

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

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

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
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GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
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HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
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LAMOUREUX, Kevin	Inkster	Lib.
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WIEBE, Matt	Concordia	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 13, 2010

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

### ROUTINE PROCEEDINGS

#### INTRODUCTION OF BILLS

##### Bill 229—The Elections Amendment Act

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I move, seconded by the member for Fort Whyte (Mr. McFadyen), that Bill 229, The Elections Amendment Act, be now read a first time.

**Mr. Speaker:** It's been moved by the honourable member for Steinbach, seconded by the honourable Leader of the Official Opposition (Mr. McFadyen), that Bill 229, The Elections Amendment Act, be now read a first time.

**Mr. Goertzen:** Mr. Speaker, the role of the Chief Electoral Officer is to be the referee of our democratic system. As such, it is critically important that Manitobans, members of this Assembly, candidates for elections and all political parties have the confidence and the ability and partiality of the Chief Electoral Officer. This bill, which is similar to that which exists in other provinces, will require that the hiring of a Chief Electoral Officer will be—occur on the recommendation of a legislative committee, as well as the approval of more than two thirds of voting members of the Legislative Assembly. It will ensure that any new Chief Electoral Officer enters his or her important role with the knowledge that they have the confidence of the entire Assembly and not just one political party.

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

### PETITIONS

#### Bipole III

**Mr. Blaine Pedersen (Carman):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

Manitoba Hydro has been forced by the NDP government to construct its next high-voltage direct transmission line, Bipole III, down the west side of Manitoba, a decision for which the NDP government has not been able to provide any logical justification.

Since this will cost Manitoba ratepayers at least \$640 million more than an east-side route, and given that the Province of Manitoba is facing its largest deficit on record, the burden of this extra cost could not come at a worse time.

Between 2002 and 2009 electricity rates increased by 16 percent, and Manitoba Hydro has filed a request for further rate increases totalling 6 percent over the next two years.

A western Bipole III route will invariably lead to more rate increases.

In addition to being cheaper, an east-side route would be hundreds of kilometres shorter and would be more reliable than a west-side route.

West-side residents have not been adequately consulted and have identified serious concerns to the proposed line.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider proceeding with the cheaper, shorter and more logical east-side route, subject to necessary regulatory approvals, to save ratepayers hundreds of millions of dollars during these challenging economic times.

And this petition is signed by L. Wiebe, R. Archer and G. Shabaga amongst 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.

#### Multiple Myeloma Treatments

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

Health Canada has approved the use of Revlimid for patients with multiple myeloma, a rare, progressive and fatal blood cancer.

Revlimid is a vital new treatment that must be accessible to all patients in Manitoba for this life-threatening cancer of the blood cells.

Multiple myeloma is treatable, and new, innovative therapies like Revlimid can extend survival and enhance quality of life for the estimated 2,100 Canadians diagnosed annually.

The provinces of Ontario, Québec, British Columbia, Saskatchewan and Alberta have already listed this drug on their respective pharmacare formularies.

We petition the Legislative Assembly of Manitoba as follows:

That the provincial government consider immediately providing Revlimid as a choice to patients with multiple myeloma and their health-care providers in Manitoba through public funding.

And this petition has been signed by A. Hull, M. Maksymowicz, C.G. Zdrill and many, many others.

#### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us from the Hosanna Christian School we have 10 grade 8 and 9 students under the direction of Mr. Joshua Robertson. This school is located in the constituency of the honourable member for Point Douglas (Mr. Hickey).

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

#### ORAL QUESTIONS

##### University College of the North Travel and Hospitality Expenditures

**Mr. Hugh McFadyen (Leader of the Official Opposition):** During this era of massive NDP deficits driven by out-of-control spending, we noted, Mr. Speaker, in the annual report of University College of the North that there was a 25 percent jump in travel and hospitality expenses from 2008 to 2009. That's an increase from about \$1.2 million in 2008 to over \$1.5 million in 2009.

I want to ask the Premier whether he agrees—

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

**Mr. Speaker:** Order. I'm sorry, but I can't hear your question. We have too many members that are

over-shouting you, and I can't hear your question. Order. I need to be able to hear all the questions and the answers, please.

The honourable Leader of the Official Opposition, please continue.

**Mr. McFadyen:** Thank you, Mr. Speaker. With a 25 percent increase from 1.2 million to 1.5 million dollars in travel and hospitality expenses, I want to ask the Premier (Mr. Selinger) whether he thinks the public has a right to know how that more than \$1.5 million of taxpayers' money was spent in 2009.

**Hon. Rosann Wowchuk (Deputy Premier):** Mr. Speaker, when it comes to the University College of the North or any parts of the northern communities, we know that the members opposite would not support it. In fact, they didn't support the University College of the North, and they don't—and I think all of us have to have a recognition that when you have 12 sites, when you are dealing with remote communities, there has to be a recognition that you could—you—there could be more expensive.

And if the member opposite would take a little bit of time and travel in the north, he would know that it's more expensive to travel there than it is between southern communities, and for that reason you have to budget more money if you believe in University College of the North and want it to be successful.

**Mr. McFadyen:** Well, Mr. Speaker, certainly in my travels in the north and particularly up and down the east side of the lake, we know very well what the wishes is of those residents. What they're not looking for is stonewalling and overexpenditure on budgets.

And so I just want to ask the Premier if they think it's acceptable that when we made a request for information in March with respect to this 25 percent increase in travel and hospitality expenses to \$1.5 million—about \$7,000 a day, per working day, in travel and hospitality—when we made that request, Mr. Speaker, the response we got was that we would have to fork out \$12,175 in order to get the information, because, according to the access officer under their government, it was going to take them 320 hours to compile this information, more than 40 working days, full time, to compile information that the public has a right to know.

I want to ask the Premier: Do they think it's acceptable to have this sort of stonewalling when it comes to the expenditure of taxpayers' money?

**Hon. Diane McGifford (Minister of Advanced Education and Literacy):** I thank the member for the question, Mr. Speaker.

\* (13:40)

Of course, we know these members of opposite have always been against the University College of the North. They didn't support the legislation. In the 2007 election and the 2003 election—I believe it was the '03 election they said they'd close the University College of the North if they were elected. So they have this mindset, Mr. Speaker, that is against the north, particularly against the University College of the North.

Now, the critic opposite asked me this question in Estimates, and I directed her to the University College of the North. We do not control—I—*[interjection]* Perhaps, the member of Steinbach—the member from Steinbach could please, please, please, please be quiet for five minutes. You know he's very clever. He manages to be rude and silly at the same time; that takes real talent.

**Mr. Speaker:** Order. I think—no—order. I think all members should be a little cautious on choosing of their words pertaining to other members. I just throw that out to all members.

The honourable member's time has expired.

**Mr. McFadyen:** The—as entertaining as that response was, it didn't shed any further light on the important question before us, and that is how a travel and hospitality budget could go from 1.2 million to over \$1.5 million—about \$7,000 in travel and hospitality for every working day.

It's not, Mr. Speaker, that there's necessarily anything wrong. It's just that when the request was made, the response that came back was, it's going to cost us over \$12,000 to even get that basic information. It's going to take more than 40 working days to compile the information requested in the FIPPA request.

Not only that, Mr. Speaker, but a couple of days after sending this outrageous response to this reasonable request, the access officer phoned our staff to say, why do you want this information? What are you going to use it for?

And so all of the red flags are going up, Mr. Speaker. I think Manitobans have a right to know how the \$1.5 million was expended. Are we getting value for money or are we not? Why are they stonewalling?

**Ms. Wowchuk:** Well, Mr. Speaker, it's very interesting that the member talks about how we deal with FIPPA, and I want to let the member know that the Canadian Newspaper Association just did their freedom of information report and, in fact, gave Manitoba the second best rating in the country. When it comes to providing information, they said that Manitoba has been co-operative, Manitoba provides all of the information and we have a very good rating.

So the member opposite may not like the information or the process of how the information is provided, Mr. Speaker, but the Canadian newspapers association has reviewed all provinces, and they have said that Manitoba has the second best record in the country.

#### **University College of the North Travel and Hospitality Expenditures**

**Mrs. Mavis Taillieu (Morris):** Well, Mr. Speaker, all that really means is they get the rejection notices out on time.

Mr. Speaker, the Premier (Mr. Selinger) continues to stonewall for the information.

And I want to ask the minister again: We were reviewing post-secondary education annual reports. We came across \$1.5-million line item for travel and hospitality expenses. We sent in that request. We get notice back that it's going to be over \$12,000 for that information, Mr. Speaker.

I'd like the minister explain why it is that she does not want University College of the North to provide the information, Mr. Speaker? What's she hiding?

**Hon. Diane McGifford (Minister of Advanced Education and Literacy):** Mr. Speaker, I would like the member to understand that the University College of the North, the University of Manitoba, Brandon University and the University of Winnipeg are autonomous bodies, and the university, as a body, is responsible for its freedom of information practices. Now, I—and, of course, to follow the freedom of information privacy protection legislation.

Now I suggested to the member that she contact the president of University College of the North if she wishes this information to pursue the matter a little further. But, of course, Mr. Speaker, the member chooses to bring it up for political points in this House—

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

**Mr. Speaker:** Order. I have not recognized the honourable member yet.

**Mrs. Taillieu:** Well, Mr. Speaker, that answer gets a grade of F for failing to provide any information.

Mr. Speaker, this minister is responsible for all the taxpayers' dollars that flow through her department, and I would think that she would want some accounting on the \$1.5 million for travel and hospitalities. She doesn't want that information, but I do, and the public wants it. She doesn't understand the concept of openness and transparency with taxpayers' money. She must have called UCN, because they called us and asked us why we needed the information. They were quite indignant about it. That's not how it works, Madam Minister.

So, Mr. Speaker, will this minister waive this ridiculous \$12,000 fee, ask UCN to provide the breakdown on the hospitality and travel expenses? Will she be open and accountable, or will she continue to stonewall?

**Ms. McGifford:** Well, Mr. Speaker, I get A for following the law. This member would obviously have me break the law.

I want to point out to her I was referring to honouring the legislation: The University College of the North Act, The University of Manitoba Act, The University of Winnipeg Act and The Brandon University Act. I get A for honouring the legislation recognizing our institutions as autonomous bodies, Mr. Speaker.

But what I do want to point out to members opposite, and if they ever went north they would know this, that in the north there are 12 regional centres. There are two main centres. There are elders. There are board members. There are all—there's a necessity for faculty and for staff to visit regional centres. Travel in the north is expensive. It's often by charter. And I would ask the members to show some respect for the University College of the North.

**Mrs. Taillieu:** Mr. Speaker, the only thing that that minister would get an A for is arrogance.

Mr. Speaker, the minister is the one that allocates taxpayers' dollars through her department to universities and colleges, and when these expenses are incurred for transportation and hospitality, there need to be receipts and there needs to be proper documentation. Yet we are informed that to get this information, it's 320 hours and over \$12,000.

If statements are audited, the information is available. So why would it take 320 hours and \$12,000 to provide the information, Mr. Speaker? What is she hiding?

**Ms. McGifford:** Well, again, Mr. Speaker, I asked—I suggest to the member opposite that she picks up the phone, phones Denise Henning, the president of the University College of the North, and, politely and without yelling, ask her the questions that she's putting forward in the legislation, because it is the president of the University College of the North that's in charge of the information.

But once again, I want to make the point that members opposite have always been against the north. They've always been against the University College of the North. They have no respect for the kinds—the difficulties of delivering education programs and courses in the north, Mr. Speaker, and so we have another—a very prime example of that indifference to northern Manitobans right here today.

#### **Diagnostic Services of Manitoba Expenditures Information Requests**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, the last audited financial statements for Diagnostic Services Manitoba, our Manitoba labs, showed some costs that appeared to be high. There was 165,000 for travel expenses for one year; 22,000 for meeting expenses for one year; 377,000 over two years for external consultants; and 646,000 over two years for staff training. So if FIPPA was put in in order to get the details of this spending, we were told that it was going to cost us \$4,000 to get this information.

So can the Minister of Health tell us why this information wasn't readily available?

\* (13:50)

**Hon. Theresa Oswald (Minister of Health):** We did have an extensive conversation during our Estimates process about Diagnostic Services Manitoba. It was a good discussion. Accompanying that discussion, the member informed me that there were quite a list of freedom for information requests that had gone forward. I know that there's work being done to ensure that that information comes forward.

There are provisions, as I understand, in the legislation, when there is an extremely onerous request, that there's information that goes back to an applicant concerning the onerous nature of that

request, as stated by the member. What I can say to the member, as has been said by other members of the House, Manitoba has ranked very high, according to the Canadian Newspaper Association, for responding to FIPPA's. I believe we do quite well from the Department of Health and associated areas, and we're going to continue to work to do that—to provide more information than ever has appeared before with our government. Thank you.

**Mrs. Driedger:** A whistle-blower's allegations about financial abuse at DSM also led us to ask for copies of expense receipts for restaurant expenses over the last two years. We also asked for the names of the individuals whose meals and beverages were paid for by DSM. Mr. Speaker, there must have been a lot of restaurant receipts because we were told that it was going to take DSM 148 hours to compile these receipts and that it was going to cost us \$4,400 to get this information.

So I'd like to ask the Minister of Health: Will she tell us why are her officials putting up roadblocks to prevent this information becoming public?

**Ms. Oswald:** And I'll say to the member again, we did have an extensive discussion about DSM. We know that there are some freedom of information requests, as stated by the member.

It's interesting, Mr. Speaker, that under their watch health care wasn't even covered by FIPPA. They didn't want anybody to know anything, and I can list a lot of good reasons why that would be. But, I digress.

I can let the member know that there are provisions in the legislation concerning onerous requests. We've recently received very favourable evaluation in terms of how our government compares nationally to responses for freedom to information. I can say, Mr. Speaker, that the majority of work done by Diagnostic Services Manitoba is to help patients get their test results faster. I have to say that responding to FIPPA does rank second to that.

**Mrs. Driedger:** Mr. Speaker, I was told that there were some DSM administrators that did not want me to have that information, and they were actually being very vocal about it.

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

**Mr. Speaker:** Order. The honourable member for Charleswood has the floor.

**Mrs. Driedger:** Thank you, Mr. Speaker. There seemed to have been a sensitivity at DSM about the information about restaurant receipts.

So, Mr. Speaker, I would like to ask the Minister of Health a question: What is it that is going on at DSM that they do not want to make public? What are they trying to hide?

**Ms. Oswald:** Well, Mr. Speaker, in the first place, if there are people out there that are having anxieties about giving the member for Charleswood information, this is not a great revelation in terms of the way that it is often used by this specific member.

But secondly, I can say it, Mr. Speaker, that Manitoba has ranked second nationally in terms of its response to—

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

**Mr. Speaker:** Order. Decorum from all members please. We need to—like I said before, we need to hear the questions and the answers. The honourable Minister of Health has the floor.

**Ms. Oswald:** Yes, thank you, Mr. Speaker. We've ranked very favourably in terms of our response to FIPPA's, you know, comparatively speaking, on a nationwide scale. We know that there are numerous requests that come from the opposition party to a variety of areas that were never, ever accessible under the previous government. So many more areas of health care are now accessible under FIPPA.

And I can tell the member that people from Diagnostic Services Manitoba, which is a provincial agency, travel the province. That is a fact, Mr. Speaker. And they are going to continue to do that in the best interests of patients and getting them their test results quickly.

#### **FIPPA Requests Government Response**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, Manitobans are trying to understand how a government can run two-over \$2-billion worth of deficits and still be cutting back on front-line programs around the province: cutting addiction services, cutting—delaying schools, holding back on personal care homes. I think the answer is becoming more and more clear: they're out of control with their spending; they're not prepared to be held accountable; they're not prepared to provide accountability. We're told 148 hours to compile restaurant receipts from the—from Diagnostic

Services, 320 hours just to compile travel receipts at University College of the North.

I want to ask the Minister of Finance if she can confirm the reason they're running these massive deficits is because of the arrogant, out-of-control, lack-of-accountability NDP government that we have here in Manitoba. Isn't that the reason, Mr. Speaker, why front-line services are being cut while deficits are going up?

**Hon. Rosann Wowchuk (Minister of Finance):** Well, Mr. Speaker, the member opposite is talking about the—part of it is the stimulus money that's being spent. You know, on his radio show the other day, the member opposite did say that—

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

**Mr. Speaker:** Order. Members who wish to have conversations, please go to the loge instead of trying to shout back and forth, because we can't hear a thing in here. We need to have some decorum in the House. I'm once again—this is about third, fourth time—I'm once again asking members for their co-operation, please. I know you're not going to agree with the questions, you're not going to agree with the answers; that's a given. But at least give us the opportunity for our guests in the gallery to hear them, and also I need to hear them in case there's a breach of a rule, because I know you would expect me to make a ruling on it and I can't make a ruling if I can't hear. I'm once again kindly asking members for some decorum in the House here.

The honourable minister has the floor.

**Ms. Wowchuk:** Thank you, Mr. Speaker. The member opposite talked about the amount of the deficit that there would be. He has to recognize—and I know he does recognize—that a good portion, 1.8 billion of it, is for stimulus. And on Friday, on the radio, he gave the federal government credit for putting money into stimulus.

Well, Mr. Speaker, by the same token, he's giving us credit and he's finally recognizing how important it is that we make these investments in stimulus to keep the economy going, to keep 29,000 Manitobans working. I'm very happy that we are doing—that he recognizes the value of that and the value of us keeping our front-line services going during this time of economic downturn, much different than we had during the '90s when the member opposite played a part in setting that agenda.

**Mr. McFadyen:** Mr. Speaker, the question was about travel, hospitality and restaurant expenditures; it had nothing to do with stimulus expenditures. But I—you know, I commend the minister for the creative response.

But I just want to ask her if she can elaborate on the NDP's shrimps, scallops, and Chardonnay stimulus program and just provide us with more information to the questions that have been asked.

**Ms. Wowchuk:** Well, I could tell the member where that menu might be, and I know during their time in office, Mr. Speaker, they were criticized for some of the high-end restaurants that they had bills for. It is important and there is money that's spent on hospitality, but the member opposite does not like to acknowledge the fact.

He talks about, in his previous question, about cutting front-line services and spending money on hospitality. Mr. Speaker, we have made a decision that we are going to spend money on front-line services. We are going to keep the nurse at the bedside. We are going to keep the teacher in the classroom, and we are going to keep the police officer on the street. The members opposite, we know what they would do and they showed their true colour when they voted against this budget that will keep that going.

**Mr. McFadyen:** Well, Mr. Speaker, the—you know, we were—all Manitobans would support expenditures on front-line services like addiction centres, front-line services such as services to children with hearing impairments, investments in schools, which are required across the province, but what I'm asking the minister for is if she can just elaborate on the champagne-socialist stimulus plan that they seem to be undertaking and provide Manitobans with a basic level of information in response to the very reasonable freedom of information requests that have been submitted.

**Ms. Wowchuk:** Well, Mr. Speaker, again, the member just talked about stimulus, and on May the 7th he congratulated and commended the federal government for spending money on stimulus. And then, when we're—we bring forward a budget with money for stimulus, they vote against it, just like they vote against front-line services, just like they vote against teachers in the classroom.

\* (14:00)

Mr. Speaker, we also have to remember when they talk about health care that it was their



administration that fired nurses, cut the number of seats in medical schools that has resulted in the kinds of pressures. Thank goodness this government came into power and started to train nurses, expand the medical school so we can address those important issues.

### **Manitoba Public Insurance Corporation Rural Driver's Testing Service Reductions**

**Mr. Larry Maguire (Arthur-Virden):** Well, Mr. Speaker, residents of rural Manitoba are still facing service cuts to pay for this NDP government's wasteful spending decisions.

In March, MPI cut services for driver's licence testing in dozens of rural communities throughout the province, Mr. Speaker, including many in my constituency. Many rural communities have lost the services of written tests while others no longer offer road tests for classes 1, 2 or 3 at all.

I would like to ask the minister once again: Why is he continuing to treat rural Manitobans like second-class citizens?

**Hon. Dave Chomiak (Acting Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Speaker, I think that it's a sort of a recycling day because as I recall in this Chamber that the member asked the same question of the minister a while ago. But I'll give him the same answer that—as I recall the minister indicated that not only have we expanded service around Manitoba and put in some consolidated centres, but we've trial runned in places like Steinbach service centres to enhance—in fact, you can get more services in rural Manitoba than at any other time, and that was done by the corporation in order to provide a broader range of services.

**Mr. Maguire:** Well, Mr. Speaker, I'd like to table for the House a copy of an advertisement that MPI is running in rural newspapers.

Mr. Speaker, this advertisement is misleading and just plain wrong. It claims that driver testing services are being improved just as the minister just tried to imply. The truth is that services have been cut while this government wastes millions on enhanced ID cards that are going over like a lead balloon.

How can the minister justify cutting driver testing in rural Manitoba communities and failing to provide timely, fair service and then running false advertisements like this one?

**Mr. Chomiak:** Mr. Speaker, I think one of the benefits of our MPI program has been the enhancement of services all across Manitoba, where in every community we're supporting the independent brokers, the independent insurance agents that provide service on a province-wide basis that provides economic stimulus.

In addition, Mr. Speaker, we've enhanced services in terms of driver testing across the province, and I know, for safety reasons, we wouldn't want very small centres for specific sophisticated driver's licences to be doing testing in smaller centres where they wouldn't have, perhaps, the same kind of encounters as they would in a—large urban centre or a large or other more sophisticated highway traffic conditions.

So overall, Mr. Speaker, I'm surprised that members continue to attack the Manitoba Public Insurance Corporation. I hope they don't plan to do with MPI what they did with MTS, which is sell it.

**Mr. Maguire:** Well, Mr. Speaker, if anybody's being attacked here it's the rural citizens that are trying to get driver's licences in many of these communities.

I know of several people in my constituency who are driving hundreds of extra kilometres, Mr. Speaker, at their own cost, which is not an efficient system, and still waiting for written tests and road tests because this NDP government has cut services in rural Manitoba.

So if the minister had bothered to ask any rural insurance brokers—if he'd asked any rural driving instructors or any rural Manitobans, they'd have told him this is a bad plan, Mr. Speaker. But the minister went ahead, cut services anyway without any of that kind of consultation with any of those groups.

In the name of accountability, why is he now running full page ads to try and convince Manitobans that they're better off, or is it just because he's really trying to cover up more government mismanagement?

**Mr. Chomiak:** Yes, Mr. Speaker, despite most of what I've heard from members opposite all afternoon, it is important to put facts on the record.

Mr. Speaker, centralized—93 percent of Manitobans live within 75 kilometres of a test centre. There were previously four communities that offered full-time testing. Now there are 10, an increase from four offering full-time services to 10. That doesn't sound like a cutback. That sounds like a classic

Conservative attack on the Crown corporation because you want to privatize it just like you did MTS, have the rates increase across Manitoba, and sell Manitoba to your broker friends just like you did with the telephone company.

### **Flooding and Ice Jams Mitigation Strategies**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, now that the risk of major spring flooding has largely passed, individuals and communities are looking ahead to future flood mitigation strategies. This is particularly the case north of Winnipeg.

During the recent Estimates for the Department of Water Stewardship, the minister stated: "we are under negotiations with the federal government for a major cost-shared flood mitigation strategy."

Mr. Speaker, can the Minister of Water Stewardship provide us with an update on the status of these negotiations?

**Hon. Christine Melnick (Minister of Water Stewardship):** Mr. Speaker, the negotiations are ongoing. I know there is a lot of good discussion going on between my colleague, the Minister of MIT, and the lead minister from the federal government, as well as other federal ministers. It's very important that we take the time to get it right, that we understand what is needed for residents north of Red—as we took the time, after 1997, and some members opposite would know, to get it right to make sure that we had the proper flood mitigation actions and that we were working with the communities. It's very important knowing that we live in a flood-prone area, that we are in a period of high water, that we work co-operatively with our colleagues in the federal government, and that we work with local government and individual citizens as well.

**Mr. Briese:** Mr. Speaker, the federal government has asked the provincial government to provide it with a list of its priority flood mitigation projects. On February 25th, in the *Selkirk Journal*, and I quote: Manitoba's senior federal minister has been in talks with the provincial minister, Steve Ashton, about 85 million in infrastructure funding that is being specifically earmarked for Manitoba flood needs. End quote.

Mr. Speaker, can the minister responsible provide us with an overview of which flood protection and mitigation measures are being

identified as priority projects with the federal government?

**Mr. Speaker:** Order. Before recognizing the honourable minister, I, once again, want to remind members, when referring to other members in the House, it's by constituencies and ministers by their portfolios, not by their name.

**Ms. Melnick:** On June 24th of 2009, the provincial government of Manitoba, under the Minister of IGA at the time—now MIT—sent a detailed list to his federal counterpart. There have been discussions going on between the lead ministers both provincially and federally. There is discussion on a variety of different methods that are being looked at for flood mitigation, and, again, it's important that we make sure we take the time to get it right, that we have complete and full discussions.

You know, the flooding in the Red River Valley is a very, very serious issue, and we've seen our neighbours to the south, and our neighbours to the north, and some of our neighbours right here in Winnipeg very badly affected by those floods. So let's make sure we get it right for the folks north of Winnipeg as we did for the folks south.

**Mr. Briese:** Mr. Speaker, all we're asking is that they share those priority lists with the people of Manitoba and the people in that flood area.

Mr. Speaker, we're already into mid-May, and the construction season is going full swing. We continue to be approached by individuals and communities that have questions about flood mitigation and protection strategies that the provincial government is pursuing. They want to know if new community or individual dikes are being planned, and if there will be a flood-proofing program similar to the one enacted in 1997.

Mr. Speaker, can the minister responsible assure affected Manitobans that work on new flood protection work will begin this construction season?

**Ms. Melnick:** Well, Mr. Speaker, I think, in this House, we can all agree of the importance of this agreement. I would encourage members opposite to encourage their colleagues in Ottawa to work very co-operatively, to continue to have discussions, but to reach an agreement so that we can move forward, because we're all concerned about individuals who are affected by high water levels, who are affected by flooding, and co-operation by both levels of government is very, very important.

So, again, members opposite can pick up the phone, talk to their colleagues in Ottawa, and let's get going.

**Child and Family Services Agencies  
Children in Care Increase**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, under the NDP, in the last five years, the number of children under the care of this government has grown from 6,629 to more than 8,600 recently. That's an increase of 30 percent. Huge.

\* (14:10)

There are two ways, potentially, to explain this 30 percent increase. The first is that maybe children and families in Manitoba under the NDP are in more distress. The second is that maybe the NDP is being less careful about apprehending and removing children from families and removing them without as full and as good an investigation as should have occurred.

I ask the minister why it is that under his government's watch there has been a 30 percent increase in children being taken away from their families and put into the care of the government.

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** Yes, well, the member raises numbers that I think are well known and indeed are reflective of some trends across North America. There are a number of reasons, but one of the reasons is not what the member practises. The member wrote to me and demanded that I immediately attend to an apprehension because he said he visited with the parents and in his view there could not be abuse. So this is the kind of social work practised by the member opposite, Mr. Speaker.

The decisions are made by professional social workers, and, Mr. Speaker, they're made looking at the circumstances of families and the safety of children. And it can be very tragic, obviously, but there are many, many factors including, I should say, enhanced vigilance, but as well, the recognition that exposure to domestic violence also puts children at risk.

**Mr. Gerrard:** Mr. Speaker, in that particular interest-incident, I believe the child was taken away without a proper explanation, and six months later or more, after a lot of court action, the child was returned without any explanation.

What is happening today, Mr. Speaker, rivals the size of the scoop of the 1960s. One community I

visited in February has more children in care than in their school. Many families I spoke with felt that with more supports like parenting classes, improved early childhood education, addiction treatment, recreational facilities, families could've been kept together.

The evidence in many communities shows that the government is adopting a policy of removal first instead of working with families first to help them stay together.

Is the minister choosing to remove kids instead of helping families because it's cheaper?

**Mr. Mackintosh:** The analysis hardly bears a response. The cost of bringing children into care, Mr. Speaker, as one can see from the budget increases, is horrendous, but there are costs way beyond the funding that is required to protect children.

But first I'll just say, if the member is reinforced in his view that his analysis is better than that of Winnipeg police and child welfare, then I regret that. The important initiative that we are engaged in is to bring greater preventative services to bear for families and, indeed, communities, Mr. Speaker. That's why a world-recognized program called Triple P parenting has been introduced in Manitoba through Healthy Child Manitoba. That's just one example, as well as the family visiting program, that also was a world best practice.

**Mr. Gerrard:** Mr. Speaker, is the minister trying to suggest that even more children should be put in care and taken away from families? Surely it is a family tragedy when a child is taken away, and we should be doing everything we can to keep families together.

Mr. Speaker, the dramatic increase in children in care in the last few years under the NDP is unmatched in other jurisdiction and is, quite frankly, causing chaos in the system. Social workers have too high caseloads; the distress of families is increased; the office of the Children's Advocate is overburdened.

Manitobans need an explanation as to why the number of children in care has increased so dramatically under this government, so much higher perhaps because of poor management by this government of so many files.

**Mr. Mackintosh:** I believe this is the same member that was up in this House, I think it was just three short years ago, demanding to know why some

children were not taken into care and dealt with in a way that the member's now decrying.

But you know what comes first? I know it is very hard on families and parents when they lose a child to child welfare, but what comes first—and I believe the member voted on that bill unanimously—safety comes first for the child; it's the best interest of the child.

We also recognize that with the new family enhancement stream that is rolling out now—and that's based on a new risk assessment tool—we're going to—as well as Triple P parenting and the other family supports, largely through Healthy Child—are going to go to work. But it also requires better housing. It requires, of course, getting people off of welfare and into work, and all kinds of initiatives to invest in people.

And in terms of the '60s scoop, Mr. Speaker, that's disgusting. It's Aboriginal governance and child welfare. They're running most of the child welfare system now under the watch of the legislative scheme. The member voted for that. Now he's getting a—

**Mr. Speaker:** Order.

#### **Funeral Services Industry Code of Ethics**

**Ms. Erna Braun (Rossmere):** Mr. Speaker, as part of Manitoba's new plan for stronger consumer protection called Let's Make a Better Deal, today the Minister of Family Services and Consumer Affairs announced changes to The Funeral Directors and Embalmers Act.

Can the minister please inform the House how families now have greater protection when purchasing funeral and cremation services under the strengthened act?

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I'm advised that there are about 10,000 deaths in Manitoba every year. But everyone in this House I'm sure has felt the grief of the loss of a loved one and know the stresses that one is under then to make funeral services and deal with many different views, sometimes, about how those services should be held. We have to make sure that when a family is most vulnerable, that is when they're grieving, Mr. Speaker, that we ensure that there are no bad apples and no bad experiences when funeral services are made available.

So today we officially launched the code of conduct for the funeral services industry. We worked with the sector. They've been true partners in developing that, and we can now expect that there's going to be full price lists available, the right to counsel, for example, and, Mr. Speaker, and this was a case, you can't withhold ashes demanding payment. That is the kind of extent to which the breach of consumer confidence has happened in this province. We're going to stand up for consumers.

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

#### **MEMBERS' STATEMENTS**

##### **YMCA-YWCA Women of Distinction**

**Ms. Erin Selby (Southdale):** Mr. Speaker, I would like to add some words to those of my colleagues who have praised and thanked the women nominated for the YWCA Women of Distinction Awards, specifically the Gerrie Hammond Memorial Award of Promise.

I'm proud to share with members that one of my young constituents, Kaitlin Alexander won the Gerrie Hammond award. Miss Alexander's service to her community is rooted in a deep concern for our environment. She started a composting program at her high school, J.H. Bruns, and her expansive blog explores the discrepancies between leading scientific research and public knowledge and sentiment on the issues of climate change. Miss Alexander's thoughts on this deeply important dynamic are both sophisticated and rigorous, and her use of digital media for the betterment of public discourse is a cool and frankly reassuring example of how our young people can harness the power of the Internet and the vibrancy of the blog sphere towards constructive ends.

The Gerrie Hammond Memorial is named for the late Manitoba Lotteries chairperson, who is—and is annually awarded to a graduating student at a Winnipeg high school and includes a \$2,000 scholarship.

Mr. Speaker, Miss Alexander was not the only young woman from southeast Winnipeg to be nominated for the award. Jennifer Hobson, Karlie Blahut and Madilyne Kevany were also up for the prize. Miss Hobson was nominated on the basis of her extra-curricular work at Glenlawn Collegiate, as well as her flare for filmmaking. Miss Blahut's distinguished record of volunteerism includes working at her church and the St. Boniface Hospital. Miss Kevany is one of her schools leadership council

members and has been a long-time volunteer at her local Y.

Mr. Speaker, uniting these four remarkable young women is a commitment to use their considerable intellect and energy for the betterment of their peers and the wider community. They are already role models in their community, and rightly so. To Miss Alexander and her peers, congratulations and good luck on your future endeavours.

#### **Neepawa-Gladstone Co-op**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, I'm proud to have this opportunity to rise and recognize some of my constituents who were chosen to receive the Outstanding Long-Term Business Rural Award at the Manitoba Chamber of Commerce, Manitoba Business Awards. These awards are presented to companies who demonstrate outstanding success in business. They are judged not only on their business plan but also on their commitment to the community.

The award, presented in 2009 was especially significant as last year also marked the company's 80th anniversary. This award recognizes the current management and staff, but also the efforts of all those who have been involved with the co-op throughout its proud history. The Neepawa-Gladstone co-op has deep roots in the community and a track record of sound business and community service; it has truly earned the distinction that this award brings.

The co-op has done much to support other local organizations. They provide funding to over 200 local groups including sports teams, 4-H clubs and senior's programs, just to name a few. There is also a bursary program that supports staff members who are pursuing post-secondary education. Last year alone, they provided 16 students with funding for their studies.

\* (14:20)

The Neepawa-Gladstone Co-op is clearly a gem in the community. This is not the first time the co-op has been honoured for its work. In 2007, they were chosen to receive the Outstanding Achievement as a Community Builder Award from the Neepawa Chamber of Commerce. It was the Neepawa Chamber that nominated the Co-op for the Manitoba Business Awards last year.

I would like to congratulate the co-op general manager, Brian Hedley, for managing such a successful and community-minded business, as well

as all the staff who are part of this outstanding team. It is people oriented organizations such as this that make Manitoba towns such a friendly place to live. Thank you.

#### **Lions Personal Care Centre 10th Anniversary**

**Mr. Rob Altemeyer (Wolseley):** Mr. Speaker, caring for our senior citizens is a responsibility shared by all Manitobans. The dedicated administration and staff at Lions Personal Care Centre in my constituency of Wolseley have been working to provide their residents with attention, warmth, and the best care since the centre's inception a decade ago.

I had the immense pleasure recently of attending their 10th anniversary celebration last week, and I'm very pleased today to congratulate them on this momentous milestone.

Lions Personal Care Centre admitted its first residents on May 7th, 2000, and it quickly became home to 116 seniors in need. This centre was built as a result of the vision, foresight and determination of local Lions members. These include George Harvey, who was the first president of the Lions Club of Winnipeg Housing Centre and Mr. Vic Pinchin, who served as master of ceremonies at the opening 10 years ago and who spoke most eloquently of that journey at last week's anniversary.

Lions Personal Care Centre recognizes the daunting task of providing affordable housing options for the seniors of future generations as well. The centre's mission statement is to serve the changing needs of aging seniors through provision of a continuum of care, affordable housing and meaningful programs based on wellness principles. This mirrors the energy and commitment of its team, and the addition of nurse practitioners to the staff at the centre is just one recent example of this innovative spirit.

Mr. Speaker, care centre staff also recognize the immense importance of family and friends having the opportunity to participate in the lives of seniors and residents. This is, in fact, critical to their health and well-being. The importance of this is reflected and—at the anniversary when many families had more than four generations represented and joined seven of the centre's original residents at the anniversary who continue to live there.

Mr. Speaker, Lions Personal Care Centre is an important institution in my community. I would like to very much thank Ann Williment, Director of

Recreation and Support Services, for her fine role as master of ceremonies and want to commend all the staff, board, residents and families for their many years of dedication to our community seniors.

Thank you very much, Mr. Speaker.

### Zoe Peckover

**Mr. Blaine Pedersen (Carman):** Mr. Speaker, I am proud to congratulate Zoe Peckover from Carman, Manitoba on her recent Rural Youth Achievement Award presented during the Capturing Opportunities Awards evening on April 22nd. The rural achievement award is given to an individual, association, business or municipality whose activities enable youth to take action on important issues that affect their lives. Miss Peckover has done just that.

Zoe Peckover was born and raised in the town of Carman to a family of three and is currently completing grade 12 at the Carman Collegiate. It is clear that extracurricular activities are important to Zoe through her time spent as president of the Carman Collegiate student council, yearbook committee member, Haiti fundraising volunteer and her involvement in high school sports.

Zoe is avidly—has avidly fundraised and brought awareness to her fellow peers and community for the group Teens Living with Cancer, while battling the disease herself. Last spring, Zoe was diagnosed with leukemia, yet amidst her treatments and time spent on her studies, she has brought awareness of the disease and the importance of community to those around her.

Zoe has raised funds for the Teens Living with Cancer organization through hockey games and school dances. The students at Carman Collegiate have also helped Zoe collect donations through an evening organized in her honour. Her cash award from the Rural Youth Achievement will be donated to the group Teens Living with Cancer.

Mr. Speaker, I would like to congratulate Zoe Peckover on her Rural Youth Achievement award. It is exciting to see youth like Zoe Peckover make such wonderful contributions to Manitoba.

I wish her all the best as she continues to battle the disease, and I wish her success in her future endeavours.

Thank you, Mr. Speaker.

### Collège St. Norbert Collegiate Drama Production

**Ms. Marilyn Brick (St. Norbert):** Mr. Speaker, it is not often you see a local youth group connecting with life of eastern European Jews in the early 20th century. Yet, that is exactly what I had the opportunity to witness at Collège St. Norbert Collegiate's latest production of *Fiddler on the Roof*.

The young actors, musicians, dancers and set and stage workers behind this production put on a great performance, which I thoroughly enjoyed when I was there on Saturday, April 24th. The familiar plot of *Fiddler on the Roof*, which first opened on Broadway in 1964, was brought to life beautifully by the students transporting us all into a small Russian village in 1905. I was greatly entertained to watch the comic antics of Tevye, the milkman, and his wife and family, but I soon became engrossed as the narrative took on a more tragic twist, and the characters had to adapt stoically to the events of the Russian Revolution.

Over 75 Collège St. Norbert Collegiate students were responsible for all aspects of the show: designing, building and painting all of the sets and props; controlling sound and lighting; stage managing; designing and sewing costumes; playing in the orchestra; choreographing all the routines; distributing all the tickets, posters and programs; and, of course, acting and singing in the play. I was especially pleased to see the orchestra of Collège St. Norbert Collegiate accompany the cast members as they sang the musical numbers in this play. They—the students were guided by Stephanie Wallis, Suzanne Cormier, Val Nielsen, Mr. Fiorentino, Bev Betz and many more of the Collège St. Norbert Collegiate's staff.

All of the students and staff put a great deal of work into this production. The young performers did a terrific job portraying all the characters. The stage, costumes and makeup looked beautiful, and the music provided the perfect accompaniment for the plot. I greatly enjoyed the performance, and I would like to thank all those involved for their hard work.

Mr. Speaker, I'd like to ask leave to have the names of the talented students and staff members involved in this production included with this statement in *Hansard*.

**Some Honourable Members:** Leave.

**Mr. Speaker:** Does the honourable member have leave for the names to be included in *Hansard*?  
[Agreed]

**Ms. Brick:** Thank you very much, Mr. Speaker.

*Students and staff involved in Fiddler on the Roof:*

*Justin Wilems, Lisa Spiers, Natalie Hocking, Sawyer Marshall-Stanchuk, Alicia Hoffman, Samantha Blanchette, Halle Banting, Jenelle Bogaski, Mitchell Forrester, Max Strickland, Dustin Schlag, Brooklyn Ehrentraut, Aaron Cybulski, Kevin Reid, Kari Enns, Ella Greer, Erin Cummins, Allison DeRuddere, Curtis Probert, Dan Donsanoughith, Rachelle Garton, Jane Cory, Haley Wiens, Belinda Goertzen, Renée Marion, Amber Lotz, Stephan Rogalski, Shayn Martens, Brandi Cybulski, Stephanie Friesen, Shaelyne Nichol, Raymond Erickson, Adam Benson, Levi Williams, Brittany Kelly, Amanda Dulle, Kiera Dayholos, Samantha Erickson, Desiree Waldner, Courtney Lewis, Stephanie Schweitz, Alana Ramnauth, Hannah Loewen-Clarke, Jaime Simpson, Jazzmin Cameron, Jane Cory.*

*Ms. Claire Wheeler, Ms. Ali Froehlich, Mr. Rob Woods, Ms. Bev Betz.*

*Alexis Johnston, Lynn Sumka, Janelle Lemoine, Sydney Barton, Chelsey Kirby, Dana McIntyre, Robyn Barton, Chantal Schlamp, Kaitlyn Casper, Emilie Derkson-Poirier, Bonnie Dack.*

*Ms. Stephanie Wallis*

*Nick Kotak, Aron Shidel, Travis Dooley, TJ Richard, Kyle Solmundson, Ivan Valencia.*

*Mr. Marvin Namaka*

*Nykol Pishak, Shamus Dack, Justin Vigier, Chris Kirk.*

*Ms. Eileen Dionne, Ms. Gisèle Smith, Ms. Andrea DeRuddere, Mr. Cody Smith, Mr. Al Omichinski, Ms. René Ahrens, Ms. Elizaben Kulasza.*

*Olivia Ballentyne*

*Mr. Matt Lagacé*

*Cheyenne Neufeld*

*Ms. Suzanne Cormier, Ms. Val Nielsen, Mr. Fiorentino.*

## ORDERS OF THE DAY (Continued)

### GOVERNMENT BUSINESS

#### House Business

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

**Mr. Gerald Hawranik (Official Opposition House Leader):** On House business, Mr. Speaker. I tabled a list of ministers to be called for concurrence. On Monday, May 17th, 2010: the Premier (Mr. Selinger) and the Minister of Finance (Ms. Wowchuk). The Premier and the Minister of Finance will be questioned concurrently. On Tuesday, May the 18th, 2010: the Minister of Finance, the Minister of Culture, Heritage and Tourism (Ms. Marcelino) and the Minister of Family Services and Consumer Affairs (Mr. Mackintosh). Again, these ministers will be questioned concurrently.

**Mr. Speaker:** Okay, the list of ministers to be called for concurrence on Monday, May 17th, 2010, will be the Premier, the Minister of Finance. The Premier and the Minister of Finance will be questioned concurrently. And then for Tuesday, May 18th, 2010, the Minister of Finance, the Minister of Culture, Heritage and Tourism, the Minister of Family Services and Consumer Affairs. These ministers will be questioned concurrently also. Okay.

**Hon. Bill Blaikie (Government House Leader):** In terms of House business for today, we intend to proceed to second reading of bills, beginning with Bill 15, and proceeding to Bills 4, 12 and 32. And, if we get further than that, Mr. Speaker, we'll have further instructions for the House.

**Mr. Speaker:** The bills that will be called in order will start off with—for second readings will be Bill 15, followed by Bill 4, and then followed by Bill 12 and Bill 32. So right now, I'm going to be calling second reading of Bill 15, The Franchises Act.

### SECOND READINGS

#### Bill 15—The Franchises Act

**Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade):** I move, seconded by the Minister of Innovation, Energy and Mines (Mr. Chomiak), that Bill 15, The Franchises Act; Loi sur les franchises, be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (14:30)

**Mr. Bjornson:** Mr. Speaker, Bill 15, The Franchises Act, will ensure that potential franchisees have access to adequate information before making an investment decision in franchise business and will increase protection from unfair treatment for all parties. The proposed legislation would also give franchisees the right to associate with other franchisees without penalty. The Manitoba Law Reform Commission recommended that Manitoba adopt franchise legislation and this bill is consistent with legislation in other provinces and is based on a Uniform Law Conference of Canada model act.

The Uniform Law Conference of Canada identifies franchising as a business form that has a significant economic impact on the Canadian economy. Employing over a million Canadians, the franchise industry reports annual sales of \$90 billion. This is approximately 10 percent of Canada's gross domestic product. In 2005, the Uniform Law Conference of Canada developed a Model Franchises Act and regulations. Franchise legislation has been enacted in Alberta, Ontario, Prince Edward Island and New Brunswick, and Bill 15 closely follows the Uniform Law Conference of Canada model act to achieve maximum uniformity with other provinces. This is consistent with the objective of Canada's agreement on internal trade, which was signed by all provinces, territories and the federal government in 1995.

The Manitoba Law Reform Commission recommendation of franchise legislation for Manitoba follows a Manitoba Law Reform Commission study of the Uniform Law Conference of Canada model act research of franchise legislation in other jurisdictions and consultation with franchise industry stakeholders through a discussion paper on franchising in 2007 and a franchise symposium at the University of Manitoba in 2008.

One purpose of the bill is to—of Bill 15 is to ensure that prospective franchisees are given adequate information to make comprehensive evaluation of the proposed business investment. Franchisers would be required to provide any prospective franchisee with a disclosure document before the franchisee signs the franchise agreement or makes any nonrefundable payment.

The requirement for issuance of a disclosure document would apply to new franchises and, in certain situations, on the renewal of existing franchises. The disclosure document would contain

all material facts about the franchise, the financial statements of the franchiser and prescribed documents, including information about the franchiser and its principles, franchise fees, franchisee obligation to purchase goods or services from the franchiser, names and location of existing franchisees and conditions of renewal or termination.

Provisions in the act give a franchisee the right to rescind the franchise agreement and to recover losses when the franchiser has failed to provide the required information or the right to recover losses when a misrepresentation in any disclosed information occurs.

Another purpose of this new act would be to increase franchisee protection from unfair terminations, penalties for associating with other franchisees or other unfair treatment. Franchisees would have the right to associate with other franchisees without franchiser interference or penalty, and the act will not permit franchisees to waive their rights under the legislation in response to franchise agreement negotiations. The fair dealings section of the act would apply for new franchises and all existing franchises. The act would be self-enforced by franchisees and franchisers through the courts. Provisions of the act would prevent the franchiser from imposing a requirement for legal proceedings to be restricted to a venue outside of Manitoba, which would be a significant burden on most Manitoba franchisees.

Thank you, Mr. Speaker. I look forward to debate on Bill 15.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I have a number of thoughts that I would like to be able to share with members in regards to Bill 15. It is a piece of legislation that ultimately, I believe, does merit a great deal of support, and I say that because I have experienced many discussions in regards to franchises, and I would like to share some of those examples that have been provided to me over the years in just recognizing the need for legislation of this nature. In fact, I'm not too sure in terms of to what degree the government has consulted with franchisees here in the province of Manitoba, in particular the other levels of government or other jurisdictions.

We do note that Manitoba is definitely not leading the pack in terms of bringing in legislation. There have been other provincial jurisdictions that have recognized the value of putting in legislation that will ultimately provide better legislation from a



legal perspective or for franchisees to be able to ensure that their interests are, in fact, going to be protected.

You know, a number of years ago I can recall—and as I say I would like to share a couple of thoughts in regards to just—to the degree in which franchisees are left in a very vulnerable position. And there's a lot of irony to this particular example. It had—someone come to me and talked to me about a Robin's Donuts franchise that they were getting set up in. And this particular individual was saying to me now he was happy to be involved, to be a businessman, and found that he had a wonderful opportunity to be able to ultimately have a source of income for him and his family, and spoke nothing but volumes of praise and so forth, if you like, for the franchise, and the franchise was with Robin's Donuts.

And, Mr. Speaker, in this particular situation the individual at the beginning was actually very, very encouraged by what it is that he was being told and felt fairly good about it, ultimately believing that once he's—has the franchise up and running that he would be able to ultimately expand and possibly look into other franchise opportunities. It was just a question of management and through management to be able to increase sales.

And, quite often, you'll find that—if I just digress just for a bit, Mr. Speaker—quite often you will find that that is often the case, where you'll have a franchise that seems to be doing relatively well and at times it'll have highs and lows and quite often—and a lot of it depends in terms of staffing but a lot of it depends in terms of the management of the franchise, and if the management is not good you'll often see that the franchise and the value of that franchise will, in fact, depreciate because it is all about cash flow. And I know that, I've seen it and witnessed it first-hand.

Well, in this particular example, in regards to the Robin's Donuts and this individual, he was a very capable and competent individual who felt very positive about the opportunity that he had before him, and it was just going to be a question of time, a question of time before he was going to be able to turn things around with that particular franchise and bring it to the degree in which it would be making good money.

And I'm convinced that he did his homework, that he acquired information and had a good assessment of the demographics of where that

franchise was located, and ultimately was in a good position to be able to make the decision to move forward.

Well, Mr. Speaker, it was only a matter of months where this particular individual found himself doing quite well, and the numbers were very encouraging, and he honestly believed that it was only a question of a few more months before he might even be in a position in order to open up yet another franchise in hopes of being able to have two franchises, therefore—thereby being able to increase and become more of a manager, maybe not necessarily having to work.

And I'll comment on the multiple franchisee owners and the potential that is there, Mr. Speaker, but suffice to say with this particular individual as the—his franchise was doing relatively well, and he was really encouraged by it, but then all of a sudden, virtually from nowhere, he is told that there is going to be yet another doughnut shop that's going to be established. And this doughnut shop, I believe, was going to be coming from within Robin's Donuts. And he felt that it just wasn't right because if you're familiar with, you know, whether it's the Tim Hortons or other doughnut shops or coffee shops, you'll find that a lot of people that use those—especially those community-based shops—are individuals that are relatively close in proximity to it, or they're—it's in their driving—on their driving range in terms of going from work to home.

\*(14:40)

And the problem with this particular new business that was being talked about was that it was going to have a huge impact on this individual's franchise. He believes that he put in the effort, he did the advertising, you know, did the hiring, and he got the people, you know, to be working in a very productive fashion within his franchise. He's literally turned it around and, as a result, the sales did go up significantly. So, when the franchiser was looking at this and says, well, gee whiz, the sales are good enough that we could justify putting in another franchise.

Well, when he had heard notice of that nature, the first thing—one of the first things—he did, is he made contact with a number of people, including myself, Mr. Speaker. And we sat down and we talked about it and after having some discussions on the issue, I had indicated to him that it would be good to find out exactly what it is that the franchiser was obligated to do. And were they within their

rights to be able to pop up another store relatively close to his store?

And we had a good discussion about it, and he did come back a number of days later, and he had had the opportunity to consult with other individuals, including a lawyer, had gone through all that small print within the franchiser and franchisee agreement, and unfortunately for him, Mr. Speaker, what he found out was that at the end of the day, that the franchiser could do what it is that it was looking at doing.

And, Mr. Speaker, that has a huge, huge impact, and one has to start questioning in terms of, you know, to what degree was there the information being provided that would've at least afforded this individual the opportunity to have a better understanding of exactly what it is, as a franchisee, that he was getting involved in?

You know, it was only a few months prior that he was feeling so good about this wonderful business and because of what the franchiser was now looking at doing, as a direct result he was looking at himself more as a glorified manager as opposed to a franchisee or an owner of a franchisee. And you stop and you think about that, Mr. Speaker, because I believe that there's a lot of merit to that.

You know, if you really get into the nuts and the bolts of a lot of these franchisers and the agreements and the details within those agreements, you will see that, quite often, if you sign on that piece of paper, you're really surrendering a great deal in order to be able to have that franchisee.

And, in this particular case, I would've been inclined to have agreed with him, Mr. Speaker. Where is the line between being a, you know, a glorified manager versus a franchisee in terms of the operation of a particular store? And as we talked about it and as I became even that much more educated about the process through that particular discussion, I was inclined to suggest that it does sound like he is a glorified manager.

So, on the one hand, you know, he is sold the idea, the concept, of buy this franchisee and you're self-employed, you can turn around a store, you can make all this kind of money by just investing your time and your energy and take that chance as an entrepreneur, and you will have the opportunity to make a great deal of money.

And that was the sales pitch, the essence of the sales pitch. I suspect, Mr. Speaker, that, in the

presentation of the sales pitch, there would have been a lot more, a lot more than that. There might have even been PowerPoint, you name it. You know, franchisers, especially the larger ones, can provide a great presentation, but that's the message, that's the essence of the package, the message that this particular franchisee was being provided.

And, now, after having gone through the process, the franchisee was starting to receive a different message, and that different message is more like, here's your—this is your store and you're ultimately responsible for a very well-defined region and, if you want to be able to expand because your business is doing well, well, that's going to be all subject to the possibility of someone else coming in, the approval of the franchiser. And I was amazed in terms of just to what degree it was subjected to, Mr. Speaker.

And there was obligations, obligations that included things such as generic advertising that was going to be done, franchise fees, royalties that would have included on every dollar that was being sold. There's a certain percentage of that dollar that actually goes back to the franchiser, and there is certain expectation that you're going to achieve this minimum mark and as long as you're maintaining that minimum mark, generally speaking, there—you won't have any problems in terms of being able to keep that store.

It might become an issue when it comes time for renewals and so forth, but, Mr. Speaker, that was something in which this particular individual was looking at. So he has all the responsibility of being an owner and an entrepreneur, but quickly found out after all the sales pitches were done and after all the hard work in terms of bringing the store around, that the—that it was becoming more and more difficult for him to actually, seriously look at being able to expand, to be able to get that other location.

And the big issue for him at the time was the issue of how he was being treated. He felt that he was, in fact, being unfairly treated. He felt that he didn't have the access to the information that he should have been entitled to, Mr. Speaker, or maybe that the franchiser wasn't being as transparent as they should have been with regards to the establishment of the franchisee. And it's not to say that the franchiser is a hundred percent in the wrong here.

I believe that there are many good franchisers and, quite frankly, it's often, you know, two or three—it's the personalities, quite often, that are within a

particular franchiser, especially if it's a large corporation. You get different personalities. But there needs to be more of a process of transparency and feeling that individuals are not being taken advantage of. In certain areas, Mr. Speaker, especially for individuals that are going into business for the very first time, there is a high element of trust, you know, that in going through all these contracts.

You know, they'll often be asked, do you, you initial here? You sign here? And we all know the standard answer. Well, make sure you read what—read before you sign. You get your lawyers to go over the documents and so forth. And I don't question that, in good part, there is fairly detailed documentation that highlights the franchiser's rights and abilities to be able to do the things that it needs in order to be successful as a franchiser. But the franchiser, quite frankly, has been in business for many, many years and has the legal expertise and has the experience and knows the ins and the outs of the franchisee, Mr. Speaker, and the chances and the likelihood of success. They have a good understanding in terms of the sales pitches necessary in order to get the franchisee interested, or the would-be franchisee interested in establishing a business.

\*(14:50)

On the other hand, Mr. Speaker, you have the entrepreneur and, quite often, when you think of the entrepreneur, where, yes, there are many examples where the entrepreneur will have many different experiences, maybe he's dealt in business before, maybe he's even been in a franchisee business before, but there is no doubt that there is a good number of them that are very familiar with the process.

But I would argue that there are many, many franchisees, or would-be franchisees, that do not have that background knowledge, and that they're, in fact, quite dependent on others, in terms of being able to provide the necessary information, or they will get caught up in the sales pitch. I know many minority groups, Mr. Speaker—and especially, you know, one of the nice things about many of the immigrants that come to our province is they will often work very hard in order to accumulate money so that they can invest in a small business. And franchisees is one of those businesses that they invest in, in a very big way. So, quite often, and even it

might be a language issue in terms of some of the contracts.

There is a sense of excitement if you're an individual who, for the first time, is looking at the possibility of entering into an agreement that will ultimately allow you to be self-employed. And you been, you know, sold the goods. You know, they've explained in great detail in terms of just how good this business opportunity is that's now before you. And it's very easy and, quite frankly, I can understand why people would feel so excited about that particular opportunity, Mr. Speaker.

And that's why—and I'll go back to this particular individual that I made reference to. He himself was from a minority group, Mr. Speaker. And the—what I just cited is many, many. He was one of those many, many, that felt so good about the opportunity that was there. And, at the end of the day, he was quite discouraged because he didn't feel as if there was that much transparency, that, in fact, maybe there could have been a better access to information. You know, this type of legislation does move forward in addressing some of the issues that he had 'broughten' up with myself.

Now, I suspect, and if I had the resources to be able to do the *Hansard* search, I suspect there is a good chance because this happened a number of years back, Mr. Speaker. I suspect that I would have suggested, back then, that we need to do more to protect our franchisees. You know, I remember individuals like the member from Elmwood, the former member from Elmwood, now Member of Parliament for Transcona. And he often talked inside, both on the record or inside in the loges, inside the Chamber, about franchisees. And I believe that, you know, when—while he was in opposition, he saw the merit of having legislation of this nature.

And, you know, I think that, at the end of the day, it would have been nice to have seen this type of legislation earlier, but it is better late than never. I do recognize that other provinces have already acted on the type of legislation that we have before us, that there has been more of a national demand for action, and I believe that we have seen some in a limited way. I don't believe that this legislation is the answer to all the issues that are there. You know, I would have liked to have heard consultations that the minister responsible for the legislation would have had, and maybe to provide some comment in terms of whether he sees this as the first phase or second phase of this type of legislation. Does he anticipate

that we will see more protection for the franchisees into the future? Because, you know, this is just one example that I make reference to. There are other issues.

You know, my brother has been a franchisee owner for many, many years. In Manitoba, at one point, he had nine—interest in nine Domino's Pizza franchises, Mr. Speaker, and that would've been a number of years ago. Yes, they have relatively good pizza, but he's been out of the business here for many, many years.

He's moved on to another province, and I won't go as to why it is he went to another province. He's maintained an interest in franchisees but, you know, I can remember many discussions with my brother in regards to issues related to franchisees. You know that the amount of resources that a franchisee and the sense of commitment that they have to make in terms of having blind faith, to a certain degree, that things will continue to work well, and that your relationship with the franchiser is going to be positive, that your territory is not necessarily going to be cut into.

You know, I can remember some of the bigger decisions that he had to make in regards to relocation. You know there's a number of NDP MLAs from the northeast quadrant of the city—and you might recall—for example, there used to be a Domino's Pizza on Henderson, and that Domino's Pizza was actually relocated years ago back onto Springfield. Well, it was my brother that actually facilitated that move. But what surprised me was who had to cover all the costs. And I can tell you the franchiser is not the one that comes to the table saying here's the money in order for you to make all the necessary renovations.

And it's not to pick on Domino's. I just use it as an example. You will find this with many of the franchisers. You know, it's not the franchiser that says, you know, well, your tiles are going to cost \$70,000; we'll pay 35,000 of that. That's not the way, typically, it works. Typically, what'll end up happening is if you want many of these different types of franchisees, you'll pay a certain fee in order to have that right. You know, the prime one, of course, that many will try to get will be that McDonald's franchise, and that can be a tough one. It can be a very—that can be a very expensive one.

Some have suggested maybe I might have some dividends in a McDonald's somewhere. But no, no dividends. I do frequent it far often than my doctor likes me to, but the point is that's one of those

franchisees that is exceptionally costly. A number of years ago it was three-quarters of a million dollars. I suspect if you check today, you will find that it is well over a million dollars in order to get one of those franchisees, Mr. Speaker.

You can look at some of those other smaller franchises, and I don't believe you'll find any national franchisee where you're going to be paying less than \$150,000 for a franchisee today, Mr. Speaker, in terms of ones that have any sort of a profile. And I'm talking a lot in terms of the, you know, like the fast-food type of franchisee because that's where I have my greatest experience.

But what you'll see is that, quite often, you pay that X number of dollars for the franchisee and—for the franchise rights in that particular location, and then you have to identify the landlord. And you might try to work out an agreement with the landlord for, let's say, a leasehold improvements. And, if you're fortunate in which you have a generous landlord that's prepared to extend your rent—which means your rent is going to be that much more money. But, at the end of the day, you could end up costing anywhere from 60,000 to a million dollars in terms of renovations required in order to meet the standards. And that's—and I would underline that—the standards of the franchiser, Mr. Speaker. It's not like you can just go to Home Depot and say, I'll take this tile, this tile and this tile. Quite often they will speculate—or, not speculate—they will specify the types of tiles that you will use, the type of colours that you'll use, and the line goes—and it goes on and on and on.

\* (15:00)

Members might be surprised in terms of to what degree franchisers will require a franchisee to be able to do virtually every aspect of the business. And that is something in which my one constituent, the number of years ago he had raised with me, or issues in which I've witnessed first-hand through family members, Mr. Speaker. And that is the reason why, you know, from a personal standpoint, I believe that government does need to do something. And that's why I look at the legislation, and I don't have any problems in terms of saying that, you know, sometimes the government does do some good things and I'm encouraged to see this legislation before us.

Mr. Speaker—[interjection] Well, that's gettin' a bit of a challenge, if we start naming a lot of things. But the point is, is that this legislation is, in fact, I believe, a good starting point. You know, it is

something that will, in fact, make a difference, and that's really what it is that we would like to be able to see.

You know, there are many individuals that are out there today that are exploring opportunities, and many of those opportunities are in the franchise world. You know, we'll have conventions here in Winnipeg, throughout Canada, where you will see that there are individuals—only two minutes left, Mr. Speaker? You'll find that there individuals that will attend the conventions and they will see literally hundreds of potential franchise opportunities. And, I believe, more and more, every day, that we need to feed those dreams and those ambitions, as small business is so critical to our province. That is the best and most effective way of creating a job in our province.

So we need to encourage it, and if we're encouraging it, I believe there's a responsibility for us to protect those individuals and the monies that they would like to be able to invest because these are the people that are creating jobs, real jobs in our communities, Mr. Speaker. And that's why, you know, when we decided to introduce this bill today, I felt that it would be appropriate to stand up and share my thoughts on it, because at the end of the day, legislation of this nature has the potential to have a very strong, positive impact in the province of Manitoba. It's something in which I would have liked to have seen years ago because, at the end of the day, it will make more people better educated about a decision that is not only going to affect that individual and their family and friends, it affects the entire province, because the entire province—and I don't know if the minister responsible for the legislation could give us an idea of how many people employed within franchisees, but it would be an interesting number to find out.

Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to comment on Bill 15, The Franchises Act, and, like my colleague, we are both in support of this legislation and feel that it could actually have been brought in earlier. In fact, we actually looked at bringing in this legislation a number of years ago, but decided at the time that it was fairly complex and that maybe we should leave it to the government. And I'm glad that they have now brought this forward.

*Ms. Erna Braun, Acting Speaker, in the Chair*

The importance of franchising to the economy, to businesses, to jobs in Manitoba has already been talked about at some length. It's a significant area, and it's important that we are starting to follow other provinces in having franchise legislation. Franchise, of course, being a contract between two businesses where the franchiser grants the franchisee the right to operate its business system in return for a payment of fees or royalties. It may include intellectual property, trade names, trademarks, the right to sell products or services, access to business knowledge and methods and assets and so on.

The franchiser often provides a fair amount of support and direction to the franchisee, and the franchising is a common distribution method that's attractive for franchisees because, in many ways, it helps minimize risk while a franchiser is established—when a franchiser is established and offers a successful business system.

Of course, there are advantages and disadvantages to franchising. An advantage, perhaps, for franchisers include business expansion, earning revenue from fees and royalties. Disadvantages for franchisers including giving up some of the control and some of the profit. And, indeed, conflicts, as my colleague has mentioned, sometimes can arise between franchisee and franchisers in these relationships due to the lack of precontract disclosure, misrepresentation about aspects of the franchise, excessive prices for goods, equipment and services obtained from the franchiser or suppliers and when franchisers implement system-wide changes, which may create issues, problems, disruptions, improvements, hopefully, for the franchisee.

I think it's pretty apparent that the market today is not the same as it was many years ago, and that with economic globalization the rapid increase of cross-border movement of goods and services, technology and capital, obviously, is facilitating—some might even say requiring—a greater economic integration between nations, between—among provinces and, of course, extension of franchises around the world. And in that context, whereas most of the franchise legislation, for example, in the United States would be federal, here in Canada it's important that we have a provincial response in provincial legislation. And it's important to have this legislation harmonized with other jurisdictions, so that you limit the additional costs that franchisers would have in complying with, say, Manitoba's requirements, compared to other provinces.

We want to be able to attract industries and grow commerce in Manitoba, and it's vital, really, to provide consistent commercial legislation and regulations with other provinces and with other countries.

*Mr. Speaker in the Chair*

In some respects, this matter relates to what's happening at the moment, where the Manitoba government has opted out of an agreement with British Columbia, Alberta and Saskatchewan, which have got an agreement to boost their joint economies, to harmonize in a number of areas, to have improved economic activities in their provinces. And in some ways that would—is a disappointment that this government is going in that direction. And certainly there are opportunities, Mr. Speaker, which we should be taking advantage of, and that's as a result of the sort of economic development, and so on, that can occur through franchisee—franchises as well as in other ways.

And, certainly, we want to encourage the businesses, whether interprovincially or transnationally, to establish franchises in Manitoba. And having legislation which protects business people who are franchisees in Manitoba makes a lot of sense, and allows, then, where there are conflicts, to be dealt with in Manitoba courts.

\* (15:10)

Now, this legislation is modelled after legislation in other provinces. Of course, Alberta was the first to enact franchise legislation in 1971. They updated their Franchises Act and their regulations in the mid-'90s—about 1995—and the Alberta act is, I think, really the basis for how we're moving forward, as well as in August, 2005, the Uniform Law Conference of Canada, which recommended the adoption of a Uniform Franchises Act, provided such a model bill and regulations and recommended that they be adopted by provinces and territories.

Now, it has taken Manitoba five years after that recommendation from the Uniform Law Conference of Canada, but we're pleased that, in fact, it is happening and that we are moving forward.

Ontario was the second province to enact franchise legislation in the year 2000. It was, sensibly, largely based on the 1995 Alberta act, and it provides for a duty of fair dealings and the right of franchisees to associate. It doesn't provide for document registration or government oversight.

Prince Edward Island enacted its Franchises Act in June of 2005—their Franchises Act with their regulations. And then New Brunswick enacted its Franchises Act in June of 2007. That act, although it's been passed, has, I believe, not yet been proclaimed.

As I've already said, in the United States, franchising is regulated federally. Several state governments also have acts. And in Australia, there is a mandatory franchising code of conduct which requires mandatory franchiser disclosure 14 days prior to a contract being signed and mandatory mediation for any dispute resolution.

Now, there are some concerns which have been raised against franchise legislation. I mention these just to—for reference. Some argue, for example, that there shouldn't be franchise legislation because it can have an adverse effect on the attractiveness of Manitoba as a business location. They argue that people should have the freedom to contract without government interference.

But, on the other having—hand, having franchise legislation enables in many respects an easier route, a more uniform, harmonized route, for businesses to engage in franchises in Manitoba, particularly when Alberta and Ontario and New Brunswick and Prince Edward Island have very similar acts.

There is some restriction in terms of courts. This bill restricts the jurisdiction of disputes to Manitoba courts, and trumping terms in contracts that would make the jurisdiction elsewhere. For people in Manitoba, that's a significant advantage. It means that you don't have to be hiring lawyers working in other jurisdictions and provides the obligation of the franchiser to address concerns which relate to franchises in Manitoba in Manitoba courts, which makes sense.

Some have argued that we shouldn't have franchise legislation because there should be freedom to contract without government restrictions to attract businesses to Manitoba. In my experience, that what is most important is that you've got clear rules for how businesses should operate, and, I believe, in this instance, having the franchise legislation, in fact, sets clear rules and allows businesses to proceed harmoniously and smoothly with less conflict because the clear rules of action are already on the table and determined.

We, of course—and this is part of the goal of this legislation, which is positive—we need to protect

certain franchisees who may not have as much business experience from being taken advantage of. Regulations can benefit the franchisees and, without some regulation, Manitoba could develop a reputation as a haven for disreputable franchisers. And, of course, that would not be good. We want to make sure that our businesspeople, people who are franchisees in Manitoba, are protected, and know the legal basis in which they operate and the jurisdiction on which issues can be taken to court.

It's obviously important that this legislation strike a fair balance, between providing freedom to businesses to contract and placing restrictions that protect both parties to their contracts. And I believe that this legislation does that. The fact that it has been tried and is working for some time in Alberta and in Ontario and Prince Edward Island, now, is—means that we have some basis on which to move forward. And we know that there shouldn't be too many surprises coming from this legislation.

It's also vital, when one considers franchise legislation, that we recognize the inherent balance of power inherent in franchise relationships, and that this inherent balance of power is—that the little guy, the franchisee, is protected, but that the franchiser is also protected at the same time. Not all franchisees may have or will have corporate lawyers to protect their interests, or even the educational background and business experience to protect themselves adequately through a franchise relationship. And having this legislation should be helpful. Considering the imbalance of power, the disclosure of all material facts, as required, is paramount to protecting the prospective franchisees.

So this bill provides some help in addressing this balance-of-power issue, by requiring the disclosure, by requiring statements of material changes, so that when there is a significant change being made by the franchiser, that the franchisee has to be notified. Fair dealings by both parties and, at the same time, giving the franchisees a right to associate so that the franchisees can talk with one another and work together and make sure that their interests, their common interests, are well served and well protected.

The disclosure that is required in this legislation requires the franchisers to give each prospective franchisee a copy of their disclosure document 14 days before signing agreement for paying for a franchise. These disclosure documents need to include all the material facts, the financial

statements, the agreements to be signed by both parties, statements about making an informed investment decision—a statement that was recommended by the Manitoba Law Reform Commission, which looked at this legislation and, indeed, recommended the enactment of this franchise legislation in Manitoba in the Franchise Law report, 2008. And this report made a number of other recommendations, including this one. Other information or prescribed documents, where relevant, need to be disclosed. And other documents, if they allow—or where mediation or arbitration is allowed, the disclosure must include information about the rules and procedures and the criteria governing the selection of an arbitrator and the arbitration process, as well as the costs.

\*(15:20)

The Manitoba Law Reform Commission report, which I spoke of, is in favour of presale disclosure, in general, through prospective franchisees, thus making the franchisers disclose the material fact as is required in this law. The Manitoba Law Reform Commission recommended that the franchiser 'explend' the disclosure regarding all people who have a management responsibility related to the franchise and to all franchiser affiliates significantly connected to the franchiser.

The commission also recommended disclosure be required about the history of a franchise outlet being offered and the closes other—and the closures of other outlets. This is relevant to one of the items which my colleague raised earlier on in terms of outlets being put too close together. The commission recommended disclosure on when a party related to the franchiser subleases a franchisee—premises.

The commission recommended that relief be provided for franchisers, for minor errors and irregularities in disclosure documents and ensure that disclosure documents are valid so long as they substantially comply with the act and the regulations. I think that this is an important point which, when this is taken—legislation is taken into account by the courts, that the definition of misrepresentation be used in a way that is appropriate, but is not going to get tangled up where there are minor errors and irregularities in disclosure documents. And hopefully, the courts will use their judgment wisely, but, certainly, where there are major errors and problems, these must and do need to be identified.

Now, the franchisers can avoid disclosing unfavourable background information by assuming a

new corporate identity. So the commission recommended extending disclosure requirements to franchisers' predecessors, and I believe this would be an important step. The regulation should require disclosure of the number of lawsuits initiated by the franchiser against franchisees and vice versa, and the number of disputes resolved through mediation arbitration so that individuals who are getting involved as a franchisee, working with a franchiser, will know a history of the individual or corporation which is the franchiser.

In the section which deals with the material change, this requires the franchisers to give franchisees written statements describing material changes. This is a change that, when reasonably expected to have a significant adverse effect on the franchise's value—and certainly that is very important that this be disclosed—and that franchisees are made aware of a material change introduced by franchisers.

Disclosure documents around this need to be accurate, clear and concise. There needs to be fair dealing by both parties in the performance and the enforcement of their agreements, and that's, I think, pretty important. As I've already mentioned, this act provides the right to associate, and at the same time, it imposes penalties for franchisers against franchisers for threatening franchisees who associate with one another, which makes sense.

The area where we're dealing with misrepresentation in The Franchises Act, misrepresentation is defined in the act, includes an untrue statement of a material fact or an omission to state a material fact that is required to be stated, or is necessary to make a statement not misleading in light of the circumstances in which it was made. This definition is consistent, I believe, with other provinces and, from it being tested thereby in previous examples, should enable us to move forward in a reasonable fashion.

One of the aspects of this bill is that it will apply to existing franchises, and this will apply to a franchise agreement entered into before the coming into force of this legislation, if the franchised business is operated partly or wholly in Manitoba. It is important that the regulations set out clearly the transition for existing franchises with franchisers and franchisees.

The bill is very important in specifying that Manitoba is the place to settle disputes as a jurisdiction. This is consistent with the model

Canadian act and helps protect franchises in an agreement because they needn't get lawyers in other jurisdictions. The right to settle matters legally in Manitoba can't be waived in an agreement.

At this point, one of the aspects of this legislation which I suggest that the government have a look at is what is in the Prince Edward Island act, which allows the use of electronic delivery of disclosure documents, that is, the—current with commercial practices, and this, of course, reduces the franchiser's cost. This bill does not provide for such electronic disclosure, but I suggest that that is an amendment that should be looked at in making sure that this option is available—how it would be available and how the records and checks and appropriate balance is kept in terms of handling this sort of information.

So, Mr. Speaker, that's an overview of the act and some of the pluses and minuses. As I've said, we are certainly in favour of this act and look forward to there being many more franchises being—occurring in Manitoba, and that the interaction of franchisers and franchisees goes more smoothly as a result of this legislation. Thank you.

**Mr. Stuart Briese (Ste. Rose):** I move, seconded by the member from Lac du Bonnet, that debate now be adjourned.

*Motion agreed to.*

#### **Bill 4—The Workplace Safety and Health Amendment Act**

**Mr. Speaker:** Okay, I will now call Bill 4, The Workplace Safety and Health Amendment Act.

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Mr. Speaker, I move, seconded by the honourable member for Entrepreneurship, Training and Trade, that Bill 4, The Workplace Safety and Health Amendment Act; Loi modifiant la Loi sur la sécurité et l'hygiène du travail, be now read a second time and be referred to a committee of this House.

*Motion presented.*

Mr. Speaker, Manitobans have clearly called for measures to improve the safety and health of workers in Manitoba workplaces. Since 2000, Manitoba employers, workers and this government have accomplished much in reducing injury and illness in these workplaces. In that time, we've seen the injury rate reduced by 30 percent.



In 2001, our government launched a comprehensive review of Manitoba safety and health legislation and programs. The Workplace Safety and Health Act was modernized in 2002, followed by extensive changes to the regulations in 2007. In addition to those legislative and regulatory changes, we've worked with employers and workers and the Workers Compensation Board in launching very effective public awareness campaigns to help profile the importance of workplace safety and health, and we've significantly improved the enforcement of safety and health laws with the addition of more inspectors.

\* (15:30)

Even though we have had success working with our partners in reducing the injury rate, we know that it is still too high in Manitoba. There are still too many injuries. And while most businesses are prepared to meet and do meet their responsibilities under the legislation, regrettably, some employers continue to resist efforts to improve health and safety practices.

The Workplace Safety and Health division enforces compliance with the act and regulations through workplace inspections and investigations. In many cases, an improvement order or a stop-work order is sufficient to correct non-compliance with the law. In the most serious cases, however, a prosecution by the courts may be warranted. Good safety records should be recognized and promoted, but there must also be consequences where non-compliance results in an injury or death of a worker.

A prosecution resulting in a fine is the most serious sanction provided by The Workplace Safety and Health Act. Society recognizes that higher maximum fines increase their deterrence value and send a message that serious safety and health violations have serious consequences. Currently, in Manitoba, a person found guilty of an offence under the act is liable to a maximum fine of \$150,000 for a first offence and \$300,000 for a second or subsequent offence. These amounts were set in 1997 and have not increased since that time. Manitoba fines are, regrettably, among the lowest in the country.

The Advisory Council on Workplace Safety and Health, which is a tripartite body made up of an equal number of representatives from employers, labour and health and safety technical organizations, considered this issue. The council unanimously

recommended that the maximum fines be increased to \$250,000 for a first offence and \$500,000 for a second or subsequent offence. With this bill, we are implementing the council's unanimous recommendation.

I'd like to take this opportunity to thank the advisory council for their advice and guidance on this important amendment. Their input on workplace safety and health matters is invaluable and, I believe, having that input is one of the reasons why we have been able to make progress in making workplaces safer.

The proposed increase to safety and health fine levels will better reflect the serious nature of violating laws that protect workers. This bill will send a clear message that death or serious injury will not be tolerated in today's workplace. Therefore, Mr. Speaker, I would request that we get support on this very important piece of legislation. Thank you very much.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, before I speak, one of the traditions from the Chamber during the '90s and even over the last number of years is that when the minister provides second reading, quite often a member of the opposition will ask for leave to pose a relatively simple question to the minister, and I'm wondering if I might have leave to ask the minister a question related to the fines.

**Mr. Speaker:** Is the honourable minister willing to answer a question from the honourable member for Inkster? Is there leave for that?

**An Honourable Member:** No.

**Mr. Speaker:** Not at this time? Not at this time? *[interjection]* No? Okay. No, that's been denied. So the honourable member for Inkster to speak—you're speaking to the bill? Okay, speak to the bill.

**Mr. Lamoureux:** Yes, Mr. Speaker, I'm more than happy to speak to it—a little disappointed that the minister wouldn't have allowed the opportunity for me to pose the question. It wasn't a trick question or anything of that nature. I do believe that it is an important question, one that's completely relevant. And, in fact, if the minister maybe had one of her researchers or someone from within the caucus, you'll find that quite often in the past that members have asked questions and—in hopes to draw an answer.

So maybe she can respond to me in another form, Mr. Speaker. I would very much appreciate that, especially prior to the bill ultimately going into committee, even though I wouldn't say that we would have any problem with it going into committee today, because we do recognize that the minister brought it in for first reading back in December of 2009. So this might have taken a little while to get it to the second reading stage, but it's here today, and, if it does pass, it would be beneficial, I think, to have the answer to the question, and it's in essence in regards to the size of the fine.

The minister put simply the bill is increasing the fine. She made reference to the 150 to 250 thousand and the other—the second offence 300,000 to 500,000. And it would be good to know in terms of to what degree—what size of fines have we seen in the past? Are there fines that have come close to the current limits? I just don't know; I have no idea. And I thought that that might be of some assistance in terms of being able to address the very specifics of the bill, which is actually fairly narrow. But what it does afford me the opportunity to do is to talk about the importance of the workplace and safety from within the workplace.

You know, I was really encouraged. The other day we had a Public Accounts Committee meeting, and there's a couple of things that came out of that Public Accounts Committee meeting. And, you know, we've gone a long way as a provincial Legislature over the last number of years in terms of improving our Public Accounts. And the best example that we could give in regards to that, the success of the Public Accounts and the turnover, is, in fact, related to the workplace safety of the bill that we're, in fact, amending. And that's—oh, I thought, you know, maybe this might be a kind of a nice time to highlight the fact of some of the dialogue that came out of there that ultimately addresses what it is that this bill is hoping to be able to address, Mr. Speaker.

And I don't think that if you were to canvass the Legislature you will find that there is widespread support for this Legislature to take actions that are necessary that's going to protect our workplaces. And, I think, in most part, you'll find that our workplaces are doing a wonderful job in providing the protection necessary in order to ensure that we're minimizing, because we all know that you'll never wipe out the workplace injuries from occurring; they will, indeed, take place. There are accidents that are inevitable and they will take place, but there is, on

the other hand, things that we can do to minimize those workplace injuries.

And, you know, I was encouraged, for example, when the Workers Compensation Board, in working with others, came up with a campaign. And you might recall the campaign was Safe Manitoba, SAFE Work, and the promotion, I personally thought, was actually worked out quite well. And we had talked about that in committee the other night. And, you know, it wouldn't it be nice if we didn't have to increase the fines, that just through promotion of safe working environments that we wouldn't have to have employers being fined the type of dollars that we're talking about and just making people better aware of that safe environment? And this particular campaign had both media—I shouldn't say media—it had both print and TV, radio spots, and I thought, all in all, it was very well received.

And I don't think we do enough in terms of promoting the safe work—safe working environment. You know, I've driven down Inkster Boulevard, which is—what comes to mind where I've seen on some of the larger factories, you know: This site is X number of days free from a workplace injury. And I think that that's kind of—when you see signs of that nature, it kind of puts out the challenge to other working—workplaces, and, again, those are incentives. Sometimes it's government-driven; sometimes it's private-sector-driven that ultimately want to achieve the same thing, and that is, to ultimately see fewer people being hurt in the workplace and, sadly, but, unfortunately, true, people dying in our workplace.

Now, you look at the legislation that we have before us. It is a substantial increase in terms of the size of fine, and it would be—and this why I say it would be very interested in knowing what type of sizes have been applied to date.

\* (15:40)

I know a number of years ago there was concerns that Manitoba was not actually following through in some of these workplace environments in terms of applying the fines, you know. And that was a concern that I had raised a couple of years ago, maybe even a few years ago, Mr. Speaker, in terms of—you know, it's one thing to have fine and have the ability to fine an employer for not having the type of working environment in which he or she should have. It's another thing to actually ultimately push the envelope to the degree in which there's a fine. And when you're, generally speaking, having to do

that, that tells me that you're prepared to go to bat for the worker and I would have liked to have seen some statistical numbers on that particular issue.

Actually, the other day in Public Accounts, I had actually asked that question in regards to the number of fines, I believe it was or something of that nature, and ultimately believing that, yes, there has been some significant improvements. In fact, you know, Mr. Parr, who I have a deep amount of respect for, had given us some actual numbers of just the number of workplace environments that are currently being looked at where action—inspections ultimately lead to action being taken and I was really encouraged. And I'll quote right from what Mr. Parr had indicated in committee just the other night. He said, and I quote: The number of inspections has increased dramatically from 2004 to today. In 2004, we did 5,200 inspections. We're now over 10,000.

Well, Mr. Speaker, that's significant and, you know, it's one thing to have the tools to ensure that we have a better, healthier working environment for our employees. It's another thing to actually be using the tools. And when I heard Mr. Parr give that particular report, I was encouraged because that tells me that the department is, in fact, doing what it needs to be done in order to protect our workers.

So, if you take that into consideration along with the need to promote safe work environments at the public level, I think that that is—all works hand in hand. You know, there's also the need to be able to keep on top of where it is that we conduct our inspections. And there was a very healthy discussion in regards to where it is that we conduct these health or work environment inspections. And, you know, if I was to go back over the years, I genuinely do believe at that last Public Accounts Committee meeting is probably the best example I could come up with in terms of a real, proven result. Mr. Speaker, what had taken place there was all in regards to how a department was looking at conducting the inspections and who needs to be inspected.

You see if you check with the many different stakeholders, and I suspect and hope that the Minister of Labour (Ms. Howard) did consult with the stakeholders here. She implies that the advisory council was unanimously in support of what it is that she's doing and I think that's a good thing, but at the end of the day, when we look at those inspections, where are those inspections taking place? And her department was trying to come to grips as to how all

the workplace environments in the province of Manitoba were in fact going to be inspected and it was a fairly tall order—ultimately came from a provincial auditor's office where it was a recommendation that the inspections need to take place. And there was in fact an interpretation done by the department that ultimately led them to believe that inspections of the workplaces need to occur virtually in the entire workplace.

Well, Mr. Speaker, you'll know that there's many different professions that make up our economic engine, and if you take a look at those professions you'll see that there is a big difference between occupations, and the need for having workplace inspections really varies. There are some industries that, I would argue, and, I believe, most MLAs, in particular, the Minister of Labour and Immigration (Ms. Howard), I suspect, would argue that—she seemed to imply it the other night—there are places that you need to have more regular inspections, and an industry of that nature would likely be something in the order of construction.

Construction workers is a very dangerous industry, and there's a reason for that, Mr. Speaker, in terms of just the type of work that's involved and the expectations that is put on to the workforce, that is—whether it's building a house or building a building that's for commercial purposes or residential purposes, or even some of those taller buildings, the larger apartment blocks, to the skyscrapers or to the hog barns or whatever it might be. What you're doing is there's a great deal of mobility where individuals are moving around with equipment that could, if not handled appropriately, could cause serious injuries to occur. And there's not a year that goes by where one can say that there was no accidents in the construction industry.

One of the things that we know for sure is that every year there will be accidents within the construction industry, and, if you want verification of that, all you need to do is go to a workers compensation. That's one of those areas in which there is a great deal of accidents occurring.

So there are some things that can be done, you know. I remember, as I'm sure many do, examples where death has occurred as a result of something had there been a healthier environment that that person would not have died on the job, you know. I've had opportunity to look at the possibilities of trying to be able to contribute to that healthier work environment in different ways, whether it's in an

actual workforce environment or it's here inside the Legislature, and I think that we all have that responsibility to look at those industries and ask the question in terms of, well, what are we doing or what can, in fact, be done?

You know, just the other day I was at a project on Main, just on the other side of the bridge by St. Mary's, and it was a construction site, and in the basement comes a gentleman walking with a—some sort of a large towel of sorts that has what I believe ice or some sort of a compound in it, and I had asked in terms of, well, what had happened? And he'd indicated, well, he just kind of, like, turned around from where he was working and took one step and banged his head into a low pipe, and, you know, it was an accident. He showed—and it looked like it was fairly red and sore and, who knows, ultimately, if he ended up finishing the day. I don't know. I was just happened to be there at that particular time where I saw it.

And I raise that because I do believe that these types of occurrences take place every day, and, you know, workers also have a responsibility here. It's not just the employer. The worker does have a responsibility to keep themselves in proper order so that they're not going to be subjected to, as much as possible, human error that ultimately leads him into doing or causing an accident even in a safe environment. So even though I spend a lot of time talking about the employer, we also need to recognize that the employee also has a responsibility.

\* (15:50)

But, Mr. Speaker, I get back to the concept or the idea of a construction industry as a whole and the need to be able to have inspections. What you'll see is that there's a far higher percentage of on-site inspections within that industry than most all other industries in the province.

And, again, it's only because of the injury rates and as a result there is that need to ultimately have the employees be assured that they don't have to work in an unsafe environment. And it also emphasizes the need for the employer to do the things that are necessary to make that site safe for all concerned.

You know, examples of work orders really vary. You know in the discussions the other night in Public Accounts, we know that an employer is often provided—not often—is always given ample opportunity to be able to fix a situation that is

deemed as a potential hazard for a worker, Mr. Speaker. And I think that that is an appropriate thing to do. So, typically, what would happen is an inspector goes into a construction site, let's say, and will identify issues of—that might be there that could be potentially hazardous and, ultimately, then indicate through a citation or through verbal warning that such and such action needs to be taken in order to be able to claim it as a safe working environment for all.

Mr. Speaker, I would suggest to you that in most cases that's all that's required is an inspector that shows up and says that, look, here's an issue that should be dealt with. You shouldn't be, you know, leaving these types of items or pails along the floor here where there's a great deal of traffic or whatever it might be, or many and virtually endless issues in which an inspector could identify and, ultimately, make the suggestion to the on-site manager or the—ultimately, the employer, that this situation needs to be rectified so that the employee is in that safe environment. And, I say, in most cases, there is no need for an order to be written up and we're glad. That's all it takes is just the inspector to say something and then it is dealt with right then and there.

Often you will find that the employer might not necessarily agree with the inspector or there could be a cost factor to the employer or it could be an issue that's going to take a period of time to be able to resolve. And in some cases, it can be justified. In other cases, it's more of a procrastination tactic that an employer will use in order to avoid to having to do the right thing, which is not in the best interests of the employee.

And when that happens to be the case, Mr. Speaker, I think that there is, then, the responsibility of the inspector to ultimately come forward and say that, look, if you're not going to improve this, you are going to be given a certificate saying that you have to, in essence, do it. And then the employer is ultimately mandated to do it and there will be a follow-up to make sure that it is, in fact, done.

Now, if you have to go through that formal process, yes, it is unfortunate, but often that is what is required in order to get something done. Again, once there is the follow-up work through the inspector, you'll find that, in most cases, that it is done, that the employer will in fact respect and follow through and do the work that was requested in a written form.

Now, sadly, but unfortunately true, there are occasions when the employer will not abide by it and, for whatever reasons, chooses to disagree. And, ultimately, the government, then, is into a position in which it has no choice—I only say the government; obviously, I'm talking about the department, through the inspector—but to look at the issuance of a fine.

Now, that is an issue that, again, that I had brought up with the government when we were in Public Accounts. And, I was told, you know, that, yes, you know, that they do apply fines. I'm not too sure in terms of if the government actually keeps a track of how many fines there are year over year, because, as I say, I think there was some years where there were no fines. And I find it hard to believe—I might want to believe—that every employer was in full compliance and that there was no need for a fine, but I don't necessarily believe that to be the case.

But, on the other hand, there was no fines in some years from what I understand or from what I've been told. So it'd be interesting to see to what degree we actually have to use that tool because, you know, a big part of it is is that you want as much as possible to have to avoid that. But, in many situations or a number of situations, you don't have any choice but to apply a fine and, then, ultimately, force the employer to take the corrective actions that would make a difference and make that working environment that much safer.

Mr. Speaker, it would be welcomed information to hear from the minister as to how many fines are actually issued by the department on an annual basis, especially if it can be provided over the last number of years. So I guess that would be almost like a supplementary question to the original question of how—what type of size of fines have been issued over the last number of years.

But, again, I do believe it is an important thing—an important thing—to ask, much like it was nice to see the dramatic increase in the number of inspections. It would be good to get some of those other stats, as I suspect that it wouldn't take much in order for the government to find it.

But, Mr. Speaker, that's in regards to construction industry. There are other industries that the need for inspections is not as high. You know, there's a big difference between a plumber and a receptionist in a law office. And the need or for someone to suggest that both offices or both work sites should be inspected in the same fashion, I think,

would be ill advised, that we need to recognize that there is a significant difference.

And, what I'm saying now, Mr. Speaker, is not unique. You know, and that's why, the other day, in Public Accounts—and what I'd like to do is actually to take the actual quote, because this is a very important point that shouldn't be—should not be lost to members. You know, we have hundreds of thousands of people that are working in our province in a wide variety of workshops—working environments, I should say. And the Department of Labour, years back, focussed their attention on areas where the greatest likelihood of accidents were occurring. And I—I'm inclined to agree with that, but, then, there was a provincial auditor's report that had come out, and in that report it had suggested that all workplace environments should be inspected, or at least that's how some had interpreted it.

\* (16:00)

*Mr. Mohinder Saran, Acting Speaker, in the Chair*

And, if you'll pull the *Hansard* from the other night, and Mr. Parr is actually responding to the member from Brandon, and I give him credit in terms of raising the issue in this format, but he opposed the question trying to get a better understanding as to where it is the department is actually doing its inspections, and, ultimately, Mr. Parr came back, and I quote: But the recommendation—one of the recommendations was that we have a schedule to inspect all—we have a schedule to inspect all workplaces. We interpret that to mean all workplaces in the province. So we're not in a position to do that, but—and then there's a stop there, the end of the quote.

The provincial auditor then addressed the committee and—I think I was there, Mr. Acting Speaker, when people kind of looked towards the provincial Auditor as she had wanted to be able to express what it is that was meant in the report, and she stated—and, again, I'll quote right from the report. She stated that, if that was what you thought we were suggesting, that's not actually what we were intending for that to say. We did think that there should be an annual schedule. We're very supportive of risk grading process and did have some recommendations in that area and that high-risk employers be scheduled on an annual basis.

Well, Mr. Acting Speaker, that really illustrates the point that here you have something very productive that came out of provincial council—or

provincial council, provincial accounts, or Public Accounts that ultimately assisted the department in having a better understanding that, at the end of the day, is going to allow for us to continue to put our priority and our focus on those high-risk areas. And to me that is, in part, the overriding concern in terms of allocation of resources ensuring that all work environments are safe. And I thought it was a very healthy discussion.

You know, the fines that we're talking about today is at the very end of the process, and I only hope that the need to apply the fines is very rare and very rare indeed, because the rarer those are the more, I believe, that there is going to be a sense of co-operation. But it's got to be legitimate. You know, we have to ensure that those inspections are occurring, and Mr. Parr gave us that assurance, Mr. Acting Speaker, and he showed us the numbers to demonstrate that.

So, you know, we'll watch; we'll continue to watch the whole area of the processes in the appeals, in the ultimate fines that are ultimately put into place on employers. But suffice to say to all the stakeholders that there is a responsibility for all of us. We all have a role to play in terms of making our environment a safer place.

**The Acting Speaker (Mr. Saran):** Pardon, member, the time has expired.

**Hon. Jon Gerrard (River Heights):** Mr. Acting Speaker, just a few comments on this legislation. I would—it would have been nice to have more detail on the government's consultation that they did. We gather that the government had at least talked to their advisory council, but we're unsure to what extent that they had consulted much more widely and, given that the government has sometimes been critical of the Liberal Party and Liberal bills because they're concerned about the extent to which we consulted, this is a fair question for the government.

I think that there should've been clearer putting on the table of what the government had done, and who they consulted. And the government needs to give us evidence that this is needed, that this is going to make a difference, it's not simply just a cash grab, and that increasing the fine will likely deter people more and provide for greater safety.

I note that at the moment Manitoba has one of the highest time lost to injury rates of all provinces and there's a considerable room for improvement in health place—workplace health and safety in

Manitoba. We would argue, Mr. Acting Speaker, that the government would, in fact, have been—done well to support the bill that we had put forward to decrease workplace safety—or decrease workplace harassment and violence in the workplace because we suggest—suggested then, and suggest now, that decreasing bullying and harassment in the workplace is one way to get a safer workplace, and that this would have been an important step in decreasing time lost to injury because it would have been important in creating a safer workplace.

And that bill, which the government decided not to support, Bill 219, we had sent out and consulted with some 128 different stakeholders and groups who were involved in a first wave of consultation, and with over 70 individuals in group in a second wave of consultation, and a broad range of people who were consulted with that bill to address bullying and harassment in the workplace. And it was pretty strongly supported, and many people realized that this is necessary in Manitoba if we're going to have safer workplaces and workplaces with a better environment.

I would also point out that, you know, there is a pretty important role for improved education of young workers, in particular, because young workers have been particularly susceptible to workplace injuries. I give you an example of the restaurant industry, where almost half of the injured workers were 15 to 24 years of age and there were significant numbers of hand injuries in this group. And so I suggest that here's an example of where the government could be targeting to improve safety in areas and with groups where there are higher levels of problems.

And, certainly, as we pointed out already, that the improvement of bullying and decreasing stress, decreasing problems in the workplace, is also something which has been shown to improve safety. And the government, sadly, should have not—should have reported that.

It is of interest that the government, when it came to power, did undertake some measures which decreased the time-loss injury rate from 5.6 per 100 full-time equivalent workers down to 4.6, but there has been relatively little change since 2002 and 2007, the latest statistics which I have. And we certainly need some continued improvement in this area.

*Mr. Speaker in the Chair*

I'm sceptical that this alone will make that huge difference that we really need to decrease workplace injury, but I believe that, in general, we're ready to support this. But we're going to wait and see at the committee stage—to look forward to hearing presentations from those who've been consulted by the government and finding out more information about the extent to which they have consulted with stakeholders. Thank you.

**Mr. Stuart Briese (Ste. Rose):** I move, seconded by the member from Lac du Bonnet, that debate now be adjourned.

*Motion agreed to.*

\* (16:10)

### **Bill 12—The Pimachiowin Aki World Heritage Fund Act**

**Mr. Speaker:** Okay, now I will call Bill No. 12, The Pimachiowin Aki World Heritage Fund Act.

**Hon. Bill Blaikie (Minister of Conservation):** Thank you, Monsieur le président [*Mr. Speaker*].

Je propose, appuyé par le ministre d'Agriculture, que la [*I move, seconded by the Minister of Agriculture (Mr. Struthers), that the*] Loi sur le Fonds du patrimoine mondial Pimachiowin Aki; The Pimachiowin Aki World Heritage Fund Act, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and I table the message.

**Mr. Speaker:** It's been moved by the honourable Minister of Conservation, seconded by the honourable Minister of Agriculture and Food, that Bill 12, The Pimachiowin Aki World Heritage Act—Fund Act—be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Mr. Blaikie:** Mr. Speaker, I'm pleased to just put a few remarks on the record as we move into second reading of Bill 12, The Pimachiowin Aki World Heritage Fund Act. As it states in the explanatory note of the bill, this bill establishes the Pimachiowin Aki World Heritage Fund, and income from the fund will be used to protect a natural area east of Lake Winnipeg and to support cultural initiatives in that area. If UNESCO designates an area on the east side of Lake Winnipeg as a World Heritage site, income

from the fund will be used to support the operation of that site.

Mr. Speaker, we're very pleased as a government, and we think that Manitobans, in general, will be pleased, with the intent and the substance of this legislation which is to set up a fund that will help, we hope, ultimately to support the establishment of a UNESCO World Heritage site which will be named the Pimachiowin Aki which, if I understand correctly, I believe it's in Cree, will, means the land that gives life.

So this is a very special part of Manitoba and a part of Manitoba that I think has been undervalued in terms of its global significance, Mr. Speaker, which is, of course, something that we want, that we hope would be highlighted through the creation of the UNESCO World Heritage site. We know that the boreal forest stretches all the way from Alaska right through northern Canada, all the way into eastern Canada. But it's on the east side of the Lake Winnipeg where you have the most intense and the most pristine and the most concentrated, if you like, form of boreal forest. And you also have other natural features like the woodland caribou, where two of the herds that are most at risk are located.

But it's important to emphasize, Mr. Speaker, that what we're talking about here in terms of the UNESCO World Heritage site is not just a UNESCO World Heritage site based on natural factors alone, but on the natural and cultural heritage of the area. And that's why it's so important to the First Nations communities on the east side who have chosen to be a part of this project and who are engaged now in the land-use management process and other things that have to be assembled in order to make the case to the United Nations that this should stand alongside the pyramids and many other places in the world that we know as World Heritage sites. And it would be a real feather in the cap for Manitoba and for Canada, and also a way of emphasizing our global responsibility to protect a particular kind of ecosystem which may very well be increasingly important to the health of the planet, in terms of the carbon sink that the boreal forest represents.

So for all these reasons, Mr. Speaker, I look forward to second reading of this bill being expedited so that we can get it into committee. We can hear from Manitobans. I expect that there will be wide-spread support for this particular bill. And we hope, of course, once it's established, that is to say the fund, that we can get others to contribute to the

fund and—you know, from government to the private sector, we'll hope that some day that the Ontario government might contribute to the fund, for instance. But we want to get this piece of the puzzle with respect to setting up the UNESCO World Heritage site in place, and we hope that that might be done as quickly as possible.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to talk to this bill, Bill 12, The Pimachiowin Aki World Heritage Fund Act.

I want to put on the record, first of all, that we are strong supporters of the initiative to have a World Heritage site on the east side of Lake Winnipeg and have been from the beginning. I want to also talk a little bit about, you know, this initiative and the context of this initiative, and I will provide some suggestions to the minister for some areas where there could be some slight changes in the bill to improve it.

The World Heritage site, called Pimachiowin Aki, the land that gives life, is an area of about 40,000 square kilometres of boreal forest. It includes five traditional territories: Poplar River, Little Grand Rapids, Bloodvein, Pauingassi, Pikangikum. And it includes, in addition, three provincial parks: Atikaki, Atikaki south and Woodland Caribou Provincial Park; four proposed park additions, the Eagle-Snowshoe Conservation Reserve in Ontario and the Bloodvein River, a designated Canadian Heritage River. And, of course, it represents areas from two provinces, Manitoba and Ontario.

This area is important because of the boreal forest. The boreal forest, being called the lungs of the planet, being particularly important in terms of taking in oxygen, providing—or taking in carbon dioxide and providing oxygen. But it's an also an area with pretty extensive deposits of peat and carbon, and it is important that it be well managed from the point of view of the carbon cycle and the storage and/or release of carbon, as may happen. And certainly that's one of the reasons why having the boreal forest or a major area of boreal forest as a World Heritage site.

Now, World Heritage sites can be both natural heritage sites, which represent an area of natural land and habitat which is important to the world and, in some ways, unique. In this case, the boreal forest is of vital importance to the world as well as to Manitoba and to Canada, and having representation in a World Heritage site is important.

The nature of the World Heritage site, in this case, is not just as a natural heritage site, it's also as a cultural heritage site, and this is important in acknowledging the culture of the area, the history of the area. And, indeed, in this area, there are some important archaeological findings which date back many years, and it's important that these archaeological areas and known and important culture and historic areas be not only represented, but be better described and included in this description of this World Heritage site.

And, in our efforts to preserve this area and to—indeed, a part of what the goal is, is to provide a process for sharing our understanding of this area, learning more about the boreal forest. There's still much that we have to learn and being able to share through things like ecotourism with people around the world the knowledge, the understanding, the beauty, the wonderful attributes of the boreal forest.

\* (16:20)

And so that is, I suggest, an important step in the setting up this fund, is also a step which we had recognized some time ago would be needed and we certainly support.

It may well be that there will be opportunities, as we move forward, for significant additional donations to the fund. I suggest to the minister that, when you look at the purpose of the fund, that the section which deals with "to protect, preserve and celebrate the natural features and the cultural landscape of an area east of Lake Winnipeg," that you might put in "to identify," because there are still areas of the natural features which may not be identified or cultural and historic features which need to be identified. So: To identify, protect, preserve, and celebrate the natural features and the historic and cultural features of an area east of Lake Winnipeg.

So it's a little broader, and I think that certainly would fit in with the understanding of this being a UNESCO site—UNESCO standing for United Nations Educational, Scientific, and Cultural Organization, which recognizes the importance of education and of scientific, both in terms of traditional science and of Western science, in terms of an understanding of this area and its attributes, its wonders as a World Heritage site.

This February I had the opportunity to visit with people in a number of the communities in this area, including Poplar River, at Bloodvein, at Little Grand Rapids and at Pauingassi. I know that there has been



some question about the involvement of Bloodvein because the community and the council have been sometimes supportive and sometimes not so supportive, but, in my discussions with members of the council at Bloodvein, they are supportive at this point, and I look forward to them being fully included in this World Heritage site.

There are clearly—there is a lot of need for future-thinking employment opportunities in this area, and we need to make sure that the people of these communities have those opportunities to have improved employment and improved opportunities.

I was—I think that the talk about eco-tourism is certainly positive, but I suggest that eco-tourism alone probably is not sufficient. And one of the things about a World Heritage site is that it doesn't, you know, come with any major federal support, as you would have in a national park, for example. It doesn't come with funding from UNESCO, and so that it will be important that we in Manitoba—and work with Ontario in terms of building a World Heritage site and a platform of opportunities for people in the area. They are not likely to come without some effort, and certainly we need to be there as part of an effort to make sure that people in the communities benefit from the opportunities that are there.

It's also important, I suggest, there has been a lot of discussion about the road on the east side, which is now proceeding, and that road will go into and through parts of the World Heritage site. It's important to note that there is not a contraindication when you set up a World Heritage site to having roads in there, but you do need to have substantive land-use planning and you need to have areas which are protected. And this is the initial land-use planning, which has been done in Poplar River, and, I understand, is now proceeding in the other traditional territories, that that has been slower than it well might have been, given the fact that it was in November, 2004, when members of the Poplar River First Nation travelled to the third IUCN World Conservation Congress in Bangkok, Thailand, and participated in the negotiations and meetings to arrive at a final wording for a recommendation that went before the assembly there, the World Conservation Congress assembly, and indeed was approved.

And it was with pleasure and excitement that that information was transmitted back to us in Canada, but that was now almost six years ago. And

the progress, although it is coming, certainly could have been quicker than it has been in the designation of protected areas and in the land-use planning aspects that are also vital if this nomination as a World Heritage site is to proceed adequately and be supported by UNESCO.

So there is lots of work to do yet on this World Heritage site, and we support this fund because it is important in providing some resources to move things forward, particularly as there are not any designated resources coming from elsewhere necessarily.

I would suggest to the minister that their—when the regulations and so on are set, that the areas of reporting expenditures from the fund are going to be quite important, the procedures through which fund monies are allocated, the insurance that there are benefits to people in the communities which are affected—these are all aspects which are pretty important to be sure of.

I want to comment on the question of whether the World Heritage site and a Bipole III going down the east side of Lake Winnipeg are compatible. And, indeed, the question here is that there is not a contraindication to a Bipole III going down the east side of Lake Winnipeg and having a World Heritage site at the same time, but it does mean that you need to make sure that you've got careful planning of the land use and that you've got careful planning of any mitigation of problems, and certainly am sure that in there are examples of World Heritage sites elsewhere in the world which have transmission lines through the corridor. And, indeed, as was pointed out to me, that the Poplar River land-use plan, I believe, has a corridor in order to get electricity into the community and it could potentially be a wider corridor.

But, certainly, there are aspects of this we need to be strong supporters of the world heritage fund act, and, as we have argued, that we should be looking first to the option of putting Bipole III under Lake Winnipeg because we believe it's the most environmentally best option. Under Lake Winnipeg is better from a security aspect because you don't have to worry about ice storms affecting the area when a cable is buried in the sediments of the lake and so on. And I know that there are some studies under way, and I believe that they're showing that the—technically it will work to have lines under Lake Winnipeg. And the—our challenge is to make sure that we don't close that option and that we look

seriously at that option and then we would not need to look at an option on the east side of Lake Winnipeg.

\* (16:30)

But, nevertheless, where we are at the moment, I think that the important thing for today is that we should be moving forward in setting up this fund establishing a World Heritage site acknowledging the history, the cultural significance of not only sites but of the communities of Poplar River, Bloodvein, Little Grand Rapids, Pauingassi, Pikangikum—acknowledge that this is an area of considerable cultural as well as natural beauty and look forward to seeing this World Heritage site being developed in due course in a way that all Manitobans can be proud of.

So that is our position on this. It is one of support, and at this point, I'm going to stand down and let my colleague say a few words.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I do have actually a number of thoughts I would like to be able to share with the House in regards to Bill 12. You know, quite often I might find it difficult at times to pronounce four-syllable words; some four-syllable words are a little bit more challenging. The name of this particular bill, and you'll have to excuse the, my pronunciation, but The Pimachiowin Aki World Heritage Fund, in principle, is something in which I think is just absolutely fabulous. It's the type of funds that can potentially preserve and enhance our province many, many years ahead of us. It's the type of thing that has great potential.

And I often wonder in terms of when we talk about preservation of some of our greatest resources, that being nature as being one of, maybe even the most important resource that we have. How do we accommodate the desires of the public, ultimately, to be able to witness them first hand? I really do like the idea of having a World Heritage site. This is something that has been talked about for a great deal of time, and I suspect that the overall support for this, the concept of the World Heritage site and putting it into place and assisting it in the best way that we can to ensure the viability, the long-term viability of this World Heritage/cultural site is successful, would be huge.

The public as a whole, I think, over the years has moved more towards, you know, the environment, in wanting to see good, positive environmental policy coming from the government. You know, there's a

number of questions that come to mind for me personally in reading over the bill. It's not a large bill, but the concept is there and I have a basic understanding of the bill, and I do appreciate the fact that the government wants to be able to follow through on something that Gary Doer initially had talked about just last year in committing a great deal of money.

And we see it in terms of the legislation that we have before us where there's a commitment to contribute \$10 million, Mr. Speaker, throughout the period of time. And that's a significant amount of dollars, and that won't be it. I suspect that there's going to be a big push for additional dollars, both from the private sector and from the public sector, as the corporation would ultimately want to do what it can in terms of education and promotion of the heritage site. And, you know, one of the questions I suspect would come out of a piece of legislation of this nature is what is the real impact on the average person here in the province of Manitoba. There is all sorts of individuals that love the challenges of nature.

I can recall watching on the television the whole concept of ecochallenges where individuals will go into nature and challenge some of the things that nature has to offer, and it's amazing in terms of what the human body can endure as it goes through those challenges. There is that component of the potential of what could be there into the future.

There's the also just simple tourism. I suspect many of my constituents, many people across the province, when they hear of the whole idea of a World Heritage site, that kind of stands out to be more than just a park, that we got to recognize it for what it is, of great value, and that's why the world community, if I could put it that way, is taking a note of that entire region of our province and what is ultimately going to evolve. And this is something that, ultimately, I believe, allows for us to provide some guarantees to future citizens of our province and, in fact, to the world community.

And the idea of having this heritage park is positive but, as I say, you know, what about the average constituent in which we represent? Is there—and, again, you have to excuse me for not necessarily knowing the answer, but are there opportunities and how does it work so that people would actually be able to witness the park first-hand? You know, the Leader of the Liberal Party made reference to the roads that are being ploughed through even the proposed heritage site that we have before us today.

Well, what sort of long-term development is, in fact, allowable? What sort of development does the government see? When you brand—and, you know, we talked about the UNESCO giving it a very favourable brand, is that World Heritage park site—well, to what degree are there plans that allow for people to witness nature in that particular park? Or does the concept mean that you want to not have people going into the park? Are there some parts of it that would be completely sanctioned strictly as wildlife where any time of the year in which it would not be appropriate people going into the area?

Again, I don't know the answers to that question. I suspect that, if you canvass most Manitobans, they would have some very strong opinions on it, and, you know, I listened to the minister in his introduction of the bill, and I didn't quite catch as to how the public, outside of contributing finances potentially to the fund, outside of just acknowledging the value and appreciation of us having this designation, but to what degree is there actual people interaction between a World Heritage site such as this that would be wonderful to see and people?

\* (16:40)

You know, I have a constituent nicknamed Tiny. He's actually a very large man, and that's why we call him Tiny. But, Mr. Speaker, he has a pond—it's not a pond, it's a lake—and I'm amazed that he tells me that he has to fly into it; there is no real other access to it. And he has a love and a passion for nature.

And, you know, periodically he will show up on my Thursday night McDonald's and tell me some of his stories. And, you know, I'd be guessing, but Tiny is someone that I suspect that has been doing that trip into the rural communities, in particular, his little fish hut or whatever it is that he has around that isolated lake that no one actually has access to it, it appears, but I suspect he's been doing it now for 50 years—plus, Mr. Speaker. And, you know, I haven't had the chance to chat with him in regards to this bill. He is very opinionated, I must say that, very opinionated.

You know, one of the issues that he has constantly brought up with me is the whole issue of caribou and elk farming and issues of that nature. You know, the—we need to emphasize the importance of the woodland caribou, and you should ultimately ensure that we're doing something there, and even on the province—provincial scale, Mr. Speaker, in order to protect the woodland caribou.

You know, I don't necessarily know their migration paths or anything of this nature, but I suspect that there is woodland caribou in this proposed area, and I know that it's on both sides of Lake Winnipeg. But these are the types of things that, you know, that I think people are interested in.

I can assure you that Tiny would be interested in it, and it would be nice to get a better sense, because I, for one, don't necessarily know, and the minister didn't really provide comment on that. Yet, I would think that that would be one of the more natural questions that our constituents would have. When you designate, and then you allocate 10-million tax dollars towards it, what does that mean for our constituents in a very real, tangible way in terms of the interaction with the heritage site? And, as I say, you'll find most Manitobans are just glad of the fact that we're doing something of this nature. But there is a significant percentage that are interested in that nature component. And as we continue to evolve as a province, I believe we're finding more and more interest in going into those rural communities, you know, and, whether it's exploring, camping or whatever it might be. And it is important that the government put into place processes and regulations that both afford the people of this province the opportunity to enjoy the province, while at the same time, regulations that are there to protect those natural wonders that we have, and, ultimately, to make sure that there is a balance. And that's ultimately what it is that I would like to see happen. And I look forward to hearing from the government as to what they believe should be happening on the— at the provincial level.

We're into a very heated discussion, Mr. Speaker, if not every day, every other day in regards to Hydro development in the province of Manitoba. And we, you know, the government's only response—and their response does change at times—but today the response from the government seems to be that the hydro line should be going down—the bipole should be going down the west side in order to preserve the boreal forest on the east side. And yet, on the other hand, they're building roads on the east side, and there is a substantial cost difference, east side versus west side. There's boreal forest on both sides of the lake and so here we have, on the one hand, we have something that's very positive. We have an area that's having this designation but I would ultimately suggest to you it's a bit piecemeal, you know, that there is no overall plan from the department as to how the province will eventually

evolve in terms of its natural resources, its—when I say natural resources not only am I talking about mining products, we're talking about Mother Nature and the beauty of our forests and the wetlands and so forth and we do need to have that overall perspective of the province of Manitoba.

You know, I met with the minister and I did appreciate the minister's meeting, the individuals that he had present and providing an explanation, and I had asked then and continue to try to get a better understanding as to the long-term plan for rural Manitoba. And, personally, I think that at the end of the day, that we need to spend a great deal more time on that because even with the meeting with the minister, I believe that he would ultimately acknowledge that there is a need for us to develop that plan—that it's not just good enough for us to ultimately be waiting and doing, well, over here we'll do this, over here we'll do this, and this year we'll focus some attention on this and then the next year we'll do this, and then we'll put in some quota over here in a very piecemeal fashion.

Best I can tell is that there is no long-term vision of development in our rural—in rural Manitoba and I think that's a mistake. I think that we need to be able to look at that, Mr. Speaker, and that's one of the reasons why we're in the problem that we are today. You know, on the one hand, we have the, what is in the opinion of people here, a World Heritage site that's east of the lake and we're wanting to recognize that and we're doing it in a very tangible way. As I say, \$10 million is a lot of money and I would anticipate, as I say, that there's going to be a lot more money being put into that particular fund.

But what about the surrounding areas? What about in terms of the construction that is going to be taking place from within that park? You know, we're not really hearing that. What we're hearing is just the concept and very few people will object to the concept but are there some detailed plans? You know, I did a quick Google search on the issue and there was a Web site that did come up and, you know, I believe it was authored through the, Pimachiowin Aki group in which it talked about, and I'll quote right from it, the land is 40,000 square kilometres of vast boreal forest, rivers, lakes and wetlands, all on a granite-shield landscape. It provides critically important habitats for wildlife, including woodland caribou, wolverine and bald eagles. The project area includes traditional lands of our First Nations and two large wilderness provincial parks, which I think is a wonderful description. I

can't take credit for it. You have to go into the Internet and get the tribute to the right person. And then it goes on to say, we know that this land is as important to all Canadians and the people of the world as other World Heritage sites such as the Grand Canyon, the pyramids of Giza and the Canadian Rocky Mountains. We know that these forests are part of the lungs of the earth that help clean the environment for everyone. For these and other reasons, we'll be working together to develop a nomination to UNESCO by 2011.

\* (16:50)

It will take much planning, consultation, collaboration, to define in that nomination how the land will be used and protected in the future. And then it goes on to further state, our future is tied to this land by caring for it according to the Anishinabe values. And with both traditional and western science knowledge, we will support our people and maintain the ecological health of the land. We expect increased tourism, job creation and developments that will invite Canadians and people from all over the world to this area.

You know, as a Manitoban, I read this and feel very encouraged by what it is that I read, and that's the wonderful thing about the Internet nowadays. And I suspect that if we are successful in getting the recognition that we believe that this area should have, Mr. Speaker, that it will do everything and potentially more, in terms of what's being talked about, that I just made reference to.

You know, it's—you ask people around the world about the Grand Canyon, and they know about the Grand Canyon. They've heard of the Grand Canyon. Well, imagine that we have—or the pyramid, that they make reference to the pyramids. Well, imagine, Mr. Speaker, we are so blessed that we, too, have something of that calibre here in the province of Manitoba. And I think that it's important that we do what we can to preserve it and to develop it in such a way that it is not only perceived, but it really and truly is in the best interest of nature. And if we do this thing right, I do believe that there will be many, many different winners that go beyond the planet Earth.

You know, you can talk about how our planet will benefit. It makes reference to, you know, the lungs which produces so much oxygen to the—to it, for us. You know, it's widely accepted, the boreal forest is a major contributor to our environment in a very positive way, and this heritage site, ultimately,

is in a prime area of the forest. And that's why, you know, we go back to the idea of, well, what is there on the drawing board today? To what degree is the public aware of the intentions? I suspect that there's a good number of people, Mr. Speaker, that could provide a lot of those details. I suspect that there are individuals that are much, much closer to the project than myself, that have lived in those communities, you know, members of the First Nations and others that have cared for that community or that area for generations. And, if we were to, you know, have a meeting, a public meeting out in that area, I suspect that we would hear a lot of ideas. And, you know, to that extent, when you talk about this being as important as it is to the province, you know, why not have some sort of an informational tour package for MLAs and possibly others to be able to go into the community so that we can listen to what people have to say first hand.

I know my leader, representing the Liberal Party, has done that, as he's tried to get a better understanding of what it is that the people in that region, in particular, our First Nations people, would like to see developed, not only in the short term, but the long term. You know, we recognize the value that's there, Mr. Speaker, as pointed out in terms of its, you know, the primary value or the primary purpose is that of a natural-nature reason, but there are other benefits and those benefits is something in which we need to be aware of and to ensure that we're doing what we can to maximize while at the same time ensure that we're not taking away from the integrity of the site itself.

And one can talk about the jobs, tourism, you know, just the ability to be able to create something wonderful in our province and I suspect that, as I say, there would be great benefit in terms of having or establishing some sort of a formal process that would allow for that sort of feedback. Obviously, you know, Gary Doer recognized the value to it in the sense of, I think it was prior to him leaving, he had said that he would like to see some money put into it. You know, I suspect that it would have been nice to have seen more of that attitude towards the preservation years ago but, you know, we'll settle for recognizing it when he did.

I know, you know, when it makes reference to the bald eagles, my—the Leader of the Manitoba Liberal Party has always been a very strong advocate of the bald eagles, not only in the province of Manitoba but throughout the world and has a passion for that particular bird. And what you'll find, Mr.

Speaker, it that in any situation such as this that you will have Manitobans that do have a passion for that rural nature and the things that are in our forest, in our wetlands, and so forth and we need to tap into those individuals and get a better sense from them in terms of maybe what it is that they would like to see.

So there's a couple of things that I believe that ultimately need to get done. On the micro scale, we're talking about the heritage site, this particular heritage site, and, to date, I would applaud all of those who—in particular our First Nations people and others that have been involved to date in terms of elevating this site to the level it is today in anticipation that it, even over the next number of years, will be elevated even higher and you know, I applaud their efforts. They're doing a fabulous job on behalf of all Manitobans by doing that.

At the same time, that's the micro side of it, Mr. Speaker, then you go to the macro side., and when it comes to the macro side of what it is that we're talking about, I think that we need to be looking at the province as a whole and this is where I think the government has dropped the ball. There are decisions that are being made that are not in the best interests of the province of Manitoba that ultimately it would have been nice to see more of a plan of action or a long-term strategy as to other areas of rural Manitoba.

You know we—not all rural Manitoba will achieve world recognition in terms of a heritage site, but there are other parts of Manitoba that we need to be vesting more energy and ensuring that the long-term developments in those areas is done properly. I don't have that much faith in the government in terms of—by what I've seen with regards to the bipole, you know, the Bipole III and the impact of Bipole III, I'm still not convinced that the government is doing the right thing on that. At the end of the day, you know, I don't even think that they've discredited going under the lake, Mr. Speaker, and, you know, I would have thought that that would have been the best for our environment, but they seem to be ignoring it. And I think, at the end of the day, that's at the cost of the—

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

And the time now being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 13, 2010

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