 31 of '06, and I am very pleased that we will be able to take some leadership out of this province and that I was the first minister to sign on to the federal-provincial agreement that would allow producers to withdraw all of the funds that they have in their CAIS deposits. We are very hopeful that other provinces, I know that the federal government has signed on. I am very hopeful that other provinces will sign on and that cash can begin to flow. The process to have money flow is very simple. Producers fill out a form. They send it to



their financial institute. There is an application form from CAIS, from the administration, that they have to get, and then it goes forward from there.

\* (11:20)

There have been questions about CAIS, and I can tell members opposite that since day one Manitoba has maintained its full share of CAIS payments and we intend to continue to do so. Our goal is to bring some stability to the farm income. Ultimately, we would want to see farmers be able to get their money from the marketplace. That is where farmers would like to get their money from, but during challenging times we have to ensure that there are programs in place.

Our Crop Insurance Program is a very good program that helps with input costs when there is a difficulty. The CAIS program fills another need for producers, and we have to continue to work on this program so that it does meet the needs of producers. So I can tell the members opposite that the requirement for CAIS deposit is gone now. There is no requirement for CAIS deposit. A review is taking place. Producers, as soon as seven provinces have signed on, will be able to get back the money that they have put in place. *[interjection]* The motion says that, and I am telling the member opposite that that is actually in effect right now. Producers—*[interjection]*

That is Manitoba's position. Manitoba has signed on. As soon as other provinces sign on, we will have deposit money flowing back to producers, as it should, because over \$60 million sitting in accounts when farmers are having a difficult time making a decision on cropping is one that we should be addressing. I say to the members opposite, we have addressed it and we are looking at solutions. We are looking at alternatives of what can replace the deposit, but in the meantime producers are not putting money in. I say clearly that there have been some producers who have not put any money in up to this point.

Mr. Speaker, I think as we also look at these, we have to look at, as I said, other alternatives. The need for slaughter capacity in this province is significant. That is why we have invested in Rancher's Choice, and we are working diligently to move that project forward. That is why we announced additional money last week to help other

facilities. The question was raised in the House about other facilities, and I want to assure members that every facility that comes to this government with a proposal will be worked with. We are working with them to see whether or not they can move to federal standards or upgrade their provincial facilities to meet more of a need. When you look at what the processors have done in this province to go from 16 500 slaughters to over 28 000, there is a lot of credit that has to go to those people who have helped out in that.

I want to say that one of the areas that I am very concerned about and one that I think will have a dramatic impact on the farming community is the border closure but more so R-CALF's proposal to challenge, ideas of challenging boxed beef going over the border. If they should be successful in challenging in that area and winning that challenge, that will be a tremendous blow to the industry. That is why it is very important that we continue to work on slaughter capacity. It is important that we continue to work to develop new markets and that we continue to work towards further value-added.

Again, I want to refer to the discussion that I had at the university this morning where the Smartpark is built on a field where there was once testing. It was an agriculture research site where they were working with animals, grain testing. Now it has moved to the next level where we are doing research on how we can use those agriculture products in new and innovative ways. So we have to move up the value chain in order to capture more for our producers in this province. We are doing that, but this resolution speaks to an issue that I had been working on for some time, and I am pleased that we have been able to move this along, along with support from other provinces, with support from the federal government that we should reduce the deposit.

The one last point I want to make, Mr. Speaker, is members opposite talk an awful lot about cash advance, and one of the steps that we were able to do in CAIS, and it was a Manitoba idea, that we would get a cash advance for cattle producers from CAIS and that also is in place so producers can get some cash ahead of time because the cash crunch is very tight for producers right now.

Mr. Speaker, all of these are important ideas. Any way that we can get cash into producers' hands

is significant, and that is why we moved on this issue, and that is why we will continue to work at new ways that we can get producer participation and ensure that their cash is in their hands rather than sitting in bank accounts. I can also tell you that there are other areas where there is cash sitting. There is a fairly significant amount of money left in NISA accounts and those are areas that have to be drawn down to be used in this cash crunch.

So, Mr. Speaker, we have very important programs that are under the agriculture policy framework that we are working on. The business risk management one is one of those. Crop insurance is a very important part, and I am pleased with the changes we have made there, and I am pleased that we have been able to make the changes, that Manitoba was the first province that was able to sign on to getting the program changed—

**Mr. Deputy Speaker:** The honourable member's time has expired.

**Mr. Jack Penner (Emerson):** Mr. Speaker, I think what we have just heard from the Minister of Agriculture on the CAIS deposit resolution that our Member for Lakeside (Mr. Eichler) has put forward today is rather unfortunate that she put on the record the kind of comments she did. I think it is a demonstration of how lacklustre her approach has been to dealing with the crisis in agriculture. What I have heard today is a presentation that I have heard and many farmers have heard dozens of times. This whole approach started with the decrease in revenues that agriculture producers were facing.

One of the key areas is where the hog industry a number of years ago had a significant price decline in one year, and programs were developed to take care of those significant price declines. The CAIS program was the last one that came out of the federal government. I believe that, when the government announced this program, there was a transition program between the previous program and to help drift them into this CAIS program. That transition program required participation by the provincial government. This government never participated. Sixty million dollars would have accrued to the farmers in the province of Manitoba had this government met its responsibility under the transition program. No participation. Forty percent less money to the farmers of Manitoba than most other provinces—40 percent.

The second one was when the BSE crisis came. There was a \$180-million announcement made by the Province of Manitoba, by our Minister of Agriculture. A hundred and eighty million dollars, a lot of money, was it not? *[interjection]* And the government members are applauding, as they should. However, when it came to delivery of the program, only \$90 million was delivered, and \$67 million of that was direct loans to farmers, dragging farms \$67 million deeper in debt. Was there any support offered? We had constantly said, "Put in place a support mechanism that will give the assurance to our cattle producers, our livestock producers in this province that will ensure them an ability to go to the banker and say, 'Here is an agreement that we can take to the bank.'" But none of that occurred.

The participation in the last federal program, the billion-dollar program which the federal government made a big noise about, did we receive any recognition by the Province of Manitoba to match funding on that program? Another \$60 million, 40 percent missing out of the coffers of this government towards its commitment to agriculture, it just was not made. A lot of talk, a lot of rhetoric, no delivery.

\* (11:30)

The support mechanism that has been announced three times now for slaughter increased capacity in the province of Manitoba, \$3 million times three. That should have amounted to \$9 million so far being offered by the Province of Manitoba. That is what the consumer out there is saying, that is what the taxpayers are hearing: \$9 million has been committed so far by the Province of Manitoba to the slaughter industry. Well, sorry about that, taxpayers of Manitoba. This government so far has not delivered a dime out of the nine million they have announced or the three times three million program that they have announced. Now they are saying, finally they are saying, you know, the applications will be available soon. After a year of announcing a \$3-million program three times, now the application forms might be available. We do not know for sure yet when, but they might be available.

The third one is that I believe that this is simply a demonstration of how far behind Manitoba producers are in the general scheme of things nationally compared to other provinces. When you take into consideration the announcement that was made, our communiqué that came out of Ottawa that

says farm incomes continue to flounder. It says that farmers actually made \$1.4 billion in growing crops and raising livestock last year. It also says in that, it would take \$4.5 billion just to keep up with the repairs and the depreciation of their equipment.

In other words, farmers are losing \$3.1 billion annually today, and we have a CAIS program that is not paying out. Many of the producers that I talked to today have said they have made applications, but no money. Our farm is exactly the same way, Mr. Deputy Speaker. We have applied three times now, and the cost of those applications just in accounting fees to register these programs, or to register these applications, is fairly significant.

Three years in a row we have applied now. How much did we get on our farm? Absolutely zero. We do not qualify. You know why we do not qualify? Because of the terms of the agreement and the CAIS program the way it is written. Does it support those industries or agricultural industries that have incomes that have gone straight up and straight down? Yes, it does. The hog industry is an example. I think they were significant benefactors of this program, but the grain industry, especially those farmers that have taken significant steps to diversify, are not qualifying for these programs because their costs have gone straight up as well as the rest, but their incomes have drifted upward slightly so their margins have drifted up slightly, their losses are large, but their revenue streams are increasing, and therefore do not qualify. That is what is wrong with this program.

Now, I think when you look at the total income of the farm sector, and then take just the depreciation alone, it indicates a loss of, as I said, 3.1 billion. That just demonstrates how far in the hole these farmers really are. Now we have said to the minister time and time again, if you would have used the same approach the Wheat Board uses in grain cash advances to offer those to the cattle industry, the cattle industry today would be in a much different economic situation than it is. Would it have encouraged the Americans to open the border any sooner? I do not think so because the latest impediment that was drawn was not a government initiative in the U.S., it was simply R-CALF, a small group of cattle producers that simply wanted to make sure they were able to demonstrate how much power they could wield if they chose to, through the courts, and so the courts have stalled.

Can this government do anything about that? No. I think some of the actions that we have seen by our Premier (Mr. Doer) of our province in regard to water issues have had a significant impact in Washington in sort of saying, "Well, if they do not want to accept scientific evidence on water, then why should we accept scientific evidence on beef?"

I suspect that might be the discussion and I suspect that the power of one Mr. Byron Dorgan in Washington was badly, badly misunderstood. He is a very, very powerful person, and he comes from North Dakota, and the water issue deals with North Dakota water. Never, ever underestimate that.

So I say to the minister, I say to the government, it is time that we recognize that we develop and negotiate a program that will be very similar to the program that the United States uses. We should almost develop a mirror program to them. That way, they would not have an argument when our borders were at issue. That way, we would only be able to say, "We are doing the same thing you do to our farmers." We will apply the same principles. We will apply the same programming and then, then I think you would see a similar kind of situation develop in Canada that you are now seeing in the United States.

When I drive across the line and I look at the new building on the farms going up there compared to what ours are, we are a Third World country. When I look at the paint on the tractor in the United States compared to the paint on our tractors, we are in a Third World country. And it largely is demonstrated by the fact that they have adopted a cheap food policy in the United States, and their farm program is deemed a social program. Our farm program has always been directly pointed at agriculture as a support program to agriculture. They do not even talk about supporting agriculture anymore. They are talking about the social program. ming to ensure that there will be cheaper food available to those that cannot afford it.

So the food aid program, the food assistance program in the schools and those kinds of things are all developed under this new program, and all paid out under this new program. The food aid to foreign countries presents a huge trade impediment to us internationally. Can we challenge it? No, we cannot because they have not changed there. We made a large mistake by declining some of our programs, cutting them out and that sort of stuff without paying

attention to what the Americans were doing, or appeared to do, with that program. They kept theirs level. We cannot go back now and backfill. That is against WTO rules. They can. Because they did not cut any, therefore, they can maintain what they have.

Mr. Speaker, this CAIS program is badly flawed. The province needs to clearly demonstrate leadership in this to ensure that the deposits that farmers had to bank are not needed anymore, permanently and that we will rewrite this program in a dramatic way to ensure that our farmers will receive similar kinds of support mechanisms that other countries do. Thank you.

**Hon. Stan Struthers (Minister of Conservation):**

You know, Mr. Deputy Speaker, sometimes we have to be careful in this Legislature. I want members present to cast their minds back to a comedy, a show that we all watched when we were younger. It was a show called "Get Smart," and there was one part of that show where the—*[interjection]* No, not the shoe phone, not the guy coming out of the garbage can.

You remember those domes, the cones of silence, that used to come down. They used to come down over the heads of each individual character in that comedy. Max would have his, and Agent 99 would have hers, and the chief would have his, and they would come down over their heads, and they would talk back and forth, and they could not hear each other so they would yell back and forth at each other, and they still could not hear each other.

\* (11:40)

I do not want the member from Emerson to let this dome over this building act as a cone of silence for him, and I would not want that to happen to any other of the 57 MLAs in this Legislature. I wonder why the member from Emerson would let that cone come down over his head when our Minister of Agriculture (Ms. Wowchuk) stood in this House in the speech previous to his, and it was not like it was yesterday or a week ago or a month ago. In the speech previous to his, she clearly outlined that our government was actually one step ahead of the resolution that we are putting forward today. Our government is actually moving along in a quicker fashion that is being spoken of here today, and our Minister of Agriculture is actually showing the kind of leadership, not just here in this Legislature in our province, but throughout Canada.

The resolution here deals with the CAIS program, the Agricultural Income Stabilization program. This is a program whose intent, at least, was to benefit farmers in our province. Farmers, who I want to point out, are an integral part of our society, an integral part of our economy, who are absolutely essential for Manitoba's economy to move forward in a positive way. They make a huge contribution to our province and they work very hard, Mr. Deputy Speaker. I do not think there is a single member in this House who does not understand that. I think Manitobans understand that, and I think they expect that we, as legislators, are going to make the best possible decisions and go to bat for farmers and farm families because first of all, it is just the right thing to do.

Second of all, where would our small communities be without farmers producing the products that they sell into our markets? Where would little communities be all over rural Manitoba if it was not for the farmer? The farmer contributes a lot to our economy, no more so than in small rural communities.

It is important that when we sign on to agreements such as this with our other colleagues, other Ministers of Agriculture from other provinces in our nation, and when we sign on with the federal minister, the national government, that we get it right. We have to understand that if we sign something and we later figure out that we do not have it quite right, that we are progressive enough, mature enough to sit down again and make the adjustments necessary to actually get the program right. That is the kind of leadership we have seen from our Minister of Agriculture.

From day one, our Minister of Agriculture has been pushing the agenda that even members opposite, even the Member for Emerson has spoken of in debates in this House. Last week when I was questioned in Question Period, a question came from the Member for Turtle Mountain (Mr. Cullen) in kind of a joking way. I answered back that the Member for Turtle Mountain would have to get up pretty early in the morning to get ahead of me on that. Well, the Member for Turtle Mountain and I definitely sleep in when it comes to being compared to the Minister of Agriculture who gets up way earlier than I would ever purport to get up. She is working hard very early in the morning on these sorts of things and I think she is up earlier in the

morning on this issue than what the Member for Lakeside (Mr. Eichler) is.

*Mr. Speaker in the Chair*

The CAIS needs some improvements, that is recognized. That is why the minister indicated, if the Member for Emerson had been listening, that is why the Minister of Agriculture (Ms. Wowchuk) indicated that this program is under review. We do want the federal government to take us up on our suggestions that we have already made at federal, provincial and territorial meetings of Agriculture Ministers.

The Minister of Agriculture (Ms. Wowchuk) clearly outlined the principles upon which we need to be negotiating in terms of these deposits that are, after all, the focus of this resolution. We indicated clearly that we have concerns about these deposits. We have indicated clearly that these deposits and whatever we sign on to has to be affordable for farmers. We have indicated very clearly that the program has to do what the program was intended to do, and that is to stabilize farm incomes.

Mr. Speaker, many Manitobans are employed in positions where they have stability in their incomes. You know, from one week to the next, one paycheque to the next, more or less what you are going to get paid. That is the situation with me as an MLA. I know what I am going to get paid. It is predictable. It is stable. I think that is a real advantage. I feel for people who work and toil so hard in this province and their incomes are anything but stable. Their incomes are dependent on factors on which they have no impact.

In the case of farming, it is pretty straightforward. As the Member for Lakeside (Mr. Eichler) quite correctly pointed out, weather plays a big role. There are constituents of his, constituents of the Interlake, there are constituents that live in the area of God's country, the Parkland, that the Member for Russell (Mr. Derkach) and I share, people who have very tough conditions this spring to get out and get their crops seeded. They do not know if they are going to get their crops seeded in time to have them harvested before the frost hits in the fall. That is not a worry that I as an MLA need to worry about, but farmers do. Farmers are at the whim of international agreements, international actions, as we have seen with the BSE and the closing of the border.

Mr. Speaker, we know that taxpayers and citizens of Manitoba have to have an understanding and have to have a say in how we spend our money here. But the last point that I want to make is that the member from Emerson, in his speech, should give the people of Manitoba, the taxpayers of Manitoba a little bit of credit. When the member from Emerson tries to imply in this House that we have announced \$3 million three times to improve the slaughter capacity—*[interjection]* He said it outright, according to the Member for Russell (Mr. Derkach). And that every time that comes out that we should add another \$3 million on to it, so the total now somehow is \$9 million, I think the Member for Emerson (Mr. Penner) should get it right, and I think the member from Emerson should understand that Manitobans, when they pay their taxes, understand more than what he has given them credit for when it comes to the amount of money that this government puts into stabilizing farm incomes.

So, Mr. Speaker, with those comments I want to clearly indicate the support of this side of the House to the approach that our Minister of Agriculture (Ms. Wowchuk) has taken and we commend her in moving this whole case review forward and the consultations that she has undertaken.

Thank you very much, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, quite briefly I want to indicate that the Liberal caucus supports this resolution, that we think that this is a positive thing for farmers. We recognize that there has been some progress in this area, that we still need a resolution of what happens next year, and we still are in circumstances where some farmers are trying to get their deposits back that they have put in. What I would say is let us move this forward and hopefully the government will allow a vote on this and it can pass and move on.

\* (11:50)

**Mr. Tom Nevakshonoff (Interlake):** Good morning, Mr. Speaker. Before I get into my main speech, I would just like to tell members about a terrible fright I had this morning. I was driving in from the Interlake and was coming down Broadway and lo and behold, there was a great bear looming over a young child on the sidewalk there. Members opposite know how I feel about bears. Upon occasion, in defence of my family, I have had to

exterminate the occasional bear, so I had to take action here. I charged one with my truck and sustained some damage, but I will be sending the bill to the Minister of Justice (Mr. Mackintosh). We have a very good wildlife compensation program.

All kidding aside, Mr. Speaker, it is my pleasure to rise today and speak on the resolution for the Member for Lakeside (Mr. Eichler). I think I would like to follow up on words of our Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk) where she made the very, very succinct point that, in fact, the content of this resolution has already been followed through on our behalf. It says support the resolution eliminating the deposit requirement and that has been done.

It is a mystery why this is even before the House in the form of a resolution because our minister has been very proactive on this front and has accomplished this purpose. As a matter of fact, she led the way in our country. She was the first minister to sign on to the resolution that the CAIS deposit be eliminated. So I am at a bit of a loss as to why the members are putting this forward, but I suppose it is all part of their strategy to buckle on to the good deeds that our Minister of Agriculture is putting forward. That puzzles me, Mr. Speaker, but so be it. If that is how they want to play the game, that is fair ball.

This is the political theatre, and members opposite do not hesitate to play politics. At times we would like to put politics aside in this Chamber. You know we have said from the very beginning when BSE became an issue in the midst of the last election campaign, as a matter of fact, we very quickly stepped forward and said, look, this is a serious crisis. Our farmers are in trouble. Let us put politics aside and try and work together as a team here to address this.

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

**Mr. Nevakshonoff:** Well, the members opposite are saying hear, hear, but that was not necessarily the way they acted when it came to addressing the crisis. We got criticism and a lot of denigration of the minister's actions which I think was very unfair. We just heard the Member for Emerson (Mr. Penner) go on at length in his usual style; you did this wrong, you did that wrong, you did nothing, so on and so forth. That was not helpful, and quite frankly, I think

his comments are on the record, and I go back to them again.

Comments that were made in the *Farmers Independent Weekly*, a very worthy farming newspaper, drew us to the point where, first of all, it was a couple of years ago when the crisis began. The Member for Emerson (Mr. Penner) said investing in processing was not such a good idea. Here we are trying to increase slaughter capacity in our province, and the former Ag critic for the Conservative Party that probably led to his movement over to the Water Stewardship file. But I will not—[interjection] So there you go. He was not in favour of slaughter capacity and then flapjacked or flip-flopped over his position a year later. Well, we are not doing it fast enough, right? How ironic how he can speak out of both sides of his mouth at the same time.

So I just want to put that on the record once again. Once again, because I do not think it can be said often enough when you have such a dichotomy or difference of opinions from one day to the next—

**Mr. Speaker:** Order.

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

#### Point of Order

**Mr. Speaker:** Order. The honourable Member for Lakeside, on a point of order.

**Mr. Eichler:** Mr. Speaker, as I listen to the debate, I hear the member from Dauphin, also the Minister of Agriculture (Ms. Wowchuk), and now the member from Interlake and the Liberal Party. I see that there is unanimous consent to pass the motion, and I would like to call the question now.

**Mr. Speaker:** Order. On the request for the question, I cannot interrupt a person speaking to put the question. It has to be done after an individual concludes their comments.

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

**Mr. Speaker:** Order. I have already ruled on that point of order.

#### Point of Order

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

**Mr. Leonard Derkach (Official Opposition House Leader):** Yes, on a new point of order, Mr. Speaker. I have been listening very carefully to the comments that have been made on this resolution, and the Minister of Conservation (Mr. Struthers) and the member from Interlake, even the Minister of Agriculture (Ms. Wowchuk) have indicated that this is a resolution that does mirror some of the actions that the government has taken and is trying to take.

So, as we have done in the past, we have, just prior to the conclusion of the hour, moved certain resolutions through in the spirit of co-operation and to signify that, indeed, all of us in this Chamber agree with the principle of the resolution and would move it on.

So in that spirit, Mr. Speaker, I would ask leave of the Assembly here to vote on this resolution at the conclusion of the member's statements. If there would be leave to do that, I think a great deal could be achieved by this spirit of co-operation.

**Mr. Speaker:** Order. On the point of order raised, I have already dealt with that matter, but he is asking leave if at the conclusion of the honourable Member for the Interlake's (Mr. Nevakshonoff) speech, if there would be—

**An Honourable Member:** Right now.

**Mr. Speaker:** No. The honourable member has the time to speak, and all members are entitled to their speaking times and should not be interrupted. If the honourable member, when he concludes, if a member wishes to put that request, that is entirely up to the member.

The honourable Official Opposition House Leader, for clarification.

**Mr. Derkach:** Mr. Speaker, I am wondering if we could, indeed, extend the time and not see the clock so that the member from Interlake could finish his comments but have agreement from the House that, at the conclusion of his remarks, we could vote on this resolution. Then this resolution is dispensed with, and we could go on to other resolutions.

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

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, this again, for the second week in a row, is an unfortunate interruption. It has taken away time from debate. There are members on this side that want to put their remarks on the record with regard to this resolution.

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

\* (12:00)

**Mr. Speaker:** Order. The request has been if there is leave—well, there are two requests. The first one was to not see the clock. That has been denied, and the hour being past twelve o'clock, when this matter is again before the House, the honourable Member for Interlake (Mr. Nevakshonoff) will have 12 minutes remaining.

\* \* \*

**Mr. Speaker:** The hour being twelve o'clock, we will now recess and reconvene at 1:30 p.m.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, May 26, 2005**

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