

First Session - Thirty-Ninth 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-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSON, 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.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, October 30, 2007

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Neepawa, Minnedosa and Areas—Local Hospitals

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

These are the reasons for this petition:

Residents of Neepawa, Minnedosa, and the surrounding area are concerned about the long-term viability of their respective local hospitals. Impending retirements, physician shortages, and the closure of many other rural emergency rooms have caused residents to fear that their health-care facilities may also face closure in the future.

Local physicians and many residents have expressed their support for a proposed regional health centre to service both communities.

It is believed that a new regional health centre would help secure and maintain physicians and would therefore better serve the health care of the region.

The success of other regional hospitals, such as Boundary Trails Health Centre, has set the precedent for the viability and success of a similar health centre for the Neepawa and Minnedosa area.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald), to consider the feasibility of a joint health centre, including an emergency room, to service Neepawa and Minnedosa and the surrounding area.

To urge the Minister of Health to consider sustaining health-care services in this area by working with local physicians and the Assiniboine Regional Health Authority on this initiative.

This is signed by Marcel Oswald, Mary Kulback, Winnie Anderson 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.

Dividing of Trans-Canada Highway

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 seven-kilometre stretch of the Trans-Canada Highway passing through Headingley is an extremely busy stretch of road, averaging 18,000 vehicles daily.

This section of the Trans-Canada Highway is one of the few remaining stretches of undivided highway in Manitoba, and it has seen more than 100 accidents in the last two years, some of them fatal.

Manitoba's Assistant Deputy Minister of Infrastructure and Transportation told a Winnipeg radio station on October 16, 2007, that when it comes to highways' projects the provincial government has a flexible response program, and we have a couple of opportunities to advance these projects in our five-year plan.

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

We petition the Legislative Assembly as follows:

To request the Minister of Infrastructure and Transportation (Mr. Lemieux) to consider making the completion of the dividing of the Trans-Canada Highway in Headingley in 2008 an urgent provincial government priority.

To request the Minister of Infrastructure and Transportation to consider evaluating whether any other steps can be taken to improve motorist safety while the dividing of the Trans-Canada Highway in Headingley is being completed.

This is signed by John Bowman, Ross Carnahan, Valerie Connolly and many, many others, Mr. Speaker.

Retired Teachers' Cost of Living Adjustment

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

These are the reasons for this petition:

Since 1977, Manitoba teachers have made contributions to the Teachers' Retirement Allowances Fund Pension Adjustment Account, PAA, to finance a Cost of Living Adjustment, or COLA, to their base pension once they retire.

Despite this significant funding, 11,000 retired teachers and 15,000 active teachers currently find themselves facing the future with little hope of a meaningful COLA.

For 2007, a COLA of only 0.63 percent was paid to retired teachers.

The COLA paid in recent years has eroded the purchasing power of teachers' pension dollars.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider adequate funding for the PAA on a long-term basis to ensure that the current retired teachers, as well as all future retirees, receive a fair COLA.

This is signed by Dan Gregovski, Alayne Ferley, Ed Harvie and many, many other Manitobans.

Personal Care Homes—Virден

Mr. Larry Maguire (Arthur-Virден): Mr. Speaker, I present the following petition.

These are the reasons for this petition:

Manitoba's provincial government has a responsibility to provide quality long-term care for qualifying Manitobans.

Personal care homes in the town of Virден currently have a significant number of empty beds that cannot be filled because of a critical nursing shortage in these facilities.

In 2006, a municipally formed retention committee was promised that the Virден nursing shortage would be resolved by the fall of 2006.

Virtually all personal care homes in southwestern Manitoba are full, yet as of early October 2007, the nursing shortage in Virден is so severe that more than one-quarter of the beds at the Westman Nursing Home are sitting empty.

Seniors, many of whom are war veterans, are therefore being transported to other communities for care. These communities are often a long distance from Virден and family members are forced to travel for more than two hours round trip to visit their loved ones, creating significant financial and emotional hardship for these families.

Those seniors that have been moved out of Virден have not received assurance that they will be moved back to Virден when these beds become available.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to consider taking serious action to fill the nursing vacancies at personal care homes in the town of Virден and to consider reopening the beds that have been closed as the result of this nursing shortage.

To urge the Minister of Health to consider prioritizing the needs of those seniors that have been moved out of their community by committing to move those individuals back into Virден as soon as the beds become available.

Mr. Speaker, this petition is signed by Tara Cameron, Gwenda Hayward and Roxanne Freeman.

Public Meeting—Premier's Attendance

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

The background to this petition is as follows:

The Premier (Mr. Doer) has been silent on the issue related to serious allegations with respect to his office.

The Premier is not answering questions related to the said issue inside the Legislature.

There is no indication that the Premier is enforcing Manitoba's code of ethics for political parties.

Based on the 1999 Monnin report inquiry, leaders of political parties are obligated to enforce the code of ethics.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier to consider attending the November 5 public meeting at the Munroe public

library, which is located in his constituency, Mr. Speaker.

It is signed by R. Ortanacio, M. Illocincio, M. Marasigan and many, many other fine Manitobans, Mr. Speaker.

COMMITTEE REPORTS

Standing Committee on Justice

Second Report

Ms. Marilyn Brick (Chairperson): Mr. Speaker, I wish to present the Second Report of the Standing Committee on Justice.

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

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Your Standing Committee on Justice presents the following as its Second Report.

Meetings

Your committee met on Monday, October 29, 2007, at 6:30 p.m. in Room 254 of the Legislative Building.

Matters under Consideration

Bill No. 5—The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)/Loi sur les dates de réunion du Comité des comptes publics (modification de la Loi sur l'Assemblée législative)

Bill No. 19—The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées

Bill No. 20—The Planning Amendment Act (Deemed Single Operations)/Loi modifiant la Loi sur l'aménagement du territoire (exploitations réputées uniques)

Committee Membership

Hon. Ms. Allan
 Hon. Mr. Ashton
 Ms. Brick (Chairperson)
 Hon. Mr. Chomiak
 Mr. Eichler
 Mr. Graydon
 Mr. Hawranik

Ms. Marcelino (Vice-Chairperson)

Mr. Saran

Mr. Swan

Mrs. Taillieu

Substitutions received during committee proceedings:

Mr. Dewar for Hon. Ms. Allan

Public Presentations

Your committee heard 14 presentations on Bill No. 19—The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées, from:

Sharon Eadie, The College of Occupational Therapists of Manitoba

Douglas Bedford, Law Society of Manitoba

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

Ronald Guse, Manitoba Pharmaceutical Association
Sheila Dresen, President, College of Registered Nurses of Manitoba

Robyn Taylor, Association of Professional Engineers & Geoscientists

Annette Osted, College of Registered Psychiatric Nurses

Dave Ennis, Private Citizen

Mamadou Ka, Private Citizen

Dustin Gosnell, Manitoba Institute of Agrologists

Monika Feist, Success Skills Centre

Teyeb Mereji, Social Planning Council

Virgilio Nazareth, Immigrant Professionals of Manitoba

Dr. Bahram Groohi, Association of Foreign Medical Graduates in Manitoba

Written Submissions

Your committee received one written submission on Bill No. 19—The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées, from:

Verna Holgate, College of Licensed Practical Nurses of Manitoba

Your committee received two written submissions on Bill No. 20—The Planning Amendment Act (Deemed Single Operations)/Loi modifiant la Loi sur l'aménagement du territoire (exploitations réputées uniques), from:

David Rolfe, Keystone Agricultural Producers

Karl Kynoch, Manitoba Pork Council

Bills Considered and Reported

Bill No. 5—The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)/Loi sur les dates de réunion du Comité des comptes publics (modification de la Loi sur l'Assemblée législative)

Your committee agreed to report this bill without amendment.

Bill No. 19—The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées

Your committee agreed to report this bill, with the following amendments:

THAT Clause 6 of the Bill be amended by replacing clause (c) with the following:

(c) provide written reasons to applicants within a reasonable time in respect of all

(i) registration decisions refusing to grant registration, or granting registration subject to conditions, and

(ii) internal review or appeal decisions,

including, where practical, information respecting measures or programs that may be available to assist unsuccessful applicants in obtaining registration at a later date.

THAT Clause 17(1)(b) of the Bill be amended by adding “knowingly” before “provides” wherever it occurs

THAT the following be added after Clause 18 of the Bill:

Avoiding disclosure of personal information

18.1 A person who submits a report or other document for the purposes of this Act or the regulations must take every reasonable precaution to avoid disclosing personal information, as defined in The Freedom of Information and Protection of Privacy Act, in the report or document.

Confidentiality of information

18.2 A person is not guilty of an offence concerning the confidentiality or secrecy of information under any other enactment by reason of complying with a request or requirement to provide information to the fairness commissioner under this Act or the regulations.

Bill No. 20—The Planning Amendment Act (Deemed Single Operations)/Loi modifiant la Loi sur l'aménagement du territoire (exploitations réputées uniques)

Your committee agreed to report this bill without amendment.

Ms. Brick: Mr. Speaker, I move, seconded by the honourable Member for Wellington (Ms. Marcelino), that the report of the committee be received.

Motion agreed to.

Standing Committee on Social and Economic Development**Third Report**

Ms. Erna Braun (Chairperson): Mr. Speaker, I wish to present the Third Report of the Standing Committee on Social and Economic Development.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Social and Economic Development presents the following as its Third Report.

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Your Standing Committee on Social and Economic Development presents the following as its Third Report.

Meetings

Your committee met on Monday, October 29, 2007, at 6:30 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

Bill No. 7—The Insurance Amendment Act/Loi modifiant la Loi sur les assurances

Bill No. 9—The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières

Bill No. 11—The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives)

Bill No. 15—The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants

Bill No. 17—The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs

Committee Membership

Committee Membership for the meeting:

Ms. Blady
 Ms. Braun (Chairperson)
 Ms. Korzeniowski
 Hon. Mr. Lemieux
 Hon. Mr. Mackintosh
 Hon. Mr. Rondeau
 Hon. Mr. Selinger
 Mr. Briese
 Mr. Faurschou
 Mr. Maguire
 Mr. Schuler

Your committee elected Ms. Korzeniowski as the Vice-Chairperson.

Public Presentations

Your committee heard one presentation on Bill No 11—The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives), from:

Dr. Peter Markesteyn, Private Citizen

Your committee heard six presentations on Bill No. 15—The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants, from:

*Glen Koroluk, Private Citizen
 Ken Thomas, Chairman, Manitoba Provincial Bio-Diesel Board
 John Skowronski, The Canadian Petroleum Institute
 Roy Eyjolfson, Bifrost Bio-Blends Ltd.
 David Levin, Private Citizen
 Brian Chorney, Canadian Canola Growers*

Your committee heard two presentations on Bill No. 17—The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs, from:

*Alex Forrest, President, United Firefighters of Winnipeg
 Eric Glass, Chairman, Paramedic Association of Manitoba*

Bills Considered and Reported

Bill No. 7—The Insurance Amendment Act/Loi modifiant la Loi sur les assurances

Your committee agreed to report this bill, with the following amendments:

THAT Clause 2(b) of the Bill be amended

(a) by replacing the part before the proposed definitions with the following:

(b) by replacing the definitions "accident insurance", "automobile insurance", "court", "credit insurance", "endowment insurance", "fire insurance", "guarantee insurance", "hail insurance", "life insurance", "livestock insurance", "marine insurance", "public liability insurance", "sickness insurance" and "weather insurance" with the following:

(b) by striking out the proposed definitions "accidental death insurance", "disability insurance", and "mutual insurance".

THAT Clause 20(a) of the Bill be replaced with the following:

(a) by replacing the definitions "beneficiary" and "declaration" with the following:

"beneficiary" means a person—other than the insured or the insured's personal representative—who is designated or appointed in a contract or by a declaration, and to whom or for whose benefit insurance money payable under the contract is to be paid; (« bénéficiaire »)

"declaration" means an instrument, signed by the insured,

(a) with respect to which an endorsement is made on the policy,

(b) that identifies the contract, or

(c) that describes the insurance, the insurance fund or a part of either of them,

in which the insured designates his or her personal representative or a beneficiary as a person to whom or for whose benefit the insurance money payable under the contract is to be paid, or in which the insured changes or revokes a previous designation; (« déclaration »)

THAT Clause 40 of the Bill be replaced with the following

Coming into force—royal assent

40(1) Subject to subsection (2), this Act comes into force on the day it receives royal assent.

Coming into force—proclamation

40(2) Sections 2, 18, 20, 22, 25 and 30 and subsections 32(2) and 36(2) to (5) come into force on a day to be fixed by proclamation.

Bill No. 9—*The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières*

Your committee agreed to report this bill, without amendment.

Bill No. 11—*The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives)*

Your committee agreed to report this bill with the following amendment.

THAT Clause 1(2) of the Bill be amended

(a) by replacing the proposed clause 8.2.3(1)(a) with the following:

(a) must review the standards and quality of care and services provided under this Act to the child or the child's parent or guardian and any circumstances surrounding the death that relate to the standards or quality of the care and services;

(b) in the proposed subsection 8.2.3(2), by striking out "not to determine the cause of the child's death, but".

Bill No. 15—*The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants*

Your committee agreed to report this bill with the following amendments:

THAT Clause 2(1) of the Bill be amended by replacing the proposed definition "biodiesel" with the following:

"biodiesel" means

(a) an ester-based oxygenated fuel that is derived from vegetable oils, animal fats or other biomass material; or

(b) a prescribed renewable fuel that may be used to power a diesel engine or for heating. (« biodiesel »)

THAT Clause 5(8) of the Bill be amended by replacing the proposed subsections 6.4(2) and (3) with the following:

Credits to Ethanol Fund

6.4(2) The following amounts are to be paid or credited to the Ethanol Fund:

(a) for each of the first eight 12-month periods to which the denatured ethanol sales mandate applies, the amount determined by the following formula is to be paid or credited to the Ethanol Fund from the taxes collected under The Gasoline Tax Act for that period:

$$\text{Credit} = R \times L$$

In this formula,

R is the applicable rate, determined as follows:

- (i) for the first two 12-month periods, \$0.20 per litre,
- (ii) for the next three 12-month periods, \$0.15 per litre,
- (iii) for the last three 12-month periods, \$0.10 per litre;

L is the least of

- (i) the number of litres of denatured ethanol that were manufactured in Manitoba during the period,
- (ii) the number of litres of denatured ethanol included in gasohol that was sold during the period and on which tax under The Gasoline Tax Act was collected and not refunded, and
- (iii) the number of litres of gasoline and gasoline-based fuels that were sold by fuel suppliers during the period and on which tax under clause 2(1)(d) of The Gasoline Tax Act was collected and not refunded, multiplied by the prescribed percentage that applies in determining the denatured ethanol sales mandate for that period, or, if another percentage is prescribed, by that other percentage;

(b) any portion of a grant repaid to or recovered by the minister;

(c) interest earned on amounts credited to the Ethanol Fund.

Additional credit — before mandate begins

6.4(3) For December, 2007, and for each month after that until the denatured ethanol sales mandate begins to apply, there is to be paid or credited to the Ethanol Fund, from the taxes collected under The Gasoline Tax Act for that month, the amount determined by the Minister of Finance to be the equivalent of \$0.025 per litre of gasohol to which the

rate reduction under subsection 2(2) of that Act applied in the same month one year earlier.

THAT Clause 5(17) of the Bill be amended

(a) in Clause 5(17)(a), in the proposed clause 19(1)(a.1), by striking out "and" at the end of subclause (ii), adding "and" at the end of subclause (iii) and adding the following after subclause (iii):

(iv) a renewable fuel, for the purposes of the definition "biodiesel" in section 1;

(b) in Clause 5(17)(b), by replacing the proposed clause 19(1)(b.6) with the following:

(b.6) prescribing a percentage for the purpose of subclause (iii) of "L" in the formula in subsection 6.4(2);

Bill (No. 17)–The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs

Your committee agreed to report this bill with the following amendment:

THAT the following be added after Clause 14 of the Bill:

Memorial foundations established by regulation

14.1(1) *The Lieutenant Governor in Council may, by regulation, establish one or more memorial foundations to promote the memory of paramedics and other specified groups of workers who have died in the workplace.*

Corporate status

14.1(2) *A memorial foundation established by regulation is a corporation without share capital and shall be carried on without pecuniary gain to its members.*

Contents of regulation

14.1(3) *A regulation establishing a memorial foundation must*

(a) set out the purposes of the foundation;

(b) specify which provisions of this Act apply to the foundation and modify any of those provisions to deal with the particular circumstances of the foundation; and

(c) contain any other provisions required for the foundation to achieve its purposes.

Ms. Braun: Mr. Speaker, I move, seconded by the honourable Member for St. James (Ms. Korzeniowski), that the report of the committee be received.

Motion agreed to.

* (13:40)

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I'd like to draw the attention of honourable members to the Speaker's Gallery where we have with us today Jim Ternier from Saskatchewan who is the guest of the honourable Member for Flin Flon (Mr. Jennissen).

Also in the public gallery we have with us Connie Dyck and Madison Dyck who are the sister and the niece of the honourable Member for Steinbach (Mr. Goertzen).

Also in the public gallery we have with us from Dawson Trail School 55 grade 7 students under the direction of Suzanne Moore. This group is located in the constituency of the honourable Minister of Infrastructure and Transportation (Mr. Lemieux).

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

ORAL QUESTIONS

Justice System

Request for Public Inquiry

Mr. Hugh McFadyen (Leader of the Official Opposition): Until yesterday we had a family in our province of Manitoba, the Taman family, that was dealing with the grief that would be difficult for any of us to imagine, arising from the loss of Crystal Taman, a loved member of that family.

Yesterday, as a result of a decision made in a provincial court, that grief was amplified and went from grief to a sense of anger and injustice that justice had not been served in connection with the sentence handed down to Mr. Harvey-Zenk. Responsibility for this tragedy, Mr. Speaker, rests squarely on the shoulders of Mr. Harvey-Zenk, the driver of the vehicle in question. However, there is an expectation in our province that after a tragedy like this our justice system will operate at the very highest standards.

In this case, Mr. Speaker, recognizing that the vast majority of people working within our justice system do so with extreme levels of competence, dedication and integrity, but in this case we've had facts and allegations arise which shake our confidence in the ability of our justice system to administer important cases like the one that we're currently dealing with. We've got issues arising in terms of the handling of the matter by the East St. Paul police department. We have a family, Taman family, raising questions about perceptions of the independence of the prosecutor involved. We have concerns about the operation of Victim Services in our province.

Furthermore, we have the expression of frustration by Judge Wyant, yesterday, indicating that while he is presented with a certain body of evidence upon which to make an important decision, it was his view that there was not a relationship between the evidence before him and the true facts of the case. Judge Wyant said, and I quote: This case "can only serve to undermine the confidence in our administration of justice." That was the end of his quote.

We know, Mr. Speaker, that in an emotional situation like this that it is important that the facts be gathered and that Manitobans, including the Taman family and all others impacted by this tragedy, have absolute confidence that our justice system is working to the very best and highest standard.

So I want to ask the Premier, in light of the issues that have arisen in this case, whether he is prepared to call a full independent public inquiry into this case to assure the Taman family and all Manitobans that the administration of justice in our province is being conducted at the highest possible level, establish what took place in this case and put in place measures to ensure that it can't repeat itself.

Hon. Gary Doer (Premier): Mr. Speaker, I thank the Leader of the Opposition for his question and the points he's raised in his question. Certainly, the statements he made yesterday dealing with the case, along with our Minister of Justice (Mr. Chomiak), dealing with the initial review that has been established by the Minister of Justice dealing with the police force in question, has been announced. Further, we have announced the review of the independent prosecutor's office and decisions pursuant to the Taman case would be investigated by a former Queen's Bench judge, former Justice Ruth Krindle.

Obviously, that relates, as well, to the relationship on victims and Victim Services here, but there is also no question there are as many other questions beyond the scope of those two reviews. It's certainly our intent, and I discussed this with the Minister of Justice, to announce quickly a public inquiry on the number of other questions that are outstanding for the Taman family and for the people of Manitoba.

There are a great number of questions that have not been answered, and building upon the two reviews that the Minister of Justice has already announced, we feel that other questions in our public, in terms of public confidence, must be answered. The Taman family and all Manitobans have a right to those answers, and the public inquiry will be announced shortly, perhaps right after Question Period. The Minister of Justice has been dealing with it with his own department.

Mr. McFadyen: I thank the Premier for that response. Certainly, I had expressed yesterday, immediately after Question Period, my support for the review that was being done with respect to the East St. Paul police. Since that time, we've had the opportunity to more fulsomely review the comments by Judge Wyant and listen to the family with respect to their interactions with the Justice Department.

Clearly, Mr. Speaker, there's a profound sense of dissatisfaction on the part of the family in terms of the level of disclosure that they were provided with regarding the position that was going to be taken by the Crown in court and a sense that the victim services element of this was not conducted at the level that might be expected, and certainly was expected by this family.

I want to, firstly, thank the Premier for his commitment to a full public inquiry and also ask though if the inquiry is going to take into account the issues arising from the East St. Paul police situation. And with respect to the independence of the special prosecutor appointed, whether it might not be better and fairer and more expeditious if the public inquiry takes precedence over those two reviews, if those two reviews were called off, a public inquiry be put in place as quickly as possible to deal with the issues those two reviews would have dealt with otherwise.

Mr. Doer: We see the two immediate reviews dealing with matters that are very, very important for the whole justice system and can be dealt with as quickly as possible. We see them taking no longer than 60 days, but that will not be lost time. The

Minister of Justice will be announcing the person who will be conducting the inquiry, the issue of who the special prosecutor is going to be or the persons that will be involved, not the special prosecutor, but the independent counsel rather, for that inquiry, so I do not see the 60 days as being a delay but rather building upon the two reviews that will take place.

We want some of the immediate answers, including the relationship of the independent prosecutor. If there are issues there today or tomorrow that we can identify with Justice Krindle, we want to know that right away because we don't know when the next case is going to come forward that is pursuant to the criteria established by former Justice Dewar in terms of the requirement for an independent counsellor. We want to know that immediately, and in terms of justice if there are any errors that were made or criteria that should be changed or questions dealing with the proper disclosure of who establishes the independent prosecutor, who chooses the person, are the disclosure measures properly documented for the public to make sure that the public has confidence in this.

We do not see that delaying the inquiry, but rather these two reviews should build upon the public inquiry where a light has to be shone on the justice system. Justice must not only be served but must be perceived to be served for the Taman family, for all Manitoba families, and I'm confident we can do that with a very thorough review.

* (13:50)

Mr. McFadyen: Certainly, Mr. Speaker, we respect the individuals that have been put in place for the current reviews. However, I would reiterate concern that those processes could, in fact, serve to slow down the full public inquiry. The fact is that the special prosecutor in the case of the matter before us no longer has a role on a go-forward basis, and so there would seem to be no issue on an ongoing basis looking forward with respect to that particular individual or his role with this case. I would agree that to the extent there is a role that that matter ought to be dealt with, but the review that's been discussed is not the way to get at that issue. It's simply a matter for the Attorney General (Mr. Chomiak) and his department to look at and determine whether an ongoing role is appropriate. Assuming that there is no role on a go-forward basis, or that there is not a significant role, a full public inquiry is the surest way to get at the facts.

We have a concern, Mr. Speaker, with multiple investigations, as happened in the Crocus case, where the Securities Commission embarks on an investigation, a lawsuit is then launched, a motion is brought to stop the Securities Commission investigation which then takes place in order to allow the lawsuit to be pursued. And the government took no position with respect to the halt of the Securities Commission investigation. Our concern similarly on this case is that the reviews that they have now put in place will go forward and will, in fact, provide an opportunity to delay the start of the independent public inquiry which we think would result in added travesty in a case where we have what is quite clearly an existing travesty of justice.

So I'm calling on the Premier to halt the reviews that have already been announced, put those aside, announce and proceed with the full independent public inquiry under The Evidence Act, with full powers to that commissioner so that we don't have competing investigations and reviews resulting in other investigations being stopped, tripped over, interfered with and delayed.

Mr. Doer: Mr. Speaker, first of all, the public inquiry will be the precedent inquiry, will take precedent over the two other reviews. Secondly, if we have problems in a police force, we want to know that immediately for the public interest, and if there are difficulties or weaknesses which arise from the review of the independent prosecutor's office, we want to know that quickly. It does take a little time to assemble the staff, and there are always lawyers that are hired by different parties dealing with a public inquiry. They have to be certified by the person who is appointed as a commissioner.

I do not see this as a delay. I see this as getting immediate public results on the police force questions. I see this as getting immediate public answers to the questions dealing with the assignment and disclosure of the independent prosecutor. It allows us to make changes immediately in the public interest as we have to. It does not take precedent over a public inquiry using The Evidence Act. We'll be looking at all the issues related to this case, all the issues related to this case, which is much broader than the two questions, so we think this builds upon the information required by the public. We do not see it slowing it down.

In fact, I've appointed a few inquiries in the past, and there is a time required to appoint a retired judge that has the credibility of the victim, the community

and members of the judicial system. It takes time to appoint a special counsel, I believe the title is, that brings the evidence forward and calls the witnesses. It takes time for lawyers to be certified, and in that time we still need answers to the questions of the reviews we established yesterday.

This will be a transparent process. There are questions that need to be answered. I agree with the Leader of the Opposition on that point. The public has a right, the Taman family has the right to have those questions answered. They weren't answered fully yesterday. They haven't been answered throughout this case, and they will be answered to the best degree possible by a public inquiry. The Taman family deserves that and so do the people of Manitoba.

Justice System Victims' Bill of Rights

Mr. Gerald Hawranik (Lac du Bonnet): When the Minister of Justice introduced an amendment to The Victims' Rights Act in the year 2000, the Minister of Justice touted that the bill would require prosecutors to consult with victims and their families on key issues, on decisions, with respect to whether or not to proceed with the charge and with respect to plea bargains.

The Taman family states that no such consultations took place, so I ask the Minister of Justice: Why did the minister fail to protect Crystal Taman's family on both counts?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, firstly, that's one of the reasons why we have decided to take the third step in a process that we have been working on subsequent to getting the transcripts of the judicial comment to have a public inquiry, because there are conflicting issues and conflicting statements with respect to who talked to whom when. But I do want to point out that the victims' rights bill entitles and requires the prosecutor to consult with the registered families of the victim.

In the cases that I have been privy to and had opportunity to deal with, I've been advised that has happened.

Mr. Hawranik: If the family of Crystal Taman indicated that they were being ignored during the process leading up to the trial, the victims' rights act was not being followed. The victims' families were being left out of the process, and that's contrary to the victims' rights act. So I ask the Minister of

Justice: Why were the rights of the family of Crystal Taman denied?

Mr. Chomiak: Again, Mr. Speaker, when I met with the parents of Crystal Taman in my office about two weeks ago and explained to them the processes, et cetera, and they talked about their statement, their victim's statement that they had provided in the courtroom and talked about issues relating to their discussions with the prosecutor, Mr. Minuk, I talked about the fact that I couldn't talk about the specifics of a case because it was before the court.

I suggest to the member that, rather than turning this into a political issue, we wait to see what the inquiry has to say about the facts of the case and move from there. We put in place the rights for victims to have the ability to be talked to by the prosecutor—

Mr. Speaker: Order.

Mr. Hawranik: Crystal Taman's mother wrote to the Justice Minister and she demanded to know why charges against Harvey-Zenk were stayed and why her family was left in the dark during all stages of the case, and any information requested of the minister was denied. All information requested was denied. In the meantime, the interests of the criminal were respected, going as far as escorting Harvey-Zenk out of the courtroom, shielding him from the media.

So I ask the Minister of Justice: Why has he given more rights to the criminal than rights to the victim? And, secondly, this public inquiry, are they going to investigate the actions of this minister?

Mr. Chomiak: Mr. Speaker, this inquiry will go as far as the judiciary wishes to go.

Again, when I met with the mother and father of the victim in my office during the course of the case and indicated to them that I was precluded from talking about the specifics, we talked about their rights in general. We talked about the difficulties and how hard it is, how tragic it is, to be in the position that they were as parents. I was aware that the husband was receiving assistance from the victims' rights, I believe, I was advised, and the family told me how difficult it was to do the victim impact statement, that is the parents.

I understand how difficult that is, and it's no easier today. And maybe it'll be no easier once the judicial inquiry comes down, but at least we'll have facts and answers to the public so that maybe it can improve a little bit.

**Child Welfare System
Child Death Investigations**

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, through Bill 11 the NDP are proposing to split responsibility for investigation of child deaths between two offices, the Chief Medical Examiner and the Children's Advocate. This split will defuse accountability and create a conflict of interest and duplicate responsibilities.

Last night at committee we heard a presentation from Dr. Peter Markesteyn, a nationally respected expert in this field. He made a very compelling argument to keep section 10 review function with the office of the Chief Medical Examiner. In light of Dr. Markesteyn's presentation, will the Minister of Family Services rethink this legislation?

* (14:00)

Hon. Gord Mackintosh (Minister of Family Services and Housing): This statement begs the question: How many other recommendations from the Children's Advocate and from the Ombudsman for the Province of Manitoba will the opposition now reject when it comes to the external reviews into the child welfare system?

We are embarked on an initiative called Changes for Children. That means change for children, Mr. Speaker, forward, not backward. The opposition has the choice, recognize and respect the independent outside advice of the Children's Advocate and the Ombudsman.

The former CME, medical officer-examiner, apparently, is not supportive of the principle. I understand that the current Chief Medical Examiner is, and I understand the opposition was. Are they flip-flopping like bass in a boat, once again, on another bill?

Mr. Briese: Mr. Speaker, Dr. Markesteyn made several very good points in his presentation last night. He points out, and I quote, an investigator should not be an advocate and an advocate should not be an investigator. He says Manitoba should learn from the Turner review in Newfoundland and avoid this conflict of interest. Yet, this minister seems determined to push forward this legislation.

Will the minister heed Dr. Markesteyn's warnings and advice?

Mr. Mackintosh: Mr. Speaker, last night we addressed concerns raised by Dr. Markesteyn, but there were concerns raised by the Medical Examiner

in office, the Ombudsman for the Province of Manitoba, the Children's Advocate for the Province of Manitoba.

They put together several recommendations, five in total, and the legislation, Bill 11, that's before this House reflects the recommendations made and the wording also recognizes the input of the Children's Advocate and the Chief Medical Examiner. Mr. Speaker, if members opposite are opposed to the recommendations of the Ombudsman and the Children's Advocate, tell us how many.

Mr. Briese: Mr. Speaker, Dr. Markesteyn made it clear last night that this legislation creates an inherent conflict of interest. It is a duplication of responsibilities, and according to a nationally respected expert it is unnecessary. The minister could therefore look at other options like increasing the length of the Children's Advocate's term rather than adding more responsibilities to her workload. This is a resource issue. If the Chief Medical Examiner was given additional resources to do his job, there would be no need to transfer section 10 reviews to the Children's Advocate.

I will again ask the minister: Will he give serious reconsideration to this legislation in light of Dr. Markesteyn's comments?

Mr. Mackintosh: As I stated last night to Dr. Markesteyn, he may be unaware, Mr. Speaker, that we have committed to doubling the resources available for section 10 reviews which is very important and really formed a lot of the concern of Dr. Markesteyn. Indeed, I think the office of the Children's Advocate has received double the funding since we've come into the office.

But having said that, I find it regrettable that members opposite then would now oppose greater powers for the Children's Advocate, Mr. Speaker, and would oppose what I see as a very key feature of the Changes for Children initiative and the external reviews. It's very important that we move ahead with change, that we increase the powers of the Children's Advocate to look at the standard and quality of services provided to a child who has died, so that we can learn from those experiences.

The Medical Examiner still remains with the power to look at the man—

Mr. Speaker: Order.

**Addictions Foundation of Manitoba
Retention of Staff**

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, the services provided by the Addictions Foundation of Manitoba are absolutely critical in treating and supporting Manitobans with substance abuse problems. I have been in touch with several AFM workers who are very concerned because AFM is having a difficult time retaining its front-line workers. They are concerned about the high rates of vacancy and turnover. A stable, front-line work force is needed to maintain and strengthen treatment services.

Will the Minister of Healthy Living tell us why she has allowed addiction treatment services to be put at risk?

Hon. Kerri Irvin-Ross (Minister of Healthy Living): I thank the member for the question.

We have not put addiction services at risk. We have made more investments in addiction services than they ever did. What we've done with that, we've made investments to expand services throughout the province of Manitoba. We announced two months ago an \$8.5-million new facility in Thompson, Manitoba, where we will serve northern Manitobans. That money is being used to ensure that we provide a continuum of services, services that deal with prevention, education, rehabilitation and treatment which is essential to support people with addictions.

Mrs. Rowat: There are already significant wait lists for many AFM programs. If AFM is unable to retain a highly skilled work force, it is possible that these wait lists could get even longer, making a big difference in the life of an addict. Several AFM workers have told me that the services provided could be in jeopardy as a result of this government's failure to address staff shortages and turnover.

Will the Minister of Healthy Living explain why maintaining the programs offered by AFM is apparently not a priority of this government?

Ms. Irvin-Ross: Maintaining programs for people that are dealing with addictions is a priority. We are supporting multiple agencies throughout the province of Manitoba. We provide support to AFM, Behavioural Health Foundation. We provide support to Laurel Centre as well. Many, many organizations provide quality service to Manitobans throughout the province. We will continue to support people that are dealing and battling with addictions to ensure that

they have the quality of service that they deserve so they can live a full life in recovery.

**West-Man Nursing Home–Virden
Retention of Staff**

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, Virden residents including the Legion, the Chamber of Commerce, the Sherwood Handi-Transit board, have expressed huge frustration that 13 to 50 West-Man Nursing Home beds in Virden are empty due to a nursing shortage.

In July of '06, the Minister of Health promised the local retention committee that she'd fix the shortage. Today, over a year later, the beds are still empty. The nurses aren't there.

Mr. Speaker, will the minister today announce procedures to solve the nursing shortage at the Virden West-Man Nursing Home's facilities?

Hon. Theresa Oswald (Minister of Health): I thank the member for the question. He and I have had a couple of discussions about this. I would like to inform the member that, of course, in Virden we have seen success recently in restoring the complement of health-care professionals. The majority of the vacant nursing and health-care aide positions at the Sherwood PCH have been filled.

Admissions have resumed there. We have had contact with patients awaiting beds. We know that, so far, four of those individuals have refused placement. They're not yet ready to be placed there. The remainder of people on the list will be placed, and we're continuing to work with the West-Man home, as well, to continue our admissions in rural Manitoba.

Mr. Maguire: Well, Mr. Speaker, virtually all of the personal care homes in South Westman are full. Virden is the only facility in the surrounding area with anywhere close to this level of vacancy and over a year of empty beds in the West-Man home.

Why has the Minister of Health mismanaged this major nursing shortage so badly? Why is she satisfied with 26 percent vacancy rate and finds that acceptable? Will she today commit to full occupancy in these Virden and area personal care facilities? A year of no action is not acceptable, Mr. Speaker.

Ms. Oswald: I said, in my previous answer, that certainly many of those positions have been filled at the Sherwood Home. We continue to work to fill positions at the West-Man home in partnership, of course, with the Assiniboine Regional Health

Authority. We know that the complement of beds will increase to 40 as of this week; we still have 10 to go.

We have more work to do, Mr. Speaker. That's, incidentally, why we've committed to add 700 nurses to our human resources complement, which I would argue is in sharp contrast to firing a thousand of them.

Mr. Maguire: Well, Mr. Speaker, we are speaking about the West-Man Nursing Home. We know that the Sherwood has—last week the minister wasn't aware that there was a shortage in the Sherwood as well. But, ongoing, for over a year—*[interjection]*

Mr. Speaker: Order. The honourable Member for Arthur-Virden has the floor.

Mr. Maguire: The nursing shortage, Mr. Speaker, in the West-Man personal care home in Virden has been going on for over a year. Many local seniors have been, including veterans, already panelled for these facilities, but they've had to be displaced to towns where they are totally alone because the minister has failed to make their care a priority.

What's the minister's plan? How and when will the minister return those displaced citizens to their seniors facilities?

Ms. Oswald: As I've said to the member before, in Estimates and in conversation, we're working with the Assiniboine Regional Health Authority to build that complement of nurses. I can say to the member that it is very difficult for families when they do have to travel from Virden to Birtle to visit their loved ones. The Assiniboine Regional Health Authority is committed today to bring those members back to the community. I take them at their word.

Mr. Speaker, we're also reviewing staffing guidelines in personal care homes for the first time since 1973, so we can get the appropriate kind of care for the level of acuity in those personal care homes. We've promised 700 more nurses; they fired 1,000 of them, drove 500 more of them out of the province.

I still believe, Mr. Speaker, that they're going to ask questions about nursing shortages when they are the engineers of asphyxiation.

* (14:10)

Bill 17 Inclusion of Paramedics

Mr. Leonard Derkach (Russell): That answer was scary.

In committee last evening, Mr. Speaker, the committee on The Firefighters, Peace Officers and Workers Memorial Foundation Act, the Minister of Infrastructure when asked about the inclusion of paramedics in the bill insisted that this group was covered under the workers and labourers category. The Member for Kirkfield Park (Ms. Blady) then weighed into the discussion and clarified and corrected the minister, stating that this category only referred to unionized workers.

I think I'll ask the Minister of Infrastructure if he can tell this House who is right. Is it the minister, who says the category is all-inclusive, as he insisted, or is it the Member for Kirkfield Park, who says it is only for unionized workers?

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): Mr. Speaker, this piece of legislation, we are indeed proud of the fact that we're bringing forward firefighters, peace officers, other workers, paramedics and many other workers who have died on the job, deserve our recognition, deserve Manitoba's praise for the hard work day in, day out. They serve on behalf of all of us, and I'm glad to see the opposition has finally come on board to support this piece of legislation.

Mr. Derkach: Mr. Speaker, unfortunately, the minister ignored the question or couldn't answer it, but he hasn't answered.

Mr. Speaker, from the Member for Kirkfield Park's comments, it became obvious that this bill has now become a very partisan and political piece of legislation. In other words, if you're not part of the union, you don't count.

I want to ask the minister if he will do the right and the honourable thing and amend this legislation so that it includes both unionized and non-unionized workers in the province of Manitoba.

Mr. Lemieux: I thank the member for the Farmers Union for that question and I just want to say that we are proud of the fact that we're bringing—we, we, this government—are bringing forward this piece of legislation to honour what we've got—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Lemieux: –while they're doing their work, Mr. Speaker.

I have to tell you that we did bring an amendment last night to include the paramedics and other workers, which we worked with the opposition to ensure this would happen. I'm glad to see that the members opposite supported it, and do support the fact that we need to have this honour take place for the firefighters, peace officers, other workers and paramedics, and any other workers who have died in the workplace, Mr. Speaker.

I'm glad to see that the members opposite, instead of playing wedge politics, divide and conquer between different organizations, that they are finally on board and are willing to support this legislation.

Mr. Derkach: Well, Mr. Speaker, perhaps the Member for Kirkfield Park can answer the question since the minister cannot.

Mr. Speaker, the Member for Kirkfield Park, through her comments last evening, vividly showed this government's agenda in the narrowing intent of the bill.

Can the minister tell the House, or can the Member for Kirkfield Park tell the House, what the real reason was for not including paramedics as a category, in that firefighters, police and paramedics are part of unionized workers and part of Emergency Measures services in this province?

Mr. Lemieux: I thank the member for the question, Mr. Speaker, but I am actually quite amazed that this is the party that voted against changes to The Workplace Safety and Health Act, and now we have to arm-twist them to support this legislation to support workers who died on the job.

You know, Mr. Speaker, first of all, they give the boot to a former leader, that was the MLA for Kirkfield Park, they feel bad about that, I know. Now we have an MLA, a strong representative in Kirkfield Park, and we're very, very proud with it. Now they're trying to make disparaging remarks about that MLA.

Greenhouse Gas Emissions Targets Agricultural Sector

Hon. Jon Gerrard (River Heights): Mr. Speaker, in 2002, the Premier proudly unveiled his climate change plan and said that he believed in that plan, that he could achieve a 23 percent reduction below 1990 levels of greenhouse gases by 2012. The Premier is now revising his climate change plan,

realizing he won't meet his initial targets, and he's going to put in place some legally mandated targets because his approach over the last many years has not worked.

Agriculture, which was sadly missing from the Premier's 2002 plan, accounts for about one-third of the greenhouse gas emissions in Manitoba. I ask the Premier: Will agriculture emissions, including carbon dioxide, methane and nitrous oxide, be fully included in his targets, and when will the Premier present a plan for reduction of greenhouse gases in the agricultural sector?

Hon. Gary Doer (Premier): Yes, and soon.

Purchase of Carbon Credits

Hon. Jon Gerrard (River Heights): Mr. Speaker, we wait.

Last week, the Premier was off target when he talked about purchasing carbon credits. What's important is that whether it's the IISD or the Liberal Party or others who want to purchase carbon credits, that we can do it from Manitoba sources and help Manitobans improve by reducing greenhouse gases. At the moment, this, unfortunately, is not possible.

What I would say to the Premier is this: Today I commit that my travel from henceforth will be carbon neutral because I'll be purchasing offsets. Will the Premier commit that his government will have all travel provincially carbon neutral from henceforth just like British Columbia has already committed to be running a carbon-neutral government with a carbon-neutral travel approach?

Hon. Gary Doer (Premier): Mr. Speaker, the member opposite actually should be lauded for his neutral position, his neutral position on the east side versus the west side, his neutral position on raising the minimum wage, the many neutral positions he has.

Unlike the member opposite, the former Stéphane Dion plan called for purchase of carbon credits from Third World countries. We think building hydro which, of course, the Liberals didn't have a neutral position on—they called it lemonstone instead of Limestone, Mr. Speaker—which has produced tremendous amounts of displacement of carbon dioxide in places like Minnesota, we think Manitobans should get credit for that, unlike members opposite.

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for River Heights, on a point of order?

Mr. Gerrard: On a point of order, Mr. Speaker, the Liberal Party in this province under D.L. Campbell and Garson has a long history of bringing forward development in hydro-electric power, and the party under my leadership has continued to take a strong stand developing hydro-electric power and its benefits for this province.

Mr. Speaker: Order. Before making a ruling, I want to remind members that points of order should not be used for debate. They should be brought to the attention of the Speaker, a breach of a rule.

The honourable Member for River Heights does not have a point of order. It's clearly a dispute over the facts.

Breathalyzer Tests Government's Position

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I'm thinking that if the Premier accepted the challenge from the Leader of the Liberal Party, I might be inclined to buy him a bicycle or something of that nature to help contribute towards it.

Mr. Speaker, there is a very serious issue in regard to the old breathalyzer issue. Manitobans as a whole support a government that acts affirmatively in a strong fashion in fighting drinking and driving. They support those initiatives. Unfortunately, there is a mixed message that is getting out there, and that is, should you get pulled over and you are past 0.08, that, in fact, you not blow into the breathalyzer. It's in your best interest not to blow into the breathalyzer. The consequences for not blowing into the breathalyzer have to be more significant than if you choose to blow in.

Would the government not agree with that?

*(14:20)

Hon. Gary Doer (Premier): Mr. Speaker, we've had a 20 percent reduction in drinking and driving offences in Manitoba, and any initiative by the federal government under the Criminal Code we support. C-31 was a bill that would actually achieve part of what the member opposite is calling for. We supported that. I understand it was left in the Senate. Now we don't have anybody in the Senate. Apparently, the Liberals have a majority, but hopefully, we can get that bill passed. C-31 was in

the Senate. It should have been passed in Parliament. It should be law. We certainly support that bill.

Flu Shot Provincial Program

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, I was most pleased to be at Deer Lodge Centre this morning with some of my constituents getting a flu shot.

Can the Minister of Healthy Living inform the House about the importance of this program at this time of year?

Hon. Kerri Irvin-Ross (Minister of Healthy Living): I'd like to thank the member for the question. I think that it's very important today to talk about the importance of the flu shot. The motto is: "Get the shot, not the flu." The Province of Manitoba, along with our many partners, will be getting that message out to all Manitobans to ensure that they're getting the flu shot because we believe, and we know, that it does prevent influenza and pneumonia.

We know the risk of influenza and pneumonia for many vulnerable people, older adults, because of chronic diseases, so we offer free flu shots to a number of target groups: people that are over 65 years, children between the ages of six and 23 months, as well as first responders. This year, we're excited to also add pregnant women to that list. Thank you very much.

Mr. Speaker: The time for Oral Questions has expired.

MEMBERS' STATEMENTS

Retired Teachers' COLA Petitions

Mr. Ron Schuler (Springfield): Mr. Speaker, earlier today, we had a lively debate in this House on Bill 211, legislation that would guarantee the appointment of a retired teacher to the TRAF board. I also read out a petition requesting a long-term, fair cost-of-living adjustment for retired teachers.

As they have on a number of occasions, retired teachers have been in the visitors' gallery for both of these events today. I would now like to take this opportunity to table five petitions signed by retired teachers who couldn't be here today. The reason they couldn't be here today is they live in British Columbia.

Mr. Speaker, individuals who had teaching careers in Manitoba have retired, moved to British

Columbia, and mailed the petitions that they have signed by 75 people from all across that province. What this says is not only does this issue of a fair COLA for retired teachers date back 30 years into Manitoba's history, it also extends well beyond our provincial boundaries.

I will say again, as I have said many times, that teachers make invaluable contributions to our society and in the shaping of our children's futures. They deserve to be treated with respect. It is time for the NDP government to acknowledge that retired teachers deserve to be treated fairly.

Winnipeg Symphony Outreach Concert

Mr. Bidhu Jha (Radisson): I, along with my colleague, the Member for Rossmere (Ms. Braun), had the pleasure of attending the Winnipeg Symphony Orchestra concert hosted last week by River East School Division. The concert which paired the WSO with River East Transcona Children's Choir, the Project Z Singers and the Miles Mac Collegiate Choir was truly a delight for those in attendance.

This was the third annual outreach concert performed by WSO and the River East Transcona schools. The evening showcased work performed by WSO, joined by 250 grade 5 and grade 6 students from the school division were extremely, extremely good.

Vocalist, Kelsey Cowie and guitarist, Jordan Laidlaw, both wowed the audience with their powerful performances. The event also premiered "Numbers, I Have a Name," a piece composed by Zane Zalis. This moving piece explores themes around the holocaust, a time when people's individual names were replaced by the impersonal identification numbers for the purpose of dehumanizing them. The piece highlighted the inextinguishable nature of the human spirit and the inherent power of a name.

Mr. Speaker, I am proud to be able to recognize the vibrancy of Manitoba's art community, as well as many parents and families in Radisson who support music and arts programming in our schools.

I believe in the importance of arts programming in Manitoba's schools. I believe these programs help students reach their full potential. Through arts in education, students learn about people and cultures around the globe and here at home. They develop their own identity and gain a deeper understanding of the world around them.

Events and—

Mr. Speaker: Order. The honourable member's time has expired. Does the honourable member have leave to complete his member's statement.

An Honourable Member: Leave.

Mr. Speaker: Leave has been granted.

Mr. Jha: Thank you very much. They develop their own identity and gain a deeper understanding of the world around them. Events and partnerships like this one between the WSO and the River East Transcona School Division not only celebrate the music, they also celebrate education and pay tribute to the infinite power of the human spirit, developing a better society for all of us. Thank you, Mr. Speaker.

Exploited Youth Forum

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, a forum on exploited youth was held in Winnipeg on October 23 and 24. Law enforcement members of the Aboriginal community, former sex trade workers and social agencies came together to discuss this critically important issue. Seldom do these separate entities join as a single unit to discuss and examine a problem that is largely affecting those most marginalized and those most vulnerable in our community. The forum highlighted some of the serious gaps that exist in the protection of children who are at risk of being lured and exploited by predators.

Mr. Speaker, over the course of the two-day seminar, participants had the honour of hearing and learning from a variety of respected speakers on a multitude of topics. Personal stories were shared by mothers whose children had been lured into the sex trade. Social agencies such as Sage House shared their successes and the challenges they face daily helping children deal with the trauma suffered as consequences of exploitation.

Members of the Aboriginal community and members of law enforcement spoke. It was then possible to examine child exploitation from personal, social and political perspectives. Child exploitation has victims with names and faces and families. For too long their stories have gone unheard. Past practice has shown that, although all of the separate agencies may have a common goal, they have been competing instead of working together.

Of all the topics discussed at this forum there was a common theme: Partnership will create positive change. Only when exploitation is looked at

through multiple sets of eyes from many different angles could this issue be examined efficiently.

Mr. Speaker, this forum was a good step forward, but as we've seen before this government is all talk and very little action. The time has come for this government to stop turning a blind eye to what is going on under their watch and to listen to the voices of exploited children and their anguished families.

There is a very real need for change, and we challenge this government to take action to stop the exploitation of children. Thank you.

Canadian Parliamentary Seminar

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, Canadians cherish their democracy and are justifiably proud of the Westminster model of parliamentary democracy to which we adhere.

I was delighted to join the honourable Member for Minnedosa in participating in the 6th Canadian Parliamentary Seminar held in Ottawa from October 21 to 27. The general theme of this seminar was: Strengthening Democracy and the Role of Parliamentarians: Challenges and Solutions.

Apart from the Manitoba and P.E.I. delegation, the seminar included participants from all over the Commonwealth: Uganda, Sri Lanka, Australia, Jersey, Northern Ireland, Saint Helena, India, Saint Lucia and Samoa.

I want to thank Mr. Russ Hiebert, MP, chairman and regional representative of the Canadian Branch Executive Committee and Ms. Carol Chafe, executive secretary and her very efficient staff. They certainly made us feel welcome and made dialoguing, presenting and networking easy for all delegates. We were also able to meet with the Speakers of both the House of Commons and the Senate as well as numerous senators and MPs, including Judy Wasylycia-Leis and John Reynolds.

A few of the interesting topics under discussion were: Strengthening the Ties among Commonwealth Countries, the Role of Commonwealth Women Parliamentarians, Recruiting more Women into Politics, the Role of Media and Lobbyists in the Political Process and Ways to Increase Voter Turnout in Elections.

It was interesting to note that the delegate from Saint Helena represented 3,500 people, whereas a delegate from India represented 1 billion people. Coming from a beautiful northern community, I was able to share experiences with delegates from

Saint Helena and Saint Lucia, all of us representing smaller populations. That being said, Mr. Speaker, in a democracy, all voices are important and valuable. I'm sure that I speak for the Member for Minnedosa (Mrs. Rowat), as well, when I say we found the seminar very interesting and informative. I was very pleased to be given the opportunity to participate in that gathering.

Thank you, Mr. Speaker.

* (14:30)

Public Meetings-Premier's Attendance

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wanted to take this opportunity to emphasize the importance of the Premier (Mr. Doer) to come out to a public meeting on November 5 inside his own constituency. One would like to think that if any MLA was to afford another from another political party to come out and participate in a public exchange that they would feel somewhat obligated to do so. One's got to question why the Premier seems to give the impression—*[interjection]*

Mr. Speaker: Order.

Mr. Lamoureux: That's right. Yes.

Yes, Mr. Speaker, one's got to question why it is that the Premier has chosen to avoid having even any sort of accountability to his own constituents. I am providing him the opportunity to participate. I am providing him the opportunity to come into Inkster and to participate in a public exchange in terms of the whole issue of The Maples nomination and facts that have been brought forward.

The Premier consistently refuses to answer questions. It's most unfortunate. At the end of the day, I do believe that the truth will be known. You know, at the end of the day, I believe that the Premier is doing a disservice not only to the Legislature, but also to his own constituents by, if he doesn't want to attend the meeting, Mr. Speaker, I would suggest to you then he should, at the very least, answer the questions that are being put forward.

So if he's not prepared to attend the meeting then at least answer the questions inside the Legislature. He cannot have it both ways. We continue to promote this event. I extend the invitation to any NDP MLA that feels that they have any courage whatsoever to debate the issue in a public forum

where the seals of the Chamber are not present and in fact, it's one-on-one on an equal—

Mr. Speaker: Order.

GRIEVANCES

Mr. Speaker: The honourable Member for Arthur-Virden, on a grievance?

Mr. Larry Maguire (Arthur-Virden): Yes, Mr. Speaker.

I guess it's a pleasure always to be able to rise in the House, but it's with concern that I rise in the House today to grieve on an issue that's becoming much more prominent to all Manitobans on a daily basis, and that is the daffy detour decision around the hydro line in regard to putting a hydro line, a transmission line in northern Manitoba from Hudson's Bay to The Pas, down through Brandon and back to the east side of Winnipeg, Mr. Speaker, in order to export power to Ontario.

Mr. Speaker, these kinds of decisions are why Manitobans are sceptical in regard to the kinds of government credibility. This type of decision deters from any kind of accountability. It affects all of us as politicians, all 57 of us in this House.

I would say that common sense has run the rule on this one, and lost the rule, I should say, on this one. There is no common sense, very little, to this type of a decision. Anyone that wants to add \$500 million at least to the capital cost of the transmission line that isn't needed to be spent on a project like this. These are \$500-million worth of ratepayers' fees that are going to have to be paid down the road.

This \$500-million cost, at least \$500-million cost from the extra 400 to 500 kilometres of extra line that's going to be needed to be required on this line. It's a sad day in the House in Manitoba, Mr. Speaker, when the government overrules the decision, the economic viability, of the major Crown corporation that we have in this province, Manitoba Hydro, in the decision making to put an extra 400 to 500 kilometres of line down the west side of the province and also extra costs for conduction processes, as well.

The line loss alone, Mr. Speaker, can also add up to many tens of megawatts of lost energy per year, just lost off of the lines. Line loss refers, of course, to the amount of power moving down a line that is lost into the atmosphere just because of the distance, and

the longer the distance, the more loss there is on those lines.

Of course, Mr. Ani Gole, a well-known professor of engineering, electrical engineering, at the University of Manitoba, whom I have met once or twice, Mr. Speaker, and also mainly because of a connection to students that he had taught in the past and people that he works with today, has identified some of that line loss in a very accurate manner, a well-known man in his field, in regard to being able to measure power flow losses and power flow of all kinds.

We need to look, of course, at new conductivity, new types of materials that would come forward to enhance greater conductivity. But no matter how you cut it, Mr. Speaker, when you've got a line that's 500 kilometres longer than it needs to be, then we are in a situation where we're going to have unnecessary line loss.

Now, the shortest, most practical route, and I would submit to the House and to all Manitobans, the direct line that would make the most sense in regard to helping other citizens in Manitoba, as well, Mr. Speaker, would be a line down the direct east side of Lake Winnipeg that we have today from the power development that is being spoken of for development by this government. We would, certainly, push forward with Conawapa, Wuskwatim, provided there were markets for those products and, of course, to be able to move that power, you need to have transmission lines.

Now, this government, this is the same government that during the election campaign last spring, said it would have a northern route on lines, and, of course, that was a line that would go direct from Conawapa down through Ontario, in that area, Mr. Speaker. Of course, part of the reason for bringing the line down the east side of Lake Winnipeg was so that Manitoba would not lose control of the exports of the power, the valuable energy source that we have.

We would be in a position to have a greater say in future export rates that we would get for the power that we would sell through a third bipole, bipole 3, transmission line from northern Manitoba. It would provide a line down the east side of Lake Winnipeg. It would increase our capacity. A line down the east side of Lake Winnipeg would increase our security of that transmission system. A line down the east side would help us create greater economic benefits for all Manitobans in the future by being able to

export more power and have a greater control over it, Mr. Speaker.

A line down the east side of Lake Winnipeg, bipole 3 down the east side of Lake Winnipeg, would help more First Nations people in that part of Manitoba, as well. I understand, Mr. Speaker, that many of the reasons that the government states that they don't want to bring it that way is because of the boreal forest that's on that side of Manitoba, an area that the Premier (Mr. Doer) has indicated he's divested his responsibilities on and given 16 chiefs the veto over one-seventh of the land within the province of Manitoba.

* (14:40)

I don't think that any premier should be looking at that kind of a dispensing of responsibility to any group of citizens in our province. I think that, particularly when ratepayers of Manitoba Hydro are going to have to pay such a high cost, then we have to remember that this government is used to raiding Hydro in regard to the amount of money that it's taken out of it in the past, a bill, in fact, that they passed to take 75 percent of the profits out of Manitoba Hydro a few years back with the intention of picking up many more hundreds of millions of dollars than they did. Fortunately, due to a drought, there was one year when they weren't able to get any. Another year, because of low water levels, they only got \$54 million. The main year that they had a \$200-and-some-million profit, they did take \$150 million out, Mr. Speaker. So their track record is terrible in regard to accountability with the Manitoba Hydro as a Crown corporation in this province.

So that's part of why Manitobans are still sceptical as to the motives of this government. It would very much appear that the line down the west side of the province, not between the lakes as many Manitobans felt would be the case, between Lake Winnipeg and Lake Manitoba but all the way around the west side of Lake Winnipegosis, down the west side of Lake Manitoba, Mr. Speaker, is an expense to Manitobans that they don't need to incur.

We would still have greater security and control over the exports and the value of those exports in our Manitoba economy. Many, many good things could be done for our First Nations people on the east side of Lake Winnipeg, Mr. Speaker, whether it's a road being built through that area, whether it's an access to many of the other facilities there, whether it's

training that would be obviously provided to First Nations people in those areas.

The government has brought forth training programs in regard to the dams being built in the north that we support in those areas for those First Nations people. There would be an opportunity to do it in the line and the construction of a new line as well, but to put 500 extra kilometres of line in place, Mr. Speaker, is not a responsible move by any government. It's certainly a concern and a security situation in bringing these—the reason to come down the east side as well is from a security perspective, as I mentioned earlier.

You may run a greater risk of having blackouts if that line was to come down between the lakes, or even the extra 500 kilometres exposes you to much more circumstances of tornadoes, such as we had in 1996 where both bipole lines were almost ripped apart, could have put the power out for months if it had been severe enough.

I think, in relation to the extra cost, Mr. Speaker, I have to close by saying that the line loss alone combined with the extra length of the line, the extra cost, the hundreds of millions of dollars could well put this over a billion dollars very quickly. Even at 5 percent there's about a \$30 million extra interest alone, per year, never mind the line loss on an annual basis.

I think the fact that the boreal forest is of concern—or maybe this is what the Premier wants to see as a legacy—I would close by saying that we could have both the boreal forest, a UNESCO program in Manitoba for the boreal forest, as well as a power line down the east side. Manitoba Hydro has indicated that. Others have indicated it. Our U.S. export customers have indicated that they don't care which side of the lakes the line goes on and, you know, the list goes on and on of the people that are starting to look at this and say that it's a huge detrimental process.

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

The honourable Member for Charleswood on a grievance.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I do rise on a grievance. There is growing concern in Manitoba and in Charleswood related to the NDP's decision to put a hydro line down the west side of Manitoba, and we do speak in objection to the

west-side line to this detour that has many things going against it.

We object on the basis that it's going to result in massive financial, economic, environmental, and social damage to Manitoba. This is so wrong, Mr. Speaker, and according to many out there, this is the worst policy decision by this NDP government. This is so unfair to Manitobans and especially to our young people who are going to be stuck with a huge debt because of this.

Mr. Speaker, Manitoba Hydro has been directed, against its advice, by the NDP government to construct a third high voltage bipole transmission line down the west side of Lake Winnipegosis instead of the east side of Lake Winnipeg and it does beg the question. Why is this Premier of this NDP government meddling with a Crown corporation in the first place?

This Premier has had an awful lot to say about what a government's position should or shouldn't be when it comes to Crown corporations, and yet I don't know if ever in Manitoba's history that we have seen a Premier meddle to this extent in a decision that should be made by a Crown corporation

So what is his meddling going to lead to? What is his political meddling and his involvement in this going to lead to? We have heard, time and again, that the west-side route is 400 kilometres longer and that it's going to cost, so far what we know, an additional \$500 million in added debt. From all the people that are adding to this conversation out there, we know that this debt is climbing almost on a daily basis as more information becomes available.

We know that line losses due to friction will also be higher on the west side which is contrary to the desire for energy conservation. So, while we see this minister liking to talk like he's green and trying to convince everybody that he's green, the greenest decision he could make would be to put that line down the east side and not the west side. While he likes to convince everybody, including a lot of the American people that he seems to have on pedestals and looks at them as heroes and wants to be seen by their side all the time for photo ops, maybe what he needs to do instead is look more closely to what he's doing here in Manitoba. Instead of talking green, he should be walking green. He's not doing that.

Even Bob Brennan, the head of Manitoba Hydro, admitted publicly that the east side is the preferred route from Hydro's perspective. I do have some

sympathy for Mr. Brennan because I'm sure he's been put in an awful position. Mr. Brennan, I've known years ago when he was a neighbour of ours, and certainly, I think he's going to have been put in a very tenuous position by this government by having to go along with a decision that he does not agree with. That is not a very, very good position to put the head of a Crown corporation in this province into.

I think this is sending out a horrible message not only in Manitoba about how this government addresses Crown corporations, but this cannot have a very good effect across Canada in terms of what kind of message this is sending out right throughout this country, and I imagine into North America as well.

When we look at what the experts say, and there are a number of experts that have commented on this. I'm going to put on the record a number of comments made by experts. I have yet to hear this government come forward with their own experts to support what their positions are. We have noted that, with this government, they have had changing positions on this since the beginning, depending on what they think flies better in one day will be their position of the day in terms of why it should be a west-side line. It's interesting to watch the Premier squirming around on his decision in here because he really doesn't have a sound reason for what he's doing. That is why we're seeing a lot of manipulating of information, a lot of spinning by him and his spin doctors in terms of what they are trying to argue in saying that the west-side line is a better line.

If we look at a civil engineer from the University of Manitoba, who I know wrote an article in one of the local papers, and he indicated—he's an associate professor, actually, of civil engineering at the University of Manitoba—that the decision by the Manitoba government to move forward in principle with a third major transmission line down the west side of the lake is a tremendous policy mistake that flies in the face of all evidence and recommendations put forward by Hydro over the past 10 years.

Yet we do hear this Premier try to convince the public with his huffing and puffing in this House about the fact that the Tories were not able to achieve a hydro line in the '90s. The Premier knows darn well why that didn't happen, and he knew that there was an agreement with Ontario. We knew that Ontario broke away from that agreement.

* (14:50)

Maybe what this Premier (Mr. Doer) needs to do is revisit some of that instead of trying to put misinformation on the record every time he stands in the House and makes comments about this. He knows why that line didn't go forward. He knew that a lot of good effort was being put in by the Province, by a lot of people in this province to make that line go, and he knows darn well what was the cause of that line not going forward. So he really needs to, sort of, I think tune himself up to what the reality of the situation is.

According to this associate professor, he also goes on to say, it is becoming clear that the disastrous policy is being dictated to Manitoba Hydro senior management by government. If there was ever a reason to grieve an issue in this House, it is definitely around the manipulation of what this Premier is doing to a Crown corporation in Manitoba and for all the wrong reasons. He has no valid reason, and the experts that are out there are even in support of that.

The associate professor says that the government's primary argument for the western transmission line is that the boreal forest on the east side of Lake Winnipeg in its entirety needs to be protected. This professor says this is a dubious claim given that the west side will traverse a larger amount of designated boreal areas than the east side. So how can this Premier without any expertise or any experts standing up to support him say what he's saying when the experts are saying the opposite? We have not seen this Premier bring forward any of those groups to stand by what he's saying.

This professor also indicates that Manitoba Hydro has already built a lower-voltage transmission line running along the east side of Lake Winnipeg to Poplar River and another southward along the east side to Warren Landing, which leaves a short segment between them. Well, if this is already happening, Mr. Speaker, why is this Premier not following through on what appears to be the right decision?

There are others that have made comment out there, including Gerald Flood from the *Winnipeg Free Press*, calling this east-side story from soap opera to farce. We hear other experts out there, Dr. Ani Gole, who is the NSERC Industrial Research Chair in Power Systems Simulation at the University of Manitoba, saying that this is not going to be in the province's best interest.

We see a lot of the Aboriginal chiefs and their members on the east side now starting to want this. We see Elijah Harper and Brian Schwartz out there in support of doing what is right for the people of Manitoba. And, particularly, we see the Hydro CEO saying that the cost of the power line route will rise if this line goes down the west side.

Why should Manitobans have to bear the costs of this political decision by this Premier of this province when he is making a decision that is not in the best interests of Manitobans, is not in the best interests of the environment, is not in the best interests of anybody except maybe some of his American friends who won't even stand by him in support of his decision?

So, Mr. Speaker, I think with those few comments, I would like to indicate that this is a serious issue and this Premier (Mr. Doer) is not doing right by Manitobans.

ORDERS OF THE DAY

(Continued)

GOVERNMENT BUSINESS

House Business

Hon. Steve Ashton (Deputy Government House Leader): Mr. Speaker, first of all, I'd like to announce that in accordance with rule 31(8), the independent members will have the opportunity to introduce the private member's resolution for consideration next Tuesday.

Mr. Speaker: It's been announced that in accordance with rule 31(8), the independent members will have the opportunity to introduce the private member's resolution for consideration next Tuesday.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I just would like to make the announcement that we're going to have the Canadian Interment Camps resolution be considered next Tuesday.

Mr. Speaker: It's been announced by the honourable independent member that they will be dealing with the Canadian Interment Camp. That's been announced.

Mr. Ashton: Mr. Speaker, if you could please call the following bills in this order: report stage amendment on Bill 13, followed by Concurrence and Third Readings, moving to Bill 3, then Bill 14, Bill 18, Bill 22, and Bill 6—pardon me, Bill 4.

Mr. Speaker: Okay. First of all, we will deal with report stage amendments on Bill 13 and when we're

concluded that order of business, we'll move to concurrence and third readings of Bills 3, 14, 18, 22 and 4.

REPORT STAGE AMENDMENTS

Bill 13—The Organic Agricultural Products Act

Mr. Speaker: So now I'm going to call report stage amendment on Bill 13, The Organic Agricultural Products Act.

Mr. Ralph Eichler (Lakeside): I move, seconded by the Member for Portage la Prairie (Mr. Faurschou),

THAT Bill 13 be amended as follows:

(a) by renumbering the proposed Clause 2 as Clause 2(1) and adding the following as Clause 2(2)

Exemption for farm gate sales

2(2) Subject to the regulations, subsection (1) does not apply to a sale of an organically grown product if

(a) the product is sold by its producer directly to a purchaser for consumption by the purchaser or by others at the purchaser's expense; and

(b) the sale occurs at the farm or other property where the product was produced.

(b) by adding the following after Clause 19(1)(n):

(n.1) limiting the exemption under subsection 2(2) (farm gate sales);

Mr. Speaker: It's been moved by the honourable Member for Lakeside (Mr. Eichler), seconded by the honourable member for Portage la Prairie (Mr. Faurschou),

THAT Bill 13 be amended as follows—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Eichler: Thank you, Mr. Speaker. I'm pleased to put some comments on the record about this proposed amendment which would provide an exemption on The Organic Agricultural Products Act for farm-gate sales. When this bill went to committee recently, we heard an interesting presentation from an organic producer. This individual—I'm sure there are several others in this situation in the province of Manitoba—sells organic products directly at his farm gate. He has cultivated a relationship with his customers over the years who visit the farm and learn

more about how he grows his crops and raises his animals.

At one time of his operation, which was certified as organic, for a variety of reasons he chose not to recertify at this time, and as we know the hardship that's out there facing all farmers, we're sure that it was probably financial, Mr. Speaker.

Because of a decision not to formally certify as organic producer, he is concerned that the act as it is currently written might make it very difficult for him to continue with his farm-gate sales of organic grown products. This would have a negative economic impact on his farm. He even noted that in the worst case scenario, he could be subject to hefty fines or even jailed by selling his product under the current legislation.

I sincerely believe that it's not what the government had intended when it was drafting the legislation. No one wants to make farmers into criminals. We believe that all farmers do things in a way which is going to be meeting the legislation, and they want to make sure they comply to all rules and regulations set forward by the government.

I believe this producer has raised some legitimate concerns, and there is room for clarity in what is an acceptable practice when it comes to the sales of organic products in specific situations.

By bringing the amendment forward, we offer some protection for producers who are engaged in farm-gate sales. At the same time, I recognize that there is growing interest in certified organic production in Manitoba and indeed across Canada. To help market the certified organic products nationally and internationally, the use of certified organic label would be beneficial in building customers' confidence. They are receiving a product that adheres to strict production criteria.

We look forward to new opportunities in the product for organic agricultural products in which there seems to be growing consumer interest. I ask the members for their consideration to this amendment, Mr. Speaker. I know that the minister heard the same presentation the night that we went over this bill. There's the concern that we had and we feel this amendment is one that is going to pacify those that don't want to stay certified or become certified under the program, but it will, certainly, give the opportunity to still sell those products across the gate direct to their consumers.

* (15:00)

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I thank the member for the comments that he has put on the record regarding the sale of products that are not certified, Mr. Speaker. But, having heard his comments and having listened to the people in the organic industry, I want to tell the member that our government cannot support the amendments to The Organic Agricultural Products Act that he has proposed which is seeking an exemption for farm-gate sales of organically grown products.

I want the member to also know that, during the consultation on the proposed legislation, organic producers stressed very strongly that such an exemption should not be allowed, that they wanted one uniform set of standards for the industry and that all products carrying the organic label be certified as such.

I believe, Mr. Speaker, by backing away from this position, allowing for the sale of uncertified products direct to the consumer, under the organic name, would really be a step backwards. This would undermine the Canadian and Manitoba standards that have been set. Thus, I believe that an amendment like this would cause confusion for the consumer as to the authenticity of the product.

I want the member to also know that producers who choose to adopt the organic approach to production, but who do not wish to go through the certification process, will not be forced out of business. They will simply have to use a product name that does not include the name "organic." So I say to the member, we've listened to people who have—and I've read the comments of the presenter, but I also want the member to be aware that there has been a lot of work done on this, both at the national and the provincial levels, and we cannot support this amendment. Thank you, Mr. Speaker.

Mr. David Faurchou (Portage la Prairie): I do appreciate the opportunity to participate in debating the proposed amendment of our honourable colleague from Lakeside. This amendment is one that I do support because I, too, had the privilege of listening to the presentation from a long-term organic grower. Having had the experience as a pedigreed certified seed grower over the years, I understand about trying to maintain product quality and to assure those persons purchasing the product that they are indeed guaranteeing quality to which they are expecting.

What we have seen though, in our pedigreed seed industry, is farmer-to-farmer sales of seed that persons were referring to the terminology "seed." It was incumbent upon our industry to not try and curtail or dissuade the farmer-to-farmer sales of seed, but we wanted to make sure that there was a distinction between certified seed and common seed. So what was entered into the process was to provide for legislation to make absolutely certain anyone using the terminology "seed" was going to be guaranteed a specific quality. That is where we as an industry focussed on, was the terminology "seed." We did not try and curtail and make it unlawful for persons to sell to producers the common seed. But we did want to make sure that there was a differential knowing that the farmer-to-farmer sales of production that was not inspected and not granted pedigreed, that we make it known that this was indeed common. But it was just as important to make sure that when persons were purchasing seed there were standards employed.

Now, what I see in this amendment and two further to come in order to make the bill accommodating of farm-gate sales is that we want to make sure that the organic terminology is indeed maintained, but this allows for the individuals to inspect themselves rather than have a paid registered inspector do so. What we're basically providing for here is long-standing relationships that organic producers have with their customers and to make sure that they're able to continue on with that business, even though they are not expending the monies providing for inspection on an annual basis as well as the overhead that comes with the certification processes as I personally am most aware of.

Now, what we want to make sure of is that, although the organic component is indeed maintained, as we have all come to appreciate, it then is incumbent upon the person that is advertising common organic to make certain that the terminology "organic" has been adhered to and can be challenged, but it does not, by way of this legislation, mandate that the individual comply with the rigours of being registered and thereby their products being certified organic.

So this legislation, I think, is very good. It is time that we in the province of Manitoba indeed put the framework forward to guarantee that the organic process has been followed by producers when sales effectively are taking place through third party and the consumers of the organic product do not know

the producers and have to have an independent party attest to the organic product that is being sold as to its authenticity involving the production of that product.

So I wholeheartedly support the legislation that the minister has proposed. However, I ask that she consider supporting this amendment to allow the direct, from-the-gate sales whereby the individuals purchasing the product have first-hand knowledge about its production and are satisfied that the organic process of production has been adhered to.

I thank you ever so much, Mr. Speaker, and look forward to the support of this amendment and the two to follow. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Lakeside (Mr. Eichler) on Bill 13.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Mr. Gerald Hawranik (Official Opposition House Leader): On division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mr. Speaker: Okay, we'll move on to the second amendment.

Mr. Eichler: Mr. Speaker, I move, seconded by the Member for Russell (Mr. Derkach),

THAT Bill 13 be amended by striking out Clause 19(1)(j).

Motion presented.

* (15:10)

Mr. Eichler: Mr. Speaker, the regulations accompanying Bill 13 will allow the Minister of Agriculture (Ms. Wowchuk) latitude to make a number of rules around organic agriculture in Manitoba.

I believe that clause 19(1)(j) should be deleted. As it currently reads, it would allow the Minister of Agriculture to regulate or prohibit marketing of organic product and to establish terms and conditions in governing that product. Mr. Speaker, I think this provision would give the provincial government too much power when it comes to how Manitoba's organic producers conduct their business.

In other words, I don't think the provincial government needs to give powers that will allow them to become too involved in marketing of organic products or telling producers how to do that. That is government's job in order to help establish markets, but not in marketing those products.

I am opposed to the provincial government being involved in promoting organic production or trying to help these producers to gain access for new markets for their products. However, I believe government needs to take the producer's place when it comes to determining how best to sell the products such as implementation of some sort of marketing board or agency. Producers should have a choice.

Mr. Speaker, I know that the minister has the best interests of the producers at heart when she talks about the organic bill, but I do know that (j) should be deleted from this particular bill and would make the bill that much stronger.

So, with those short few words, we look forward to the House putting this amendment to the bill, Mr. Speaker.

Ms. Wowchuk: Again, with regard to this amendment, we have to say to the member that his proposal to remove clause 19(1)(j) does not seem to make sense to me, Mr. Speaker. I do not see this clause as being problematic in any way. I really recommend that we stay with the wording.

The clause is a standard one in many of our statutes. I know that the member opposite has expressed some concern about the government being involved, and he seems to be expressing concern about the possibility of a marketing board.

Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair

I guess I would ask the member to put clearly on the record if indeed he is opposed to marketing boards. That's not the intent of this legislation, Madam Deputy Speaker, but should it be that that was where the producers wanted to go, as I have listened to them in the past, I will listen to them in the future and work with them, but I believe that the removal of this clause would not be of any benefit, and I see no reason why we should take out one that is a standard clause in many of our statutes.

Mr. Leonard Derkach (Russell): I do want to make some comments on this legislation and on the amendment that has been proposed by my colleague, the critic for Agriculture, the Member for Lakeside (Mr. Eichler).

Madam Deputy Speaker, if you look at the clause that is being amended, and I'd like to just focus on the clause itself because we should understand what is being recommended here in the legislation, and this is all in the Regulations section, and 19(1) states: "The minister may make regulations" and then you go to (j) and it says regarding regulating or prohibiting: "regulating or prohibiting the marketing of any organic product, and establishing terms and conditions governing that marketing;"

Now, we live in a democratic, free society. It is one thing to say that there should be standards for products that are being sold, but if you start imposing, by regulation, conditions which are going to either prohibit, or as this subsection says, prohibiting the marketing of any organic product and establishing terms and conditions governing that marketing, what you are saying is that the minister, by regulation, may in fact determine that it is in the interests of the government to have this product marketed through a single desk. It could also impose regulations that prohibit the marketing of this product to certain entities. So it's an all-encompassing regulation, Madam Deputy Speaker, that if you look on the surface of it, it may seem benign. But if you look at the powers that it gives the minister, those are extraordinary and unnecessary.

I don't think the organic growers of Manitoba asked for this clause. As a matter of fact, I have some organic growers in my communities and I have asked them about this bill, and by and large they support the fact that there should be some standards in terms of organic production. They also know that it shouldn't be necessary to have a particular stamp on a product if you are selling it at the farm gate. It's just

like selling a dozen eggs that are organically produced to a neighbour, and the neighbour knows that these are organically produced eggs but can't buy them from you as organically produced eggs because they must have the stamp. So what the previous amendment was to allow those individuals who have that organic egg or have that organic quart of milk, can sell it to a neighbour without having to go through the process of having the stamp put on that product as an organic product. In this case, the minister has the power to regulate or to prohibit the sale of that product to anyone that she chooses or the government sees in their best interests.

Now, when talking to organic producers, talking to those people involved in the industry, they feel like I do, that this is an imposition that is not required. So, Madam Deputy Speaker, I think the minister needs to take a look at this section again and needs to determine that in fact she needs to unshackle the chains that she's putting around organic producers in terms of where they market, how they market and the fear of prohibiting the marketing of a product.

Now, I don't know where this kind of clause exists in any marketing regime that we have in this province or in this country. I don't know that a minister, by regulation, can prohibit my marketing of my product that I produce on my farm, whether it's organic or not, can prohibit the marketing of that to anyone at any point in time. Now, the Canadian Wheat Board, I know, can do that. Of course, I know where the minister stands on that. If the Canadian Wheat Board does prohibit and we know—

An Honourable Member: We stand up for farmers.

Mr. Derkach: Then she chirps from her desk that she stands up for farmers. She stands up for those select farmers who belong to the National Farmers Union who have that narrow view, who have not taken the initiative to go out and find markets on their own, who haven't taken the initiative to go out and explore what the opportunities are but rely on an agency to market their product for them.

You see, we create a lazy society that way, Madam Deputy Speaker, because our producers need to be going to the next level. By creating that lazy society, if you like, people depend on somebody else to do their work for them. There are enough marketing agencies out there today that I as a producer should be able to go to them and say, what can you offer me for this product, instead of having to go through one entity.

In this particular case, that is exactly what the minister is proposing. She is proposing that she as a minister or any minister who is responsible then, will have the power, as the regulation states, to regulate or prohibit the marketing of any organic product and establish terms and conditions governing that marketing. So it gives her the power to not only prohibit, but it gives her the power to make certain terms and conditions regarding the marketing of a product. So if I grow, Madam Deputy Speaker, potatoes that are organically grown, the minister now can impose terms and conditions on how I can market that product.

* (15:20)

Why should that be? As long as I meet the standard, as long as I meet the standard that has been set for organic production, then the marketing should be left up to me as a producer. Whether I go to an agency that markets organic products, whether I go to a single desk, if you like, that markets products or whether, in fact, I do it on my own, I should have the flexibility and the freedom to do that. Now, at this stage, I don't think the minister has imposed any terms or any conditions or any prohibitions in terms of marketing the product, but I don't understand why the minister would need that kind of a clause in this regulation, and she hasn't explained it.

I know that in committee on this bill, that question was raised, but there was no answer given. There was no explanation given. If I'm wrong, perhaps the critic or the minister could correct the record by standing in their place and doing that, but I don't remember the minister explaining this to any satisfaction in terms of why this clause is in here.

How would it weaken the bill if this clause wasn't there? I don't think it would weaken the bill at all. The bill would still have meaning. The standards are still there. The people who were consulted on this bill, I think, have had input in this, and they, I think, understand the necessity for a bill like this in terms of ensuring that organic products produced in this province are produced to a certain standard. But, Madam Deputy Speaker, I don't know any farmer out there who was asking for the minister to get involved in setting the terms and conditions when it comes to marketing or prohibiting the marketing of any product.

Now, what would be the motivation to do that? Well, we have seen where this government is in terms of trying to manipulate the marketing of products in this province. They are out of step with

where the world is going. They are out of step with where other provinces are going, and they are imposing on farmers and producers something that is completely unnecessary in a democracy, Madam Deputy Speaker.

So, with those few comments, I notice that my beacon is beeping, I'm going to have to—it's flashing—I'm going to have to curtail my comments, but suffice it to say that I would encourage the minister to look at this in a positive way and to, perhaps, put this clause on the shelf for the time being. If necessary, down the road, this clause can be, in fact, reintroduced, and she can bring in an amendment at a future time. So I encourage the minister to look at it from the perspective of allowing producers to do what producers should do. Thank you.

Mr. Larry Maguire (Arthur-Virden): I, too, would just like to put a few words on the record in regard to the amendment brought forward by my colleague from Lakeside, an excellent amendment, I feel. The removal of 19(1)(j) would diffuse concern that was raised to me by some of the organic farmers even in the area of dairy products, Madam Deputy Speaker.

I know a great many constituents who are organic farmers, and they're doing a wonderful job of farming, whether it's the Boulanger family that was recognized as the Red River Farm Family of the Year from Grande-Clairière, the Scott family that established some of the certification and was very much a founder in the organic farming movement in Manitoba, and the Blacks, I know, that are one of the first in the dairy industry in Manitoba to have an organic dairy, as well, in the Turtle Mountains, Madam Deputy Speaker.

All of these persons began their type of business because they wanted to change. They wanted the freedom to make a change away from the traditional type of farming that many of us were involved in, that I was particularly as well. I had the opportunity to bring greetings at their organic farm annual general meeting back in Brandon here a week and a half ago or so, Madam Deputy Speaker. It was an honour to be asked by my constituents, who are leaders in this field, to bring a few greetings, and it was great to participate in them with the entertainment that was provided that evening, as well as Mr. Dan Needles, the author of many, various productions that he's had throughout Canada. I just want to say how much I enjoyed that evening.

But these people began their farming operations simply because they wanted to have the opportunity

of tackling what they saw as a new market, and they are successful. They have been successful. It's been hard. It always is, Madam Deputy Speaker, when you're starting out with a new industry and a new sector and you want to find markets for it. You've got to worry about the production side of it. You've still got the weather to deal with in agriculture, all of these, and the government regulations is the last thing you really want to have to worry about.

They're good when you're looking at the safety-net mechanisms and that sort of thing that we need in our agricultural community to provide stability in it, Madam Deputy Speaker, but from production levels of agriculture today that are involved in, whether it's production agriculture, marketing agriculture, research agriculture—many of our young farmers are coming back with research graduate capabilities. We've got many of those in Manitoba as well.

So I think that taking out any concern that might arise from these people having to have the heavy hand of the Manitoba government imposed upon them through some kind of regulation or prohibition of the marketing of their products is, certainly, not what they told me they thought was the intent of this bill.

So I would hope and relish the fact that I think that the minister would take into consideration the fact that this is about allowing these people to make sure that they continue to have the freedom to market their product in a manner that they wish. If they collectively decide to get together to market that product, then that's their choice, Madam Deputy Speaker, and they feel quite comfortable in doing that. An organic group, an organic association, just like any other group, might be able to have that decision to do so at some point down the road.

I just want to close by saying that I was proud to be able to take this bill—my colleague from Lakeside had asked me to speak to them because the Organic Producers Association of Manitoba, OPAM's office, is located in Virden, my hometown now and my constituency. I was proud to be able to speak to them with this bill. I'm just relaying to you, Madam Deputy Speaker, some of their concerns around the bill.

Other than that, they're very happy to see this bill coming forward to make sure that it does be parallel to what the federal government is doing and allows them to be able to market their certified product throughout the province of Manitoba which,

of course, the federal bill allowed them to sell it anywhere in Canada but not in their home province.

So, Madam Deputy Speaker, with those few words, I'd look forward to the government's passage of this amendment.

Mr. Faursehou: Madam Deputy Speaker, I once again would encourage the government to listen to the proposed amendment and adopt as it has been introduced into the House. I look forward to their support.

It is definitely a concern of ours in regard to the powers granted to the government through this legislation, and it is very, very disturbing to myself as an agricultural producer.

I know that the designs and the intent of this bill are to give the framework for an organic industry here in Manitoba. Although in its infancy, perhaps with this legislation it will expand, and far more products will come forward in the future under this regime.

However, once again I'm baffled because I know the minister across the way farms herself, and I'm curious as to whether she only uses certified seed on her operation or whether she purchases farmer-to-farmer common seed at times.

For her not to adopt the previous amendment that would allow for that, I look to the minister and I ask the question of her, does she only purchase certified seed? It would, certainly, warm my heart if she did, being a certified seed grower, and still continue to be, only on a smaller scale because as I can appreciate the responsibility of MLA does take time and I must be dedicated to that.

* (15:30)

So I continue to pursue my pedigreed-seed production business, although on a smaller scale, but I very much look forward to the minister answering that question when next she stands, because if, indeed, she is purchasing only certified seed, then I will understand her not wanting to support the amendments as we've proposed. But, if indeed, she does buy common seed, I would like an explanation as to why perhaps then persons cannot purchase common organic production. It's not to say that that production has not been raised or produced or cultured by way of certified organic practices; it's just that it has not been inspected by a registered inspector, and that's where it comes into the responsibility of the purchaser. The responsibility of

the purchaser can, at any time, go and see whether or not the production that he or she is going to be purchasing is being raised or produced through organic procedures and that is incumbent upon the producer to make absolutely certain that they are able to, that a potential customer can come in at any time and can be assured that the practices are indeed fulfilling the organic requirements.

If they are not, then the person that is using the term "organic" will be liable because there has, through this legislation, and also, too, through other legislation, through the consumer and corporate affairs department, ability to enforce the law and to make certain that any advertising is not misrepresenting the product to which they are selling.

So, Madam Deputy Speaker, once again, I know the minister is listening, as she did the other night, to the presentation that was made, and I hope that she will, once again, listen to the debate in the House from honourable members that have, as she does, agricultural background and are speaking from the heart and knowledge as it pertains to agricultural production. So I look forward very much to support from the government side of the House for an amendment that will indeed make this legislation fair and provide for the organic industry to flourish here in the province of Manitoba. Thank you.

Madam Deputy Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

Madam Deputy Speaker: Do I hear a no?

Some Honourable Members: No.

Voice Vote

Madam Deputy Speaker: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Deputy Speaker: In my opinion, the Nays have it.

An Honourable Member: On division.

Madam Deputy Speaker: I declare the amendment lost, by division.

* * *

Mr. Eichler: I move, seconded by the Member for Morris (Mrs. Taillieu),

THAT Bill 13 be amended by replacing Clause 19(1)(p) with the following:

(p) exempting or excluding a person, activity or agricultural product, or a class of any of them, from the application of this Act or any part of it;

Motion presented.

Mr. Eichler: Madam Deputy Speaker, I am very concerned that the minister felt that that side of the House couldn't support the amendments that were brought forward by myself and these members of the opposition. We do take a lot of pride in listening to the producers across the province of Manitoba. I know the members that spoke earlier, and the minister gave great assurances that our people are being listened to. This is a very substantial bill. I know that the minister and her good wishes on this particular bill are well intended. I know that the organic producers want to make sure that this bill, indeed, does go forward, and we're not going to hold that bill up.

But, having said that, Madam Deputy Speaker, we won't be here forever, at least some of us won't be. The thing that concerns me the most—

An Honourable Member: Rosann will be here forever.

An Honourable Member: I'm staying.

Mr. Eichler: —they may be; they may be. The Finance Minister (Mr. Selinger) says he'll be there forever, but not necessarily on that side of the House, and Rosann may live forever. I don't know. Good wishes to her.

But what we have to worry about is the next generation and the generation after that. That's what makes good legislation, that the next generation will be able to understand what is intended by this, and that's why we're having the debate in the House today, in order to assure those producers, in fact, will have the best legislation that's being brought forward. I think that the amendments that were proposed certainly did do that. I know that the minister had talked about her assurances, the way the

bill was drafted, in her opinion. But I beg to differ with her, Madam Deputy Speaker.

I know that the proposals that were brought forward by myself and seconded by the various members of this side of the House, and we've got a number of them. I know the Member for Arthur-Virden (Mr. Maguire) and the Member for Russell (Mr. Derkach), the Member for Morris (Mrs. Taillieu) put things on the record and the committee, and the Member for Portage la Prairie (Mr. Faurichou) and I can go on down the line. The Member for Emerson (Mr. Graydon) and Carman (Mr. Pedersen) and Pembina (Mr. Dyck) and Beausejour and Minnedosa (Mrs. Rowat). There are a number of them that have the expertise, and these people listen to their people within their constituency. It's so important that we do listen to them, and we put things on the record that's going to be there for our constituents to read and talk about and make sure that they have the best legislation that's been brought forward.

So, in doing that, Madam Deputy Speaker, we have to take into account the words that have been said by those members, and we feel that the amendments that were brought forward were certainly those that were well thought out. We spent a considerable amount of time in drafting these amendments, and I have to tell the minister that I'm disappointed that that side of the House saw that they weren't fit to meet the criteria that the government had put forward. I looked at the federal legislation as well, and I beg to differ, that the amendments that were brought forward were definitely in order. They were well thought out, and Leg counsel's also looked at them. In fact, I know her staff looked at them as well, and to simply say that they don't fit is unacceptable.

So, with that, Madam Deputy Speaker, I'll let my other colleagues speak to the amendment that has been brought forward.

Mr. Faurichou: I would like once again to look to the Minister of Agriculture (Ms. Wowchuk) as it pertains to this bill. We, on this side of the House, are very supportive of legislation providing the parameters for organically produced agricultural products in the province of Manitoba and definitely want to see the industry of organic production flourish here in the province of Manitoba.

* (15:40)

However, we, on this side of the House, must emphasize that our intent from our own agricultural backgrounds is to strengthen and enhance the legislation brought to the Assembly for its consideration. I wish that the minister would not look to us on this side of the House as always being adversarial, but ones that would like to, as my honourable colleague from Lakeside stated, wanting to make certain that the legislation stands the test of time, of which, when we look back in our waning years upon our service in the Legislative Assembly, that we were most proud of our term in office in the legislation that passed before us. So I look to the minister with encouragement that she will take advice from this side of the House to heart and to make the legislation better.

So, with those few words, I do support the amendment before us that will provide for a modification to the minister's ability to make regulation, as I believe that we have to have balance in the democratic society in which we live between the dictatorial type of regime versus a democratic one. I think that all legislation should have clauses for appeal and also to have legislation that is balanced. That is our intent with this particular amendment.

Thank you very much, Madam Deputy Speaker. It's always a pleasure.

Mrs. Mavis Taillieu (Morris): I'm pleased to speak to the proposed amendments for Bill 13, The Organic Agricultural Products Act. I support and commend the Member for Lakeside (Mr. Eichler) for bringing in the amendments that I think will strengthen the bill and will put at ease some of the concerns that some of the organic growers in our province have raised, Madam Deputy Speaker.

We recognize the importance of protecting the term "organic" for the general public. Certainly, the intent of the bill, we recognize that, but we feel that it is our duty, as the Member for Portage la Prairie has said, to strengthen any proposed legislation when it comes due because that is what we're here to do is make sure we get it right so that we don't have to look at loopholes down the line and fix those.

I just want to say that I was at committee when the presentations were being made. I, certainly, listened to Mr. Groening who presented from Lowe Farm and the concerns that he brought to the committee. What was most distressing I think, to me at that point, was how he felt that this was totally going to restrict his ability to market to his direct

group of people that buy direct from him. He has a group of people in the city here that go to his farm, are there to see his practices, can see what they're buying and they buy direct from him. His practices were totally organic, but he opposed the idea of just having to get approved and recognized with a stamp to say that that's what he was. He also impressed upon the committee the fact that he felt that this legislation may have been a bit heavy-handed in that it gave the ability to people to come onto his premises and confiscate his equipment and his produce. He said, I do not want to live in fear of this happening.

So we on this side of the House believe that we want to support people in the organic industry and support people in industry and, certainly, are not in the business of putting people out of business or making it difficult for them to do business. Mr. Groening has a number of customers that he liaises with directly in the city who feel very, very comfortable with the product that he gets and he produces and he grows for them and markets directly to them. So we want to be able to assure him and others like him they will be able to continue to do this.

So, with saying that, I just want to, again, commend the Member for Lakeside (Mr. Eichler) for really taking a thorough look at this bill and proposing some of the amendments that will strengthen this bill to allow producers to continue with the practices that they are doing currently.

So, again, I think that we want to say that the intent of the bill, we support it, but, certainly, we want to be able to have the opportunity to add strength and hope that the minister will take into consideration these amendments for the sake of some of the organic growers in the province.

Ms. Wowchuk: Madam Deputy Speaker, I've been listening with interest to the comments of members opposite and, certainly, I believe that they are listening to producers. They were at committee. They heard what was being said, but I want to again clarify for the record that there seems to be this impression that a producer will be restricted or will be forced out of business. That's absolutely not the intent.

Again, we have to look at where this legislation is coming from. It's federal legislation. The organic producers have been asking for standards, Madam Deputy Speaker. Again, we want to work in conjunction and we have been working in

conjunction with the producers to bring the highest standard that we could bring.

But if a producer chooses that they don't want to go through the process of certification, they will not be forced out of business. They will simply have to use a product name that does not include the term "organic." Members talked about this individual who won't be able to sell to their neighbours. There are many individuals who sell their product to their neighbours. It's not certified organic. They sell it to their neighbours. Neighbours want it, but it will not be able to go under the term "organic."

So I want to thank the members for their suggestions. As I told the Member for Russell (Mr. Derkach), I would give serious consideration to his comments but at this point, Madam Deputy Speaker, will not support this amendment.

Mr. Peter Dyck (Pembina): Well, Madam Deputy Speaker, I, too, want to put a few comments on the record. I was listening to the Minister of Agriculture (Ms. Wowchuk) just talking about the amendments that were put forward by the Member for Lakeside (Mr. Eichler). Just to possibly expand a little bit on the comments that she made, I think that if we could somehow legislate common sense, I don't think we would run into the problem that we're going to see taking place.

I'm going to give you an example. There's legislation out there that—this has to do specifically with the burning of straw. I know that it can only be done on certain days, but I'll give you a classic example of this, where one of the bureaucrats, policemen, whoever it was, took this to the nth degree. This happened in my constituency. Someone burnt a bale that had not wrapped correctly during baling and was fined \$1,000. This is taking legislation, regulation, to the nth degree. I think this is something that people who are supportive of the legislation, The Organic Agricultural Products Act, are supportive of it in essence but, in fact, are really concerned about what this could turn into. I would submit to you that, in fact, this could happen.

Just, again, to verify some of the comments that have been made by my colleagues, there are people within my constituency who produce stuff organically, however do not have the organic licence. I think that the members on this side of the House have been talking specifically to this area previous to this discussion.

* (15:50)

This is the concern that they have. They are knowledgeable of the fact that they need to have their products grown organically because that's the way they are selling them. They don't have that specific stamp on their product. Their concern is that, ultimately, this will turn into, possibly, a witch hunt down the road, which is going to, in fact, draw a penalty and they'll be having to pay fines for not having produced it correctly.

Now, I know that the minister at this point in time is absolutely convinced that this will not happen, but we've seen it in other circumstances where the one leads to another. That's why I think it would be incumbent on the minister to adopt the amendments that have been put forth by the Member for Lakeside, to put these amendments forward, and try in some way to ease the concerns that are out there by the members within this province.

So, Madam Deputy Speaker, I don't want to belabour the issue. On the other hand, I believe that there are valid criticisms, valid concerns out there specific to this legislation, and, also, specific to the amendments that have been brought forward. Again, I would encourage the minister to look at this to see if, in some way or other, this could be incorporated so that we can alleviate those concerns, and so that those members who are out there who are actually growing the organic product, which, again, I believe is something that the consumer, some consumers out there are looking forward to being able to purchase. As I said, there are a number of people and constituents that I represent who are doing this, but they don't have the specific label for it because they haven't followed through on it, and they should be allowed to continue to have their off-farm sales take place.

A colleague of mine was talking about the farmers' markets. What are we going to do there? Is this something that's in jeopardy down the road? I know that these are a huge success within our area, and they're selling their products. I know that they're selling the products out of the back of their vans. They don't have the big sign up that it's organically grown because they can't have that certification put on to there, but the people who are buying from them know that these products have been grown in an organic fashion.

So, Madam Deputy Speaker, again, I would encourage the minister to look at this, to listen to what has been said, not by members opposite necessarily, but by the general public out there, those

who are in production and encouraging the minister to look at the amendments that we have brought forward and to put them in place. Thank you very much.

Mr. Derkach: Madam Deputy Speaker, once again, I'll speak to this amendment because I think it is a positive one in that it speaks to the issue of that small producer, perhaps, who either is just getting into an organic style of farming or perhaps has a small portion of his or her farm dedicated to organic production. That person then takes his product, perhaps, in a way to test the marketplace, if you like, to local markets, to people in either his or her community who may, in fact, favour an organic product over a regular product, and there are people in every community who do that.

Now, if this person just sells locally there's no reason for that person to have that stamp that says that it's a registered organic product that's been produced to a particular standard. We know that there are lots and lots of people who have a relationship with producers where they buy their products from that producer. That has gone on since agriculture began. That's how some people are able to generate a little bit of that extra income that is required on the farm. If, in fact, the organic way is a way that can supplement some of that income, then that should be allowed, but by putting the regulations as tightly as they have been by the minister, I think it discourages a lot of that kind of activity, and, in fact, will discourage producers from expanding their little operations into, perhaps, a section of the farm that could be considered organic.

So, I guess, I plead with the minister to take a look at this aspect of the legislation and to allow common sense to prevail, to allow producers the flexibility. I don't think we need to have government involved in every aspect of activity when it comes to whether it's organic agriculture or any other form of business.

Government should try to stay away from making too many regulations and allow people the freedom and the flexibility and allow them to extract from the marketplace the maximum that they can. If we over-regulate, Madam Deputy Speaker, all it's going to do is it's going to discourage people from entering the business because they have to live up to a standard which they can't.

I was speaking to an organic farmer just the other day who grows wheat, Canola, oats under an organic farm. His farm has been registered as a

registered organic-certified as an organic farm. As a matter of fact, he grows seed grain for other organic farms. He told me that one of the problems that he has is that he has to have an inspector come onto his property and inspect his property to ensure that the process or the steps that he has followed in growing these crops meet a particular certification standard. He's not opposed to it, but he says that because it's so onerous he has been dissuaded from expanding his organic production. As a matter of fact, he is looking at perhaps going out of the organic production because of the onerous regulations that are now in place, and we haven't even got this bill proclaimed yet. So, can you imagine how much more onerous it's going to be for those organic producers when this bill is proclaimed?

Although organic producers have asked for it, I don't think they've asked for some of these clauses that we have addressed in our remarks and in our proposed amendments. I'm hoping that the minister will step back, take a look at perhaps what is practical, what is constructive, and instead of looking at this just simply from a political basis, that she will look at it from a practical standpoint and then will come back to the House with perhaps either an agreement to accept the amendment or, in fact, will withdraw some of those clauses that we have addressed in our remarks and in our suggestions and in our amendments.

So, with those remarks, I just again appeal to the minister to take a look at this amendment, to look at the positive aspects of this amendment. I'm sure that if we lay our partisanship aside that, in fact, a lot of good can come out of this bill and out of this amendment. We can then move on with all understanding that we have moved some legislation through this Legislature that is positive and in fact will help producers in the long run. Thank you, Madam Deputy Speaker.

Madam Deputy Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Madam Deputy Speaker: Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Pass.

Voice Vote

Madam Deputy Speaker: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Deputy Speaker: In my opinion, the Nays have it.

I declare the amendment lost.

Mr. Hawranik: On division, Madam Deputy Speaker.

Madam Deputy Speaker: On division.

* * *

Hon. Jon Gerrard (River Heights): Madam Deputy Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux),

THAT Bill 13 be amended in Clause 2 by striking out "agricultural product using the term "organic", "biologique" or any other" and substituting "agricultural product produced in Manitoba using the term "certified organic product (MB)", or "produit certifié biologique (Man.)" or any other".

Mr. Speaker in the Chair

* (16:00)

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

THAT Bill 13 be amended—dispense?

An Honourable Member: No, no. Re-read that part.

Mr. Speaker: *THAT Bill 13 be amended in Clause 2 by striking out "agricultural product using the term "organic", "biologique" or any other" and substituting "agricultural product produced in Manitoba using the term "certified organic product (MB)", or any other".*

Mr. Gerrard: Mr. Speaker, the intent of this amendment is to be specific in referring to a certified organic product as a certified organic product and not using the much looser term "organic."

Let us look, for example, in the definition of organic product in this act. It says: "means an agricultural product that has been certified as organic in accordance with this Act." In other words, it's a certified organic product. That's what we should be talking about. That's what we should be labelling, not using the word "organic" in the labelling, because

there is the potential for significant confusion under some circumstances. Also, this amendment gives clarity and certainty with what is happening, which is the certification process.

Indeed, I suggest to the minister that the amendment that we're proposing is the direction that things are likely to go for a whole variety of reasons. I suspect we're going to see certified organic product (MB) level 1, level 2, level 5, whatever, because I think that it's not a matter of it being totally organic or organic being totally absent, that there are degrees, and in this bill there's already a recognition that there are going to be grades of organic product.

Let me go to a dictionary and explain to the minister that there are, in this particular dictionary, 11 different definitions of organic, that this could pertain to a class of chemical compounds. Now, organic chemical compounds are, generally speaking, chemical compounds based on carbon. They may be produced by a plant, or in many instances they are now produced synthetically. So, when we're talking about organic chemicals, this is a body of literature talking about inorganic and organic chemicals, and who's to say that an agricultural producer can't use on their labelling of their product something about organic chemicals, which is a reference to the use of this word under different circumstances?

Second definition: Pertaining to or characteristic of or derived from living organisms. Well, most foods are derived from living organisms.

What we're talking about in this circumstance is the definition here, which is No. 3, not that it's whether or not the major component of the food is produced from a living organism but of or pertaining to animals, produce, et cetera, raised or grown without synthetic fertilizers, pesticides or drugs, as in organic farming or organic chicken.

This is the definition that the minister is trying to apply, and the minister wants to use this definition of organic without respect to the fact that there are multiple other definitions of organic which can, under some circumstances be used, and legitimately so, but the minister wants to restrict the certified organic products to the use of just the word "organic," not respecting the fact whether it's certified or not.

The actuality is that there are some interesting things here when we're talking about synthetic fertilizer or non-synthetic fertilizer. When we're

talking about non-synthetic fertilizer that under some conditions, it may, you know, have some contamination in, but are you going to investigate every aspect? We know that there are now some pesticides which are derived from natural chemicals as opposed to synthetic chemicals. Where is the line drawn here? Certainly, this is in the process of certification, we can draw such lines, but when we're talking in a broad perspective of the worst word "organic," then it's not, to me, clear that the farmers should be able to use "organic" under some perspectives; that doesn't necessarily mean that it's certified organic.

For the definition: of or pertaining to an organ or the organs of an animal, plant or a fungus. Well, you can have organs of a plant which has been grown with synthetic pesticides, for example, and the minister would not allow the use of the word "organic" when it's talking about such organs, and yet, clearly, this has been a well-used definition of organic: of or pertaining to, affecting living tissue. Again, the minister will not allow this use of the word "organic" because she wants to sequester and put a harness on the word "organic," and use it only in one particular context when it's been widely used in many different contexts in the last number of centuries.

Characteristic of a systemic arrangement of parts, organized systemic: definition No. 7. Number 8: of or pertaining to the basic constitution or structure of a thing. Well, that's interesting. It could be, you know, organic government; developing or in the manner of living organisms; a law pertaining to laws organizing the government of a state; a substance as a fertilizer or a pesticide, if it's made of animal or vegetable origin.

So there are multiple uses in current parlance of the word "organic," and I suggest to the minister that the employment of the phrase "certified organic" be of sufficient rigour and sufficient specificity that it will allow farmers and others who are certified to be able to certify their products, label those products, and benefit financially from having that certification and that labelling; that is, the goal here is that organic farmers, because of the nature of the product, are getting a premium price, and we want to make sure that consumers are able to benefit from having the organic produced products, certified organic produced products, and we want to make sure that farmers benefit by being able to get a good price, a better price for their certified organic product.

So I suggest to the minister that she would be wise to accept this amendment and to have products labelled as certified organic.

Ms. Wowchuk: Indeed, it was interesting to listen to the member opposite's comments, Mr. Speaker, but I can tell the member that my government cannot support the amendment that he has brought forward.

The clear intent of our legislation is to be in complete sync, in complete harmonization with the federal organic product regulation. Our goal is to create one uniform standard for intraprovincial, interprovincial, and international movement of organic products. The terminology used in clause 2 is consistent with the federal regulation, and we are strongly in favour of leaving this terminology because, in fact, changing this terminology is going to create confusion in the industry rather than harmony, as the producers have asked for, Mr. Speaker. They've asked; they've worked with the federal government to draft the federal regulation; they've asked us to draft one that's in harmony with the federal regulation, and that's what we've done.

* (16:10)

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I don't buy the argument that the Minister of Agriculture is putting forward to us. I don't believe she's provided members a copy of this Ottawa regulation, and I look forward to the minister providing us that. But I'm tired of the government—you know, any sort of a financial situation, the first thing this government does is it blames Ottawa. Now, we see legislation, and the minister is saying, well, don't blame me, blame Ottawa, again. We're doing this because of Ottawa.

Well, Mr. Speaker, why wouldn't the minister tell us why? How does she justify bringing in legislation that's going to, in essence, say you can't use the word "organic"?

We had a farmer come to the committee, and the farmer indicated very clearly to committee that he is an organic farmer. He goes the extra mile in order to provide that organic food for Manitobans. Then we have big government coming in, Mr. Speaker, and saying to this farmer, you cannot use the word "organic." Well, using the word "organic" is very important in the minds of many people, and for the government of Manitoba to say to a farmer or to other individuals that you cannot use the word "organic", even if their product is organic, you cannot use it, I believe is wrong.

The minister does have the opportunity today to recognize that what's she's doing is not appropriate, that what the minister should be doing is recognizing the value of the amendment, and instructing her colleagues, or requesting her colleagues, to support the amendment. All of her colleagues were not sitting in committee, Mr. Speaker, when we heard the presentation. Why is it wrong—and that's what I would have liked to have heard from the Minister of Agriculture (Ms. Wowchuk)—for a farmer that chooses to grow his products in an organic fashion to be able to use the word "organic"? Why is that wrong? I don't understand it. If the government is trying to say, well, we want to streamline, and it's for the consumers, well, I'm all game for protecting the consumers. That's why we say have certified organic.

What's the government of the day going to do in other areas? If all of a sudden we have someone that says, well, this is a phosphate-free product, now are we going to see the government saying, well, look, phosphate-free is not an appropriate word to be used; it should be certified phosphorus-free, Mr. Speaker. I don't quite understand in terms of where the government would draw the line. What makes them believe that they have—and I guess technically they have the authority to bring in the legislation—but what makes the government believe that all other Manitobans are wrong in recognizing that there are people that want to be able to provide organic products?

If I'm the consumer, and I believe that there are certified organic products, and I just want to buy organic products, and there's a label and it says certified organic, well, if I want to feel comfortable in knowing that it is, in fact, organic, then I'll look for the label that says certified organic. If there's just a label that says organic, locally-produced organic, whatever product it is, Mr. Speaker, well, it's up to me to make that decision. If I am familiar with the farmer that might be producing it, well then, I won't have any hesitation. That's up for the consumer. If they're really concerned about purchasing something that's organic, having the word "certified" in front of it is not that much to ask.

You know, everyone's familiar with Peak of the Market. If you wanted to buy a product and you want to buy it from Manitoba, well, you know, if you look at the Peak of the Market label, that it is a product that's grown here in the province of Manitoba. I'm not going to—[interjection] Well, you know, it's the type of thing that I know as a consumer that it is produced in Manitoba. How do I know that? Because

it says Peak of the Market. Well, can you imagine if the government brings in legislation saying that you cannot advertise locally grown unless you have Peak of the Market written on the package?

How farmer-friendly is this government when it comes to listening to what the farmers are saying? I heard a farmer that came to committee and made a very simple, logical argument: My product is organically grown; I would like to use the word "organic."

An Honourable Member: Sell it.

Mr. Lamoureux: Sell it, she says. Well, Madam Minister, you're preventing him from putting the word "organic" on it. Why? Your answer to that question is Ottawa. Blame Ottawa. *[interjection]* Well, she says that I don't understand. I'm telling her what a farmer brought forward. So, if she's saying that the farming community does not understand, well, that's fine. It shows that her caucus is so dominated by city MLAs that she's not being as sensitive as maybe she should be to people in rural Manitoba, Mr. Speaker.

If you take a look at the consumer beware, if I grow potatoes in a backyard and I want to be able to sell those potatoes and I want to say that they're locally grown, well, I should be able to say that they're locally grown. Nothing prevents that from happening, right? Unless of course, someone plants a seed in the mind of this minister and says that if it doesn't say Peak of the Market, you can't sell it or you can't say locally grown.

It's the same logic. If you stop and think about it, what the minister's doing is the very same thing. *[interjection]* The Member for Assiniboia (Mr. Rondeau) says louder. Sometimes it's important for members—you know, the backbench MLAs got a good example of what their purpose inside the Doer government is, and that is to sit and be quiet and clap when requested. This morning we saw a good example of that. As we were in private members' hour, there were more independents inside this Chamber than there were ministers on the front two benches here for the entire private members' hour. Twice as many, I daresay, Mr. Speaker.

The government needs to stay in tune with what real people are saying outside of the Legislature. I don't think that the Minister of Agriculture (Ms. Wowchuk) is in tune with what it is that in particular the one presenter was actually saying, because had she been listening, I suspect that she should have, at

the very least, provided some sort of a logical answer as to why using the word "organic" was not in the best interest of all farmers in the province of Manitoba.

The only answer that I hear—and I've never been provided the regulation that she's referring to—is she is saying that Ottawa is making me do this. That's the reason why I'm doing it. If it wasn't—*[interjection]* Well, that's what she's saying. Someone suggests maybe the member should run federally. Well, you know, maybe she should run federally. That might be a good thing. If Ottawa's this big, bad thing, maybe the member should run federally. I'm sure the NDP nomination will be up and around the corner sometime soon and Inky Mark would welcome the competition from the Deputy Premier (Ms. Wowchuk).

* (16:20)

Having said that, Mr. Speaker, I appeal to the minister in recognizing a good amendment. This is a positive amendment. She has not provided an argument as to why this amendment should not pass. She hasn't provided that argument. I would suggest to her colleagues in the backbenches, do what the Member for Kirkfield Park (Ms. Blady) did last night and step outside of the box and let us know what you really think, that you do have more of a purpose than just sitting inside the Legislature making sure there's a quorum. You have more of a responsibility than just standing up when the Premier tells you to stand up. Let the government ministers know when they make a mistake that they've made a mistake and that they can actually take some corrective action. Members—

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for River Heights (Mr. Gerrard).

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Okay, that takes care of the amendments.

We'll now move on to Concurrence—order, order, please.

CONCURRENCE AND THIRD READINGS

Bill 3—The Healthy Child Manitoba Act

Mr. Speaker: We'll move now on to Concurrence and Third Readings, and I'm going to call Bill 3, The Healthy Child Manitoba Act.

Hon. Steve Ashton (Deputy Government House Leader): I move, seconded by the Minister of Agriculture (Ms. Wowchuk) that Bill 3, The Healthy Child Manitoba Act, as reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Kelvin Goertzen (Steinbach): It's a pleasure to rise to speak to this bill again in the House. I had the opportunity on more than one occasion now, both in committee and on second reading, to put some comments on the record regarding the bill. It was clear at committee when we saw the presenters come forward that there was a multitude of opinions regarding the legislation. There were some individuals, as I recall, who came forward and said that the legislation wasn't something that they would be able to access, that it didn't really mean much in the sense of protecting children or making children's lives more beneficial. There are others who did feel that there were positive aspects of the legislation, although they couldn't specifically identify which pieces of the legislation would improve the lives of children.

So there were a number of different opinions on the legislation. We've heard in the media and other venues where people have been concerned that this is simply going to add another level of bureaucracy to a program that's already being administered here in the province of Manitoba. Certainly, there's been speculation not limited or exclusive to myself of those who believe that perhaps this bill was nothing more than pre-election fodder and an attempt to convince Manitobans that something positive was happening but wasn't really necessary in the grand

scheme of things because the program was operating without a legislative framework and there was no jeopardy or sense that it was in peril.

So we were encouraging members during second reading, obviously, to ensure that simply rather than putting forth platitudes and putting forward a show that there's legislation coming forward or that there's an idea coming forward to improve the lives of young children, to really work hard to bring forward a number of different initiatives that mean something, that have substance and that would really touch the lives of young people. Whether that's ensuring there's pediatrics in the communities, both in rural Manitoba or in Winnipeg, whether that's ensuring that young people have the support that they need from their individual families, ensuring that those families have the support and simply putting forward a well-titled and innocuous bill such as this, which gives the impression that something is happening but really nothing is changing, isn't what people were looking for, Mr. Speaker.

I had the opportunity along with the member, the former minister of Justice, to attend a seminar in Calgary about a year and a half ago, and one of the speakers at that conference was Janet Reno. Certainly, in my own studies and professional life, I haven't always agreed with everything that Janet Reno put forward in her work within the United States government, but, certainly, she brought forward a number of ideas at that particular conference about giving children a good head start in the work that she'd done on initiatives that would allow children to get the best start in life possible, which I think we all would welcome.

I would encourage the member opposite to speak to his colleagues and remember some of those comments that were brought forward because I believe Ms. Reno at that conference specifically said that it wasn't enough to just put forward platitudes, it wasn't enough just to say all the right things but not really translate that into action. That had been happening too many times in different jurisdictions. It seems to be happening here in Manitoba.

So, while my opinion often diverges with Janet Reno in terms of some of the things that she was responsible for, I think in this particular case, she had a lot of good advice and I would pass that advice along to the members opposite about ensuring that there's really efforts that are put forward, real substantive issues put forward regarding children in the province.

I also know that there was an amendment brought forward in committee at second reading regarding the number of times that reports would come forward, because the way the legislation is set up now, when it comes to outcomes, and measurable outcomes, there will only be a legislated necessity for a report to come forward from the Healthy Child Advisory Committee once every five years. The point was made in committee that once every five years is conceivably, and most likely, less than once a mandate for any particular government. It doesn't seem that, on the one hand, when the government talks about the importance of children and children programming but on the other hand is saying that there won't have to be a report measuring the outcomes of this particular legislation, other than once every five years, less than once a mandate for a government, that those two are in conflict. They don't seem to match up, that the intentions that are stated with the bill don't match up with what's really happening in the legislative framework.

We asked in the committee that the report be mandated at least every two years. Obviously, it's not our intention to bog down unnecessarily those who are working with children in simply reporting or gathering information for a report. But we do believe that those who are working within the context of this legislation, and Manitobans in general, would like to know the outcome of the legislation more than once every five years.

The minister didn't see fit, and her colleagues didn't see fit to accept that amendment. I don't think that it's too late. I would consider it, and I did consider it to actually be a friendly amendment, in the sense that I think the Minister of Healthy Living (Ms. Irvin-Ross) in this legislation actually is weakened by the fact that the reporting mechanism is only once every five years, and that by providing a more reliable report every two years, that she would be strengthening the legislation rather than weakening its intentions.

Well, disappointed that that amendment wasn't accepted, as some of the other suggestions we brought forward haven't been accepted. I think it's regrettable that this seems to simply add on a track record of stating and trying to pretend that the government is looking to do things for children, adolescents, but really it's more about trying to get good headlines, trying to get a good perception among the public that something is happening when the end result is exactly the opposite.

So, with those comments, Mr. Speaker, I know it's late in the legislative framework in that we're in third reading, but I, certainly, would hope that the minister responsible for this bill would heed our advice and heed our warnings and do the right thing prior to this bill passing third reading and getting Royal Assent.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to talk briefly on Bill 3. In the Liberal Party, we support Bill 3, but we're sad that it was not strengthened by including the amendments that be made, and by changes which could have been important in strengthening the attention of this government and this legislative Chamber to the health of children.

It's pretty sad when we have a bill coming forward which requires reporting only every five years. The reality is that, just the other night, we were in committee dealing with Manitoba Hydro, and in that committee, we were in the year 2007 dealing with a report in 2003.

Now, this situation could easily happen that we have a report based on this act which is presented at the very end of the year five years from now, in 2012, is not actually tabled in the Legislature till the year 2013, and is not reviewed in the Legislature until the year 2016. In the year 2016, a child born after the passage of this act, presuming it occurs by November 8, a child born on November 9 of this year will at that point be nine years old before there is a review of the approach to the health of children. That's a long time and this is totally unacceptable.

* (16:30)

Certainly, when we have a Liberal government after the next election, one of the things that we're going to change is to bring this bill up to date by having much more frequent reporting. It is outrageous what this government is trying to do.

The interesting thing is that just the other day we were debating a bill on adult literacy which required reporting each year. Now the interesting thing is that reporting every fifth year is a much lower priority than reporting every year. In fact, the priority given to the health of children is only a tiny fraction of the priority given to literacy. Now I'm not saying that literacy is not important, but what I am saying is the health of the children deserves much better priority than it's been given by this government. I don't think anybody could argue that.

I think the government—it's sad that they can't see what a low priority they are giving to the health of children. It took them eight years to bring this bill in. It may take another nine years before it's actually reviewed in a legislative committee, the first report, you know that—17 years, you know a child would almost be an adult if they—the speed with which they're acting. Not good enough.

You know, we will accept the good things in this bill but we find very unacceptable certain clauses and parts of this bill, and we will change them when we are government. That is for sure.

An Honourable Member: Will you ever get that chance?

Mr. Gerrard: We sure will. The people of Manitoba won't stand for such negligence when it comes to the health of kids.

Let us look at another aspect. That is that this committee, the Healthy Child Committee, should be reporting to the Legislature. This should be a dialogue once a year with MLAs and the members of the Healthy Child Committee to make sure that this area of child health is first and foremost and to make sure that what is being done in terms of measuring outcomes is good, that what is done in terms of how grants are allocated. It's not clear whether these grants as—too many under this government are going to be politically allocated to their friends rather than allocated on the basis of merit.

You know, if you read this, it would be very easy for this government to proceed solely on the basis of political interest rather than the basis of the good of children, and that is sad. The legislation should be protective of ensuring that decisions are based on merit and on outcomes. That's why we need this annual review because the legislation has some significant weaknesses in it, and we should have the annual report and we should have the annual appearance at the Legislature.

We also should have had the inclusion, the member of the provincial Healthy Child Committee from the Manitoba Institute of Child Health, a prestigious organization in this province. I'm pleased that the government is going to invite somebody from the Manitoba Institute of Child Health to be on this committee, but it would have been a better guarantee in terms of the functioning and the outcome for children if there had been certainty that there would always be a member of the Manitoba Institute of Child Health on the committee.

So, although we support the general approach of focussing efforts on the health of children, we feel that this government is far too weak in many aspects. Although we support it, we recognize that this bill is not nearly as good as it should have been. With those comments, we will let it pass.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 3, The Healthy Child Manitoba Act.

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

Bill 14—The Government Purchases Amendment Act (Responsible Manufacturing)

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Intergovernmental Affairs (Mr. Ashton), that Bill 14, The Government Purchases Amendment Act (Responsible Manufacturing); Loi modifiant la Loi sur les achats du gouvernement (pratiques équitables des fabricants), reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Larry Maguire (Arthur-Virden): It's a privilege to put some words on the record in regard to Bill 14 at third reading, Mr. Speaker. You know, I raised this. This bill is all about the government purchases of clothing in the departments of Infrastructure, highways, Trade, Justice, a number of those areas. It's to do with clothing, not footwear. The minister didn't put that in the act, and we showed concern. He's assured me that the word "all" in the amendment doesn't apply to all, that it's just clothing and outerwear.

Mr. Speaker, we were sceptical, but, you know, I believe the minister, and so we have come forward. We tried to bring forward an amendment to this act to provide—if he's so clear that it isn't going to impact any of these areas, that he convinced us, then we thought, well, if they're already doing it as he had indicated, then why not proclaim the bill, give it Royal Assent and bring the bill into force on the day that it receives Royal Assent? They defeated that. We were defeated on that amendment at report stage.

So I don't know. I know that the minister's indicated that he needs time to get some regulations

in place and do that sort of thing. How many regulations do you need to get in place to put out a tender for \$5,000 or more? The ones \$5,000 and under don't have the restriction. They can make those purchases.

So for \$5,000-and-over purchases, Mr. Speaker, that's what this bill applies to. If you're already doing it, as indicated, that they have had a couple of tenders go out, that the companies have applied to meet the tenders, that you have to make sure that you're using International Labour Organization standards in the purchases—it's a simple certification process, that you sign a sheet of paper saying that you are complying with the items that the government is requesting that you comply with. We've been assured that the quote in section 7(2) Responsible manufacturer policy, the words "minimum fair labour practices," we are assured that that means they are dealing with International Labour Organization standards which would deal with issues like child labour, low wages, sweatshops, those types of items. We comply with that on our side of the House. We certainly don't have a problem with making sure that these purchases are complied with for this.

We also mentioned that a concern in this whole area might be unions. We've got a situation where I asked the minister if the new words "compliant bid" or "minimum fair labour practices," either of those meant that only union companies need apply for these kinds of projects. He assured me that that wasn't the case.

But, of course, Mr. Speaker, we thought the same thing last night about Bill 17 until the Member for Kirkfield Park (Ms. Blady) got up and told us that other workers need to be unionized in order to—that they need to be unionized to have a memorial put to them, to have a foundation, to put a monument in their own manner. I guess she must have missed the briefing. She should have come with me to the bill briefing, I guess.

* (16:40)

I was in committee last night where we had a bit of a break where the minister was trying to pass, well, he was trying to bring forward an amendment that he'd almost brought forward two hours before that, Mr. Speaker, but he had to make a bit of a translation in detail. So, while he was amending the word "paramedics"—it wasn't just a translation issue, they actually bowed to our wishes in regard to

bringing forth the area of paramedics, and they certainly included it in the amendment, to which I commend the minister for because we did pass it. You know, it happens quite often that they don't get the legislation right the first time and have to bring forward amendments to their own legislation to deal with this. Of course, it was a good move. I think that there is more that can and will be done on this particular bill that I was speaking about in regard to No. 17.

But I want to go back. You know, it's Bill 14. It's The Government Purchases Amendment Act (Responsible Manufacturing), and yet why wouldn't I be concerned about companies need not apply unless you're unionized? Of course, this is the same government and the same minister actually now in charge of the floodway, when you think of it, that forced the floodway, that you need not apply, don't work on the floodway unless you're an unionized company. You know, don't apply unless you're unionized. Well, the minister is in charge of the floodway. Now he's trying to bring this bill in. We are in favour of the intent, but it's certainly a huge concern. Then he gets a member of his own caucus standing up in his own committee last night, blasting him for, you know, saying, well, I'm going to correct you, it's just actually unionized that you need to apply. I've only been here eight years, Mr. Speaker, but I've never seen anything like that. I guess I just want to bring that forward.

So, I guess, Mr. Speaker, with those words, I would say that we need to look a little more closely at some of these bills. I would hope that the minister in his time in implementing this bill can move forward with the concerns that he had around the regulations, as I say, and move the bill forward, try to comply with the purchasing of these products.

Just before I close, I would like to say that this is the only jurisdiction in Canada, maybe even North America, that has brought a piece of legislation forward like this, even though, I guess, they don't trust the ability to go out with a questionnaire basically tied to any of the tenders that the government has. I agree with the intent, but I question why we have to put these things into bills and regulations all the time. You can have it as a part of the tender at any particular contract that you're tendering for as government, to put the parameters in there that you want. You know, the government has already indicated that they're doing it, so they could have done it without the bill. But we certainly aren't

against the intent of the International Labour Organization rules.

Mr. Speaker, we therefore, with those few words, would say that we look forward to the vote on this bill.

Mr. Kevin Lamoureux (Inkster): Very briefly, I've already indicated in principle the support of the bill. Having said that, I have asked for information in regard to some T-shirts, and purchasing of the T-shirts. I will await for the minister to get back to me in regard to that. This would be the third time, and I trust that at some point he will be sure to get me the information. Thank you, Mr. Speaker.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Concurrence and third reading of Bill 14, The Government Purchases Amendment Act (Responsible Manufacturing).

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

Bill 18—The Forest Health Protection Act

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Infrastructure, et cetera, that Bill 18, The Forest Health Protection Act; Loi sur la protection de la santé des forêts, as reported from the Standing Committee on Social and Economic Development, be concurred and be now read for a third time and passed.

Motion presented.

Mr. David Faurchou (Portage la Prairie): Mr. Speaker, I do appreciate the opportunity to participate in third reading debate of Bill 18, The Forest Health Protection Act.

I previously had the responsibility for Conservation to which this bill was introduced into the House by the Minister of Conservation (Mr. Struthers) and, with that, had the briefing in regard to Bill 18. I know the intent of the bill is one that we all can support here in the Legislative Assembly, because it does indeed focus our resources on protecting a very, very valuable natural resource.

I do have concerns, though, that the minister has left the door only open slightly as far as the control, or potential control, of pests in the forest. That might potentially cause significant economic hardship to

the owners of property. I know the minister has committed that he would be fair and reasonable. However, I do believe that there should be some appeal mechanism afforded, because perhaps not always will be such a fair and reasonable individual occupying the Minister of Conservation's position here in the Legislature of Manitoba. So I do leave that concern in debate here today.

I also recognize that there are threats from both east and west coming to Manitoba with pests invading our forests. It is indeed necessary for us as a government to have the ability to deal with threats in very short order. I trust, though, the minister will effectively maintain personnel within his department who will be able to oversee the harvesting of the infected trees so that there will not occur, as there has been in B.C., allegations made of complete clear cutting by those who have been hired to harvest the infected trees and being accused of taking advantage of the opportunity to clear cut. So I impress upon the minister and this government that personnel be maintained on site so as to assure those who are concerned about the harvesting of the trees, especially the owner of the property, that his or her rights are maintained.

Thank you ever so much, Mr. Speaker. I appreciate the opportunity and look forward to the passage of this bill.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 18, The Forest Health Protection Act.

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

Bill 22—The Medical Amendment Act

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Labour (Ms. Allan), that Bill 22, The Medical Amendment Act; Loi modifiant la Loi médicale, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

* (16:50)

Mr. Kelvin Goertzen (Steinbach): Thank you very much, Mr. Speaker, to have the opportunity to put a

few words on the record regarding Bill 22, The Medical Amendment Act.

I appreciate the encouragement from my colleagues to ensure that there's a fulsome debate and that Manitobans can see all the good and bad things that are happening within this piece of legislation. Like many pieces of legislation that come forward, there are positives and there are negatives regarding legislation. There are suggestions that come forward from opposition. There are suggestions that come forward from ordinary Manitobans. All of those deserve, I think, a full discussion, and, certainly, a full consideration by members of this House, who want to ensure, even though legislation is well-intended at times, that it truly is good legislation.

We know history would show us, if we'd look back over, certainly, the years of the New Democratic government, that even well-intentioned legislation sometimes is bad legislation, that it isn't functional or that it doesn't always do the job that it's intended to do. One need look no further than the Minister of Justice (Mr. Chomiak) who has brought forward, and his predecessor before him brought forward many pieces of legislation that certainly seemed well intended, that if you didn't get past their bill name and didn't get past much further into the legislation, you would think that this is very, very good legislation, legislation that Manitobans are looking for.

We've seen legislation regarding a gang legislation that the minister put out news releases and his former minister said that it was going to crack down on gangs and use civil legislation to ensure that the proceeds of crime and the proceeds that are flowing to gangs would not flow to them. Of course, that legislation has never been used, and it's never, in fact, been put into practice here in Manitoba. The Minister of Justice, the current minister, has indicated at different times that it needs to be reformed and to be looked at again because it wasn't good legislation, that it wasn't well crafted, that it wasn't well thought-out.

So, whether we're speaking about Bill 22, The Medical Amendment Act, or any piece of legislation before us here in this Chamber, we need to ensure that we get past the intention of the legislation, because I'd suspect it's fair to say, in most cases, and certainly in almost all cases, that no member of this Legislature brings forward a bill that would be intended to do harm, necessarily, to Manitobans. But,

of course, there are times when, not through malicious actions, but just simply through bad craftsmanship or not particularly well-thought-out ideas, that is the end effect.

So all of us have a right or obligation, as elected representatives representing our own constituents, to ensure that there is, in fact, well-thought-out legislation here.

When we look at Bill 22 in particular—*[interjection]*—and I appreciate the encouragement also from the Minister of Conservation (Mr. Struthers) who wants me to—you know, I probably could go through each of the government members of the other side and look at things that they've done. I know that the Conservation Minister in the past has brought forward, it wasn't legislation but it was a program regarding park reservation that I think would, I rarely use the term "a disaster", but I think at least for the first two years, it was a disaster. He simply couldn't get it operating, couldn't get it running properly.

People were phoning over and over. They'd go or they'd show up at a campsite. They'd show up at Falcon Lake, or whatever park they were looking to have a reservation at, and they could see empty campsites, and yet they weren't able to access them because the system wasn't set up properly. It took the Minister of Conservation two years to try to figure that out, and finally it got going. So I don't think that he had bad intentions, but, certainly, it was mismanaged, it wasn't put into place properly. So legislation needs to be looked at that way.

I'll give the Minister of Conservation some ability to right a wrong. I remember I think I asked him three years ago to table a report, a study, a \$50,000 private study, and he's nodding his head in affirmation, he remembers this. There was a \$50,000 study made, given to a private consulting company, to review the operation of the parks. When I asked the minister in Estimates three years ago about this, he said, I absolutely—absolutely might be too strong of a word, but he did commit. He said, I will provide you with that report after I've had a chance to review it.

Well, it's been three years now, and I'm still waiting for this report. I mean, this report must be like the Magna Carta. It must be so long and so in-depth, that after three years, it still isn't able to be tabled. *[interjection]*

Well, I'm glad to hear from the Minister of—Intergovernmental Affairs (Mr. Ashton)—sorry, he's changed ministries so often, it's hard to keep it straight sometimes, Mr. Speaker. But the Minister of Intergovernmental Affairs, when he was previously the Water Stewardship Minister, and I was the critic at that time, I think this was in 2003, during those Estimates, there was a series of different questions that I asked that he took under advisement and said he would report back to me. Never got an answer. It's been four years since those responses—well, maybe, it's been three years. Maybe it was 2004. But I still wait for the response. I'm sure that he will go to his pre-dater, now his successor, and ask that those responses be put forward.

The point, Mr. Speaker, is that, even though there are good intentions at different times regarding pieces of legislation, we really have to be careful about the kind of bills that we are bringing forward.

As it relates to Bill 22, here, again, I've spoken with the minister about this, about the portion of the bill that requires the College of Physicians and Surgeons to bring forward their by-laws, their proposed by-laws, changes to by-laws regarding the licensing of certain services in Manitoba. Frankly, when I looked at that, I was surprised perhaps that that wasn't already happening. Maybe it was happening in an informal way, and this just simply formalizes that process.

Regardless, one obviously looks at it with suspicion because, of course, the discussion that we had related to the Maples Surgical Centre and the various positions that the members opposite had, they still are in fact trying to settle on a position regarding the Maples Surgical Centre. They did a contract with it. I'm sorry that perhaps the Minister of Health (Ms. Oswald) had the opportunity to read the *Hansard* for the resolution that the Member for Fort Rouge (Ms. Howard) brought in a couple of weeks ago criticizing her own government for putting forward a contracting service with the Maples Surgical Centre.

I suppose I would probably be one that would encourage that sort of healthy division within the NDP party. We saw it yesterday at committee with the Member for Kirkfield Park (Ms. Blady). We saw it a couple of weeks ago with the Member for Fort Rouge, where they simply had a difference of opinion on policies, the Member for Fort Rouge disagreeing with the Minister of Health, the Member for Kirkfield Park disagreeing with the Minister of

Infrastructure (Mr. Lemieux). That sort of division isn't entirely bad.

In fact, when speaking of division, I understand I heard a rumour that there might be some sort of a constituency meeting happening in Concordia hosted by the Member for Inkster (Mr. Lamoureux), some sort of a public forum at some sort of a public library in the Premier's (Mr. Doer) riding. If ever you wanted to have division within your party, here would be an opportunity to attend that meeting hosted by the Member for Inkster to truly find out what happened in different allegations.

So, while I applaud the Member for Fort Rouge for having the fortitude to come forward and disagree with her Minister of Health, while I applaud the Member for Kirkfield Park for coming forward and disagreeing with her government, I know that there are probably others who want to also feel the independence from the restraints of partisan politics, want to come forward and disagree with their government.

It's a target-rich environment. There's an awful lot to disagree with, with the current NDP government. We've heard some of the different issues. Certainly, in relation to this particular act, in relation to the health-care field in general, my colleague from Arthur-Virden raised it again today, the fact that there's a shortage of nurses in his particular area, to have a—

An Honourable Member: Every time you mention a shortage of nurses, it's like my birthday.

Mr. Goertzen: Apparently, it's the Minister of Health's birthday. I wonder if she would celebrate her birthday by bringing back those 1,200 doctors that she's lost in this province, those 1,200 doctors that have left the province under their watch.

An Honourable Member: Five hundred nurses—

Mr. Goertzen: Well, and there's 500 nurses, apparently, that they've fired, the Member for Pembina (Mr. Dyck) indicates. So they de facto fired 1,200 doctors, and then they lose 500 nurses—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Goertzen: —1,700 health professionals lost by the NDP under their watch, Mr. Speaker, 1,700

health professionals. That's just looking at a couple of different issues. We could probably go around to the different members and hear about the hundreds of others who have left, in the province under their watch.

So, while the Minister of—*[interjection]*

Mr. Speaker, I simply want to conclude by encouraging the Minister of Health to get those 1,200 doctors back. Stop firing our doctors in Manitoba.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 22, The Medical Amendment Act.

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

Bill 4, The Real Property Amendment Act (Wind Turbines)—*[interjection]*

Oh, it's five o'clock.

The hour being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, October 30, 2007

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