

**Fourth Session - Thirty-Eighth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

**Official Report**  
**(Hansard)**

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authority of  
The Honourable George Hickes  
Speaker*

**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.
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.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
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**

**Monday, May 29, 2006**

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

*PRAYER*

**ROUTINE PROCEEDINGS**

**PETITIONS**

**Removal of Agriculture Positions  
from Minnedosa**

**Mrs. Leanne Rowat (Minnedosa):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Nine positions with the Manitoba Agriculture, Food and Rural Initiatives Crown Lands Branch are being moved out of Minnedosa.

Removal of these positions will severely impact the local economy.

Removal of these positions will be detrimental to revitalizing this rural agriculture community.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing current technology in order to maintain these positions in their existing location.

This petition signed by Koreen Miko, Linda Cook, Anita Croue and many, many others.

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

**Child Welfare Services**

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

These are the reasons for this petition:

The Premier (Mr. Doer) and the Minister of Family Services (Ms. Melnick) have the responsibility to provide safety, care and protection to children in care in Manitoba.

Thirty-one children have died since 2001 while in care of the Province or shortly after being released

from care. Last year nine children died, the highest number recorded.

Little Phoenix Sinclair died in June of 2005, but her death went unnoticed for nine months even though she had extensive involvement with Child and Family Services beginning at birth.

Manitobans want to know how the system could fail little Phoenix Sinclair and the other 31 children.

Manitobans want assurances that no other children will fall through the cracks of the child welfare system.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider calling a public inquiry into all aspects of the delivery of child welfare services throughout Manitoba.

This is signed by Ivy Rogers, Jesse Hamonic, Gary Dikkema and many others.

**Grandparents' Access to Grandchildren**

**Mr. Jack Reimer (Southdale):** Mr. Speaker, I wish to present the following petition.

These are the reasons for this petition:

It is important to recognize and respect the special relationship that exists between grandparents and grandchildren.

Maintaining an existing, healthy relationship between a grandparent and a grandchild is in the best interest of the child. Grandparents play a critical role in the social and emotional development of their grandchildren. This relationship is vital to promote the intergenerational exchange of culture and heritage, fostering a well-rounded self-identity for the child.

In the event of divorce, death of a parent or other life-changing incident, a relationship can be severed without consent of the grandparent or the grandchild. It should be a priority of the provincial government to provide grandparents with the means to obtain reasonable access to their grandchildren.

We petition the Manitoba Legislative Assembly as follows:

To urge the Minister of Family Services and Housing (Ms. Melnick) and the Premier (Mr. Doer) to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren.

This is signed by Victor Black, Marie Zerbin, Cathy Sherb and many, many more.

\* (13:35)

### **OlyWest Hog Processing Plant**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background for this petition is as follows:

The Manitoba government, along with the OlyWest consortium, promoted the development of a mega hog factory within the city of Winnipeg without proper consideration of rural alternatives for the site.

Concerns arising from the hog factory include noxious odours, traffic and road impact, water supply, waste water treatment, decline in property values, cost to taxpayers and proximity to the city's clean drinking water aqueduct.

Many Manitobans believe this decision represents poor judgment on behalf of the provincial government.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to immediately cancel its plans to support the construction of the OlyWest hog plant and rendering factory near any urban residential area.

Signed by Debbie Plato, Brenda Gilbert, Janet Tattrie and many, many others.

### **Crocus Investment Fund**

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

The background to this petition is as follows:

The Manitoba government was made aware of serious problems involving the Crocus Fund back in 2001.

Manitoba's provincial auditor stated "We believe the department was aware of the red flags at Crocus and failed to follow up on those in a timely way."

As a direct result of the government not acting on what it knew, over 33,000 Crocus investors have lost tens of millions of dollars.

The relationship between some union leaders, the Premier (Mr. Doer) and the NDP seems to be the primary reason as for why the government ignored the many red flags.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the government did not act on fixing the Crocus Fund back in 2001.

To urge the Premier and his government to cooperate in making public what really happened.

Mr. Speaker, this is signed by J. Metcalfe, G. Heitn, M. Derksen and many, many other fine Manitobans.

### **Introduction of Guests**

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of honourable members to the public gallery where we have with us from Peguis Central School 8 Grades 9 to 12 students under the direction of Ms. Stella Walker. This school is located in the constituency of the honourable Member for Interlake (Mr. Nevakshonoff).

Also in the public gallery we have from King Edward Community School 48 Grade 5 students under the direction of Mr. Paul Vernaus and Mrs. Irene Okamura. This school is located in the constituency of the honourable Member for Burrows (Mr. Martindale).

Also in the public gallery we have from Gray Academy of Jewish Education 28 Grade 11 students under the direction of Mrs. Linda Connor.

Also in the public gallery we have from The Maples Collegiate 23 Grade 9 students under the direction of Ms. Dawn Wilson. This school is located in the constituency of the honourable Member for The Maples (Mr. Aglugub).

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

## ORAL QUESTIONS

### Red River Floodway Cost Overrun

**Mr. Hugh McFadyen (Leader of the Official Opposition):** After slipping and sliding, bobbing and weaving in last Thursday's Question Period, the Premier (Mr. Doer) in the hallway last Thursday disclosed that the floodway is now \$135 million over budget so far. This is only eight months, only eight months, Mr. Speaker, after the \$665-million budget was announced by the government, and only weeks after the Premier promised that this project would be on budget, in his words.

My question to the government is: How much of this serious \$135-million cost overrun is caused by this government's decision to reward union bosses at the expense of Manitoba taxpayers?

\*(13:40)

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, I think we have seen very clearly that the more things change, the more they stay the same. The current Leader of the Opposition just does not get it with the floodway. The most important part of the floodway expansion is not the project management agreement. It is protecting Winnipeggers and protecting Manitobans. We already have 1-in-140-year protection.

We will, Mr. Speaker, be extending that protection over the next number of years. The member opposite may want to check, but, in fact, the one error in predictability has been with the project management agreement. In fact, it is areas such as fuel where we have seen huge increases in the price of fuel affecting all major projects and this is a fuel-dependent project. We have seen increases in the price of steel.

We are doing the prudent thing, Mr. Speaker, which is analyzing all the costs. But, in the first stage, it is on budget and on time.

**Mr. McFadyen:** Mr. Speaker, the minister says that they are going to be on budget and on time. He contradicts his own boss, the Premier (Mr. Doer), who last week admitted under pressure that they are \$135 million. We have seen estimates ranging from \$60 million to \$65 million coming out of the pockets of Manitobans to pay for the forced unionization deal at the floodway.

How can this minister justify soaking Manitoba taxpayers for \$60 million or more?

**Mr. Ashton:** Again, Mr. Speaker, the Leader of the Opposition, in this case, it is back to the future. It is the same tired, stale rhetoric from last year. Instead of asking real questions about the floodway and instead of looking at the fact that with the previous Liberal government, we had—

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

**Mr. Speaker:** Order. I cannot hear a thing. Can we have order in the House, please. I have to be able to hear the questions and the answers.

**Mr. Ashton:** Thank you, Mr. Speaker. With the former Liberal government, we went from \$160 million to a \$240-million commitment for Stage 1, Phase 1 of the expansion. That indeed has been taking place. What we have been doing is looking ahead to Stage 2. There are two issues. One is obviously the pressures that are out there in terms of the marketplace, not to do with the project management agreement, by the way, because those costs are fixed.

Mr. Speaker, it might help if the Leader of the Opposition would join our calls for the new federal government to live up to the commitment of the previous government for Stage 2 funding.

**Mr. McFadyen:** Mr. Speaker, the minister's comments are contradicted by the president of the Manitoba Heavy Construction Association, who today on CJOB said that the rising costs are caused by a chilling in the bidding process because of this NDP government's policies.

Can the minister commit to this House today that they will provide 1-in-700-year flood protection for this revised budget of \$800 million, or is the \$800-million estimate just another phoney NDP promise?

**Mr. Ashton:** Well, Mr. Speaker, I realize that the member opposite did have a lot of experience with the previous Conservative government; does not have much experience with major projects because, quite frankly, for 11 years we did not see the floodway expansion. We did not see hydro construction. We do have a booming economy in the construction industry across North America. Indeed there are market pressures, but we are doing the prudent thing despite the fact that the tenders have been coming in within budget for the first phase, the \$240-million phase.

We have been reviewing, Mr. Speaker, the cost trends. We are not going to take any advice from members opposite who did not build the floodway

expansion, did not build a single hydro dam, did not build the arena, did not build the Hydro headquarters. That bunch across the way do not know the meaning of the word "mega project." We are bringing that back to Manitoba.

### **Red River Floodway Cost Overrun**

**Mr. Cliff Cullen (Turtle Mountain):** Mr. Speaker, taxpayers believe that a \$665-million investment would provide them with a 1-in-700-year flood protection. Now they do not know what to believe. The Premier (Mr. Doer) has suggested significant changes to the floodway project. So when will the minister table these changes, make them public?

\* (13:45)

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, once again, we have already expanded the flood protection to 1-in-140 years. By next spring, we will be at 1-in-300-year protection. I wish for once members opposite would indicate that that is indeed a very positive thing for Manitoba. We saw the value of the floodway.

Unfortunately, Mr. Speaker, this bunch has got nothing to do with the Roblin era of the 1960s. They do not know how to build projects like this. We are not going to take any lectures from members opposite, because we are doing the prudent thing, assessing market trends. The 1-in-700-year target is still there. We are still looking for Phase 2 funding from the federal government. Maybe they would join us, for once, in fighting for Manitoba and asking the federal government to live up to the previous government's commitment.

**Mr. Cullen:** We want to recognize the great work by the former Premier. He also came under budget on his first—*[interjection]*

Mr. Speaker, cost overruns appear to have put this entire project in jeopardy. Sources say the cost of the 1-in-700 protection may be even higher than \$800 million. So is the minister going to sacrifice safety of Manitobans or is he just going to make the taxpayers pay more money?

**Mr. Ashton:** Mr. Speaker, I notice that he talks about really the previous, previous, previous Conservative leader, because, again, the former government of which the Leader of the Opposition was a key architect of policy, did not improve the flood protection for Winnipeg and residents of rural Manitoba.

Mr. Speaker, I want to stress again, the key issue that is facing us right now in terms of decision is the fact that we need the current federal government to live up to that commitment. I have talked to Minister Cannon, the Premier has talked to the Prime Minister. Maybe for once, the members opposite will put aside the cheap partisan politics and join us to fight for what is right for Manitoba and that is Stage 2 funding as was promised by the former government.

**Mr. Cullen:** Well, it is pretty typical of this government to start playing the blame game. Now they are blaming the federal government for their problems. This government has clearly mismanaged this project. The flawed project management agreement has led to increased costs. The government is going to have important decisions going forward on this project. In the final analysis, what will the cost be to Manitoba taxpayers?

**Mr. Ashton:** Maybe the member opposite would care to go fill up at a gas station and see what has happened to the price of oil. It has gone up 60 percent over the last number of years. Perhaps he would like to check the current price for base metals. Nickel, and I come from Thompson, I know it is \$10.25 a pound. That is up about \$4.00 a pound from just a number of months ago. That impacts on guess what, Mr. Speaker? The price of stainless steel that is used in the bridges.

What we are doing, Mr. Speaker, is doing the prudent thing. We are looking at the market trends. We are looking at the design like anybody else. We have sharpened our pencils, we are looking at the design, but our commitment again is still for flood protection for Manitobans, not playing the ideological politics of members opposite on this.

### **Crocus Investment Fund Class-Action Lawsuit**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Today is the deadline for filing the statement of defence in the \$200-million lawsuit filed against this government by the shareholders in Crocus. I know \$200 million does not go very far under the administration of this government, but it is a lot of money.

The lawsuit makes serious allegations regarding current staff in the Department of Industry. So my question to the Minister of Industry: Given that it appears that government negligence has cost 33,000 Manitobans over \$60 million, when will this minister

start doing his job? When will he look into these serious allegations? When will he report to this House as to whether there is any merit whatsoever to the allegations contained in this \$200-million lawsuit?

**Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines):** Mr. Speaker, I would like to inform the member opposite that there have been people looking into what is going on in Crocus. There has been the Auditor General's report. You have it, it is 245 pages. Please read it.

Mr. Speaker, there is also an ongoing Manitoba Securities Commission investigation into the Crocus Fund. There is an RCMP investigation into what happened in the Crocus Fund. There is a Canada Customs and Revenue investigation into the Crocus Fund. So all these things are ongoing, and our job was to assure that these people, who are experts in the field, have unfettered access and unfettered investigative skills, and that is what we will do.

**Mr. McFadyen:** Mr. Speaker, I am pleased to hear that the minister is satisfied that these allegations have been looked into extensively. So my question then to the minister is: Given that today is the deadline for the government to file its statement of defence, will the government be filing today, and if not, why not?

**Mr. Rondeau:** What I said is that we are right now having a number of investigations, a number of people who have gone through and looked at the issue. What we are going to do is allow them to do their business, just as the Minister of Finance (Mr. Selinger) and I both ensured that the Auditor was an authorized person. We very much facilitated his going in and conducting his independent investigation of auditor. This thorough investigation recommended changes, and Bill 51 and Bill 37 are addressing those issues.

\* (13:50)

**Mr. McFadyen:** Mr. Speaker, the deadline for filing a statement of defence is a serious thing. If they have not filed it today, there will be a \$200-million default judgment notice filed against the Crown. So I hope the minister will take the time to do the investigation that would be expected of any minister and take the question under notice and report back to the House.

My next question to the minister, and it is another one that he may want to take as notice and report back on. Will he advise the House as to whether the Crocus issue was discussed at any

meetings of the Community and Economic Development Committee of Cabinet in 2000 and/or 2002? Again, if the minister wants to take this question as notice, I would invite him to do so.

**Hon. Dave Chomiak (Minister of Energy, Science and Technology):** Two weeks ago, the Leader of the Opposition was asking us to file a notice of dismissal before the facts had even been ascertained. The lawsuit against the Province has not yet been certified. The 20-day period does not start ticking until the lawsuit is certified. The member knows that. The first lawsuit against Wellington West has not yet been certified either. Wellington West has not yet filed a defence to the lawsuit and that is over a year. The member is playing legal games to try to get headlines when he should be concerned about the public and the people of Manitoba and how the business is conducted. It is phoney.

#### **Eugene Kostyra Employment Contract**

**Mr. Glen Cummings (Ste. Rose):** Well, typically, Mr. Speaker, we get a lot of noise from this government but no answers to direct questions.

I have a direct question for the Minister of Industry. Last Friday he refused to provide the employment contract for Eugene Kostyra who is arguably one of the most highly paid members of this administration. He is deeply involved in the Crocus file. He is senior adviser to the Premier (Mr. Doer) and involved in such files as Maple Leaf Distillers decisions. Will he now take the opportunity to agree to table that contract?

**Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines):** Mr. Speaker, what I will agree to is follow the law. I will follow common practice that has been established from your government, the Conservative government, to our government. There are common practices of freedom of information, et cetera. We believe in following the law. We followed the law in all the issues that I have been addressed with, we followed the law in public policy objectives in the Crocus Fund. We followed the law in ensuring that Crocus had final disclosures for the first time in 2001. What we will do is we will make sure that we continue to follow the law and act properly in all situations.

**Mr. Cummings:** Mr. Speaker, these are public dollars that pay for these employment contracts. If

the minister does not want to table the contract, and I take it without answering my question that is what he is telling me, that I can go fly a kite.

Secondly, then would he be prepared to—

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

**Mr. Speaker:** Order.

**Mr. Cummings:** Mr. Speaker, I think it would be only reasonable for a minister in his situation to now at least be prepared to file the job description of what is arguably the most influential and highly paid person working in this government.

**Mr. Rondeau:** Mr. Speaker, I trust the member opposite listened to what I said and read what I said in Hansard. What I said was I went through the CEDC, the Community and Economic Development Committee of Cabinet, its goals and its objectives. I explained that as the manager of that, Mr. Kostyra would arguably follow the goals and objectives of the CEDC. He would manage staff and meet those objectives.

As I mentioned in the Hansard, which I trust was on your desk, that is exactly what he does. He follows the goals and objectives of the CEDC. He provides advice to Cabinet and he does it admirably.

\* (13:55)

**Mr. Cummings:** Mr. Speaker, the gentleman in question is head of the Community and Economic Development Committee Secretariat, one of the most influential positions in this government. Despite denials from the Minister of Finance (Mr. Selinger), unless he has better advice, one of the better-paid employees in this government, and he wants to shout across the floor. Perhaps he would get up on a point of order and add to the discussion.

But my question is to the Minister of Industry and Economic Development. To that minister: Why will he neither file—*[interjection]* The public has every right to be concerned when they will avoid a question such as this. They are not prepared to table a contract. They say it is a standard contract. Well, if it is a standard contract, table it.

**Mr. Rondeau:** Mr. Speaker, as I explained in Public Accounts, Mr. Kostyra, as well as many, many civil servants, their salary is in Public Accounts. It is disclosed.

As I explained in Public Accounts, I explained the duty of the CEDC, the Community and Economic Development Committee of Cabinet. I

explained how the CEDC works, and I explained that as the manager of the CEDC responsibly, how he provides policy advice to the government. What he does is he provides co-ordination, policy advice, and manages the Secretariat and his staff. That is what Mr. Eugene Kostyra does, and he does it admirably, Mr. Speaker.

### **Manitoba Economy Business Environment**

**Mr. Gerald Hawranik (Lac du Bonnet):** This NDP government has created an anti-business environment in Manitoba which has driven private investment out of Manitoba. This NDP government has managed to chase away 1,400 call centre jobs since 2001. Conversely, Nova Scotia and New Brunswick have added 17,000 more call centre jobs during that same period of time. Many of these jobs are high paying, requiring a college or university education.

So I ask the Minister of Industry (Mr. Rondeau): Why has he succeeded in creating an anti-business environment in Manitoba?

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, the manufacturing sector in this province has a 60 percent increase in capital investment this year. That is not anti-business.

Our corporate tax rates have gone from the highest, when you were in office, down to 14.5 percent, and they will go lower. That is progress. The Research and Development Tax Credit, 15 percent; we have increased it by 33 percent to 20 percent, something you never did.

Small business, 9 percent was the banner rate when you came into office. You promised to take it to 8 percent, but you never got re-elected to do it, so we did it for you. Now we are down to 4.5 percent, and we are going to 3.5 percent, a reduction of 63 percent. And the threshold for the small business rate has been doubled from \$200,000 to \$400,000. That is progress, something you never did when you were in office.

**Mr. Hawranik:** Mr. Speaker, one thing the minister fails to mention is that we are still behind Saskatchewan. Manitoba is not open for business. This NDP government has created a hostile business environment in Manitoba, and the results speak for themselves. E.H. Price Limited has expanded by more than 200 jobs in Phoenix rather than in



Manitoba because of this government's anti-business policies.

So I ask the Minister of Industry: Why has he succeeded in driving businesses and jobs out of Manitoba?

**Mr. Selinger:** One of the things that I did not mention in my last response, the Manufacturing Investment Tax Credit is 10 percent, greater than the sales tax. It has now been moved to a refundable portion of 35 percent up front, never done before in the history of the province. That helps manufacturing.

The R and D Tax Credit helps manufacturing. The capital tax exemption has gone from, it used to be taxed at full amounts at \$5,000,001; the full amount was taxed. It is now completely exempt at \$10 million, and we have plans to phase it out. These are measures that help manufacturers, they help small business, they help call centres. They help anybody doing business in Manitoba, and they are measures that are unprecedented in the history of the province.

\*(14:00)

**Mr. Hawranik:** Certainly, Mr. Speaker, one thing we know is that this NDP government takes full responsibility for developing Phoenix. That is what it takes responsibility for. And, as a result of this NDP government's failures, Manitoba's real GDP growth has grown at a rate less than the national average for each of the last six years. Manitoba is the only province in Canada with such a disgraceful record. Our business leaders are investing elsewhere, and this NDP government does not take notice.

So I ask the Minister of Industry: Why has he ignored our business leaders? Why has he created an economy that is dead last in Canada?

**Mr. Selinger:** Mr. Speaker, we have the second-lowest unemployment rate in the country. We have the highest participation rate of the labour market. We have young people staying in this province as opposed to going away. Our private capital investment intentions this year are 14 percent, more than double the average for Canada. Our manufacturing capital investment is 60 percent, more than triple those for Canada. The small business rate will be tied for second lowest in the country. Our capital tax exemption is going to \$10 million, and our corporate taxes have been reduced for the first time since the Second World War.

The member calls that a hostile business environment. If that is hostile, what was it when they were government? Hostile-plus, hyper-hostile or just irrelevant, that is what it was.

### **Hip and Knee Replacement Surgeries Wait Lists**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, the Doer government just spent over a quarter million dollars on a puff piece saying how the NDP has improved waiting lists. However, the most recent information from the WRHA shows that the waits for hip and knee replacements have skyrocketed over the past two years.

I would like to ask the Minister of Health: Can he tell Manitobans why he did not mention in his puff piece that in the last two years waits for hip replacements have jumped from 33 weeks to 41 weeks and waits for knee replacements have shot up from 40 weeks to 53 weeks over a year?

**Hon. Tim Sale (Minister of Health):** Well, Mr. Speaker, I think the fact that we have added over 1,000 hip and knee procedures in this last year without having to add any additional staff is an incredible achievement for which we should thank the orthopedic surgeons, the nurses, the operating room attendants, the anesthetists, the prosthesis fitters. A tremendous achievement, and I would suggest to the member opposite that she take a look at the new wait list numbers when they come out in a few days time and she will see significant progress. She will see that those who were waiting a long time have reduced significantly in numbers, that we are putting more emphasis on the long-waiters. We are making significant progress. Yes, there are more people having more surgery. There are also many more people who are older and who need more surgery. But, we unlike most provinces, are actually shortening our hip and knee waiting lists.

**Mrs. Driedger:** Mr. Speaker, the minister failed to answer the question as to why waiting lists have skyrocketed in the last two years. I would like to ask the Minister of Health to tell Manitobans why he did not put into his puff piece that the number of people waiting for hip and knee replacements has skyrocketed from 1,700 patients two years ago to almost 3,000 patients today.

**Mr. Sale:** I think that, first of all, the answer is that 2.5 and 3 and 4 years ago, there was no integrated wait list. We now have an integrated wait list in Manitoba. All the patients from all the orthopedic

surgeons are now on one list. The orthopedic surgeons very recently, within the last year, finally agreed to integrate their wait lists which is a great step forward on their part. So we actually now know what the universe is. Secondly, her number is wrong. There are not 3,000 people on the wait list at this point, Mr. Speaker. She should wait a couple more days and look at the wait list numbers that come out June 1.

**Mrs. Driedger:** We pulled these numbers off the WRHA Web site today, so I do not know how the minister can say they are wrong.

Mr. Speaker, the NDP government said they would fix these long waits for hip and knee replacements, yet these waits are getting worse in the last two years. So I would like to ask the Minister of Health: Why did he not mention all of this in his puff piece that he paid a quarter million dollars for? Why did he not say that there are now almost 3,000 people waiting for hips and knees in Manitoba, almost double over the past two years?

**Mr. Sale:** I think that complying with the agreements that our premiers and Prime Minister made in 2003 and 2004 is what accountable governments do. We give information that is accurate at the time that the information is printed, Mr. Speaker.

When the member reads the wait list numbers which, by the way, she should look at the Manitoba wait list numbers, the overall system. If she wants to know how the overall system works, if she cares about rural Manitoba, I assume she does, she should be looking at what happens in Brandon and Boundary Trails, as well as what happens in Winnipeg. I am inviting her to take a look at the lists that come up on June 1 and see whether she thinks there has been some progress.

### **Red River Floodway Cost Overrun**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, the cost overruns projected that we learned about last week on the floodway are enormous, \$135 million.

Forty years ago, the mayor of Montréal talked about that there would be no more likelihood of cost overruns than him having a baby. While the Premier (Mr. Doer) has not talked about not having a baby, he has certainly been very adamant that he would not have any cost overruns on the floodway.

I ask the Minister of Water Stewardship: When did the government first know there was going to be a huge cost overrun projected for the floodway?

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, I appreciate the Member for River Heights' interest in the floodway, and I do want to reiterate that his party and his former colleagues did commit to Stage 2 funding for the floodway. Unfortunately, the cheque is still in the mail. In fact, we are now working with a new federal government, the new Conservative government. Indeed, I would urge that perhaps he could witness the fact that I believe many of his compatriots in the Liberal Party, including Reg Alcock, former Manitoba minister, were campaigning on that. I think that is important.

I think it is also important to recognize, Mr. Speaker, that we had a commitment for a \$240-million Phase 1, and indeed all of those contracts are on time and are on budget. What we have been doing is looking at market trends—

**Mr. Speaker:** Order.

**Mr. Gerrard:** Mr. Speaker, last Thursday, the Premier indicated that he had known about the overruns on the floodway as early as April 19, when he met with the Prime Minister and showed him the problems in the water in the Red River Valley. So it is quite clear that the government knew at least five weeks before they let people know last Thursday.

I would ask the Minister of Water Stewardship: Why did the Minister of Water Stewardship, his government and the Premier wait so long to let the Legislature know that there was such a huge cost overrun?

**Mr. Ashton:** Mr. Speaker, I realize the Liberals in Manitoba have not been involved with mega projects any more than the Conservatives had, I guess, going back to the 1950s, but when you are dealing with a major project such as this you assess. In fact, going back to 2000, I point out that in 2000 the original plans for the floodway were for 1-in-500-year protection at a cost of \$770 million. That was the KGS study that was forwarded to the IJC.

When we get any kind of information on market trends, what we do is we ask our engineers to go back and make sure that we have the best possible design. That is what we did, Mr. Speaker, and we are not going to assume any kind of cost overruns. We are going to do what we can to make sure it comes

in, in a way that has the target 1-in-700-year flood protection, but also make sure we have the best use of taxpayers' money. That is prudent. That is why we looked at the market trends and that is what we are doing.

### **Crocus Investment Fund Relationships with Organized Labour**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, it was virtually a year ago when MaryAnn Mihychuk was actually quoted in this and saying that close ties to organized labour hampered its ability; that, being the government's ability to effectively monitor the Crocus Investment Fund.

When you look at individuals like Peter Olfert, Darlene Dziewit, Robert Hilliard and Eugene Kostyra, these are all individuals heavily involved with the Premier (Mr. Doer) in relationships and the unions and on government payroll. All these individuals were involved.

My question to government is: Which one of the investigations is actually looking into those relationships and the impact that it had on this government being negligent on the Crocus fiasco file? Which one of those groups?

\*(14:10)

**Hon. Greg Selinger (Minister of Finance):** The member spins a web of guilt by association and then tries to say that there is something the matter with that.

The member wants to know what has been done to separate the role of governing from various special interest groups. Well, this government, only the second government in the history of this country, banned corporate union donations. Now members opposite are even behind the federal government on this issue. The new Harper government has decided to ban corporate union donations, but we have no declaration from the members opposite whether they support that policy. They ran in the last election on restoring corporate union donations in this province. We do not know where they stand. As for the Liberals, the largest political party to receive any donations from the Crocus fund was the Liberal Party.

### **Construction Industry Time Loss Injury Rate**

**Ms. Kerri Irvin-Ross (Fort Garry):** The activity in Manitoba's construction sector is the strongest in

years. More Manitoba workers are working in our province on major construction projects.

My question is for the Minister of Labour and Immigration: What action has the minister's department taken in conjunction with stakeholders to minimize the time loss injury rate in the construction sector in Manitoba?

**Hon. Nancy Allan (Minister of Labour and Immigration):** As the MLA said, Manitoba's construction industry is booming and there are new workers every day in this very, very important sector.

Today I was pleased to join my colleagues at the WCB. I was pleased to join Chris Lorenc, the president of the Heavy Construction Association; Ron Hambly from the Winnipeg Construction Association and David Martin from the Manitoba Building Trades, Mr. Speaker, as we unveiled our latest safe work campaign, dubbed "Sounds of Construction." The commercial is part of an awareness campaign to reduce injuries.

My department, Mr. Speaker, has also added additional resources for construction in the last year. We have added a—

**Mr. Speaker:** Order.

### **Rural Health Services Brandon CT Scanner**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, the only CT scanner that operates 24/7 outside of Winnipeg has been out of service for more than a week and over 100 scans had to be cancelled. People needing emergency scans in Brandon were not getting them and are not getting them in a safe time frame.

When the head of radiologists has to come out and express concerns about this, then you know that it is truly a very, very serious situation.

Can the Minister of Health tell us what happened over the weekend to people in Brandon that needed emergency CT scans?

**Hon. Tim Sale (Minister of Health):** Mr. Speaker, I am pleased to tell the member that the equipment is back up and running and that scans are being done. In any complex piece of equipment where there is one, as in Dauphin or Flin Flon or Steinbach or Boundary Trails or Portage, sometimes equipment breaks down and that is inevitable in a complex

environment. The new parts were shipped. They were installed. The scanner is back in operation.

Perhaps the member forgot the announcement of November 30, where we committed to a new 64-slice scanner for Brandon. We are waiting for them to acquire that scanner. They have had six months of commitment already, Mr. Speaker.

**Mrs. Driedger:** Mr. Speaker, the Brandon CT scanner is the oldest, most outdated in the province and it has been subject to many breakdowns. Approval for a replacement scanner was given last year, and I would like to ask the Minister of Health why Brandon has to wait a year for a new scanner considering the dilapidated state of its current scanner.

**Mr. Sale:** Well, Mr. Speaker, let me table the letter of commitment to Brandon, which is dated November 30, signed by the assistant deputy minister, committing the equipment. That is about six months ago. How long it takes them to acquire a piece of equipment does not function out of my office; it functions out of the department in Brandon.

Secondly, she is right. It was the oldest scanner in Manitoba. It was acquired under the Pawley government, Mr. Speaker. They had 11 years to do something about that. They did nothing, as usual, in Brandon, no hospital, no scanner, no MRI, no improvements to the health care system in Brandon. Now they ask about a piece of equipment that we put in, in the 1980s, and we are replacing in 2006.

#### **Health Care Services CT Scan Wait Lists**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, in the latest puff piece of propaganda that this government put out, they neglected to add there that the waiting list for CT scans in Winnipeg is 11 weeks compared to 5 weeks in 1999.

Can this government tell us why the majority of diagnostic waiting lists in Manitoba are longer now than they were in 1999?

**Hon. Tim Sale (Minister of Health):** Mr. Speaker, she might have also added that the waiting times for MRIs has dropped from 25 weeks to 11 weeks. The waiting lists for MIBI Stress Tests is cut in half. The waiting time for dental pediatric surgery has been cut by some 64 or 65 percent.

Yes, there are more people waiting for scans. There are more than twice as many scans being done today because it has become a standard of treatment.

That is why there are nine new scanners in rural Manitoba. That is why there is a new scanner going into Brandon that will have some significant multiple of the capacity of the one that is there now. That is why Dauphin has an upgraded 16-slice going in. That is why Portage has the fastest one in the province today. It will be the second fastest when Brandon's goes in.

#### **Rural Health Care Services Patient Transfer Costs**

**Mr. Larry Maguire (Arthur-Virden):** On April 7, a constituent needing emergency surgery was transported by ambulance from Virden to Winnipeg because no orthopedic surgeon was available in Brandon.

Mr. Speaker, in continuing the NDP slogan of highway medicine is okay for rural Manitobans, Mrs. Wendy Shackel received a bill for \$1,000 to cover her ambulance bill for an operation normally available in Brandon. I would like to table that bill for the minister as well as a consent of release form of information.

I would like to ask the Minister of Health: Can he tell this House why Mrs. Shackel has to pay the bill for his inability to staff the doctors in Brandon?

**Hon. Tim Sale (Minister of Health):** Mr. Speaker, ambulance services are not an insured service under the Canada Health Act. The member knows that. There is no province in Canada that does not charge some fee for ambulance services whether it is through a flat fee, whether it is through a varying fee, whether it is through a full payment or through a deductible.

What I think is critical is that person was transported to Winnipeg in a brand new ambulance, one of 160 we put on the road. That person was transported by a crew that was better trained than was ever the case in the 1990s. We have struggled with the question of ambulance and ambulance access. That is why it was in the Throne Speech. That is why we are working very hard at this issue.

**Mr. Maguire:** Mr. Speaker, in other health needs, the Health Minister has paid for the transport of patients from Brandon when doctors were not available. Why the second-class treatment in this case? Will the tin man of health pay for this emergency ambulance transfer made necessary because he cannot staff the biggest health centre outside of Winnipeg?

**Mr. Sale:** Mr. Speaker, unfortunately there are incidents all over Manitoba, but in rural Manitoba where people require treatment and care that is not locally available that is not a new situation. It is an ongoing, continuing situation. Under our current policies, patients have a responsibility to maintain insurance or to participate in the payment of the cost of their transport. We currently pay about two-thirds of the cost of all medical transport including all the costs of ambulances, the capital cost. There is still a co-payment component in our ambulance transfer system but we pay over two-thirds of that amount now as a government.

**Mr. Speaker:** Order. Time for Oral Questions has expired.

## MEMBERS' STATEMENTS

### MTS Privatization

**Mr. Tom Nevakshonoff (Interlake):** Mr. Speaker, 10 years ago on May 27, 1996, the Tories began the privatization of the Manitoba Telephone System. For 88 years MTS had provided affordable, high quality telephone service to all regions of this province. Breaking their own promises, with no public consultation in spite of huge public opposition and debates that violated our Legislature's long-standing rules, the Conservatives sold off one of Manitoba's longest serving and most profitable Crown corporations. They left a legacy of lost jobs, lost revenues and higher phone rates for Manitobans.

\* (14:20)

Mr. Speaker, here are the facts: 70 percent of Manitobans and 80 percent of rural Manitobans opposed privatization. The Conservatives spent \$400,000 promoting the sell-off but refused to hold any public hearings. Manitobans could not have their voice heard. Instead, breaking their own election promise to the delight of their good friends at Wellington West, the Conservatives listened only to the rich private interests and sold MTS.

This happened 10 years ago, but not much has changed with the supposedly new Conservatives. Those old Tories who voted for the privatization of MTS still sit in the Legislature today. Manitobans know well that the then-chief of staff for Premier Filmon, his old backroom organizer, now stands as the new Tory leader. Mr. Speaker, 10 years ago, the Tories broke their promises and cost Manitobans millions of dollars in revenue and higher phone rates. On this 10th anniversary of MTS's privatization, let this House hold those responsible to account.

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

**Mr. Speaker:** Order. I remind all honourable members that when the Speaker is standing all members should be seated and the Speaker should be heard in silence.

### Manitoba Woman Entrepreneur Awards

**Mrs. Heather Stefanson (Tuxedo):** I will not stand for that one, Mr. Speaker.

But I will stand today to recognize some of Manitoba's most successful entrepreneurs who were honoured last week at a gala dinner attended by my leader, the Member for Fort Whyte (Mr. McFadyen) and myself at the Winnipeg Convention Centre. The 2006 Manitoba Woman Entrepreneur Awards were presented to seven Manitoba women who best represent our province's entrepreneurial spirit and innovation.

In total, 27 women were nominated for these awards which are presented annually by the Women Business Owners association of Manitoba. I would like to congratulate Leanne Bochinski, owner of the World of Water who was awarded the Overall Excellence award. This award is presented annually to the nominee who exhibits superior leadership qualities, innovation in business and contribution to the community.

I would also like to congratulate the winners of the other six awards: Marilyn Cass for the Lifetime Achievement award; Dr. Trudy Corbett, who won the Excellence in Service award; Cec Hanec for the Contribution to Community award; Carmen Neufeld, winner of the award for Impact on Local Economy; Wendy Phaneuf for the Home Enterprise award and Donna Winspur, who won the award for Emerging Business.

Mr. Speaker, I would also like to recognize and thank the Women Business Owners association of Manitoba for sponsoring these annual awards, each of the individual award sponsors who also contributed to the evening as well as the hundreds of Manitobans who attended this wonderful evening. I am sure all Manitobans will join me in congratulating these women and honouring their outstanding business achievements. Thank you very much.

### Safer Communities Awards

**Mr. Andrew Swan (Minto):** Mr. Speaker, I rise today to congratulate the winners of this year's Manitoba Attorney General's Safer Communities

Awards. The awards are presented each year to recognize organizations and individuals who have made outstanding contributions to crime prevention in the province. This year's event was on May 25.

This year's winners in the individual under-18 category are Samantha Gladue of the Broadway Neighbourhood Centre Lighthouse in Winnipeg and Amanda LeDrew of the Thompson Boys and Girls Club Lighthouse in Thompson.

Community-based initiatives also received awards. In the rural category, the Selkirk Team for At-Risk Teens, START program, was recognized. In the urban category, the Ndinawe Outreach Team was the winner.

Honourable mentions were given to the Brandon Community Drug and Alcohol Education Coalition and the CHOICES program for their achievements as a community-based initiative in crime prevention. Julie Derochie-Roberts won the Community Justice award. The Citizens on Patrol award for best patrol went to the Thompson Citizens on Patrol, and for individual contribution went to Tim Maluk of Sandy Lake, Manitoba.

Mr. Speaker, the event also featured the announcement of the creation of the Reverend Harry Lehotsky Award for community activism. Reverend Lehotsky spoke passionately about his involvement in community safety and reminded all of us that building a better community must transcend political, faith, ethnic and other divisions. I believe I speak for all members of this Legislature in hoping that Reverend Lehotsky will present the award at next year's event.

It gives me great pleasure to recognize in this House those individuals, groups and community initiatives that have contributed to the safety and security of Manitoba neighbourhoods. Community-based crime prevention is one of the most effective tools we have for fighting crime in our province. The participation and activism of this year's awards' recipients and the new Reverend Lehotsky Award exemplify the important contribution that ordinary Manitobans can make to the well-being of our communities. Thank you.

#### **Doraine Wachniak**

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I am pleased to stand in this House today and congratulate Doraine Wachniak on her being honoured by her friends and colleagues in the Springfield community. On Thursday, May 26, Doraine Wachniak was

honoured at a come-and-go volunteer appreciation celebration for her many years of tireless efforts in the schools of Springfield constituency.

I was given the opportunity to bring greetings on behalf of the Manitoba Legislative Assembly. For over 16 years, Doraine Wachniak has been a volunteer in Springfield schools. She has been faithfully committed to parents and parent councils, and has displayed relentless dedication to students learning success through parental involvement.

On May 26, Doreen Wachniak's colleagues, parents of the children she has worked so hard for through the years, members past and present of parent councils, school administrators, trustees and many others that have gained much through her hard work gathered to show their appreciation to such a hardworking, passionate individual, to thank her for her many years of time, talent and contribution.

Doraine Wachniak has been a resident of the Springfield constituency for almost all of her life, coming from a family that has been active in the community for generations, her mother a school librarian, and father a school trustee. Doraine along with her loving, supportive husband Dutch, who is a small business owner in Oakbank, and her two wonderful children, Cory and Jody, who both went through the public school system that their mother worked so hard to make a better place, the Wachniak family has been vital to our community and has worked hard to make it what it is today.

Doraine Wachniak is a tireless worker and a champion for all that is good and right in the public school system. Doraine is a great Manitoban, and I wish her all the best in the future, and thank her for all her time and effort spent making the community a better place. Thank you, Mr. Speaker.

#### **Keewatin Railway Company**

**Mr. Gerard Jennissen (Flin Flon):** Mr. Speaker, on Thursday, May 25, at the historic VIA Rail Station in The Pas, I was delighted to join our Minister of Transportation (Mr. Lemieux) and other dignitaries at the celebration of the purchase of the 185 mile Sherridon subdivision rail line. The line was purchased by Mathias Colomb Indian Band, Tataskweyak Cree Nation and War Lake First Nation from Hudson Bay Railway Company. The new line is called Keewatin Railway Company.

In an age of railway abandonment, it is progressive and wise to secure the rail line for the immediate future of the towns of Sherridon,

Cranberry Portage, Pukatawagan and Lynn Lake. This astute measure ensures current and future economic activities for this area. It will have positive repercussions on mining, fishing, forestry, wild rice cultivation and tourism. This ownership transfer safeguards reliable passenger and freight services to communities in northwestern Manitoba.

I congratulate Manitoba's Transportation Minister (Mr. Lemieux), and Brian Jean, Parliamentary Secretary to Lawrence Cannon, federal Minister of Transport, Infrastructure and Communities; Chief Pascal Bighetty, president of Keewatin Railway Company; Lore Mirwaldt, member of the board of directors of VIA Rail Canada and Tony Fortino, general manager of Hudson Bay Railway Company for their part in this historic event. Thank you also to our host and emcee, Mayor Gary Hopper of The Pas.

To quote Manitoban's own Minister of Transportation: Manitoba has made significant investments in northern transportation in recent years to promote economic growth and opportunity. We are pleased to be working with our federal colleagues, VIA Rail Canada and Keewatin Railway Company to maintain this important link for the community of Pukatawagan.

I invite you, Mr. Speaker, and my legislative colleagues to join me in extending hearty wishes and congratulations to the president of Keewatin Railway Company, Pascal Bighetty, and owners Mathias Colomb Indian Band, Tataskweyak Cree Nation and War Lake First Nation. May you be blessed with much success. Thank you.

#### MATTER OF URGENT PUBLIC IMPORTANCE

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard) under Rule 36(1), that the ordinary business of the House be set aside to discuss a matter of urgent public importance, namely the disclosure of significant cost overruns with the Red River Floodway Expansion Project, the possibility of scaling back current expansion plans in order to stay within the budget, and the potential danger this might have for the city of Winnipeg and other communities along the Red River.

\* (14:30)

**Mr. Speaker:** Before recognizing the honourable Member for Inkster, I believe I should remind all honourable members that under Rule 36(2), the

mover of a motion on a matter of urgent public importance and one member from the other parties in the House is allowed not more than 10 minutes to explain the urgency of debating the matter immediately.

As stated in *Beauchesne* Citation 390, urgency in this context means the urgency of immediate debate, not of the subject matter of the motion. In their remarks, members should focus exclusively on whether or not there is urgency of debate and whether or not the ordinary opportunities for debate will enable the House to consider the matter early enough to ensure that the public interest will not suffer.

**Mr. Lamoureux:** Mr. Speaker, this is, indeed, I would argue, of critical importance to the province that we do need to set aside the business of this Chamber in order to have a debate today. It is a two-hour debate that we are actually calling for, if you take a look at it in terms of just the size of the project, the commitments that have been made to Manitobans and the opportunities that we will have. I am going to comment very briefly on all of those points.

When we talk in terms of sheer size, it is in excess of \$660 million, with cost overruns, and many would suggest that they are conservative cost overruns, Mr. Speaker, of in excess of \$135 million which is a significant amount of dollars.

If we take a look at it in terms of our agenda, according to a signed agreement we are going to be adjourning on June 13, and if you take a look at the number of hours that we actually have left to be able to address this issue, what we are really talking about is less than a couple of hours that would go outside of just the Estimates time. If, in fact, we were to use our Estimates time as scheduled, you would find that there is just not enough time to provide for adequate debate. One might suggest that we could debate this during Estimates. Well, I have been given the impression from the government that their intention is to call bills. I have no idea if Estimates—we have not received any assurances from this government whether or not they will even allow for Estimates. Estimates could be a potential area, but then we would have to go to Water Stewardship.

Mr. Speaker, we have had the Throne Speech debate. We have had the budget debate. I have used my opportunity for a grievance. With the very limited amount of time that is left inside this Legislature, there is just not any sort of assurance

from this government that there is going to be any time at all to debate this issue. This is, indeed, a very critical issue. It is only last week that we found out that there were excessive cost overruns. The impact that that is going to have on our budget, not only for today's budget, but future budgets, we do not know.

We posed questions during Question Period to try to find out when did the government first find out about it, Mr. Speaker, and you witnessed the answer, which was a non-answer. There are things that Manitobans have a right to know. When we are talking about the size of dollars that are being bantered around, there is an obligation for the government to come clean and to talk about where and how much more money is going to be required.

Mr. Speaker, we heard, as an example, when the Premier (Mr. Doer) indicates, well, we can sharpen the pencil or possibly scale back. Well, imagine, if at one time here is the project, and that project is what is being sold to us, and here is the price tag that is tied to it. Well, now, because of cost overruns, they are going to start cutting back. Does that mean the bridges are not going to be built as high?

If the project had its merit a year ago for certain dimensions and heights of bridges and so forth, one would believe, or like to think, that nothing would have changed, that the idea is still necessary. So, when we hear, right from the Premier's chair himself, through the media, that we are going to sharpen and expect to see some of the costs held in line through maybe some modifications, one would have figured that that sort of due diligence would have been done when they first brought the project. One would have felt that they would have had a maximized dollar for the product that we were actually going to receive, the floodway protection. One would have felt that that would have been the case. So it is almost to say that, if there are going to be cost overruns, and then on the other hand, argue that we are still going to be able to produce the same floodway, well, there is something missing. Either we got a really raw, badly negotiated deal or these are legitimate cost overruns. If they are legitimate cost overruns, well, then, why would we change the floodway itself?

If we take in terms of time, Mr. Speaker, there is no time left in this legislative session that can give us the assurance that we are going to be able to have the debate on this critically important issue that affects 600-plus-thousand Winnipeggers, not to mention the individuals in that Red Valley, and even where the water exits up north, and the Selkirk residents, and

those ultimately around Lake Winnipeg. The impact is dramatic. To sit back and not allow for an emergency debate on a project of this magnitude I think would be wrong.

I listened to the Minister for Water Stewardship (Mr. Ashton) when he stood up in response to questions, and he talked about just how large of a program and how they are a party of builders. Well, hopefully, they support the democratic process that would allow for legitimate debate.

In discussing this with our research person downstairs, there were four questions that he put to me right away, Mr. Speaker. I indicated to him that I would present that in hopes that members would listen to some of the questions that he had put down on paper for me to pose. I believe the government needs to answer those questions, and they need to answer them.

We saw the type of answers we get in Question Period, and it is just not good enough. Here are just some that he had noted. How did this government miss the mark by so much, which is one of the things I have alluded to? Why are they considering downsizing the model with the potential of lesser protection? What is the status of negotiations with the new federal government? Mr. Speaker, this is something that the government itself raised during Question Period. It talks about the importance of those negotiations. I would suggest to you, not only is it important for the government to get on the record, it is important for all political entities inside this Chamber to get on the record on what, I believe, is a critically important issue that is facing all Manitobans, with a population base of just over 1.1 million people.

You start spending \$600-plus million, we know now that it is going to be at least \$800 million, I believe. It would not surprise me if this becomes a billion-dollar floodway expansion. That is the reason why I think that we need more transparency. We saw what the government was doing, Mr. Speaker. When we asked in terms of when the minister found out, the minister was very, very coy with the response. We know that they have known for months already. They have known for months, and it took opposition members to pose the question and then it was not even affirmed inside here. It was affirmed outside the Chamber, but if it was not for the pressure of opposition members, the government would not have said a thing. They would have continued to sit on what is a very important issue facing Manitobans.



\* (14:40)

So I think it would be most appropriate, given the time constraints that we have, the magnitude of this project, that we allow for government ministers to be able to stand up during a matter of urgent public importance and set the record straight as to what is happening with the floodway.

I cannot emphasize strongly enough the amount of dollars that we are talking about. This is a phenomenal amount of dollars. Our taxpayers, all Manitobans deserve to have a better understanding of what is going right and what is going wrong on this whole floodway expansion issue. We cannot afford not to have the emergency debate. We need accountability, and the best way to get accountability is to allow for debates of this nature to occur so that we can hear first-hand from the ministers that are responsible on this important issue, Mr. Speaker.

So, with that, I look forward to the government's response. We know full well if it is the will of this Chamber, Mr. Speaker, that you will allow the debate to occur. So we, within the Liberal Party, appeal to all members of this Chamber to allow the debate to occur today because we recognize how important it is to all Manitobans. Thank you.

**Hon. Steve Ashton (Minister of Water Stewardship):** First of all, I find it amazing that the Member for Inkster (Mr. Lamoureux) would complain in his comments about the lack of time available for members of the opposition to discuss anything, this matter, any other matter, Mr. Speaker, because not only have opposition members been ringing the bells as a tactic, I think the Member for Inkster has become the prime bell ringer. He has made it very clear. I think he is proud of it, I am not quite sure, you know, in his desperate search for a strategy to match the tactic. But, you know, for him to get up and say there is not enough time to discuss this, I think is disingenuous. I will be diplomatic here.

But, apart from being disingenuous, it also misses the fact that we do have Estimates. There is time for Estimates. He is quite able to raise issues in Estimates on this or any other matter. So not only is he being disingenuous, I think, at the same time he is not reflecting accurately the tools that are available for members of the opposition or any member of this House to raise a matter of concern.

I also, Mr. Speaker, cannot resist responding to this reference to a billion dollars. A Liberal talking

about a billion dollars to do with anything is incredible because, dare I say, when we see the fiasco in Ottawa of the gun registration, both these members, in their previous federal careers, one as a Cabinet minister, one as a candidate, supported a billion-dollar waste of taxpayers' money. So I do not take lectures from Liberals when it comes to fiscal management, believe you me.

What I want to stress, Mr. Speaker, is again the degree to which the members opposite, I think, missed the key issue here. Let us look at it. Two phases with the floodway. Phase I was originally \$160 million. That was up to \$240 million, an agreement with the former Liberal government. All of the contracts are on time. They are on budget. That is not at issue. What is at issue is the second stage, the second phase if you like, of the floodway. Indeed, there are two key issues. Number one is trying to get the cheque in the mail. The previous Liberal government was at the signing in September. I know the Member for Morris (Mrs. Taillieu) is talking from her seat, and I know she has publicly criticized the floodway itself, and I appreciate that.

But, Mr. Speaker, the point is the former Liberal government was at the announcement. They campaigned on it, but they never put it in their budget, and we have. I want to be fair to the current Conservative government because we contacted them very early on, and I think Minister Toews, Minister Cannon, we have both talked to directly and, of course, the Prime Minister, are all aware that this is an important project. I note that Rod Bruinooge, who replaced Reg Alcock as M.P., has also said that he does not see it as being a particular problem. And I appreciate that. Their response has been that certainly there were commitments. They are looking at all infrastructure programming and infrastructure dollars.

But time is of the essence. What we need is that federal commitment to the rest of the project, the next phase of the project, so that we can let the projects. If we do not have that commitment, Mr. Speaker, we will see potential delay in terms of those projects.

Mr. Speaker, the Member for Morris, again, is talking from her seat. I know she was at many public meetings on the floodway, attacking the floodway. You know members opposite, there is a good reason why they do not ask too many questions about the positive attributes of the floodway because it is no thanks to them that the floodway expansion is being

built. They have to rely on their previous, previous, previous, previous premier and leader before they have anybody in that party that was a builder.

Mr. Speaker, I notice the Member for Tuxedo (Mrs. Stefanson) is also very vocal today. I know she was not all that vocal on MTS earlier, but let us face it, the members opposite, the C in PC did not stand for construction for 11 years. We are bringing the mega-project back to Manitoba. What you do with any project you keep, in terms of market trends, you keep abreast of market trends. In this particular case, oil and petroleum projects have gone up. There is a major amount of excavation. Fuel is a major part of that cost. The price of steel has gone up. The price of base metals has gone up substantially.

Mr. Speaker, you know again the Member for Morris wants to participate in the debate, I am sure, again to indicate her criticisms of the floodway project. But, as we look ahead to the next phase, clearly what we have identified is the fact that we are identifying all of the market trends. We are also recognizing that this project right from day one has gone through a number of design changes and within the current target of 1-in-700-year protection—by the way, we are at 1-in-140-year protection now. We will be at 1-in-300-year protection next spring. That is the equivalent of the 1826 flood. I would remind members opposite that in 2000 the original scale of the project was \$770 million for a 1-in-500-year project. That was the original KGS recommendation to the IJC.

Mr. Speaker, the bottom line here is we are clearly identifying those market trends. We have asked the Floodway Authority to bring back various options. We would do that with any project whether it is within government. When it is a construction project that is how you manage projects of this kind. You watch those projects. You know it is amazing, members opposite are very vocal on the floodway today, but you know while the Member for Tuxedo again is very vocal I invite her to talk about MTS anytime.

I note the Member for Interlake (Mr. Nevakshonoff) offered her an opportunity. I have to say, I am sorry for the role of the party from 10 years ago but I digress, Mr. Speaker. They have experience in selling off Crown corporations. We do not. Okay. That is one thing they have much more experience at doing than us. I do not think they did a good job, but the NDP, going back the last several decades, has built major construction projects, hydro dams. The

Conservatives have built not one. They have mothballed Conawapa. They previously mothballed Limestone.

We took the proposal to the IJC from the conceptual standpoint to the point where we got the funding for Phase I. What we need, I believe, is not the kind of tactical games of the Member for Inkster (Mr. Lamoureux). We need a clear message from this Legislature that we expect the new Conservative government to follow up on the commitment. *[interjection]* Well, I assume the Member for Tuxedo does not support that, but we need the commitment from the new Conservative government to follow through on the commitment that was made without the cheque attached from the former Liberal government. *[interjection]*

Well, Mr. Speaker, the Member for Inkster said they made the commitment. You know, I could run through, like, Kelowna. I could run through all sorts of, you know, child care. The Liberals were great at making commitments, but the cheque was always in the mail. It just never arrived and only Canada Post is to blame here. *[interjection]*

Oh, you see, Mr. Speaker. This is it. The Member for Inkster is now trying to debate from his seat what happened in the last budget. I know that Liberals are in a state of shock, that the divine right of Liberals federally to government, that era has ended, that the people have spoken. You know what, the people are always right. I have been on the receiving end of that, at times, but that is not the point. The point here is we are building the floodway. We have the Phase I funding. We need the Phase II funding and we are assessing all the cost trends. That is what you do with any project.

\* (14:50)

The Olympics with the Liberals, by the way, in B.C. is 23 percent over budget, 23 percent. The City of Winnipeg with its water facility has been projecting 30 percent increases. All construction is being upgraded because you know what? We actually do have construction taking place in Manitoba in a significant way for the first time in many, many years. We make no apology for that. If it means more challenges on the management side, I would rather be managing megaprojects than having absolutely nothing happen under the Conservatives, than having to deal with the legacy of a Liberal government that made a lot of promises and did not deliver them, Mr. Speaker, the floodway Phase II

funding probably being the biggest cheque that was in the mail for Manitobans.

So I say, Mr. Speaker, let us focus on the fact this could be discussed anytime in Question Period, discussed at anytime in Estimates. Let us not forget that the real issue here is building the floodway, getting Phase II going and protecting Manitobans as we are already doing and as we will do over the next five to six years. Thank you very much.

**Mr. Kelvin Goertzen (Official Opposition House Leader):** In the past, I have had the opportunity to speak to resolutions, matters of urgent public importance for the Member for Inkster (Mr. Lamoureux). I have not always supported them. I believe that we as a party judge these things based on their merit, and I am pleased today to stand to support the motion that the Member for Inkster has put forward.

I think there are some very, very critical reasons why we support this particular motion. The Minister of Water Stewardship (Mr. Ashton) talks about trends, but the only trend that we have going on with the floodway is an overspending trend. We have barely gotten through the first stage and already the projections, Mr. Speaker, are of an over-budget of more than \$100 million. That is the trend, I think, that Manitobans are concerned about. He likes to talk about support of the floodway, and I think there has been probably no greater support of this floodway than members opposite. I think of the Member for Morris (Mrs. Taillieu) who has often spoken about the importance of flood protection for the city of Winnipeg.

When we look at this particular area, Mr. Speaker, not raising questions about over-expenditures or not raising questions about forced unionization is not an indication of support. I, in fact, think that the fact we raise these questions shows true support for the success of the project.

The urgency of this debate that has been proposed by the Member for Inkster is because we are seeing the wheels coming off the project well before we are even to the midway point of the project. We believe as Progressive Conservatives that 1-in-700-year flood protection is important for the city of Winnipeg. What we do not believe is that residents of all Manitoba should be paying for the project for 700 more years. That, Mr. Speaker, is the trend that we are seeing from this government as the monies continue to flow without any real projection of what the end budget is going to be.

So the Minister of Water Stewardship seems to not want to learn a lesson from very recent history. The federal Conservative government that he spoke about in his address, Mr. Speaker, won an election based on fiscal responsibility. They were tired, Canadians and Manitobans included in that, of the way that government was run. It was run without any kind of fiscal responsibility.

Now, the Minister of Water Stewardship says, well, the cheque should be in the mail, but what he is really looking for is a blank cheque. That is really what he is looking for government to do, is send him a cheque that does not have an amount on it because he cannot tell us how much that floodway is going to cost. He cannot give us a budget. He talks about the shell game of the first phase, Mr. Speaker. We all know that any government can offload or offset different costs to different phases. That is not what Manitobans are ultimately going to be paying for. They are not going to be paying for one phase of a floodway; they are going to be paying for a floodway project.

As we look at this particular area where we are now, and I have heard the concerns. He mentioned the federal Minister of Justice, Vic Toews, who is responsible for many of the files here in Manitoba. Mr. Toews himself said in *The Winnipeg Sun* on the weekend that he was very concerned about the cost overruns that this government was experiencing. He does not believe, and his government, I do not think, believes, that a blank cheque is necessarily appropriate, that there does need to be cost controls and a budget where we can try to find a way to get 1-in-700 flood protection but to do it in a way that is fiscally responsible.

We see, Mr. Speaker, the importance of the debate because it was left to the Leader of the Official Opposition to come forward and tell Manitobans the truth about what was happening with the floodway. You know, there might be other opportunities to debate this particular issue, but if we cannot rely on the government to bring forward information in a timely and accurate way, what use are those opportunities? If it was not for the Leader of the Official Opposition bringing forward this issue on Thursday, Manitobans would still not know what the true cost of the floodway is going to be. We do not know what the end result is going to be, but we already now know that there are going to be cost overruns because of this government's inability to manage this critical project.

So, when questions are raised—and I do not want to put words in his mouth, but raised by the Member for Inkster, when the questions are raised by members of the Progressive Conservatives, it is because we want to see this project successful. We want to see the flood protection that was promised to Manitobans, and to Winnipeggers, in particular, and to those who are living in other areas. We want to see that flood protection that was promised come in with that. We do not believe that this government should go over budget and underdeliver on this project. We believe that all Manitobans, and we have seen it through the experience of Mr. Roblin, should be able to benefit from a project that comes in on budget.

So I think that this is an urgent debate. I think that there is urgency for this particular debate because we do not want to wait too long. We do not want to be waiting until we are into the third phase to find out that the government is \$500 million over budget or \$600 million over budget, and then we have to go back and Manitobans are left to pick up the pieces and try to find a way to pay for that. That is not responsible government. That is not what Manitobans or Canadians are looking for, and I think that if there is any lesson that we have learned, Mr. Speaker, from the last federal election is that Canadians and Manitobans value transparency in government. They value a government that says what they are going to do and then actually delivers on those promises. That is difficult for members of the New Democratic Party to understand. But to be able to actually deliver on a promise is what Manitobans are looking for, and this is a government, I remind the Premier (Mr. Doer), who said this project would be on budget. That clearly now is not going to be the case.

So before we get too far down this road, Mr. Speaker, we do need to have this debate here because we have again found that we have not been able to trust this government to bring forward this information in a timely way and in a real way. We had to rely on the opposition leader to enlighten Manitobans in terms of what is happening in this particular project. We need to have this debate here today before things get too far out of hand and before it gets so far out of whack that we need to scale back protection as the Premier has already contemplated doing. We do not believe that that is the way to go.

I do say again, Mr. Speaker, that this cannot be a blank cheque mentality. We cannot trust this government to deliver any sort of a project on time.

We have seen other examples. We have seen concerns. This project is too important. This project is too important to Manitobans, it is too important to Winnipeggers, and it has been clearly pointed out by members of the Progressive Conservatives that we need to ensure that this project goes ahead in a way that is respectable and in a way that gives that protection financially and from flood protection for all Manitobans.

So our party is pleased to support the Member for Inkster in this resolution. We do believe that we may be able to get more timely information from the government if we are able to have this debate here today, Mr. Speaker, and we do fully support the expansion of the floodway in a way that has full protection, in a way that gives financial responsibility and assuredness to all Manitobans.

**Mr. Speaker:** I thank the honourable members for their advice to the Chair on whether the motion proposed by the honourable Member for Inkster (Mr. Lamoureux) should be debated today. The notice required by Rule 36(1) was provided. Under our rules and practices the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward. However, I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today. Additionally, I would like to note that there are other avenues for members to raise this issue, including questions in Question Period, raising the item under Members' Statements and raising the issue during the consideration of Estimates for Capital Investment.

Therefore, with the greatest of respect, I rule the motion out of order as a matter of urgent public importance.

#### ORDERS OF THE DAY GOVERNMENT BUSINESS

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call the following bills: 35, 31, 20, 24, 25 and 30?

**Mr. Speaker:** Okay. We will be resuming debate on bills 35, 31, 20, 24, 25 and 30.

\* (15:00)

**DEBATE ON SECOND READINGS****Bill 35—The Public Schools Finance Board  
Amendment and The Public  
Schools Amendment Act**

**Mr. Speaker:** Resume debate on Bill 35, The Public Schools Finance Board Amendment and The Public Schools Amendment Act, standing in the name of the honourable Member for Steinbach (Mr. Goertzen).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Steinbach (Mr. Goertzen)?

**Some Honourable Members:** No.

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

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, I am pleased to stand in the Legislature today to put a few words on the record with respect to Bill 35, The Public Schools Finance Board Amendment and The Public Schools Amendment Act.

I think, Mr. Speaker, that this bill is a prime example that shows the absolute arrogance, incompetence and the blatant admission to the fact that there were very, very serious problems that came about at Seven Oaks School Division. Clearly, whenever there are problems that the government has, they are quick to jump out and run out and introduce legislation. This essentially, Bill 35, as far as I am concerned, is a Seven Oaks School Division clean-up bill.

Having said that, I mean, there are a couple of good things in it, where it does mention and does provide for, in some instances, more accountability and transparency of the capital support program for Manitoba schools. We have seen this government, time and time again, and what they do with respect to the building of new schools, and it tends to be the case that there are new schools being built in many of their constituencies when many constituencies that are represented by members of the opposition including the Member for Fort Whyte (Mr. McFadyen) and Leader of the Opposition who has gotten up before this House and asked questions, asking for a new school because it is absolutely imperative that a new school be built in that area, Mr. Speaker.

So we are hoping that there will actually be some more transparency and accountability that will come about as a result of this bill, but I have to say,

Mr. Speaker, that I do have some concerns as to whether or not that will be the case.

Specifically, I am concerned about the change in the Public Schools Finance Board. Right now, it is an arm's-length board, or supposed arm's-length board, that is, no more than five persons essentially appointed by the government but through the Lieutenant-Governor-in-Council. Mr. Speaker, what we have seen is that some of these appointments have obviously been members of the NDP party, have been former campaign managers, have also had very, very close ties to the Seven Oaks School Division. I think certainly our concerns with respect to the appointments of people on this board question whether or not the board actually is at arm's length.

Having said that, I am not sure that the new, proposed amendments to the legislation will, in fact, take care of that problem of lack of transparency and accountability. The new board will consist of three deputy ministers, and all Manitobans know that the deputy ministers are, in fact, appointed by ministers and members of Cabinet, Mr. Speaker.

It is our concern that in fact the Minister of Education (Mr. Bjornson), whose deputy minister will be the new chairman of the board, will take on the responsibility of the chairman of the board, and, of course, the minister will then have a direct tie into announcing where capital financing projects will take place. Obviously, Mr. Speaker, already shown by this government that an arm's-length agency, they have already corrupted that and used that to put new schools in their own constituencies, so what is to stop them from doing it through this new process?

So I have some serious concerns when it comes to the make-up of the board. Obviously, we agree with any kind of a principle and any kind of a bill that would strengthen the accountability and transparency, but I am not sure that that will take place, Mr. Speaker.

I think I will have much more to say on this bill. I would like to see it go through to committee, and we will see who comes out to speak on this committee. I think that committee is a very important process that we need to go through to ensure that we hear from the public and various stakeholders out there in the community. We look forward to hearing, hopefully, from past members of the Public Schools Finance Board. Perhaps the former campaign manager, Brian O'Leary, will come out and give his views on the changes that will be taking place in this

bill, and perhaps Ken Zaidman and others, Mr. Speaker.

So I think at this point it is important that we move this bill on, but we do have our reservations as to how the NDP has managed the situation, Seven Oaks School Division. We know right now that the Auditor General is in fact investigating the various things that took place at the Seven Oaks School Division. So we look forward to that report coming out and seeing exactly what did transpire and whether or not this bill will actually reflect some of the changes that need to take place.

So, certainly, Mr. Speaker, we will pass this on to committee at this stage and look forward to hearing from those people that hopefully will come forward and give us an indication as to how they feel about this bill. Thank you very much.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 35, The Public Schools Finance Board Amendment and The Public Schools Amendment Act.

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

#### **Bill 31—The Animal Diseases Amendment Act**

**Mr. Speaker:** Bill 31, The Animal Diseases Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**Some Honourable Members:** No.

**Mr. Speaker:** No. It has been denied.

**Mr. Ralph Eichler (Lakeside):** Amendments to The Animal Diseases Act are described as mostly housekeeping changes providing updated definitions of director and correcting wording in the legislation for greater accuracy.

Manitoba Agriculture, Food and Rural Initiatives has eliminated the position of the director of Veterinary Services Branch. There are new provisions put forward governing the director as appointed under The Civil Service Act in terms of making decisions to destroy animals suspected of carrying diseases. That power already exists in the current legislation, subsections 4. Subsections 4 and

5 are added to govern the means of destruction of healthy animals in order to prevent suffering.

This power is intended for extraordinary circumstances to address animals that cannot be cared for in the event of border closures or other events that prevent their delivery for processing. This is viewed as a humane approach in that it will preclude leaving animals to starve to death as a result of producers or facility operators being unable to care for them. Subsection 19 includes a clause ensuring that only humane methods of animal destruction are used.

Bill 31 also grants the Province of Manitoba to establish inspection stations at provincial borders, section 19. These stations will be able to inspect livestock cargo regarding vital health information and including the name of the driver, where the animals came from and where they are being delivered. These inspection stations will be able to track the course of animal deliveries should a disease outbreak occur and allow provincial government to respond more quickly.

Since the U.S. border is governed by federal legislation, the amendments to Bill 31 are geared mainly toward interprovincial borders. However, the Manitoba government maintains they will enable Canada's international trade partners to recognize disease mitigation efforts sooner and be able to reopen borders to livestock as soon as possible.

A specific concern that is a primary focus is on the inspection station at West Hawk Lake, while equivalent facilities are not in place on the Manitoba-Saskatchewan border. Should a shipment of diseased animals enter the province from Saskatchewan, they may not be identified until they have crossed the entire province, posing a potential risk of exposure to other animals and wildlife or human beings in Manitoba.

Section 44, subsection 6 and subsection 7 also provide inspectors with powers of entry of vehicles, premises or dwellings where they suspect the presence of animal diseases. They do not require a warrant for entry; they only have to identify themselves as inspectors under the regulation. Bill 31 also adds a clause in section 19 for information-sharing between relative groups, the Canadian Food Inspection Agency, Transport Canada and industry stakeholders.

\* (15:10)

The Manitoba Veterinary Medical Association indicated its full support for Bill 31. However, the Manitoba Pork Council has brought some concerns as they refer specifically to the lack of a defined disaster compensation program, the welfare of the slaughter of animals in the event of a national regional disease outbreak.

The second concern includes the fact that the Province is still trying to set up sites for disposal of dead animals in the event of a major slaughter program, and these can take into large numbers, Mr. Speaker, with respect to sometimes 5,000 to 6,000 to 10,000. We look at the avian flu that broke out in B.C., on-site there with the number birds that were infected, and it becomes a real serious problem.

I am looking forward to the presentations coming up in committee. I know we have contacted KAP and the Cattle Producers and the other organizations and hope to have their inputs so we can have more debate on this important bill. Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

*Motion agreed to.*

#### **Bill 20—The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act**

**Mr. Speaker:** Bill 20, The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**Some Honourable Members:** No.

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

**Mr. Ralph Eichler (Lakeside):** I want to put on some notes in regard to Bill 20. We agree that the government legislation should be modernized to reflect structural changes within organizations such as the Manitoba Mediation Board. It is important that the language in government legislation and regulation to be gender neutral to account for the increasing presence of female professionals employed within the civil service.

Revisions to the protection of board members from liability are also important for them to effectively carry out their duties and their

responsibilities. However, the amendments do not provide any solid definitions of what constitutes bad faith. Under the legislation, this is an important aspect of any government-appointed board in terms of accountability.

Mr. Speaker, we would like to see this bill go forward. We have not had any concerns from outside parties on this particular bill. I look forward to hearing it once it gets into committee.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak on Bill 20. In contrast to the opposition critic for Agriculture, we see some significant concerns in this legislation. I would like to go over some of these concerns.

In my view, quite frankly, this bill should be renamed an act to protect ministers rather than an act to protect farmers. The problem is that you have in The Family Farm Protection Amendment Act and The Farm Lands Ownership Amendment Act some quite significant clauses being added which will protect ministers and others, board members, from liability. This protection from liability would occur unless there is bad faith.

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

Mr. Deputy Speaker, we all know the situation with the Crocus Investment Fund. We all know because we have been discussing and debating the concerns about board members and liabilities. While it may not be quite the same situation here, nevertheless I think it is important that we do not get into a situation where the minister appoints his friends to be on these boards and at the same time provides complete protection from liability for gross incompetence and gross negligence, so that board members who are grossly incompetent or grossly negligent would be protected from any liability. That just does not make any sense. It is not what we would expect in terms of accountability. It is even worse when you consider that it is the minister who is also protected from liability even when the minister might perform an act which is grossly incompetent or grossly negligent.

This bill, let us start with The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act. The concern here is that we are going to lose the normal process of accountability. One of the normal processes of accountability is that people would be legally liable if they are grossly incompetent, grossly negligent, and do things on the basis of major conflict without that being made

apparent. There is some protection, and I will come to this in the second act, with regard to the situation of conflict of interest. But the concern here is that we have been through the Crocus Investment Fund.

We have been through the situation with Hydra House. We have been through the situation with Aiyawin Corporation. We have been through the situation with the Public Schools Finance Board. Time and time again we have had people who have performed acts which when you look at them closely, indeed, there is a class action suit in terms of the Crocus board and naming the government and so on. So what this provision would do is remove the ability for citizens to bring forward class action suits, if you protect people from liability. The clause which talks about not protecting people where there is bad faith, the government may say, well, that is sufficient, but the reality is that proving bad faith is quite difficult at the best of times.

Certainly, we should have included amendments which would cover that the minister and the boards are not protected where there is gross incompetence or gross negligence. So I think the government is making a big mistake here in trying to protect ministers from liability and to protect boards from liability. That is why I say that this government should have renamed this act the ministerial protection act, instead of calling it The Family Farm Protection Amendment.

There are, I would suggest to you, some additional provisions that should be added here when we come to The Farm Lands Ownership Act. The Farm Lands Ownership Act, like The Family Farm Protection Amendment will bring in amendments which will provide protection for the minister from liability except where there is bad faith. The problem here is that it will actually protect people from liability where there is gross incompetence. It will protect people from liability where there is gross negligence. This clearly is not normal practices of accountability. This is a most unsatisfactory situation.

But more than that, there is in The Family Farm Protection Act a clause that disqualified board members from hearing cases and making decisions if they are related by blood or marriage or common law to a party to the matter before the board, or if they have a pecuniary interest, or if they have counselled a party within six months to hearing the case. The problem with The Farm Lands Ownership Act is that it has no similar clause preventing members from

hearing a matter and making decisions where they may have a conflict of interest. It is quite important that there be such provisions inserted. Clearly, amendments are needed here to The Farm Lands Ownership Act.

You know, Mr. Deputy Speaker, when we look, for example, at The Municipal Council Conflict of Interest Act, The Legislative Assembly and Executive Council Conflict of Interest Act, both prevent members from sitting and deciding an issue where they have a beneficial interest. Both The Family Farm Protection Amendment Act and The Farm Lands Ownership Amendment Act should have provisions which are similar to The Municipal Council Conflict of Interest Act and the Legislative Assembly and Executive Council act.

\* (15:20)

I would suggest to you, Mr. Deputy Speaker, that there are here some extra provisions needed, particularly with respect to The Farm Lands Ownership Act, and these might include not only the preventing members from hearing a matter and making decisions where they have a conflict of interest, but you need to define, for example, an indirect pecuniary interest, what exactly that means, and make sure that members are prevented from sitting and deciding the case if they have an interest. The Family Farm Protection Act, or family farm practices protection act, references a pecuniary interest, but it needs to be clearer, I suggest, Mr. Deputy Speaker, what that may entail. The Family Farm Lands Ownership Act does not adequately cover conflict of interest to start with, and so clearly this needs to be a part of the bill.

There should be provisions, I suggest, Mr. Deputy Speaker, in both acts which require members to disclose pecuniary interests and that those interests so disclosed should be made public. The onus to disclose should require immediate disclosure, and they should extend from direct to indirect pecuniary interest. Members with pecuniary interests should refrain at all times from attempting to influence the matter before the board.

*Mr. Speaker in the Chair*

I suggest to you, Mr. Speaker, that it should have a provision here that the absence of a board member due to a direct or indirect pecuniary interest should be recorded. I would suggest to you that the failure of a board member to disclose an interest should render that decision void. They should include a



provision voiding any decision, transaction or procedure where a member had a pecuniary interest, did not disclose the interest and did not remove himself. There may need to be a time application of this so it does not extend, as it were, forever, but certainly it is so important that there not be conflicts of interest in making these judgments that these sorts of provisions should certainly be there.

There needs to be a requirement, I suggest, Mr. Speaker, for continuing disclosure of any interest and issue that appears before a board. A board member who violates this disclosure requirement should be removed or disqualified from serving on the board, the seat should be vacated and the individual should be replaced. If a board member gains due to a pecuniary interest, the party should be allowed to appeal, and the member should be punished and removed from the board.

I would suggest to you, Mr. Speaker, the conflict of interest provisions are important for both these two bills. The Farm Practices Protection Act deals with nuisance reports of odours and noise from farms and livestock operations, and these issues can be quite divisive in communities. Certainly, the provisions that we are talking about are applied to municipal and city councillors, members of the Legislative Assembly. They are not particularly onerous. They are common in corporate law where directors are required to disclose interests and remove themselves from the decision-making process.

So we are not asking for changes which are overly onerous or overly problematic, but clearly, I suggest, Mr. Speaker, that both bills would benefit from a more thorough review than was provided by this government. Certainly, when we are looking at these matters one would expect that the government would have done a little bit more due diligence in reviewing the acts and bringing forward amendments.

I want now to go back and talk a little bit more about the situation with the Crocus Investment Fund because what is the heart of our call for a public inquiry and at the heart of the class action suit, which has been brought against this government, is the fact that there needs to be appropriate accountability. Truly, things went very, very wrong when it came to the Crocus Investment Fund. Many, many Manitobans, about 33,000, have lost an enormous amount of money. It has been estimated at \$60 million, but the class action suit, I think, goes as

high as \$200 million. We may not know for some time exactly what that number really is. It is one of the reasons why it would be logical and appropriate and desirable to have a public inquiry into the Crocus Investment Fund.

I should add, Mr. Speaker, that as I talk with people in different parts of the province, again and again and again people bring up the Crocus Investment Fund and the problem of this government not being accountable and not calling a public inquiry. It is a problem. We have been pushing for a public inquiry for quite some time, and this bill is all about accountability. It is about accountability because you have clauses within this act which would protect ministers and the government from liability even where ministers and the government were grossly incompetent and grossly negligent. Clearly, this cannot be a satisfactory state of affairs when the government brings in a bill to protect itself, rather than bringing in a bill which will help to find further protection for farmers.

The problem with this government, and we have to ask the question, why are they so determined to bring in bills to protect themselves? I guess they know, and we heard Gary Doer say the other day, he makes lots of mistakes. Well, this government has been making a lot of mistakes in Crocus, Aiyawin, Hydra House and so on—

**Mr. Speaker:** Order. When mentioning members of the House, please do it by constituency or ministers by their portfolios.

**Mr. Gerrard:** I am sorry, Mr. Speaker, I will be more careful.

We have a circumstance where, in this legislation, sadly, as in a number of other pieces of legislation, the government seems to be very scared, so scared that they are bringing in this extraordinary protection for themselves and their ministers.

We have looked at this matter, and it is important, I suggest, to trace it. There was one bill that I think was brought in in about 1996, but every other bill with these clauses has been brought in, the amendments, by this government. There have been a number of them. This government is now, in the number that we are seeing this year, going to extraordinary lengths to protect themselves, and we are very concerned that the government is so concerned about protecting itself and clearly not all that concerned about protecting farmers.

This is, I suggest to you, Mr. Speaker, a sign of a government which sees itself in big trouble. It is a sign of a government which knows that it has got big problems. Instead of trying to correct the problems, what this government is trying to do is to cover them up and to remove the liability of the government and of the ministers and of the friends whom they have appointed to boards.

\* (15:30)

Are they afraid that the people they are appointing to boards, you know, are likely to be incompetent? One would hope that when they appoint people to boards that they would seek out and get competent people. We have argued for some time that many more boards than are at the present should actually go through a screening process in the Legislature so that there could be some assessment of the competence of board members.

If we are going to have a strong provincial government, we need to have good people and competent people appointed to boards. The problem with this act is that the bulk of the changes of this act are, in fact, to protect the government. It is really kind of extraordinary that the government would bring in one bill with major components of change in two acts designed to protect the government and the government's ministers and the members that it appoints to boards. This suggests, Mr. Speaker, that this is a big, big problem. The government does not realize the extent of the problem that they are getting into because they are setting things up so that people, whether they are ministers or board members, do not have to worry about liability for actions, no matter how egregious, no matter how misplaced, no matter how incompetent, no matter how negligent.

What we want when we are appointing people to boards, what we want when we have ministers is that the ministers will know that there will be a line in the sand, that there will be a holding up to account that the ministers and the government will not be protected from liability or gross incompetence or gross negligence. But this government wants to protect not the public, not the farmers, but its ministers. This government is bending over backwards, we see in this legislation, to provide protection to its ministers from liability under a whole range of circumstances.

Now, Mr. Speaker, we would in looking at this legislation—and I think that it is important when the government brings in bills like this and it is not clear at this point whether there is a problem here—but

which bills provide precedence? If there is a problem, if there is gross incompetence, if there is gross negligence, the minister can get up and say, well, I do not have to worry because I am protected. Now it may be true that the government can say, well, you can always throw us out. I expect that people will throw this government out for bending over backwards to protect themselves rather than working to protect farmers and rather than working to protect the public.

The reality here is that as the Minister of Industry (Mr. Rondeau) should know, and it is important that we have corporations, others who work within Manitoba would be subject to some level of liability. If there was an Enron scandal, that they would know as board members of a corporation that they would be subject to certain forms of liability, of classaction suits. We have legislation on classaction suits. We have legislation here providing protection from liability.

On the one hand, the government can claim, well, we brought in class-action suits, but most people do not realize that at the same time they brought in legislation, or want to bring in legislation, that would provide protection from their ministers and for the government and for the government's friends from such liability as might be manifest or accountable through a class action suit.

So this government appears to be quite good at talking out of both sides of its mouth. That, I would suggest, Mr. Speaker, is because this government has a recognition that they are getting into more and more trouble, that they are making more and more mistakes and that they seem to feel that they must have this protection. But, certainly, from a citizen's point of view, from a citizen's perspective, there needs to be accountability, and there have to be forms of accountability that can work between elections. We do not want to have a problem with gross incompetence and gross negligence, and there is no way to hold a government accountable between elections. That is not a satisfactory circumstance. That is hardly appropriate.

Certainly, this kind of act, which has been designed, as I have said, to provide protection from liability, if there are problems like have arisen with the Crocus Investment Fund. From our perspective, this is an inappropriate approach for government to seek, primarily, in amending these two bills, to protect itself, as I have said, rather than protecting farmers.

The changes that I have talked about that are clearly needed are fundamental to improving accountability, and it is sad that the present NDP government, which talked so much about openness, transparency and accountability has been so poor in delivering this, and now, in bill after bill, is in fact acting to try and cover up, is acting to try and provide protection from gross incompetence to its ministers, protection from gross negligence to its ministers and to boards which they have appointed, and at the same time to not adequately deal with issues that are important issues which relate to conflict of interest in a variety of circumstances.

Clearly, I am speaking to this bill to express my concern, and our concern as Liberals, that the government has gone too far. We do not believe that these measures are appropriate. We will not support this legislation. We see this approach by this government as flawed. We think that it is time for people to recognize the problems that this government is creating by getting rid of some of the normal accountability procedures. *[interjection]*

\* (15:40)

No, there is a matter which has arisen earlier today, and that is the huge cost overruns on the floodway. *[interjection]* So we want to be able to hold the government to account if there is gross incompetence in managing the floodway, or gross negligence. We want to make sure that the minister can be held to account. That is what we are talking about. I mean, we may want to throw this government out. We do want to throw this government out, but we need other measures so that the ministers will know that they have got to be paying attention to what is happening in this province, that they have got to be on top of what is happening in terms of expenditures in the floodway, that it is not good enough to wait more than five weeks to report to this legislature that they are more than \$100 million over budget on the floodway. This Legislature needs more measures of accountability in the bills that we pass, not less.

What is clear is that this bill does not pass the sniff test. We are dealing in some cases with noxious odours, but this bill does not pass the sniff test because it bends over backwards to protect ministers from real accountability. It bends over backwards to protect the friends of members opposite who have been appointed to boards. Clearly, we want to be fair with people who are appointed to boards, but we certainly do not want people acting on boards and

doing things which are grossly incompetent or grossly negligent and there not being any accountability for that.

Mr. Speaker, those really are the things that I wanted to cover here. One of the fundamental reasons that I am here for and I would have hoped that we are here for is to get better accountability. Clearly that is not what the NDP wants. They want to get poorer accountability and that is quite a sad day for this Legislature.

I suggest, Mr. Speaker, that it is time to reverse the direction that this government is heading in, in less accountability and less competence. What we need is much better accountability and measures that will provide for much better competence by ministers and boards. Thank you.

**Mr. Kevin Lamoureux (Inkster):** I move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

**Mr. Speaker:** For the information of honourable members in the House, I would like to draw their attention to *Beauchesne's Parliamentary Rules*, to 465(8): "A member who has already spoken to a question has no right to move or second an adjournment of the debate or of the House."

So the honourable member will have to find a second seconder to adjourn debate because the honourable Member for River Heights has already spoken.

**Mr. Lamoureux:** Mr. Speaker, can you indicate what day—I know I have had opportunity to speak to a number of bills. I am wondering what day I would have spoken to this bill.

**Mr. Speaker:** The honourable Member for Inkster has not spoken to the bill, so the honourable Member for Inkster can move adjournment or second the adjournment. The honourable Member for River Heights has already spoken to the bill, so the honourable member cannot be a seconder or move the adjournment motion.

If you look at *Beauchesne* on page 138, okay, and look at No. 8. *[interjection]* Did you find it? Page 138 and look at No. 8.

#### Point of Order

**Mr. Speaker:** On a point of order?

**An Honourable Member:** Yes, on a point of order.

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

**Mr. Lamoureux:** Yes, Mr. Speaker, on a point of order. We will all acknowledge that *Beauchesne's* is a reference tool that is used by this Chamber.

**Mr. Speaker:** Order. I do not think you—but also here under our rules, there is also a ruling dealing with the same. It is not only *Beauchesne*. I did a ruling in year 2000: A member cannot speak and then adjourn debate on an issue. A member has a choice of speaking to a bill or adjourning debate.

I made that ruling in 2000 and 2001, so I am not only referring to *Beauchesne*. Rulings of the Chair, I would be careful. If the honourable member is still wishing to adjourn debate, you just have to find another member to second your motion who has not spoken to the bill.

**Mr. Lamoureux:** Mr. Speaker, my preference is to adjourn debate on the bill, as I have adjourned debates—

**Mr. Speaker:** Yes, and you can.

**Mr. Lamoureux:** —in the past with members who actually have been seconded. Again, I am caught off guard to a certain degree because my understanding in the past is that I have been allowed—

**Mr. Speaker:** Order. Rules are not up for debate. I do not make them up. I just follow the rules that come to us. All I am suggesting to the honourable member is, if you still wish to adjourn debate, all you have to do is find a seconder who has not spoken to the bill.

**Mr. Lamoureux:** Well, Mr. Speaker, I do think that—[interjection] On a point of order.

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

**Mr. Lamoureux:** On a point of order. Mr. Speaker, having had the opportunity to adjourn debate on many different bills, to the very best of my memory, I do believe I have adjourned debate using someone that has actually spoken to it. So this would be—and you had indicated that prior to my real—

**Mr. Speaker:** Order. If that has been the case, it does not matter. The rules are clear, and precedents that have been set can be used either way by any Speakers. I am following the rules of *Beauchesne*, and I am also following the ruling that I made in 2000 and 2001. *Beauchesne* is very clear in their

direction, and how a different Speaker interpreted it, I cannot speak for other Speakers.

#### Point of Order

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

**Mr. Lamoureux:** Mr. Speaker, on a new point of order, I believe that it is important in terms of our process. Maybe, what I will do is I will pull up *Beauchesne* Citation 33 on page 14 where it states, "The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them. A few rules are laid down in the *Constitution Act*, but the vast majority are resolutions of the House which may be added to, amended, . . ."

I use Citation 33, Mr. Speaker, because Citation 33 highlights how very important our rules are.

**Mr. Speaker:** Order. I think the member is straying a little far here because when a Speaker makes a ruling, it is not up for debate. You can either accept it or you can challenge it, but it is not up for debate or to justify the other way.

I have made a ruling that is very clear and you have two choices. You can accept it or you can challenge the ruling. You cannot get into debates of rulings of Chairs or Speakers. If you find other justifications in there, that does not matter. I have made a ruling, and you either accept it or you challenge it.

\* (15:50)

**Mr. Lamoureux:** My point of order has very little to do with the ruling that you have previously made. My point of order is dealing with how rules are actually enforced within the Chamber, as opposed to your ruling.

Mr. Speaker, if we go through the process of making rules, which we have over many, many years in which those rules are amended and changes are made, and then, as Speaker of the House, you will then enforce those rules.

When a political entity or an individual reads through our rules, in certain areas there are gaps. Where there are gaps, one relies very heavily on the traditions of the Chamber. My recollection of the traditions of this Chamber, and we could use the previous ruling, if you like, as an example, but maybe I will stay away from that just to avoid the reflection on the Chair.

Mr. Speaker, if you, in my case, and I would suggest it is somewhat unique, even though there have been other members inside the Chamber that have gone through a similar nature where they were elected and then there was a term in which they were not elected—

**Mr. Speaker:** I do not know what the honourable member's point of order is here. I am having a hard time following here because, if it is dealing with the ruling I made, it cannot be. I do not know what has just happened where the member is on a point of order. If you point out the point of order to me, maybe I will be able to follow it a little closer. Eventually, whatever point of order you raise, I have to make a ruling, but I need to be able to follow it.

**Mr. Lamoureux:** To that degree, Mr. Speaker, I would ask that you follow along. That is why I made reference to *Beauchesne's* 33. They talk about the importance of our rules. If we make changes to our rules, the standing order rules, it is in black and white so that a new member of this Chamber can actually look at those rules and make a determination whether or not he or she is abiding by the rules. *Beauchesne* is in black and white, so we can make a determination whether or not you are in sync with what *Beauchesne's* has to say.

Mr. Speaker, where my concern is and where the point of order lies is that we have traditions of the House. Now, if there are traditions of the House in which, as an example—

**Mr. Speaker:** But I do not understand. Please help me here. I do not understand what the point of order is dealing with. Nothing has happened. I do not understand. We dealt with an issue. I read you the rules and I pointed out to you that a person that has already spoken cannot adjourn or be a seconder to a motion. Now nothing has happened since that time, so I do not know what has happened in the House that warrants a point of order at this moment. I am failing to understand this.

**Mr. Lamoureux:** Mr. Speaker, I am trying to the best of my ability to be able to explain it. I think that I have to be able to finish explaining it and then hopefully you would be able to make a ruling on it. The ruling that I am asking you to reflect on is *Beauchesne's* 33 where it talked about the importance of rules to this Chamber. This is where I am looking for an opinion from you as the Chair as to what I believe is the area of Speakers' rulings from the past. We are not talking about one ruling; we are

talking about a multitude of rulings that are made by the Speaker over time.

That is, in essence, what happens when someone, or the Chair—

**Mr. Speaker:** I really do not know where we are going here, but what you are dealing with falls under privileges and I do not know if we are dealing with privilege. I do not know because what you are quoting comes under privileges of the House, so it is not a point of order. It is under privilege. That is what you are quoting from.

#### MATTER OF PRIVILEGE

**Mr. Speaker:** The honourable Member for Inkster, on a matter of privilege.

**Mr. Kevin Lamoureux (Inkster):** Yes, Mr. Speaker, on a matter of privilege. As you have pointed out in looking at and citing *Beauchesne's* 33, it talks about what I believe is a fundamental privilege that all members of this Chamber have. I think it becomes very important that we understand very clearly what it is that I am about to try to explain to the best of my abilities. I will try to keep it as simple as possible, so that all members will have a sense in terms of the direction I am going with respect to this privilege.

First and foremost, a privilege has to be brought to your attention at the first opportunity, Mr. Speaker. Just a minute ago, you had indicated to me that maybe the best way for me to deal with this issue is to deal with it as a matter of privilege. I am, in essence, following your advice by standing in my place to raise the issue as a matter of privilege. So I would then argue that this is, in fact, the earliest opportunity for me to stand and talk about the issue which I feel is critically important for each and every one of us as members.

So let me then explain the situation, Mr. Speaker, that I started to explain during the point of order. We all know that we have different types of rules that we are expected to follow. The most important rule that we have is, in fact, our rules of procedure. The rules of procedure which is in the standing order very clearly indicate in black and white what the rules of our Chamber are. In fact, if you were to look at our *Rules, Orders and Forms of Proceeding*, you will see a number of dates in which those rules have, in fact, been changed.

Mr. Speaker, I say that, because as a new member, when you enter into the Chamber, rules are then explained to you. They show you this particular book, and it is explained to you. You sit down as a new member, and if you have any further questions, you can approach the Clerk's office and so forth. Well, this rule book that we all have, when we talk outside of these rules, because it does not cover every situation, quite often you as the Speaker will then look at *Beauchesne's* 6th Edition. You will also look at other reference books. [interjection] Marleau and Montpetit is another example. That is the reason why I am using *Beauchesne's* Citation 33. I do not need to repeat it because you know which one I am referring to.

Well, if it is not inside the rules of standing order, you will often then go to *Beauchesne*. The question then becomes, Mr. Speaker, as you have pointed out, the first time which I can honestly say that I have ever heard that a person cannot second a nomination, but I do not want to reflect on your earlier ruling, so I am going to stay away from that. But for the very first time, I heard a citation using *Beauchesne*, in which the rules of our—

\* (16:00)

**Mr. Speaker:** Order. I made a ruling on the adjournment. Also, on the matter of privilege that the honourable member is rising on, first of all, when a member is dissatisfied with the rules, it should be addressed at a Rules Committee. That is the proper place for it.

Also, if you look at matters of privilege raised by members, I inform the House that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Joseph Maingot, in the 2nd edition of *Parliamentary Privilege in Canada*, states on page 14: Allegations of a breach of privilege by a member in this House that amount to complaints about procedures and practices in the House are by their very nature matters of order.

He also states that, on page 223 of the same edition: "A breach of the standing orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege."

On this basis, I would therefore rule that the honourable member does not have a matter of privilege.

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**Mr. Speaker:** Okay, is the House ready for the question?

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I am going to stand up and speak to Bill 20, even though I do feel that the opportunity has been denied to my constituents for me to be able to do the work that is necessary in order to be able to address some of the details of this piece of legislation.

I was hoping to be able to talk to this bill when it was going to be a more appropriate time. So, given that we have a reference that I have never seen before, Mr. Speaker, I have no obligation but to address this bill at this point in time.

Mr. Speaker, I would welcome an opportunity from the Clerk's office to get a copy of all the Speakers' rulings between 2000 and 2003—

**Mr. Speaker:** Order.

I think the honourable member is starting to go on thin ice here. I would caution the honourable member on reflecting on the rulings of the Chair. I have made a ruling and you had two options. You either accepted it or you challenged it.

I would caution the honourable member from staying away from that subject at the moment.

**Mr. Lamoureux:** Mr. Speaker, I appreciate the cautionary note. Having said that, I do want to ensure that some of the issues that need to be dealt with between now and June 12, that there is a responsibility on my part to ensure that some of the procedures of the House that might not necessarily be in our rule book—

**Mr. Speaker:** Order. I recognized the honourable member to speak to Bill 20, and this is your opportunity. You were given 30 minutes to speak to Bill 20.

**Mr. Lamoureux:** Well, out of respect for you, Mr. Speaker, I will refrain from expressing a little bit of frustration and stick to the bill at hand.

Mr. Speaker, the family farm practices protection amendment act is a bill that causes a great deal of concern. My leader did have the opportunity to speak to this bill just prior to me standing, and I think that he highlighted a great deal of those

concerns. What I would like to be able to do is to pick up on some.

You know this bill, as other pieces of legislation, deals with issues of accountability, and what we have seen are a number of pieces of legislation, Bill 20 being one of those bills, that also attempts to deal with avoidance of true accountability.

Mr. Speaker, I really do think that we need to reflect on our family farms and why it is that the government is going out of its way to be able to accommodate gross negligence and that is what this particular bill is going to allow for. That does cause a great deal of concern. We have not heard from the government as to why it is that it is making the amendment that would allow for that to occur. It is disappointing in the sense that what we want to be able to see is we want to see accountability in government. Over the last while, what we have witnessed is a government that avoids accountability.

This bill sets out conditions and processes that would allow for infectious diseases in an abysmal-like foot-and-mouth disease to be regionalized. Now, one case of foot-and-mouth disease in a cow in Newfoundland would result in great peril for the livestock industry in Manitoba. Mr. Speaker, the issue of protecting our cattle industry and looking for areas of gross negligence, what I would like to do, because I think that is an excellent example, is to reflect on the issue of the BSE crisis and how the government ultimately responded to the BSE. It was, in essence, I guess it would be in 2003 when the BSE came to light. I think it was even during the last provincial election. Now, I am not 100 percent sure of the actual date, but I do believe it came out during the last provincial election. It surprised me that this would happen because it was a very interesting, instant reaction that came to the States that had a devastating impact.

When you reflect on the issue of the BSE, what sort of an impact does a bill of this nature actually have, if there was gross negligence in the province of Manitoba, in an issue of this nature? We are allowing, or disallowing, I should say, the ability for any sort of liability. One has got to question in terms of why is that, to what good is that for Manitobans, in particular, our cattle industry or, in fact, the family farm. As I say, if we talk about the BSE crisis, we saw how the government responded to it. As other governments in western Canada took it upon themselves to take more action, this government chose not to and there has been a cost to that. As a

result, we have nowhere near the type of slaughter capacity or slaughter opportunities, post-BSE, as other provinces did, in fact, have.

So, when we start talking about clearing up or allowing for the citizens, in particular, it is our farmers in reference to this particular bill, when we start talking about them being able to take some sort of action on government, one would like to think that they would leave all venues open where there has been, indeed, gross negligence. That is where we have taken a big exception to this bill. Generally speaking, I like to think that as an opposition, the Liberal party has been very supportive of bills going into the committee stage to receive input as to whether or not there should be amendments made. I would like to see an amendment on dealing with this very specific issue, Mr. Speaker. I think it would go a long way in terms of making this legislation that much more accountable because right now, as it stands and if it passes, what we are going to see is a bill that will not be as good as it could have been. I would not want to be responsible for ushering a bill that just does not, as my leader had pointed out, meet the sniff test.

\* (16:10)

So, you know, you have substantial changes, what I would argue are substantial changes. Yet, when you listen to the minister responsible, I believe she downplayed the significance, I believe, of the bill. If you read the explanatory notes, Mr. Speaker, and I quote right from it: "The Farmlands Ownership Act is amended by replacing gender-biased language, outdated references to administrative staff serving The Manitoba Farm Lands Ownership Board and an outdated liability protection provision."

Well, you know, you read that and you would get the impression that we are putting in some more "he" and "she" and maybe "people" to make it more gender-neutral. There is nothing wrong with that. There are a lot of pieces of legislation that are, in fact, outdated, and we need to make those changes wherever and whenever the opportunity is there. But, when you bring in legislation, it is also expected that you would maybe be a little bold and take advantage of an opportunity that is going to further enhance our family farms, Mr. Speaker.

Again, you pick it up by just reading the explanatory notes. "This Bill amends The Family Farm Protection Act by replacing outdated references to administrative staff serving The Manitoba Farm Mediation Board. Also replaced are

outdated provisions about confidentiality of information and liability protection for board members and other persons working under the board."

Well, if you take a look at those two citations that I make reference to, Mr. Speaker, in the bill, that is what you find the government is actually doing. On the surface, it looks very, very positive. It does not come across as necessarily being an earth-shattering type of piece of legislation. But, when you start to go through some of the details, as my leader has, you quickly discover that there are some very serious problems with this bill.

It is a trend issue. We have seen other pieces of legislation, it has been pointed out, where the government appears to be content on gross negligence. Mr. Speaker, we have a problem with that. We have seen this government exercise gross negligence in itself. They want to be able to have a free hand in being as negligent as they want without any real consequence.

Mr. Speaker, all we have to do is just look at some of the issues this Chamber has dealt with over these last few weeks. We can talk about the floodway which has been an issue for the last couple of sitting days of the Legislature, where the government was quite content to say and do absolutely nothing in regard to the potential cost overruns to the Province. One would ultimately argue that that is gross negligence.

This sort of legislation acknowledges that that sort of gross negligence is, in fact, acceptable. Well, Mr. Speaker, I would argue that it is not acceptable, that when you talk about the types of dollars and just the size of the project, and I had the opportunity to put some words on the record in regard to that earlier when we had introduced a matter of urgent public importance. The magnitude of the project is just huge. The cost factor is huge, and now we learn that the government is anticipating these huge overruns, cost overruns.

Well, Mr. Speaker, the government is leading by example by saying that we have no intention on bringing in legislation, such as Bill 20, that is going to say that gross negligence is a bad thing. So you see the government leading on that issue. So I guess, in part, one can understand why it would try to slip something of this nature through. But it is not in the best interest of our farmers. We are disappointed that the minister has not seen fit to recognize the importance of having gross negligence included or incorporated into it.

Mr. Speaker, the floodway is just one example. Earlier, for days on end inside the Chamber, we have talked about the Crocus fiasco, and look at the negligence that is involved with the Crocus Fund. How many farmers that have invested in the Crocus Fund would like to see that there is some sense of accountability? If you follow this legislation, it is in keeping with the type of responsibility that this government is prepared to take in regard to the Crocus Fund. Does it matter, in terms of size, the number of people that it affects? I would say no; in the minds of this government, in the collective mind of this government, the answer is no. We see that; 33,000-plus Crocus investors lose in excess of \$60 million. The government knows what the right thing is to do, and that is to have a public inquiry. Why did it happen? Well, it happened because of gross negligence from this government.

How does the government respond to things of that nature? Well, actions speak louder than words. You see legislation like Bill 20 that we have, in which they tend to condone gross negligence or feel that there is no need to allow for any sort of liability, where gross negligence has been used, Mr. Speaker. You know, one has to wonder why it is that they do not see the merit for that. Do they believe that gross negligence does not exist? I do not understand why they would not give more consideration to that.

When you look at the bill, in good part, there are a number of things that, as I indicated, are positive, that one would think they are fairly non-controversial, that in committee stage, you never know whether or not you are going to get a presentation made on the bill itself. But, Mr. Speaker, this is a bill that quite often just kind of passes through, and not enough debate is actually given on some of the problems that the bill is, in fact, going to be creating.

The Deputy Premier (Ms. Wowchuk) has a look of puzzlement on her, Mr. Speaker. I suspect that, if she read some of the comments from the Leader of the Liberal Party in regard to Bill 20, she would get a better sense in terms of why it is that this is not all positive legislation, and that there is, indeed, a need for change.

\* (16:20)

The Manitoba Farm Mediation Board does wonderful services for our farming community. I have had many, many opportunities to travel out in rural Manitoba, and one of the big, big concerns that we all have, I like to think, is the family farm and the



direction that the family farm is going in and has been going over the last number of years. I do not believe that the government has done enough to save the family farm. In fact, if you use the BSE issue as an issue that had such a huge, huge impact on our cattle farmers, where was the government? They were absolutely nowhere. They talked; they offered money; they did all sorts of talk. At the end of the day, I truly believe that they lost the opportunity to bring in or to add to a slaughterhouse industry in the province of Manitoba. As a result, the biggest loser is going to be, again, the family farm.

Time after time, we hear the platitudes coming from this particular minister, Mr. Speaker, and I think that farmers are more and more starting to see that. I am not a big fan of polls, per se, but I think that if you look at some of the trends that are out there, you can see that the rural communities in Manitoba have not been supporting this government. You can wonder why, and maybe part of it is the attitudes.

I remember the Premier (Mr. Doer) inside the Chamber almost making a mockery of our farmers, Mr. Speaker, questioning in terms of their ability to be able to vote; calling into question how rural Manitobans vote, by saying that the Conservatives are like Colonel Sanders and the farmer is like a chicken, implying the Tories are the worst thing ever for the farmers. I would ultimately argue that they are not the worst.

Ultimately, if we just get a sense of some of the traditions, this government has never, ever garnered real, tangible support from our rural communities. Yet, Mr. Speaker, they have now been in government for how long? Some would say, too long. I would be inclined to agree with those some, I must say. I think that what we need to do is to see a change in government, because with that change in government, I suspect you will see a change in attitude.

Mr. Speaker, I think that, as I say, I am big fan of action. Action speaks louder than words. I look at my leader, and as an individual—I suspect, and I am open to possibly being challenged on it, but in terms of going out into the many different rural communities on an ongoing basis, the number of meetings with rural Manitobans in all sectors, really, totally just amazes me in terms of how the effort to try to reach out. I believe that, when the government takes action and has the opportunity to do things that is going to make a positive difference for our

farming community, but chooses to do nothing, what you have really done is you have allowed or you have opened a window for others to be able to gain and garner some of that support.

It was encouraging. I have had opportunity to participate in by-elections in rural Manitoba. During elections, I like to focus, myself, on my own constituency, Mr. Speaker, but in by-elections I have had opportunities to go into rural areas. I must say that what I have witnessed is not a rural Manitoba that really sees where the government has been supportive of them.

I guess, it was about a year and a half ago or so, we had a lot of cattle producers down in the dining room, and I had the opportunity to exchange some thoughts with a number of cattle producers. I have had opportunity to go out to a couple of farms. I use the cattle industry because, as I say, this is, to me, the biggest issue in which the government could have really done something tangible, and did not do it, Mr. Speaker.

When I talk to people, and it is not just the individuals, whether it is at our party annual general meeting, individual farmers in their community, or I even have had opportunity, the other day, with the Member for Minto (Mr. Swan) and the Member for Steinbach (Mr. Goertzen), we were on CJOB. The issue of the cattle industry came up and, Mr. Speaker, it was interesting in terms of what the Member for Minto actually said—

**An Honourable Member:** Why are you against the farmers, Kevin?

**Mr. Lamoureux:** Well, the Member for Minto from the other side said, why are you against the farmers? That would be a better question to the Minister of Agriculture (Ms. Wowchuk), quite frankly, when it comes to the issue of BSE. Mr. Speaker, the issue that came up was, well, what is happening with BSE? And what would you do, and so forth? The Member for Minto waxed eloquently about the BSE, the cattle industry, and the impact that the BSE is having on the cattle industry. The Member for Minto waxed, or skated, eloquently on the issue.

Mr. Speaker, I had indicated on the radio, well, in essence, because I do not have the actual transcript of what was said, but the essence was that the government had an opportunity; they had a legitimate opportunity, and they squandered that

opportunity. I can tell you, individuals that I have had the opportunity to chat with in regard to this, I cannot recall one individual—and I talk to even, you would be surprised how many New Democrats I talk to—I have not had one individual tell me that this government has done a good job in dealing with the cattle industry in the province of Manitoba. Not one person has told me that. That is what I mean in terms of lost opportunities.

Here, with Bill 20, you have an opportunity in which, maybe, you can make things even a little bit better, even bring in something that deals with more than just gender-type of the gender issues, or making the legislation politically correct. Then you have the opportunity, and what sort of initiative do you take? Well, Mr. Speaker, the initiative that the minister jumps on in saying, well, this is it for us, is the issue of accountability. You know that she wants to deny what we believe is true accountability. I look forward to the minister addressing that.

If the minister could answer a very simple, simple question, Mr. Speaker, and that question would be: Why would you not allow for an individual to be subjected to being sued, if, in fact, it is shown that they were grossly negligent in their responsibility, and as a result of that gross negligence, our farmers have lost out? Could the minister attempt to answer that question? What has she got to hide from in terms of answering a question as simple as that?

Now, I do not want to bait and trap the Minister of Agriculture. That would not be an appropriate thing to do, at least not at this point in time, but I would be interested because whatever answer this particular minister gives on the issue, Mr. Speaker, we would be able to apply that then to other pieces of legislation where the government is doing the same sort of thing.

It is almost as if there is this big Cabinet discussion. I can see it now: the Premier and the Cabinet sitting around the table, and they are saying, oh boy, we have gross negligence on the floodway; we have it on the family services; we have it on the Crocus file; we have it on housing issues; we have it on Hydra, health. You know, so much gross negligence that is out there that we have got to be careful, because, if we bring in legislation that kind of reflects on gross negligence, it might be pointed out by members of the opposition, or the public might start to believe that we indeed are open to all sorts of liability suits because of gross negligence.

\* (16:30)

Mr. Speaker, the government has dropped the ball on so many different issues that this province is facing. You know, if we had the million dollars-plus that this government spends on advertising, using tax dollars in order to try to get their message out, this government would be in a lot of trouble. They would be nowhere in the polls. It would indeed be a repeat of 1988, and, ultimately, a whole lot worse, because in the last couple of months they have spent over \$1 million on self-promotion. They use tax dollars in order to avoid true accountability. It is shameful. It is so abusive that it is shameful for a government to be taking those types of actions.

Mr. Speaker, that is why Bill 20—why would the government allow for gross negligence to occur on something as relatively simple as this? Thank you.

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

The question before the House is Bill 20, The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act.

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

**An Honourable Member:** No.

**An Honourable Member:** Yes.

**Mr. Speaker:** No?

#### Voice Vote

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Yeas have it.

**An Honourable Member:** On division, Mr. Speaker.

**Mr. Speaker:** It will show on division, because there were some noes there.

#### Bill 24—The Consumer Protection Amendment Act (Government Cheque Cashing Fees)

**Mr. Speaker:** Okay. We will move on to Bill 24, The Consumer Protection Amendment Act (Government Cheque Cashing Fees), standing in the

name of the honourable Member for Portage la Prairie (Mr. Faurichou).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Portage la Prairie?

**Some Honourable Members:** No.

**Mr. Speaker:** No. It has been denied.

**Mr. Jack Reimer (Southdale):** Mr. Speaker, I just wanted to put a few words on the record in regard to Bill 24, The Consumer Protection Amendment Act, that was brought in by the Minister of Finance (Mr. Selinger).

In essence, what the bill is doing, it is amending The Consumer Protection Act to limit the amount that can be charged to cash a government cheque. The maximum fee is to be set by an order of the Public Utilities Board. Businesses that operate in Manitoba and cash cheques issued to consumers by the federal or the provincial government would be required to limit cheque cashing charges under the amendments to this Consumer Protection Act.

Following the public hearings to allow consumers, community groups and businesses the opportunity to make suggestions, the Public Utilities Board would set the fees that would be charged to cash government cheques, as provided under the proposed amendments. The changes proposed would apply to all businesses that cash government cheques, including financial institutions, cheque cashing businesses, and other retail establishments. Banks that are already subject to requirements related to cashing federal cheques would also be subject to Manitoba's rules when they are cashing provincial government cheques.

Mr. Speaker, it seems like an onerous bill just for the cashing of cheques. I guess where there is a bit of a concern is the fact that you have to go through all the trouble of going to the Public Utilities Board, the calling of meetings, talking to the various interest groups and everything to get their input as to the setting of the rates for cashing government cheques. Right now, if you go into financial institutions and you belong to that financial institution, that bank or credit union, they do not charge you for cashing cheques. We would be concerned that, once this comes into law, the banks then have the opportunity, because they can then say that the Public Utilities Board has said that we can charge X amount of dollars to cash this cheque, that

we will now charge to cash these government cheques. They can fall behind the umbrella, if you want to call it, of this new act, Manitoba's consumer protection act that this government is bringing in.

So you have a sledgehammer going after a bit of a change for where there has been abuse in some of the cash market locations that cash cheques and charge for the cashing of government cheques, but, as I mentioned previously, we are a bit concerned that this may open up the ability for financial institutions, like the bank that you now deal with, to say when you go in to cash your government cheque for say right here, your MLA cheque, that they will charge you for it. Right now they do not. Then that bank can say, well, we can now, because this government has passed this law saying the Public Utilities Board has come down with a directive saying that government cheques that are cashed are now subject to a service fee or a fee for cashing, and they will charge you for that.

So there is a bit of a concern on that matter, but at the same time we are prepared to let this bill go forward at this time, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

*Motion agreed to.*

#### **Bill 25—The Consumer Protection Amendment Act (Payday Loans)**

**Mr. Speaker:** Bill 25, The Consumer Protection Amendment Act (Payday Loans), standing in the name of the honourable Member for Portage la Prairie (Mr. Faurichou).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Portage la Prairie?

**Some Honourable Members:** No.

**Mr. Speaker:** No. It has been denied.

**Mr. Jack Reimer (Southdale):** Mr. Speaker, I just wanted to put a few words on record in regard to Bill 25, The Consumer Protection Amendment Act in regard to payday loans. This is becoming more and more prevalent in the last little while where we see these payday loan operations coming up in various locations throughout the city and in areas to make it available for people to lend money. We have all heard, or we have had exposure or even some of

us as legislators have had phone calls, from maybe some of our constituents who have been using some of the payday loan operations. In some incidents, I have had some very hard experiences by some people who have been involved and the amount of money and the interest that they have been charged and the recurring costs that come up when they go to borrow money and to repay the money.

What this bill is doing is that it is setting in legislation the ability of people to have better control over the borrowing of money, and the requirements that the payday loan and the lender and the borrower have to comply to. What it does is it requires the payday lenders to be licensed and imposes certain restrictions and obligations on them for the protection of the borrowers. It includes prohibiting the lender from charging more than the maximum allowed by order, again, by the Public Utilities Board. It also relates to the cost of credit for the renewal, the extension, a replacement of the loan or even the default under the loan. It is prohibiting the taking of security, including an assignment of wages, requiring the lender to provide specific information to the borrower in a clear and understandable manner, and requiring the lender to post signs setting out an itemized list of the costs of credit for a representative payday loan.

A lot of times we have heard stories of the so-called small print that is involved with borrowing and the obligations that people sign off, not really being aware of a lot of the small print, if you want to call it, or the small add-ons and the clauses that are part of the agreement, and what the obligation the persons are bringing themselves upon. The bill also gives the borrower certain rights in relation to a payday loan, such as the right to cancel the loan within 48 hours of receiving the advance, the right to cancel the loan if he or she has not properly been notified of this 48-hour cancellation, and the right to a refund if he or she has been overcharged. The bill also imposes record-keeping requirements on payday lenders and enables officials to carry out inspections of payday lenders.

The situation is something, I think, that because of the complexity sometimes of payday loans and the involvement that people get involved in when they are taking out these payday loans has to be looked at in a very constructive manner in regard to this bill.

With those short words, Mr. Speaker, we are prepared to move this bill.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

\* (16:40)

*Motion agreed to.*

### **Bill 30—The Fires Prevention and Emergency Response Act**

**Mr. Speaker:** Bill 30, The Fires Prevention and Emergency Response Act, standing in the name of the honourable Minister of Water Stewardship (Mr. Ashton), who has unlimited time.

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

**Some Honourable Members:** No.

**Mr. Speaker:** No. It has been denied.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, it is a pleasure to rise to speak to this bill today. I think that it is timely that we speak to issues of fire prevention. When we deal with issues that relate to this sort of legislation, we often need to recognize those who work in the field of fire prevention. I think all of us have benefited in one way or the other from the safety of those who work in the field.

I know, Mr. Speaker, that, in dealing with this bill, Bill 30, The Fires Prevention and Emergency Response Act, the bill replaces the fire prevention emergency response act, and we know that there are some good key provisions to the bill. The Office of the Fire Commissioner is continued. We, certainly, think that that is a positive. We appreciate the fine work that is done by the Office of the Fire Commissioner here in Manitoba.

We know that the bill provides that each municipality or local authority is required to have a local assistant to investigate causes, origin, or circumstances of fires within its boundary, and report to the Fire Commissioner. That sort of reporting process is also good. It is good to know that those people who are on the ground are looking at investigating causes so that we can learn from them. I think that that is an important aspect that you learn from calamities, that you learn from disasters. We think that that is, certainly, going to be important.

The Fire Commissioner, I understand, is authorized to respond to emergencies and disasters.

Certainly, I can think of few better places to have that power vested in than the Fire Commissioner. So I simply wanted to put a few words on the record, briefly, about the importance of recognizing the good work that is done, not only by the Fire Commissioner, but many of the firefighters throughout Manitoba and rural Manitoba. Particularly, we have volunteer or part-time firefighters who are often giving up of their time to do that good service or employers allow them to leave work at different times to go ahead and respond to fire calls.

I do not know if there has ever been an economic impact study by this government, or other governments, about how much money is saved by volunteers or part-time firefighters giving of their time, but I am sure it is considerable. They need to continue to be recognized for their good work.

I appreciate the opportunity for the House to allow me to put a few words on the record, Mr. Speaker.

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I do want to put a few comments on the record in regard to Bill 30.

As we know, the Minister of Labour (Ms. Allan) introduced Bill 30, The Fires Prevention and Emergency Response Act, on March 21, 2006. This bill replaces The Fires Prevention and Emergency Response Act. I would like to thank the department for the briefing with the minister; that was most appreciated. I feel that, when one is offered a briefing, it is very good to take up the department on the briefing. I would recommend it highly to all members of this Legislature, that when they are offered a briefing that they accept it, because then you can actually get up and speak with some authority on the legislation. So, again, thank you very much to the department for the briefing that I was given.

Again, this bill will harmonize Manitoba legislation with other jurisdictions across the country. I believe that it is important that we have a move towards a national standard. I believe that is important. This act was last updated in 2002, and, as we learned from the briefing, that First Nations are not governed by this legislation, does not apply to buildings on First Nations. However, there is the opportunity that, by agreement, some of this legislation can apply. I believe, by request of some of the First Nations, day-care facilities are inspected by the Fire Commissioner's Office.

Again, in most instances the best way to deal with these issues is by negotiation and agreement. This legislation, from what I understand, has been in discussion for over six years, which means that it has been slow moving. Thus, we feel that it has been given a lot of coverage. One of the things that, certainly, as a critic, I found most intriguing is that the Province was not bound by previous legislation, and that this act actually binds the Crown, which we believe is a positive change. There is also an appeal process that has been laid out. If a person does not agree with an order issued, the appeal goes to the Fire Commissioner; it no longer goes to the minister. I guess the minister does not want that onus of having to put on her black robes and take that gavel and sit at her docket and rule on these things. So she decided to hand over those judge's robes and give them to the Fire Commissioner. Then an appeal process where the decision then would go to the Court of Queen's Bench, if it is not according to the way the individual would like it to come out. So I think it really clarifies how the appeal process works.

Powers in Emergency or Disaster, it gives the Province authority in an emergency or a disaster that allows the Fire Commissioner to take any action they deem necessary to meet the emergency and to eliminate its effect. They can force evacuation of land or premise. One of the examples that was given in the briefing was, for instance, the personal care home in Louisiana. As we know, when the hurricane hit there was a personal care home that was not evacuated. In fact it was offered an evacuation and the owners decided they would not take them up, and all individuals in that personal care home met a tragic end. So this kind of step would mitigate that, where the Fire Commissioner, in the event of a disaster, after it being declared a disaster, then could come in and just take over and have the premises cleared. They can enter the land or premises, without a warrant, in which the emergency is occurring.

This legislation also has that local authorities must enforce the Manitoba Fire Code as it is laid out in the act for the part of the province in which their authority is located. That seemed to be fine with the MMA and the Association of Fire Chiefs. We also did due diligence and sent out letters inquiring with these organizations if in fact they were fine with the legislation. We heard back verbally that they were in agreement with it. So, again, here we know that they had been consulted. It was a consensus. So that is good to know. I mean, we want to ensure that

legislation is modernized and kept up-to-date. Certainly, this is one of those.

Then it does deal with penalties which one can find in the legislation, then key provisions of the bill. The Office of the Fire Commissioner is continued. Each municipality or other local authority is required to have a local assistant investigate the cause, origin and circumstance of fires within its boundaries and report to the Fire Commissioner. Insurance companies and adjusters are required to make reports about fires to the Fire Commissioner. Also, the Fire Commissioner is authorized to respond to emergencies and disasters. The Fire Commissioner and local assistants are to conduct fire investigations and fire safety inspections, and may issue orders requiring preventive or corrective action to be taken. A fire commissioner may hold an inquiry into the cause, origin and circumstance of a fire.

The Manitoba Fire Code is to be adopted by regulation. Each local authority is required to enforce the Manitoba Fire Code within its boundaries to establish a regular system of inspecting buildings designated by regulation. The special assessment paid by insurers on property insurance is carried forward. The money received continues to be used to assist in funding the Office of the Fire Commissioner.

So it is important that we keep updating our codes where they deal with issues of natural disaster, or any kind of emergency for that matter. Certainly, when it comes to fire prevention, over the years I have worked very hard on the Esso tank farm on Henderson Highway, after the City of Winnipeg deemed to withdraw city of Winnipeg fire service to the Esso tank farm. I worked with the previous Minister of Labour, Becky Barrett, and would often bring the issue to her attention. Finally, she said to me, good heavens, are you ever going to let this issue go? I said no. So what we ended up getting was an agreement between the Department of National Defence, the Winnipeg Airports Authority, and the Esso tank farm that there would be mutual aid, in the case of a fire, that they would send a foam truck.

These kinds of things are important. I think it is very telling that we recognize there are issues that do confront us. Who would have known the hurricane that hit Louisiana, in particular, the city of New Orleans that was most adversely affected, who would have thought that Hurricane Katrina would be that severe? Individuals have lived through these over the years and deemed it not necessary to vacate

premises. Well, I think, out of that comes some, I believe, responsible legislation and the lessons that are learned. It is important to look at what happens, not just in history but in current events, when we say, where can we improve with our province? Where can we have legislation come forward that would mitigate that kind of a disaster?

We, as the Progressive Conservative opposition, in particular, like the fact that the Office of the Fire Commissioner, then, is deemed to be responsible. They are put in charge. There is not a jurisdictional debate that has to take place where there is a train derailment, or a problem at an airport or at a tank farm or anything like that. It is very clear who is in charge. The lines are very clearly laid out in the legislation. The Fire Commissioner was present, which was really good to have him there. He certainly laid out a lot of the issues that he had been working on and why he felt it was important to have a lot of the issues covered that he had covered in the legislation. He indicated that it is not that this is, by any means, a power grab, or that they were looking for more work, but rather it is for the protection of all of us.

Years ago, as a young individual, I lived in an apartment block—*[interjection]* Yes, that would have been a couple of years ago, my colleague says. There was a fire in the apartment block. Never before have I appreciated a fire department, and they responded in quick order. There had been an arson. Someone had lit a fire in the laundry room and, unfortunately, it cost one individual his life. People were stuck on balconies, but the fire department came quickly.

We know that, when there is a major catastrophe, we want to know that somebody is in charge. We want to know that somebody has the ability to cover off expenses. This legislation also gives the authority to the Fire Commissioner, if there is a necessity to bring in certain equipment, that it be brought in, and that the costs then be dealt with later on, and that there not be this jurisdictional debate about who is going to cover the costs as the catastrophe unfolds and gets worse and worse and worse. So they certainly have laid that out very, very clearly.

We have seen over time in Manitoba that there have been instances where it has been necessary to evacuate areas because there were problems, whether it was a spill of some kind, or a fire, or often because of flooding. This then clearly lays out who will be the one responsible for calling for an evacuation and

calling in equipment if necessary. So, again, one of those areas that we think is very important.

We also like the fact that the Fire Commissioner may hold an inquiry into the cause, origin and circumstance of a fire. We think that is also very important that there be a little bit of latitude given there. We feel that it is important for that to take place. One of the things that we have always been very, very big proponents of is that legislation also go to committee, and that we hear from each and every Manitoban who would like to speak to this legislation. Certainly, we would like to see that happen. We believe that the over 1.1 million Manitobans who reside in Manitoba—I know the minister would encourage each and every one of them to come out and speak. We have time, 10 minutes each. The minister and I would sit there and hear every presentation, all 1.1 million of them. We encourage them to come out. This is important legislation. We had legislation a while ago; it felt like 1.1 million people came out and spoke. Diligently, the minister and I sat there and listened to every one of them, 28 hours' worth, as we should, as good legislators. In fact, a lesson that the independent members, they could learn a little off that lesson. You do not just come and sit for an hour and then go home for warm milk and cookies. You have to sit for all 28 hours, and that is what we did.

We think it important that this legislation does go to committee. We want to hear. Maybe there is something that we missed. Maybe the minister and her department missed it. Maybe in the briefing we missed it. We just want to give that opportunity for individuals to come forward, say their piece. If there is a need for an amendment, I am sure the minister is more than willing to look at it. However, part of the process of this Legislature, and I think it is a very good process, is that, in each case, each piece of legislation be allowed to go in front of the public whom it affects the most, and that those who wish to speak be given that opportunity, they be given the respect of being listened to. Certainly, that is something we will be doing. So that is what we would like to see.

Then it will come back for its last reading. At that time, then, I would probably be prepared to put a few more comments on the record. Again, Bill 30 has been long in the making and has had opportunity to be vetted through the various caucuses. We believe now is a good time for it to go to committee, so we can hear Manitobans and have them have their say on the legislation.

Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

*Motion agreed to.*

**Hon. Gord Mackintosh (Government House Leader):** We could fit in a second reading of 29.

## SECOND READINGS

### Bill 29—The Degree Granting Act

**Hon. Diane McGifford (Minister of Advanced Education and Training):** I move, seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 29, The Degree Granting Act; Loi sur l'attribution de grades, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Ms. McGifford:** Thank you, Mr. Speaker, for the opportunity to introduce the proposed Degree Granting Act for second reading.

We in government believe that Manitobans should have access to the best of post-secondary education possible. Part of making this happen is ensuring that degrees offered here are offered by our well-established and reputable universities. This bill follows our government's agenda to protect students. It is in fact part of a series of bills this government has passed, all designed to protect the interest of students, as examples, The Private Vocational Institutions Act and The Student Aid Act.

This legislation protects students through prohibiting institutions which are not permitted by government to grant degrees from claiming that they can do so. Just one example of the importance of this protection is in light of the increasing numbers of international students travelling to Manitoba to pursue degree-level education. Between 1999 and 2005, the enrolment of international students at universities in Manitoba increased by more than 285 percent, growing from just 726 students in 1999 to 2,797 in '05-06. The reputation of a degree from Manitoba's post-secondary system is important, if this—

**Mr. Speaker:** Order. When this matter is again before the House, it will remain standing in the name of the honourable Minister of Advanced Education.

**An Honourable Member:** Leave to not see the clock?

**Mr. Speaker:** Is there leave to not see the clock for the minister to conclude? Is there leave? *[Agreed]*

**Ms. McGifford:** Well, I thank my colleagues very much for that, Mr. Speaker. I will be quite quick.

The reputation of a degree from Manitoba's post-secondary system is important if this province is to remain a destination for international students. Further ensuring that our post-secondary system retains the confidence of all our students is critical. It is essential that government have the ability to control degree-granting in this province to be able to ensure the protection of students' investment of time, money, and effort in post-secondary education. Our government believes that students and the

reputations of our degree-granting institutions will be better protected with this bill. It will ensure that only reputable institutions can offer degrees so that students are not registering and paying for a program that claims to offer degrees in Manitoba but has not been authorized to do so.

I recommend this bill to the Legislative Assembly. Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

*Motion agreed to.*

**Mr. Speaker:** The time being past 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Tuesday).



# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 29, 2006

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