

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

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

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

**Vol. LXI No. 41 - 1:30 p.m., Wednesday, May 13, 2009**

ISSN 0542-5492

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

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, May 13, 2009**

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

*PRAYER*

**ROUTINE PROCEEDINGS**

**PETITIONS**

**Crocus Investment Fund**

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

The background to this petition is as follows:

The 2007 provincial election did not clear the NDP government of any negligence with regard to the Crocus Fund fiasco.

The government needs to uncover the whole truth as to what ultimately led to over 33,000 Crocus shareholders to lose tens of millions of dollars.

The provincial Auditor's report, the Manitoba Securities Commission investigation, the RCMP investigation and the involvement of Revenue Canada and our courts, collectively, will not answer the questions that must be answered in regard to the Crocus Fund fiasco.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier (Mr. Doer) and his NDP government to co-operate in uncovering the truth in why the government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund fiasco.

This is signed, Mr. Speaker, by M. Pacholek, V. Pacholek, J. Pacholek and many, many other fine Manitobans. Thank you.

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

**Parkland Regional Health Authority—  
Ambulance Station**

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

These are the reasons for this petition.

The communities of Eddystone, Bacon Ridge and Ebb and Flow First Nation rely on emergency medical services personnel based in Ste. Rose, which is about 45 minutes away.

Mr. Speaker, these communities represent about 2,500 people. Other communities of a similar size within the region are equipped with at least one ambulance, but this area is not. As a result, residents must be transported in private vehicles to the nearest hospital if they cannot wait for emergency personnel to arrive.

There are qualified first responders living in these communities who want to serve the region but need an ambulance to do so.

A centrally located ambulance and ambulance station in this area would be able to provide better and more responsive emergency services in these communities.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider working with the Parkland Regional Health Authority to provide a centrally located ambulance and station in the area of Eddystone, Bacon Ridge and Ebb and Flow First Nation.

This is signed by Judy Le Blanc, Josephine Houle, Cynthia Houle and many, many other fine Manitobans.

**Long-Term Care Facilities—Morden and Winkler**

**Mr. Peter Dyck (Pembina):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

Many seniors from the Morden and Winkler area are currently patients in Boundary Trails Health Centre while they wait for placement in local personal care homes.

There are presently no beds available for these patients in Salem Home and Tabor Home. To make more beds in the hospital available, the regional health authority is planning to move these patients to personal care homes in outlying regions.

These patients have lived, worked and raised their families in this area for most of their lives. They

receive care and support from their family and friends who live in the community, and they will lose this support if they are forced to move to distant communities.

These seniors and their families should not have to bear the consequences of the provincial government's failure to ensure there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities.

To urge the Minister of Health to consider working with the RHA and the community to speed construction and expansion of long-term care facilities in the region.

This is signed by Sara Hiebert, Betty Groening, Linda Dueck and many, many others.

#### PTH 15

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

These are the reasons for this petition.

In 2004, the Province of Manitoba made a public commitment to the people of Springfield to twin PTH 15 and the floodway bridge on PTH 15, but then in 2006, the twinning was cancelled.

Mr. Speaker, injuries resulting from collisions on PTH 15 continue to rise and have doubled from 2007 to 2008.

In August 2008, the Minister of Transportation (Mr. Lemieux) stated that preliminary analysis of current and future traffic demands indicate that local twinning will be required.

The current plan to replace the floodway bridge on PTH 15 does not include twinning and, therefore, does not fulfil the current or future traffic demands cited by the Minister of Transportation.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate twinning of the PTH 15 floodway bridge for the safety of the citizens of Manitoba.

Signed by Ethel Pshednovek, C. McCutcheon, N. Sergenese and many, many other Manitobans.

#### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the Speaker's Gallery where we have with us today Kamni Ramnuth, a student at St. Norbert College currently job shadowing the Member for St. Norbert (Ms. Brick), and Steven Brick who is the son of the honourable Member for St. Norbert. These are the guests of the honourable Member for St. Norbert.

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

I'd like to draw the attention of members to the public gallery where we have with us from Faraday School 45 grade 6 students under the direction of Ms. Claretta Shefrin. This school is located in the constituency of the honourable Member for Burrows (Mr. Martindale).

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

#### ORAL QUESTIONS

##### Photo Radar Tickets Construction Zones

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, by now all members of this House have heard the stories from hundreds of Manitobans who were wrongly issued tickets by the American company ACS on behalf of this cash-strapped NDP government. I understand that the Attorney General (Mr. Chomiak) is having a news conference today at 2:30.

Mr. Speaker, will he be doing the right thing in today's news conference and announcing that those thousands of Manitobans who were wrongly ticketed by the American company ACS on behalf of the cash-strapped NDP government, will he be announcing that those Manitobans will be getting their money back?

**Hon. Gary Doer (Premier):** Well, Mr. Speaker, first of all, I want to say hello to the Faraday School, a school that the Minister of Justice (Mr. Chomiak) attended in his elementary years, and he brings his greetings to the school. He cares about the safety of all children in Manitoba, and I'm really proud of that.

Mr. Speaker, besides the intellectual curiosity in the statement of the Leader of the Opposition two days ago about we didn't have photo radar 135 years

ago in terms of children's safety, he also made an inaccurate statement that the contract was between the Province of Manitoba and the company. I think the contract is very specifically between the City of Winnipeg and the other company.

I know when you make a statement about 135 years ago and talk about photo radar with horse-and-buggy kind of transportation, you got to try to use other stuff to misinform the public. But I think it's important to admit, as the former head of the staff for Mayor Sam Katz and the former campaign manager for Mayor Sam Katz, the Leader of the Opposition knows the facts that it is a contract between the City and the company for the implementation of this policy.

\* (13:40)

**Mr. McFadyen:** I see, once again, it's the tactic of pointing the finger at the City of Winnipeg, rather than taking responsibility when it is this government, this NDP government, that gets more than half of the revenue from the tickets being wrongly issued by this American company ACS to innocent Manitobans, Mr. Speaker.

I want to ask the Premier if they are going to heed the comments of individuals, one of whom wrote to us. This is a woman with several children who was given five tickets in the Bishop Grandin construction site—before even receiving the first ticket in the mail—in every case, 7:20 in the morning, no workers on site, travelling below the normal speed limit.

Mr. Speaker, does he think it's appropriate to hold on to this person's money—when the judge has already said that it was wrong for this American company to ticket her in the first place—on behalf of this cash-strapped NDP government?

**Mr. Doer:** Mr. Speaker, the member opposite has to put factual information on the record, and as a former campaign manager for the mayor—

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

**Mr. Speaker:** Order.

**Mr. Doer:** Mr. Speaker, he knows that the contract was between the City of Winnipeg and the company, not between the Province of Manitoba. Those are the facts.

Now, Mr. Speaker, if he feels he has so little to stand on, because he's opposing what the police are recommending, that he has to use factually incorrect

information, let him be accountable for it. Eventually, the truth does come out.

Mr. Speaker, I would also point out that the legislation and the enabling requirement of the City of Winnipeg deals with more than just construction workers. It deals with the issue of lowering speeds because of barriers and its impact on merging traffic.

Thirdly, Mr. Speaker, the Crown attorney dropped some of the charges, or the charges, because the City was complying with the provision to have a speed limit decrease posted before the traffic entered the construction zone, but it failed to comply with the requirement of having that posting as you leave the construction zone, a technicality.

Having said that, Mr. Speaker, we will continue to work with the City of Winnipeg police. I'd ask the Leader of the Opposition—I presume he's talked to chief of police before he made his statements. I presume he talked to the chief of police before he promised to remove photo radar from schools and playgrounds.

I presume he's talked to the chief of police and has consulted with the chief of police, or is he saying to the people of Manitoba he doesn't care a whit what the chief of police says about this issue in Manitoba, Mr. Speaker?

**Mr. McFadyen:** Mr. Speaker, and once again, the sad attempt to try to deflect the issue when it was a judge who ruled that tickets were issued wrongly to people, such as a mother of two who was on her way to see her aunt and uncle, in town for a short time, people whom she hadn't seen in some time, who was travelling 77 kilometres an hour in a zone with an 80 kilometre-an-hour speed limit, was in the process of slowing down entering a construction site where there were no workers present, was hit with a ticket, was required to pay that ticket, and her husband, who is a truck driver, wasn't able to renew his licence and earn a livelihood until the ticket was paid.

Mr. Speaker, does he side with the American company ACS that's out collecting money on behalf of the cash-strapped NDP government, or does he side with this mother who was wrongly ticketed in a construction zone?

**Mr. Doer:** Mr. Speaker, we side with the city of Winnipeg police. We side with the Winnipeg city police who argued that for safety reasons and for the proper deployment of police officers photo radar was a good tool for law enforcement in Manitoba.

You could have a police officer sitting with a radar gun at a construction site. You could have a police officer sitting at a school ground or playground with a photo radar gun. You could have a police officer sitting all the time, 24 hours a day, at an intersection with a photo radar gun. That would still allow the police to issue a ticket when you did not follow the speed limit. It would still allow the police to issue a ticket using a photo radar gun.

The police have argued that at some of these places it would make more sense to use the technology of the photo radar and allow police officers to be more intelligently deployed for crime prevention and crime enforcement. The question here—[interjection]

**Mr. Speaker:** Order.

**Mr. Doer:** I know members opposite are talking about 135 years ago about school sites, that we didn't need photo radar for the last 135 years.

I would point out, Mr. Speaker, that the police have the technology to sit at a construction site and still issue every ticket that the member opposite is quoting. But they have said to us, please, let us use the technology at those sites, at playgrounds and school grounds. Please, let us use [inaudible] technology so we can have police cars protecting the communities around the province, around the city.

That contract is issued between the City of Winnipeg and the company that's cited. The only contract I know of, of any large proportions, between an American company and the Province of Manitoba was Connie Curran to privatize health care, and we are proud of the fact that we never entered that contract with the government.

#### **Photo Radar Tickets Construction Zones**

**Mrs. Bonnie Mitchelson (River East):** That rant by the Premier does absolutely nothing for Melanie, a single parent in my constituency who was a victim of this NDP government's cash grab when she was clocked going 78 kilometres in an 80-kilometre zone on Lagimodiere Boulevard where there was supposed construction, but there were no workers, no signs and no construction trucks on her photo radar ticket.

Mr. Speaker, a simple question from Melanie: When can she expect the refund from this NDP government cash grab?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, when the government delegated the authority to the City of Winnipeg to issue photo radar, and when the member's party said—[interjection]

**Mr. Speaker:** Order. The honourable minister.

**Mr. Chomiak:** Thank you, Mr. Speaker. When that party said we should expand it, we limited it to certain instances. The Crown dropped the case because of evidentiary issues and stayed 800 charges because, in good faith, because they knew that they couldn't go forward with the charges.

The police said to us, we don't want to have to go and man those sites because we don't have enough people in order to chase criminals and to do youth car theft and to do serious crimes. We would rather have photo radar, and we agreed with the police.

\* (13:50)

**Mrs. Mitchelson:** Mr. Speaker, I'll just quote from a letter that the minister received from Melanie, and it says: As a single parent who owns her own home and car, \$190 makes a big difference in a month.

Melanie is asking a very simple question: When will she get her refund from this government and from this government's cash grab?

**Mr. Chomiak:** Mr. Speaker, her colleague in the Legislature said 60,000 people got these tickets, deserve to have justice and to get the money paid off to them. That is factually inaccurate.

The Tory site says 60,000 people ought to be paid back. In fact, Mr. Speaker, the chief of police has said that a lot of those people have been speeding. A lot of those people went through safety zones, and because they distorted the law and they refused to listen to what the facts are on the law, they are creating victims of a lot of people.

I might add, Mr. Speaker, we've got a lot of things to deal with in this Legislature that are very important to Manitobans but not always having to correct the illegitimate legal interpretations of members opposite, which are dead wrong.

**Mrs. Mitchelson:** Mr. Speaker, I'll quote again from a letter that Melanie sent to the Minister of Justice, and she said, I quote: I plead with you to do the honourable thing and give the money back to the people. It is not the City's or Province's to spend, but it is money for my family, home, et cetera.

Mr. Speaker, it's Melanie's birthday today, and I would ask the minister: In his news conference at 2:30 this afternoon, is he going to let Melanie know when she can get her refund back?

**Mr. Chomiak:** Mr. Speaker, I'm not going to say to Melanie—as the Leader of the Opposition (Mr. McFadyen) did—that we're taking photo radar out of school zones, because we want to protect children from accidents. I'm not going to say we're taking photo radar out of construction sites, because two men got killed a couple of years ago at a construction site in Winnipeg, and the Construction Safety Association said: All construction sites are safety issues and we ought to have photo radar.

I'm not going to say that, Mr. Speaker.

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

**Mr. Speaker:** Order. Let's have some decorum. We need to hear the questions and the answers. The honourable minister has the floor.

**Mr. Chomiak:** Mr. Speaker, in my conversations with Chief McCaskill, who has said we need and we want photo radar to protect the public, that's what we're going to say at our press conference, that safety is paramount. In fact, the members opposite are making an issue out of something they know they are wrong on, and, if they want to look through the legal analysis, they know they're wrong in law and they're wrong in principle.

Mr. Speaker, I think, you know, if they would have shown concern for nurses over the past 10 years, we wouldn't have had 1,500 nurses fired by members opposite.

#### **Photo Radar Tickets Construction Zones**

**Mr. Kelvin Goertzen (Steinbach):** Well, Mr. Speaker, the minister who brought Manitobans the vote tax, the minister who brought Manitobans millions of dollars of spending on licences that he can't give away—well, he's at it again. Now he wants Manitobans to believe that when the photo radar tickets increased from 2007 to 2008 by 2,000 percent, he had no idea. Despite it being the subject of a court case, despite it being in the media, despite e-mails, despite phone calls, the Minister of Justice, well, he knew nothing.

Can he tell Manitobans whether at 2:30, when he goes to his announcements, he's going to explain to them why he was so absent on a file that was affecting tens of thousands of Manitobans?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, what I'm not going to do is put inaccurate statements on the Web site saying 60,000 Manitobans deserve a refund. I'm not going to say—as the Leader of the Opposition (Mr. McFadyen) said—that photo radar shouldn't be in school zones.

I'm going to talk to the chief of police and follow the advice on safety of the chief of police. I'm not going to misstate what the legal case was, as the member did, as the Member for Steinbach did. He not only was legally wrong; he was factually wrong and he was wrong in principle, Mr. Speaker.

I'm not going to do any of that. I'm going to sit down with the chief of police, and I'm going to listen to the direction of the chief of police on public safety.

**Mr. Goertzen:** You know, the Minister of Justice, he sits beside the Minister of Finance (Mr. Selinger) who was cashing the cheques. The Minister of Justice and the Minister of Finance, well, I guess they're laughing all the way to the bank as the tickets increase by 2,000 percent.

But it wasn't so funny for the tens of thousands of Manitobans who shouldn't have gotten these tickets according to the court. Now, to add insult to injury, the Minister of Justice is telling Manitobans that the reason he can't give a refund is because there are so many tickets. Well, the reason there are so many tickets is because he was asleep at the switch for the last year, because he wasn't even asking about the issue.

Is he going to go there at 2:30 and say the reason it's become such a fiasco is because he was asleep on the job?

**Mr. Chomiak:** Mr. Speaker, the Crown dropped its appeal after learning the City had not been using proper signage. Quote: Prosecutions concluded that in light of their knowledge that signs had not been placed at the under construction zones, it would be inappropriate to proceed with existing prosecutions.

As a result of that, we changed the regulations to ensure that the existing signage was put in place. We changed that last Friday, Mr. Speaker, before members opposite tried to turn this issue into a political—remember, we're dealing with the budget. They've been up every day in question period on speeding tickets. They haven't talked about agriculture. They haven't talked about poverty. They haven't talked about First Nations issues. They

haven't talked about health-care issues. They're talking about speeding tickets, and, in fact, they're wrong on that to start with.

**Mr. Goertzen:** Mr. Speaker, millions of dollars poured into the coffers of the government. The Minister of Finance (Mr. Selinger) cashed all the cheques and his colleague the Minister of Justice never bothered to ask why all of this money was pouring in, and now he wants to have Manitobans believe that he ignored the court case, ignored the phone calls over the last month. He ignored the news stories, and he never bothered to ask what all the controversy was about, never bothered to ask anybody how many photo radar tickets were being issued in construction zones where there are no construction workers.

Well, the court got it right, but this Minister of Justice has it wrong. At 2:30, will he go to his announcement and tell the people there that he was asleep on the job and the only reason there's a fiasco today is because he didn't do his job over the last year, Mr. Speaker?

**Mr. Chomiak:** Mr. Speaker, when it came to my attention that the Crown had dropped the charges, I went to the media and said that, in fact, in law, the charges were dropped. I then found out that there were 60,000 tickets, and I said we have to take a look at that because the credibility of photo radar is going to be a problem. They've got more of a problem when the Leader of the Opposition (Mr. McFadyen) said they would get rid of photo radar; then they would get rid of photo radar in school zones; then they didn't have photo radar 135 years ago. Now the member says the court decision was right.

We dropped the appeal based on evidentiary issues. We will do that appeal again as soon as the evidence comes up, Mr. Speaker, because the law—there are two different laws that apply to that. I don't know if the member's ever read the regulation or read the law, but, in fact, the wrong point of the law was applied. The main point is it's a safety issue, and we agree with the chief of police with the safety issue.

We'd rather have police out rounding up criminals than the law-and-order party having to chase down speeding tickets.

#### **Educational Facilities Presence of Asbestos**

**Mr. Ron Schuler (Springfield):** Mr. Speaker, several weeks ago, the Minister of Education indicated that he was aware of asbestos in schools,

just not which ones or, for that matter, how many. He indicated that as many of the schools in this province were built in the 1940s and 1950s, they might likely contain asbestos. He also stated given the number of schools in the province, it would take a couple of weeks to find out how many and which ones.

Can he now report exactly how many schools in this province contain asbestos?

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** I thank the member for the question, Mr. Speaker. We did have this discussion in Estimates, and I assured the member that we would get that information for him in a timely manner. I also assured the member, with PSFB staff, that none of that asbestos that may be in the schools today is a health threat as it is in a contained environment. We do respond very quickly to any events where there are threats to the health and safety of the students. We do so very quickly with the co-operation of the school boards and the school divisions that assess the buildings on a daily basis, on a weekly basis. We certainly will respond to these situations as they arise.

We respond very quickly to mould issues. We will respond to asbestos, and I'll get the information for the member.

\* (14:00)

**Mr. Schuler:** The Minister of Education knows that there's asbestos in our schools and admitted as much during Estimates. He said, and I quote: "I understand that some of the older schools do have what is referred to as encapsulated asbestos."

I ask the Minister of Education if he was aware of the schools with asbestos in them, and why has it taken this long to start dealing with the problem? Why, again, Mr. Speaker, has he shown an absolute lack of leadership when dealing with the health and safety of our children, our teachers, our administration, regarding asbestos in our schools?

**Mr. Bjornson:** Certainly, I think our record speaks for itself in terms of the leadership in school capital, another \$310 million over four years, which the members opposite will vote against, Mr. Speaker. I also talked about the fact that we have \$3 million to ensure 15 more schools can accommodate students with disabilities; \$12 million for roofing projects; \$13 million for structural renewal projects—and these structural renewal projects deal with safety issues,



Mr. Speaker—and \$13 million to replace and upgrade heating and ventilation systems in 29 schools. That's just this year. We'll have 106 projects to improve the infrastructure in our schools this year alone. We have \$310 million, record funding over the next four years.

Members opposite, they'll vote against it. They vote against the budget every year. But we've increased funding, and we'll continue to do so to support safe learning environments for our children, Mr. Speaker.

**Mr. Schuler:** Mr. Speaker, in October of last year, a \$5-million project was launched to determine how much asbestos is used in public housing. Clearly, other departments view asbestos as less than a good thing. In fact, former U of M president, Emőke Szathmáry, described a lot of buildings as having a lot of mould, a lot of asbestos and a lot of terribly run-down buildings. She had the leadership to raise the issue of asbestos and to start dealing with it at the U of M.

When will this Minister of Education know how many schools contain asbestos, and what is his strategy for dealing with this serious health issue facing our children, our teachers, our administrators in our schools? When will he start showing leadership and start doing something about asbestos in our schools, Mr. Speaker?

**Mr. Bjornson:** Mr. Speaker, I can assure the member that every time there is a health concern raised by school divisions that the Public Schools Finance Board works very quickly to address those health concerns. When there are issues of air quality, such as at St. Eustache School, they started testing that air quality on a regular basis to determine if there was any health risk, and it was determined to be contained. It was not a health risk.

We didn't have to worry about asbestos 135 years ago, but we are worried about it today. We are working with our school divisions to address those issues, and the Public Schools Finance Board reacts very quickly to any matter concerning health and safety in our school divisions and the quality of the buildings.

I can assure the member that we'll be able to do a lot to respond to these issues at \$310 million over four years, which is a lot more money than members opposite put in, in 10 years, Mr. Speaker.

### **Communities Economic Development Fund Northern Manitoba Employment Opportunities**

**Mrs. Leanne Rowat (Minnedosa):** The unemployment rate on First Nations in many northern communities is extremely high. In fact, some communities experience unemployment rates as high as 90 percent. Creating economic opportunity for people living in the north should be a priority, especially in light of these statistics.

Mr. Speaker, would the Minister of Aboriginal and Northern Affairs (Mr. Robinson) share with the House what role he sees the Communities Economic Development Fund play in addressing staggering unemployment rates in northern Manitoba?

**Hon. Steve Ashton (Acting Minister of Aboriginal and Northern Affairs):** Mr. Speaker, this year we're going to be celebrating the 40th anniversary of the Schreyer government, and one of the legacies of the Schreyer government has been the Communities Economic Development Fund, which has provided funding where commercial financing institutions do not provide funding throughout northern Manitoba. There is a significant amount of economic development that's directly related to the Communities Economic Development Fund.

But we're not just stopping there, Mr. Speaker. We are working with historic partnership, right now, in NCN, in terms of the development of the Wuskwatim Dam. We now have approval from the four communities looking ahead to Keeyask and Conawapa. So, in addition to building on that legacy, we're still writing that legacy, and I know members opposite have difficulty with us partnering with First Nations communities, but we are doing that because that's the future for economic—

**Mr. Speaker:** Order.

**Mrs. Rowat:** It's interesting to hear this member speak about the legacy of Mr. Schreyer. I think that Mr. Schreyer has some very good advice probably for the government side on the east-side development.

Mr. Speaker, this government has no credibility on economic stimulus, and it has no credibility on helping the people of the north.

Mr. Speaker, can the Minister of Aboriginal and Northern Affairs (Mr. Robinson) explain why the Communities Economic Development Fund would invest \$300,000 in a Burnaby, B.C. bakery? Can this minister explain how this investment would enhance

the employment opportunities in northern Manitoba? I think Mr. Schreyer would be very interested in hearing his response.

**Mr. Ashton:** Mr. Speaker, I love Tories' talk about Ed Schreyer. The Leader of the Opposition (Mr. McFadyen) went to The Pas to an MKO meeting and said he was just like Ed Schreyer.

Well, I've got news for them, Mr. Speaker. I know Ed Schreyer, and the Leader of the Opposition and Tories are not Ed Schreyer. Not only are they not Ed Schreyer, this is a party that in the 2003 election opposed the University College of the North, even afterwards came out and opposed the construction of campuses in The Pas and Thompson and in all the regional sites. In the last election, the Leader of the Opposition, who once again is not an Ed Schreyer, in Virden, announced that they would cut northern highways.

You want to talk about lack of credibility, Mr. Speaker, it's Tories in the north.

**Mrs. Rowat:** Mr. Speaker, we know this government plays by its own rules when it comes to handing out money and are masters of secrecy when it comes to accountability.

So, again, I ask the Minister of Aboriginal and Northern Affairs: Can he explain why the Communities Economic Development Fund would invest \$300,000 in a Burnaby, B.C. bakery, Manitoba taxpayer dollars that are earmarked for northern economic employment and these are now being redirected to a business in Burnaby, B.C.?

**Mr. Ashton:** Mr. Speaker, I know in northern Manitoba we get a little bit paranoid about Tories, but I just want to run through: in '03 they're opposed to UCN; in the last election they're opposed to highways.

I want to predict, based on this question, the next target is going to be CEDF, but I've got news for the Conservatives and the members opposite. In northern Manitoba we know better, and this government is committed to northern Manitoba. We're proud of the CEDF. They can criticize any and every initiative in northern Manitoba, but our definition of this province, as a government, includes all of Manitoba, including northern Manitoba. We're not going to take those kinds of criticisms from members opposite who have no credibility on northern issues.

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

**Mr. Speaker:** Order. It's getting a little out of hand. This is question and answer time. The members that are not interested in hearing the questions and the answers are welcome to leave so the ones that are interested can hear. It's very, very difficult to hear the questions and the answers.

### Provincial Debt Repayment

**Mr. Rick Borotsik (Brandon West):** Well, there was no answer to the \$300,000 spent in British Columbia.

Mr. Speaker, the Finance Minister is absolutely possessed with removing debt repayment from this budget. Bill 38 is very clear in its requirement of \$110-million debt repayment and is also very clear on penalties if the Finance Minister does not deliver a surplus.

Section 6(1) states: If the balance at the end of the fiscal year is negative, that's a deficit, all ministers will have a salary reduction of 40 percent.

Is the Finance Minister so intent on removing debt repayment because it is in the best interest of Manitobans or is it simply in the best interest of protecting his salary?

\* (14:10)

**Hon. Greg Selinger (Minister of Finance):** The legislation that the Member for Brandon West would like to return to is legislation that allowed and encouraged the government to sell off assets like the telephone system to balance the budget. That was their strategy. They balanced the budget by taking extra money from the lotteries through the backdoor, by taking extra money after selling off the Crown corporation for telephones. That's how they balanced the budget.

That is now illegal. Budgets now have to be balanced on the full summary operating results, and, Mr. Speaker, the result is that there's more discipline now than there was before, because our balanced budget includes repayment of the pension liability, something the members opposite paid exactly zero on the entire period of time they were in office.

**Mr. Borotsik:** Maybe just for once, Mr. Speaker, the minister can focus on the question.

Mr. Speaker, a 40 percent hit on his salary is a huge motivation. Is the Finance Minister so insecure about his financial well-being that he would jeopardize future generations of Manitobans for such

a selfish reason, simply protecting his salary by trying to balance the budget and not repay debt at the same time?

**Mr. Selinger:** Mr. Speaker, it's the Auditor General that will decide whether the budget is balanced under the rules. We made it very clear that we have more fiscal discipline in this budget than ever there was at any point during the 11 years when the members were in office. We also made it very clear that at a time of global recession, the priority for the budget was to invest in infrastructure and, by doing that, generate an additional 10,000 person years of employment in Manitoba.

I know the members opposite are obsessed with dragging us back to 1996 and the old ways, and the Leader of the Opposition (Mr. McFadyen) would like to go back 135 years and have horse and buggy and no photo radar. We understand that.

Our job is to keep Manitobans working today and to build the economy so Manitobans can work tomorrow and into the future.

**Mr. Borotsik:** Mr. Speaker, the Finance Minister doth protest too much. It seems the only investment that he's concerned about is the investment in his own bank account and his own salary. If the minister runs a deficit, he loses his salary; pretty simple to connect the dots.

Why is he prepared to stoop so low for his own self-preservation and why won't he simply pay back the \$110 million that's already identified in legislation? If he can't pay it back, then he loses his salary, Mr. Speaker. That's the reason.

**Mr. Selinger:** Mr. Speaker, this is a very typical pattern of the members opposite. They like to engage in personal attacks rather than dealing with the issues. That is their modus operandi. We've seen it all during question period today.

Mr. Speaker, if the member takes financial management seriously, he would recognize that in this budget there's \$417 million of various forms of debt repayment: \$20 million on the general purpose debt; 135 on the pension liability; \$135 million on amortization; and a huge amount of money, another \$128 million, on principal repayment, for a total of \$417 million of fiscal prudence.

It's no accident we've had six credit rating upgrades in the province, all of which the members opposite have voted against.

### **Regional Health Authorities Concerns of Health-Care Workers**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, my question is for the Minister of Health. Over the last several months, with the government's decision to cut back on different services in our community hospitals, it's afforded me the opportunity to have a great deal of discussion with a large number of health-care professionals. What amazes me is the degree to which our health-care professionals, the backbone to our health care in the province of Manitoba, seem to be discouraged at the types of authority and the lack of accountability that regional health-care authorities have in the province of Manitoba.

My question to the Minister of Health is actually fairly simple. Is the Minister of Health aware of the concerns, generally speaking, that our health-care professionals have that are not very favourable with our regional health-care authorities, not only in Winnipeg but also in rural Manitoba?

**Hon. Theresa Oswald (Minister of Health):** Well, Mr. Speaker, just yesterday I was speaking to the health-care professionals in the cardiac centre at St. Boniface Hospital, where we announced the \$40-million expansion to provide excellent care for cardiac patients in Manitoba and to provide an improved working environment for the nurses, the doctors, the health-care aides and all of the people working at St. Boniface Hospital. They were pretty happy people.

Today, I spoke to more health-care professionals as I, in tandem with the Minister of Advanced Education (Ms. McGifford), announced \$1.2 million to expand nurse education in all regions of the province.

So, certainly, we are very interested in what front-line workers have to say. We're supporting them in their education and in their workplace, and I think that's a very positive thing, Mr. Speaker.

### **Attendance at Standing Committee**

**Mr. Kevin Lamoureux (Inkster):** Well, I guess if you're giving a million dollars or you're giving things, generally speaking no one is going to come up to you.

What I'm asking for the Minister of Health to do is to approach the average health-care worker, and you'll find that even if you go to the public as a whole, that there is a great disappointment in our

management of our health care in the province of Manitoba with regard to the way in which our regional health-care authorities are mismanaging health care in the province of Manitoba. It's a question of whether or not the Minister of Health is even aware of that. Based on the answer that she has provided, Mr. Speaker, I suspect that she's not. She's out of tune with reality in terms of what people are actually saying about our authorities.

Will the minister agree to have the health-care authorities come before a standing committee of the Legislature?

**Hon. Theresa Oswald (Minister of Health):** Well, Mr. Speaker, mixed metaphors aside, I can assure the member opposite that I speak to many health-care professionals. I speak to nurses, to doctors, to health-care aides, licensed practical nurses, registered psychiatric nurses. I speak to my constituents, many of whom work in the health-care profession. I speak to health-care professionals when I'm visiting my loved ones in the hospital that are seeking care.

I would argue, Mr. Speaker, that I likely speak to more health-care professionals in a week than the member opposite does, and do some of these individuals present me with challenges where we can work harder and invest more? Yes, they do, and you know what? We listen to them.

That's why we're investing more in education. That's why we're investing more in bringing more positions to the front line. That's why we're building capital infrastructure. Yes, I listen to health-care professionals. I just wonder sometimes if the member opposite listens to himself.

**Mr. Lamoureux:** Mr. Speaker, listen to the Minister of Health: I speak to, I speak to, I speak to. You have two ears and a mouth; you should be doing more listening, Madam Minister.

Mr. Speaker, the bottom line is there is a great deal of concern, and this minister needs to start listening to what, actually, Manitobans are saying about health care. There is a need for accountability. There's no accountability in health care. Accountability to this minister is saying, yes, Mr. Postl, whatever you desire, Mr. Postl. That is accountability in the mind of this particular minister. Outside of that, it's just I speak to, I speak to, I speak to. It's time to listen. It's time to have more accountability in health care.

I ask, again, the Minister of Health or, better yet, the Premier, to make a commitment to Manitobans and say that we will have regional health-care authorities come before a standing committee of the Manitoba Legislature. Will the Premier make that commitment?

**Hon. Gary Doer (Premier):** Mr. Speaker, I would suggest to the member opposite that if he wants to—

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

**Mr. Speaker:** Order.

**Mr. Doer:** I think that it's really important that we try to, as much as possible, practise what we preach. In terms of healthy living, I would suggest to the member opposite that most health-care professionals talk about one of the best ways to deal with health-care costs is health-care prevention.

Now, I would suggest to the member opposite, perhaps he would circulate or have more than one office to hear his constituents. Perhaps he might want to use some of the other restaurants besides McDonald's as the best place to have outreach in Manitoba.

#### **Pimachiowin Aki Corporation Government Funding**

**Mr. Rob Altemeyer (Wolseley):** Now, for a supersized question. It's a difficult one today. Members opposite might initially enjoy it.

I have a lot of respect for our Minister of Conservation. I'm going to give him a challenge. I'm going to ask him to try and educate people from the opposition benches on the importance of First Nations empowerment, this, from a party that its history, of course, is rooted in vote rigging, right through to present day activities which we have taken note of.

I'm wondering if the Minister of Conservation could tell us about the important work the Pimachiowin Aki is playing in the future lives of the people on the east side of Lake Winnipeg.

\* (14:20)

**Hon. Stan Struthers (Minister of Conservation):** Well, that's quite a challenge, Mr. Speaker. I know many have tried to help out their friends across the way, and they failed in the past, but I'll give it a shot.

The other day, we announced support for Pimachiowin Aki Corporation to deliver, in terms of

the designation of a UNESCO World Heritage Site, to the tune of \$531,000.

Mr. Speaker, this money will be used to get planners in place, GPS expertise in place, a video in place, so that we can make a very good, thorough presentation to the UNESCO group, and this will help Little Grand Rapids and Pauingassi to determine their community land-use plans.

This is a good thing to do, Mr. Speaker. It puts us in the category of Dinosaur Park and Rideau Canal, the Great Barrier Reef. This is a very positive opportunity.

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

## MEMBERS' STATEMENTS

### Rémi Bouchard

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, I rise in the House today to acknowledge a very special constituent of mine. A self-taught composer, Rémi Bouchard, has written 12 choral pieces, taught 743 students and written 574 compositions over the past 53 years. Over 200 of them are published in approximately 50 different publications.

Mr. Bouchard's musical education began in his home town of Laurier, with the Presentation of Mary nuns. He later graduated with a diploma from the University of Manitoba.

In 1956, he started teaching piano at the age of 14 in Neepawa and has lived there ever since.

Variouly described by critics as melodically appealing, modestly scaled, his compositions reflect a continuous effort to express his impressions of his prairie homeland deep in the centre of North America.

Since 1990, Bouchard has continued to be published by several different publishers, the most recent one being Russell Publishing. His body of 550 works is written mostly for piano students at all levels. Rémi has also written music for flute, clarinet, French horn, oboe and cello.

He was an adjudicator during the 1990s for the Associated Manitoba Arts Festival and gave workshops of his music across Canada since that time.

In 1998, the Manitoba Heritage Federation Incorporated recognized his work with a Heritage Publication Award. Conservatory Canada and the

Canadian National Conservatory of Music honoured him with a licentiate in '99 and 2003, respectively.

Recently, in 2007, the local Rotary Club of Neepawa awarded him the Paul Harris Fellowship in recognition of his accomplishments.

Mr. Bouchard is a member of the Canadian Federation of Music Teachers, SOCAN, and has been an associate composer of the Canadian Music Centre since 1989. Mr. Speaker, he has also been involved with the Manitoba Registered Music Teachers' Association for 40 years.

Many former students of Rémi's are teachers in their own right. One student, in particular, Robert Fraser, plays with the Victoria Symphony. Not only does Rémi still have students at the present time, but he also goes to the personal care home every day to play for the residents.

I would like the members of the House to join me in applauding Rémi Bouchard for his amazing abilities and success in the music industry. He truly has an amazing talent.

Thank you, Mr. Speaker.

### Noëlle DePape

**Mr. Rob Altemeyer (Wolseley):** Mr. Speaker, I rise today to recognize Noëlle DePape, a 2009 recipient of the YMCA-YWCA Women of Distinction award, and also a local resident of the Wolseley constituency.

The YMCA-YWCA Women of Distinction awards program is now in its 33rd year of celebrating the talent, achievement, imagination and innovation of Winnipeg women who have made a unique and exemplary contribution to the development of others in our community.

Nearly 60 women were nominated this year, 10 of whom were honoured last week as award recipients.

It is my pleasure today to speak to just some of Ms. DePape's many accomplishments and to highlight the qualities that make her an inspiring winner in the 2009 Business and Professions award category.

Noëlle DePape is the executive director of IRCOM, the Immigrant and Refugee Community Organization of Manitoba. This remarkable agency provides not just transitional housing but multiple other social supports to new Canadians, just arrived to our part of the world.

She has previously worked with the Red Cross in the Balkans, with UNICEF and in a Palestinian refugee camp.

She was nominated for the Women of Distinction award by her own staff at IRCOM, which speaks volumes for her ability to work with people as equals.

Ms. Dorota Blumczynska led the nomination process and saw a uniqueness in Noëlle that was unmatched. She nominated Noëlle because she saw her capacity to inspire people, to turn followers into leaders and leaders into visionaries.

Noëlle influences people to follow what they believe and encourages them to follow their passions and to be led by their hearts and their vision. She has played an absolutely crucial role in changing the image of IRCOM and building up their core capacity by reaching beyond their own walls into the community at large.

I was very pleased to see such a well-deserving candidate shine through the competition when I attended the awards banquet. Noëlle is a positive force for change in our community. She encourages us to believe that we gain strength by working together. I would ask all members to join me today in congratulating Ms. Noëlle DePape for her contribution to the community and for being an exemplary Woman of Distinction.

#### **Friesens Corporation**

**Mr. Cliff Graydon (Emerson):** Mr. Speaker, it's with great pleasure that I rise in the House today to congratulate the Friesens Corporation, which is an outstanding business in my constituency who was recently selected for the HSBC Bank of Canada Business Award on April 22.

The HSBC Bank of Canada Business Award recognizes businesses that encourage employee volunteerism and that actively participate in a project to better the community by providing funds and other resources and people.

Curwin Friesen, company president and CEO says recognition is based on the work that the company and the town of Altona did in spearheading the Gallery in the Park Project. This well-designed art gallery will provide a permanent venue to showcase the immense talents of artists in rural Manitoba and beyond. This will become the artistic centre of rural Manitoba, bringing artists, gardeners

and cultural visitors to our communities in vast numbers.

The Friesens Corporation began as a small confectionary store in Altona and has since flourished into a multifaceted enterprise employing over 600 people with book, yearbook, Web, retail and fast print divisions. While once a family-held firm, it has now grown into an employee-held firm with staff holding 100 percent of the shares of the company. Even though Friesens has become larger, it continues to cherish the very same principle it did when it was founded: Our company will be successful only if our customers are successful.

I would like the members of the House to join me in congratulating the Friesens Corporation on being selected for the HSBC Bank of Canada Business Award. This outstanding company has achieved superior results in profitability and growth and have proven their stability and capacity to succeed in an unstable economy. But, most importantly, they are able to give back to the community through encouraging volunteerism and are active in participation to the benefit of their community in any way possible. Thank you, Mr. Speaker.

#### **Carmen Cano de Infante**

**Ms. Erin Selby (Southdale):** Mr. Speaker, I rise today to speak about an outstanding woman from my community who has made an incredible contribution to our community at large and was recognized with a Women of Distinction award for her achievements.

Carmen Cano de Infante was born in southern Spain in the city of Cordoba. She began dancing at the age of 12 with a dance group and together they learned dances from different regions and performed across Spain, France and North Africa. Carmen received her certificate in physical education and began teaching Spanish folk dance in Cordoba with a specialization in Andalusian regional dance.

Carmen immigrated to Canada in 1967. Here in Winnipeg, she became part of the Spanish community and established the Spanish Folk Dancers of Winnipeg in 1970. She now teaches dance at the Theatre Flamenco and is the only Spanish folkloric teacher in Canada. She is referred to as a living archive of Spanish folk dance, music and folk costumes. In her spare time, Carmen also teaches dancing workshops to school-aged students.

Aside from dancing, Carmen was a co-founder of the Spanish Club of Winnipeg and has been

president of it for the past five years. The club teaches Spanish language classes and is a place for the community to gather, celebrate and learn about Spanish culture. The Spanish club is also host of the Spanish Pavilion during Folklorama.

On May 6, 2009, Carmen Cano de Infante was the recipient of the 33rd annual YMCA-YWCA Women of Distinction award under the Arts and Culture category. Nearly 60 women were nominated for the awards which are meant to recognize outstanding community volunteers, professionals and young people. Carmen's hard work, dedication to dance and commitment to preserving the cultural heritage of Spain were just a few of the reasons why she was recognized. She has also earned an award from King Carlos of Spain for her achievements.

Mr. Speaker, I would like to congratulate Carmen Cano de Infante for her award, but also for her tireless efforts. She is an example for us all. Thank you.

\*(14:30)

### Community Hospitals

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, over the last number of months what has become fairly clear is quite the difference between policy between the New Democratic Party and the Liberal Party in terms of community hospitals.

The Liberal Party supports community hospitals and believes that there is a future role for community hospitals to play in many areas. What we want to be able to do is to give a suggestion to the government as to what they could be doing in order to enhance our community hospitals.

You know, Manitoba has one of the highest proportions of births by midwives, and we'd like to suggest to the government that by providing midwife services at our community hospitals that you would be able to see babies being born in our community facilities. Here I'm specifically talking about the Seven Oaks Hospital, Victoria Hospital and Concordia Hospital. These are services that could really make a difference in our communities. Everyone could be of benefit through it, and we'd really encourage the NDP to open their mind to a good idea and see if, in fact, they can make it happen.

Thank you, Mr. Speaker.

## ORDERS OF THE DAY GOVERNMENT BUSINESS

### House Business

**Hon. Steve Ashton (Deputy Government House Leader):** Could you please call second readings in the following order: 14, 29, 31, 17, 16 and 15?

**Mr. Speaker:** The order of business for orders of the day will be second reading of Bill 14, 29, 31 and 15. So I'll call second reading—following Bill 31 will be 17, or following number—just wait here, let's get this organized here: 14, 29, 31, 17, 16 and 15. Okay. So that's the order I'll call them.

### SECOND READINGS

#### Bill 14—The Consumer Protection Amendment Act (Payday Loans)

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that The Consumer Protection Amendment Act (Payday Loans); Loi modifiant la Loi sur la protection du consommateur (prêts de dépannage), 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 I table the message.

*Motion presented.*

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

**Mr. Selinger:** I welcome the opportunity to speak to Bill 14, The Consumer Protection Amendment Act (Payday Loans). Bill 14 is a critical component in the government's commitment to protect consumers through the regulation of the payday loan industry.

Several years ago concerns began to mount that consumers were being charged excessive rates for small short-term loans. Our government shared these concerns and developed legislation to protect borrowers who take out loans that are for \$1,500 or less and have a term of 62 days or less.

In 2006, we amended The Consumer Protection Act to add part 18. Since that time certain provisions in the act and in the corresponding payday loans regulation have come into effect. The provisions related to rates have been held in abeyance pending a determination of the legal maximum amount of these fees and charges. The Public Utilities Board conducted a very comprehensive public consultation

process in which consumer representatives, the industry, and various experts provided extensive information and recommendations with respect to the maximum rates that could be charged for a payday loan.

Following this review, the board issued order 39/08 in April, '08. This order, which sets out the maximum rates for a payday loan, was the subject of an application by a payday lender for leave to appeal to the Court of Appeal. In early January of this year, the Court of Appeal determined that an appeal of the order could proceed on some of the grounds in the application.

This decision means we cannot at this time fully implement the payday loan legislation. As a result, the industry remains effectively unregulated in many of their practices, and payday borrowers remain at risk. We respect the court's decision. Although we were confident that the appeal would not have been ultimately successful, and that the Public Utilities Board order would have stood, we had to consider the effect the outlying delay would have had on the citizens of Manitoba who use the services of payday lenders.

The need to regulate this industry to safeguard consumers has always been our government's driving motivation in creating and implementing this legislation. Therefore, we determined the best course of action to address this very important public interest objective was to introduce this amending legislation to allow the maximum rates to be set by regulation.

Mr. Speaker, Bill 14 will rescind Public Utilities Board order 39/08. The result is that the document will cease to exist as an order that sets out the maximum rates for a payday loan. As the order was the product of extensive research and very broad consultation, we will be treating it as consultation, advice, and recommendations when we turn our attention to setting the maximum rates for payday loans by regulation. Accordingly, we anticipate a regulation will be completed shortly after Bill 14 has passed.

Bill 14 recognizes the Public Utilities Board should continue to play an important role in providing the government with advice and recommendations on maximum loan rates. Therefore, the Public Utilities Board will be required to conduct a review of payday loan rates three years after the regulation comes into force. Every three years after that additional mandatory review by the

Public Utilities Board, the minister must review the regulation and determine whether to require the Public Utilities Board to conduct a new review and whether to recommend changes to the regulation.

The board's review must provide an opportunity for public consultation. A board report must be provided to the minister within six months from the start of the review or a longer time permitted by the minister. The report must also be published on the Internet to ensure that all interests have access to the information. The government will then consider the recommendations of the board in determining future rates.

*Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair*

Madam Deputy Speaker, the consultative authority provided to the board in Bill 14 will place them in a unique position to confer with a broad range of interests and perspectives on the operation of the payday loan industry in Manitoba. Correspondingly, the amendment ensures the board will be able to provide the government with more general recommendations regarding the regulation of the industry. In addition, at any time, the minister will be able to seek the advice and recommendations on any matter regarding regulation of this industry.

Madam Deputy Speaker, as well as establishing a new process for setting maximum rates, Bill 14 sets out new and enhanced consumer protection measures and enforcement tools. Bill 14 provides that a payday loan cannot exceed a certain percentage of the borrower's net next pay. Both the definition of the net next pay and the percentage of the pay that can be advanced as a payday loan will be set out in the regulation. This provision will help to ensure borrowers are not caught in the situation where a large portion of their paycheck is used to repay a loan, leaving them with little take-home pay, and potentially forcing them into another payday loan and into a spiral of debt.

Madam Deputy Speaker, we are all aware that cash has been replaced by cash cards in many types of transactions in our society. Bill 14 will allow for the effective regulation of these cash cards when they are used for payday loan advances. As many automated teller machines only dispense \$20 bills and charge service fees for the transactions, borrowers who have less than \$25 on their cash card have difficulty accessing those funds. For example, if there is \$21 left on the cash card and the service fee is \$1.50, the consumer would not be able to



withdraw the funds from most ATMs. The money may be left to lapse on the card or the consumer may be forced to make an unwanted purchase, or they may take out a new loan in order to access the funds. The amendments will provide that the lender must provide the borrower with a cash refund of the balance on the card, at no charge to the borrower, if the balance is \$25 or less.

\*(14:40)

Madam Deputy Speaker, we know that Internet payday loans are readily available to borrowers. Bill 14 will allow for the licensing and regulation of these types of lenders. The legislation will allow for the creation of regulatory provisions specifically designed to address these types of transactions.

We recognize that enforcement of this legislation will be a challenge as Internet lenders can be located in our province or anywhere else in Canada or the world. The amendments will allow Manitoba to enter into reciprocal agreements with other jurisdictions in order to assist with effective enforcement.

Madam Deputy Speaker, although the current payday loan legislation contains many provisions to ensure that lenders act in accordance with the requirements, the amendments add additional enforcement tools. The proposed provisions will allow the director of the Consumers' Bureau to order a lender to pay certain extraordinary costs related to an inspection or investigation. This will occur where there has been a determination that the lender has not complied with the legislation or where the lender has not co-operated in providing required information during the course of the inspection or investigation. These will include the costs of hiring an expert such as a forensic accountant, the cost of equipment or software or the cost of legal services.

The legislation will also allow the director of the Consumers' Bureau to issue compliance orders to require a lender to comply with the legislation or to correct a false or misleading statement. Compliance orders will be published on the Consumers' Bureau's Web site to ensure that the public is aware that the non-compliant problem has been identified and is being addressed.

Madam Deputy Speaker, there's a growing recognition that consumers of all kinds would benefit from a greater understanding of issues, processes and options related to financial matters. These may include the most beneficial strategies to avoid debt or

to resolve financial problems. In particular, a better understanding of these issues and options will help payday borrowers make the best decisions regarding short-term financial arrangements.

In order to help meet this important public policy objective, the amendments will create the Manitoba Payday Borrowers' Financial Literacy Fund. The fund will be financially supported by a levy placed on payday lenders, and will be used to support programs to improve the financial literacy of both current and potential payday loan borrowers.

Bill 14 will enhance the regulation making authority of the act and will allow for the creation of regulations related to collection practices and advertising. The Consumer Protection Act currently contains general provisions that deal with collection practices. However, we want to ensure that there are specific rules in place that are related to the collection of debts from these types of loans. Additionally, the amendments will allow for the regulation of advertising of payday loans.

Madam Deputy Speaker, I wish to make it very clear that the *raison d'être* of The Consumer Protection Act is, and always has been, the protection of consumers. The effect of the provisions in the current legislation, and those contained in Bill 14, is to regulate the payday loan industry. However, the legislation's core objective is to protect consumers from excessive loan rates and dubious business practices.

The government understands that when new regulatory measures are placed on an industry, some businesses will choose to leave the market, some will choose to enter it and some will review and modify their business models where necessary. We expect that the amended legislation will trigger such adjustments in the payday loan industry in Manitoba. We cannot predict which lenders will or will not operate in the province but we intend on making sure that those who do provide this service will do so in a way that results in the highest level of protection for consumers.

Finally, Madam Deputy Speaker, I would like to advise that following the passage of Bill 14, we will apply to the federal government for a designation order under the Criminal Code to allow the Province to set the maximum rates for payday loans. Although we currently have such a designation in place for our existing legislation, it relates to maximum rates set by the Public Utilities Board and, therefore, will not be effective in the new regulatory regime.

Madam Deputy Speaker, the government looks forward to passing Bill 14 so that it can fully deliver on the commitment to protect consumers who wish to take out small, short-term loans.

Thank you, Madam Deputy Speaker, for the opportunity to speak to this important piece of legislation, which I hope we can expedite in the interest of protecting all Manitoba consumers. Thank you.

**Mr. Kevin Lamoureux (Inkster):** Before Bill 14 passes, I would like to put a number of thoughts on the record in regard to it. In general, in principle, it's a bill which we don't have a problem in terms of it going to the committee. It is always encouraging when government comes up with some thoughts on consumer protection.

I'll try to keep it relevant here, in the sense that, on the one hand, we see the government as seeing the benefits, and we concur with the benefits in regard to the payday loans, cheque cashing and issues related to that whole industry. But it wasn't that long ago when I had asked one minister of the government about another consumer-related issue, and that was, of course, with the scratch and win tickets, in which, here, you have the government not taking action to protect consumers. I find it somewhat interesting, and I wanted to make reference to it only because it's an issue that I feel is still important, and the government should be acting on that issue equally as fervently in terms of just trying to make it happen in terms of rectifying the situation so that if a person does scratch, they know whether or not the top prize has already been won. But, anyway, I just wanted to throw that in.

In regard to Bill 14 itself, I've been an MLA in the North End for many years. One of the things that I have noticed is that the number of banking institutions has actually decreased. At one time, we had far more banks servicing the North End, and when I say servicing, I'm talking about a strong physical presence. Whether it's in the communities such as Weston or Brooklands, with the CIBCs, to the Royal Banks in the North End, to the TD banks, there were more branch offices. Actually, it worked out quite well in the sense that the fees that were being charged, even though high at times, you could accomplish a lot more in terms of going into the bank and not have to pay the same sort of cost. A good example of that would be today, if you, for example, lived on Logan Avenue, by Logan and Keewatin let's say, and you wanted to take out

\$40 out of your bank. You could've virtually crossed the street and went to a CIBC bank and withdrawn \$40 cash out and there would have been no cost to doing it.

Well, today, there would be a cost. The least cost factor would probably be to go to the local 7-Eleven and use the ATM machine. But if you're taking that \$40 out, you're looking at some fees in order to be able to withdraw that \$40. I think that highlights a great deal of concerns that have come out of the way in which our whole financial market has been changing; that being, at one time, there were a great deal of financial services that were being provided virtually at no cost, or at minimal cost. Today, that is not the case. Today, we are finding there are more and more fees that are being charged. It's not just those payday loan places that are doing it. We're even seeing it now, more and more, with our banking institutions, the ATM machines.

Madam Deputy Speaker, you know, the Minister of Finance (Mr. Selinger) made reference to a \$20 withdrawal. Well, you go for a \$20 withdrawal in some of these machines and you have to pay \$1.25 or \$1.50 in order to complete the transaction. You go to some places now, retailers, in which they will use your ATM cards and you're paying an additional fee in order to be able to make a payment with an ATM card.

The different types of banking fees that have been instituted, Madam Deputy Speaker, have really changed over the years. I think that we need to look at ways in which we can protect the consumer, because I suspect that there are inappropriate charges in certain areas, fee increases that are occurring that would be very difficult to justify. Many consumers would see it as more of a cash grab. Well, that is one area.

\* (14:50)

When we deal specifically with Bill 14, we're talking, in good part, by trying to protect the interests of probably a higher percentage of individuals that use these types of services, and they've been popping up virtually all over, especially, in the North End, Madam Deputy Speaker. If I was to guess, I suspect—and, again, I don't maybe travel as much as I should or could in south Winnipeg—but I suspect that there's probably a ratio of 4 to 5 to 1, maybe even higher than that, in terms of North End versus south end Winnipeg. I suspect if you were to start to draw some correlations, you might find the individuals that are quite often in most need are the ones that are put into

a position which they're having to use the services of these payday operations, and they are virtually all over the North End.

Now, it's not to say that all of them are bad, that they're a bad thing per se. I think there are a number of business people that are out there that are trying to earn a relatively decent living and have established a business, and they're hoping to be able to exist through that business, Madam Deputy Speaker. I wouldn't necessarily question that. What I do question is the degree which individuals are, in fact, manipulated: the interest rates that are being charged, some of the fees to be able to cash cheques and things of that nature, the whole area of short-term loans and what's taken place there. One can even expand in terms of just talking to some of the pawn shops and, again, in most part, these are legitimate businesses. But there are situations where, I have heard, very sad stories in terms of costs to individuals, to families that are tied to some of these absorbent costs, and this general feeling of not necessarily understanding the consequence of what it is quite often that they're entering into. That's why I was interested in reading the bill and trying to get a better understanding.

One of the things that really interested me—it's in the explanatory notes, it's the last point—because I think that we really need to expand on that point, and that is Bill 14 establishes the Manitoba Payday Borrowers' Financial Literacy Fund. In order to fund the program for improving the financial literacy of borrowers—and I would put quotes around that particular term "financial literacy of borrowers"—payday lenders will be required to contribute to a fund in accordance with the regulations.

I look forward to seeing what the regulations—and how they're going to stipulate it and how this is going to work—because I do believe that there is a great need for financial literacy. In many ways, many of the individuals that are using these facilities need to have a better understanding of exactly what it is that's being presented to them. We all know, you go and you apply for, whether it's a mortgage or a loan and the documents—and it has improved in many ways, in part, over the last few years. But I can recall receiving documents where it's six pages and the font size is likely no larger than a six, and you have to try to read, and the mortgage officer or the loans officers or whoever that person might be, kind of swishes the paper around and says, sign here, sign there, sign here, sign there, and you're expected to be able to read.

I suspect that there's a high element of trust and confidence that the consumer is expecting that their interests are going to be protected by the person that's kind of saying, sign here, sign there. But what is actually in that small font, that size six or smaller font, and how important it is that people actually have a good understanding of what it is they're actually signing, Madam Deputy Speaker.

I believe it would be naive for members of this Chamber to believe that every word is being read in some of these multipage contracts with such small fonts that, in fact, those contracts are being read. I don't believe for a moment that a majority of individuals read all that fine print.

It's not only within financial institutions. It even goes beyond. You know, you go to purchase a vehicle, and you get third-party individuals that are providing documentation. There are all sorts of documentations that are out there. That's why I really do believe in financial literacy of borrowers and ensuring that people have a basic understanding of what it is they're getting into. That's why, you know, all in all, the principle of the bill, I believe, is worthy of support in terms of it going to committee and seeing what people have to say.

I suspect we will get some of the stakeholders coming before committee expressing their concerns, and I'll suggest to you, Madam Deputy Speaker, that you will get a number of those financial borrowers that will come here, and they will actually applaud the legislation because there are many businesspeople out there that support legislation of this nature because, by protecting the consumer, you're also protecting the integrity of the industry. We want as much as possible to protect the integrity of the industry because we all can benefit by it, especially when we see the number of bank branches being reduced. There has become more of a dependency factor there.

Madam Deputy Speaker, I trust that what I'll do for now is leave my comments limited to that in anticipation that the bill will ultimately get to committee, and we look forward to hearing what people might have to say in regard to it. We look forward to seeing what sort of regulation might be coming out over the next number of months, recognizing this is actually the second attempt now for the government to try to rectify what is a very serious issue for the province of Manitoba, for some areas more than others.

The individuals I really feel for are the individuals that can least afford, quite often, these types of services and are put into positions in which they don't have very much in terms of options, so they end up having to use these services. At the very least, what we need to do as a Legislature is, as much as possible, protect their interests so they're not being exploited. I suspect this bill will assist in that fashion, and for that reason we support it going to committee. Thank you, Madam Deputy Speaker.

**Mr. Cliff Graydon (Emerson):** I move, seconded by the Member for Brandon West (Mr. Borotsik), that the second reading debate of Bill 14 be adjourned.

*Motion agreed to.*

#### **Bill 29—The Environment Amendment Act**

**Hon. Stan Struthers (Minister of Conservation):** I move, seconded by the Minister of Healthy Living (Ms. Irvin-Ross), that Bill 29, The Environment Amendment Act; Loi modifiant la Loi sur l'environnement, be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (15:00)

**Mr. Struthers:** Madam Deputy Speaker, it's certainly a privilege to stand in this House and talk about amendments to The Environment Act. I think this is the kind of act that all 57 members of the Legislature can step forward and be supportive of.

I look forward to the debate that we have on these particular amendments. Knowing how important Manitobans think protecting the environment really is, Madam Deputy Speaker, I don't for one moment doubt the commitment of members of this House to the protection of the environment, the protection of water, the protection of our soil, our forests, our ecosystems, the wildlife, the bird life that we have an obligation in this province to protect. So I would value the advice that I get from members opposite on this particular act, and I look forward to discussions that we will be having.

Madam Deputy Speaker, the purpose of this bill is to strengthen the act by complementing the environmental management requirements of the act with additional specific provisions directed at environmental protection. I think it's really very important that we not only have our ability to respond to environmental situations that come

forward, but I think we need to design our act so that we can get in front of environmental issues; protect, prevent, get ahead of many of the environmental issues that we deal with, rather than always just reacting once something has happened.

In addition, a number of amendments focus on effective and timely assessment, as well as enhanced regulatory powers. These changes, together with increased resources for new environment officers in budget 2009, will help us continue to ensure we are doing all that we can to better protect our environment.

Madam Deputy Speaker, this bill will strengthen the act's enforcement powers by the inclusion of a new prohibition-to-pollute clause, that is, I think, very significant. This clause augments the environmental management focus of the act, presently achieved through licensing and regulations, by creating a specific offence for the unauthorized release of pollutants. In addition, it is an offence to fail to report any unauthorized releases of pollutants.

The bill also aims at improving efficiency and effectiveness in the licensing process. The government will now have the ability to take into account public consultations undertaken by the proponent earlier in the process.

In addition, the bill clarifies the authority of the minister to set terms of reference for the Clean Environment Commission for each hearing to ensure both thoroughness and efficiency in the process. Madam Deputy Speaker, the earlier we can involve the Clean Environment Commission to bring forth its advice and to call upon the expertise to help in the decision making, I think the better decisions we will be able to make.

Finally, Madam Deputy Speaker, the energy efficiency and greenhouse gas emissions associated with proposed developments will be assessed as part of the licensing process to support the Province's commitment to address climate change.

This year's budget includes funding to hire eight new environment officers, building on the additional seven environment officer positions created last year. These officers are being put into priority areas to protect the environment, focussing specifically on water protection, amongst other areas of protection. The officers will be able to focus on important measures like our proposed changes to new septic rules, including the banning of sewage ejectors. We feel that banning sewage ejectors that spray raw

human sewage into the landscape year-round is a practice that should not be allowed to continue in our province.

In conclusion, environmental protection is at the forefront of this bill. This will be achieved through the amendments of the powers for enforcement officers and directors to address environmental problems proactively rather than just in an emergency.

I look forward to bringing these important changes forward, and I also look forward to the advice of my colleagues here in the Manitoba Legislature. Thank you very much.

### Introduction of Guests

**Madam Deputy Speaker:** Prior to recognizing our next speaker, I'd like to take the opportunity to introduce some special guests in the gallery. We have the family of Erin Esau, our page. We have her mother, Irma, her sister, Andrea, and her grandmother, Suzie Esau. On behalf of all members, we welcome you.

\* \* \*

**Mr. Kevin Lamoureux (Inkster):** I must say that our pages do a wonderful job in servicing the needs of our MLAs, as someone's pointed out, especially that one.

Having said that, Madam Deputy Speaker, I'm going to talk about what I know is a very important issue to all Manitobans. It's really over the last number of years that the issue of our environment has been becoming more and more important.

In fact, it was just last night, there was a government in British Columbia that was re-elected, as I'm sure everyone is aware. It was interesting when you had, I believe it was the official opposition that was saying no to a carbon tax. They thought that they would be able to ride the wave to power by opposing the carbon tax, which kind of went against what I think people were wanting to see happen in British Columbia. Attempting to ride against the environment proved to be to the detriment of the New Democrats in the province of B.C. as, once again, the Liberals came through and, I understand, actually won more seats this time than they did in the previous time. The fight of the NDP in B.C. against the carbon tax didn't pan out. In listening to the

commentaries, it sounded as if it might have potentially cost the NDP the election.

Now, having said that, Madam Deputy Speaker, I'm not taking a position on the carbon tax. I'm just pointing out that more and more, we are seeing elections being fought on very strong environmental issues. I would suggest to the current minister that he might want to be very careful with how he's handling that environmental folder.

Madam Deputy Speaker, in Manitoba, the government has not really done that well on the environment. That's the reason why I raise the issue of what happened in B.C. as we saw an election issue, right? Well, I believe that the environment could be one of those election issues in 2011. I suspect that we're going to see a lot of campaigning on the environment.

Someone suggested, well, what is our position going to be? Well, I can tell you what our position will be, Madam Deputy Speaker. It will be based on science. This is something that's somewhat foreign to the government.

As the minister knows full well, on the hog industry, on the moratorium—we'll all remember that one, right? The government says, well, we want to protect Lake Winnipeg. Something that this bill is purporting to do also, right? Well, remember the bill last year; we're going to protect Lake Winnipeg. Oops. So what if it kills the hog industry, you know? Kind of like an over-thought, you know? The impact that Bill 17 had on the hog industry was fairly dramatic, yet we, in opposition, questioned the government. We said, well, show us the scientific evidence that showed that this—*[interjection]*

The Minister of Labour and Immigration (Ms. Allan) should stay in her own department and try to figure that department before she ventures into other areas that she doesn't know too much about, Madam Deputy Speaker.

\*(15:10)

There were presentations that were at the committee stage that made it very clear to the minister and challenged the minister, saying, well, exactly how is it, and show us some sort of scientific evidence that shows, by you putting the freeze or putting the moratorium on hog barns was going to, in fact, protect Lake Winnipeg, because that was a big part of it. The Premier (Mr. Doer) of the province saying, well, we're going to protect Lake Winnipeg, we're going to put a moratorium on hog production

or new hog barns in a certain section of the province. The producers were just asking a very simple question. Show us the scientific evidence that clearly demonstrates that what you're saying is in fact true. And the government wasn't able to do that, Madam Deputy Speaker.

But that's an issue, I suspect, come next election, there might be some within the Chamber and outside the Chamber that will challenge the government on that in regard to the environment, because it's one thing to actually take action that's good for the environment and it's another thing to talk about protecting the environment and taking action that doesn't necessarily have the type of impact that you're trying to give the impression that you're having by bringing in a piece of legislation.

So, Madam Deputy Speaker, let me give an example of something that would have a more tangible impact. The Leader of the Liberal Party talked about phosphorus-free dishwasher soap. To the government's credit, they saw what it is we were proposing. They accepted it. They brought it in, in their own legislation. They put some limitations on it. It wasn't as comprehensive as ours, but I give them credit, they did act on it and, at some point in time in the future, it should have an impact, because there were some proclamation issues and dates in which it would take effect, and so forth. There should be, at the end of the day, less phosphorus going into Lake Winnipeg. We see that as a good thing.

But I can indicate to the government that where credit is due, I suspect, we will ensure that credit is given. It's one of those issues that I raise within my constituency in materials. I'll talk about getting rid of phosphorus in our dishwasher soap and that this is an idea that came from outside of government, but to the government's credit, they did act on it, and I don't have a problem in terms of saying that.

Then there are those ideas, and I don't quite understand why the government chooses not to act on, that are good for the environment. A good example: once again the Leader of the Liberal Party brought forward a bill to eliminate those little shopping bags, plastic bags, grocery bags, those plastic ones. There are all sorts of alternatives that are out there, and that's another area of discussion I could enter into, but think about it, hundreds of millions of plastic bags scattered throughout the province.

**An Honourable Member:** Hundreds of millions.

**Mr. Lamoureux:** And it is. It's hundreds of millions, every year, of those little plastic bags all over the place. Those little bags can be seen on fences, in trees, in ditches, all over the place, especially after wind storms and so forth, right?

Well, the Liberal Party comes up with the idea: why not ban the bags? The Liberal Party shouldn't take the credit for the idea; that would be wrong for us to take credit for the idea. The community of Flin Flon did it, Madam Deputy Speaker. They took it upon themselves—or Leaf Rapids, I'm sorry. The community of Leaf Rapids took the idea of banning the little plastic bags.

**An Honourable Member:** Yes. Good for them.

**Mr. Lamoureux:** And it was, it was good for them. You know, it was students, some kids from Cecil Rhodes School that had a project, Ban the Bag. It's not like there are no alternatives. There are alternatives. If the Province of Manitoba took the initiative and acted on those alternatives, we could be establishing industries within the province of Manitoba that could, in fact, grow and create jobs. There are alternatives to those plastic bags, and I understand some of them even look like plastic bags.

Again, Madam Deputy Speaker, I'm not the most environmentally friendliest person. I'll admit that inside the Chamber. I suspect my leader is fairly close. Nor do I suspect the Member for Wolseley (Mr. Altemeyer) is even that close to the Member for River Heights (Mr. Gerrard).

Having said that, Madam Deputy Speaker, I do believe that there are some ideas that are worthwhile in terms of pursuing. We need to look for those ideas. On this particular idea, in terms of banning the bags, well, there are industries that could grow, and that growth could cause the creation of additional jobs and opportunities going into the future.

So, on this hand, we have a bill that says, well, we're going to have more environmental officers, which is a good thing. We like that and that does create some jobs and we like that too. So we're going to protect the environment and we're going to create a few extra jobs, but there are other private jobs that could be generated by being more proactive on the green file, if I can put it that way. That's the type of thing we should be looking at in being creative in our thinking, by looking at those types of ideas.

I'm sure that if this bill does come up in the future, in second reading, that others will be commenting on it. For me, personally, I just want to

put a few words on it before it goes to the committee stage where I anticipate there will likely even be more contributions that are going to be made. The idea of acknowledging the greenhouse gases and issues related to that obviously are important to all Manitobans.

There are so many ideas that are out there. I always find it encouraging to challenge people to think about opportunities that will create economic activity while they think green. I know that that cannot be the case in every aspect, but I do believe it can be the case in many aspects.

Having said those few words, we look forward to the bill ultimately hitting the committee stage. It's a bill which in principle we support going there. Thank you, Madam Deputy Speaker.

**Mrs. Heather Stefanson (Tuxedo):** I move, seconded by the Member for Pembina (Mr. Dyck), that debate now be adjourned.

*Motion agreed to.*

#### **Bill 31—The Manitoba Floodway Authority Amendment Act**

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Madam Deputy Speaker, I move, seconded by the Minister of Conservation (Mr. Struthers), that Bill 31, The Manitoba Floodway Authority Amendment Act, be now read a second time and referred to a committee of the House.

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

*Motion presented.*

**Madam Deputy Speaker:** His Honour the Lieutenant-Governor has been advised of the bill, and I table the message.

**Mr. Lemieux:** It's my pleasure to say a few words in second reading of Bill 31, The Manitoba Floodway Authority Amendment Act.

Bill 31 amends the mandate of Manitoba Floodway Authority to assume responsibility for the construction and maintenance of an all-season road on the east side of Lake Winnipeg. The construction of an all-season road had been a long-standing dream for the community members of the east side of Lake Winnipeg, and this bill brings that dream one step closer to reality.

Madam Deputy Speaker, the east side of Lake Winnipeg is a region of our province that's home to approximately 34,000 people. Residents in the region live in approximately 30 communities, many of which are remote and isolated. In many instances residents lack the basic services that other Manitobans take for granted. An all-season road will help to address this challenge by providing tangible benefits for local residents. It will link the communities, provide economic development opportunities and help improve the standard of living for the people of the region.

\* (15:20)

An all-season road will benefit local people in a number of significant ways. It will reduce the price of goods including daily necessities and make the delivery of these goods more reliable. It will help provide basic services and reduce the cost of these services including better health care and social service delivery. It will also link the communities themselves to one another providing important social and recreational opportunities for the youth in the area.

A road will also provide economic development, recreation and tourism opportunities for the people in the region, including such options as trapping, fishing and tourism.

At the same time, the construction of the road itself will also bring benefits to the region in the form of jobs, economic opportunities for local contractors and training opportunities for its residents.

Bill 31 establishes the Manitoba Floodway and East Side Road Authority, allowing the new entity to move forward with the East Side Transportation Initiative. The key component of this initiative is the East Side Large Area Transportation Network Study, which will identify potential transportation infrastructure improvements for the entire region of the east side.

The objective of the study will be to identify transportation improvements that will provide year-round access to communities on the east side to be used in future detailed design and the potential construction of an all-season road transportation network.

Madam Deputy Speaker, our government recognizes that the people of the east side have waited far too long for an all-season road. By establishing the Manitoba Floodway and East Side

Road Authority as one agency, Bill 31 provides the opportunity to take advantage of the floodway authority's experience and expertise to ensure that the east side project moves along in a timely manner. The floodway authority has already demonstrated its ability in delivering a large-scale public infrastructure project on time and on budget.

In addition—

**An Honourable Member:** What was that again?

**Mr. Lemieux:** On time and on budget.

In addition, Madam Deputy Speaker, the floodway authority has also developed a successful Aboriginal Set-Aside initiative. The set-aside was developed by the Manitoba Floodway Authority working in close collaboration with the AMC, and the MMF and Aboriginal contractors. To date, the MFA has awarded 43 million in construction tenders on the set-aside to Aboriginal construction companies, and approximately 200 Aboriginal people have obtained employment through the initiative.

In addition, the floodway authority also has a proven track record in navigating through the federal and provincial environmental approval process in a timely manner. For the east side road, this expertise will be invaluable since both federal and provincial environmental approvals will be required to allow for construction of a new road in the region.

With that, I would like to conclude by indicating that our government is committed to moving forward in a manner that is consistent with the needs of local residents, traditional land uses and sustainable development principles.

Work has already begun. Work will continue this summer and much more in the next few years.

This bill enables timely advancement of this project while working with the communities in a collaborative and beneficial way.

Thank you, Madam Deputy Speaker.

**Mr. Kevin Lamoureux (Inkster):** In the past, after a minister gives second reading, quite often a member of the opposition would ask for leave to pose a question of relevance in regard to the bill.

I wonder if the minister would entertain answering a question on the bill.

**Madam Deputy Speaker:** Do we have leave?

Hearing no objections—

**An Honourable Member:** No.

**Madam Deputy Speaker:** I hear a no. Leave has been denied.

**Mr. Lamoureux:** Yes, Madam Deputy Speaker, typically in the past, and I'll enter into my remarks to the bill itself. [*interjection*] I'm not too sure exactly what the Minister of Labour and Immigration (Ms. Allan) is yapping about. But, typically, what I have seen—tradition of the Legislature is if there is a question, that there's nothing—

**Madam Deputy Speaker:** I'm sorry.

Order, please. Leave has not been granted for a debate.

**An Honourable Member:** I know that.

**Madam Deputy Speaker:** Please sit—

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

**An Honourable Member:** My goodness. You guys are sensitive.

**Madam Deputy Speaker:** Leave has been denied. Would the member please take his seat.

**An Honourable Member:** Madam Deputy Speaker, I'm speaking on the bill. You're not going to deny me the right to speak.

**Madam Deputy Speaker:** The honourable Member for Inkster.

**Mr. Lamoureux:** To continue. Thank you, Madam Deputy Speaker.

The government is sometimes a little sensitive. It was a legitimate question.

Really, all I was wanting to hear from the minister responsible for the legislation is: Was there any indication in regard to an environmental study coming from Ottawa and the Province of Manitoba? Were we looking at doing some sort of a joint environmental study, or are we going to be seeing different environmental studies being done? It's actually a fairly straightforward question. I think it was completely relevant to the bill itself, and I think that it's unfortunate. It highlights why it is, I think, there is a need to look at the rules of the House.

You know, in the past, and I suspect you will find that, even when the NDP were in opposition, you will find at times that the NDP would stand up and pose a question of a government minister that introduced a bill. It's actually a fairly effective tool



that allows for better discussion and better debate inside the Chamber, and even though some ministers might not necessarily—or have personality problems, Madam Deputy Speaker, it shouldn't be the reason why a simple leave is denied.

Madam Deputy Speaker, the floodway is a very important issue for all Manitobans. In fact, if we just take a look at the last month and a half we'll see that the floodway did its job, once again, in protecting the city of Winnipeg, as it has done now for many years. Winnipeggers have a huge interest, and it's because of Duff Roblin that we have the ditch. It has saved, literally, hundreds if not billions of dollars and, as a result, that money has been able to be invested in different things that have allowed the province to do well.

The Floodway Expansion Authority is an important arm's-length organization, and this bill is now putting into place additional responsibilities for the floodway authority. Obviously, there are going to be some areas of concern, and there might have been some opportunity to be able to see responsibilities even enhanced. I have stood up in the past and talked about the opportunities within the floodway to do more than just transport water in the time of high floods in the province of Manitoba. You have that vast tract of land that is sloped and could provide a multitude of different recreational opportunities for people that live in the province of Manitoba, especially if you live close to the floodway. In part, we have already seen some of those developments take place, and that's encouraging to see. Periodically, I hear of ideas that would further enhance the capital infrastructure of the floodway that we have today. I think that that's great. We need to be thinking outside of the box in terms of ideas on how we could better utilize that particular facility, or the floodway itself.

So I think that when we look and we talk about the responsibilities of the floodway authority, and the changes, because this is a very significant change for the authority—and it's not to say that we oppose. I think there's a great deal of merit for making the changes being proposed here. I did not hear about it and, unless there was maybe some news prior, or maybe it was talked about previously in previous years of Estimates, I wasn't aware that the government was looking at doing this until I heard about the fact that there was going to be a bill brought in where the floodway authority was going to be expanding its responsibilities.

\* (15:30)

Had I had the opportunity to provide input prior to the writing of the bill, I would have maybe even suggested we look at the WHEREAS of the floodway authority description in terms of the WHEREASes. Quite often, the legislation will start off with the WHEREASes, and it'll talk about the benefit of the floodway. Well, can you imagine if we would have had within those WHEREASes, some of the important and relevant issues that the floodway could be providing to Manitobans?

So I think there is some benefit in terms of having the bill before us today because it does create opportunities for people to be able to express what they think about the bill. It also provides us the opportunity to emphasize what we believe is a very important issue, that being the construction of another road along the east side and the impact that that is going to have on the environment and how that road will ultimately be utilized.

I think it is important for the minister to look at ways in which we might be able to minimize the impact in particular on the environment. That's why I think that it would have been interesting to know—I believe the minister did make some reference to the environmental study. It would be very interesting to know specifically how the study is going to be implemented prior to the construction of the road and to what degree the minister has had discussions with federal counterparts or other stakeholders that would have a vested interest in protecting the environment and minimizing any sort of damage that might be caused as a result of this massive construction job, because it is a fairly significant construction job.

We ultimately would like to see, as most bills, the bill go to committee. I would anticipate that we'll have the opportunity, if not at the committee stage, prior to its ultimate passage to have a discussion with Mr. Gilroy, who is responsible for the floodway authority, and we look forward to whatever other dialogue might come as a result of the bill. Suffice to say that whatever the minister can do to alleviate the concerns that we have in regard to the environmental study would be much appreciated. We'll leave it at that.

Thank you, Madam Deputy Speaker, for allowing me the opportunity to be able to say a few words. Thank you.

**Mr. Larry Maguire (Arthur-Virden):** I move, seconded by the Member for Pembina (Mr. Dyck), that the debate on Bill 31 be adjourned.

*Motion agreed to.*

**Bill 17—The Workers Compensation Amendment Act**

**Hon. Nancy Allan (Minister of Labour and Immigration):** I move, seconded by the Minister of Intergovernmental Affairs (Mr. Ashton), that Bill 17, The Workers Compensation Amendment Act, Loi modifiant la Loi sur les accidents du travail, 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 this message.

*Motion presented.*

**Madam Deputy Speaker:** His Honour the Lieutenant-Governor has been advised of the bill, and I table the message.

**Ms. Allan:** Our government has been a national leader in workers compensation coverage with respect to firefighters. We are all aware of the important work that firefighters do; when people are running out of burning buildings, firefighters are running in, often risking their lives.

In addition to the extraordinary safety hazards associated with their occupation, it has been well documented that firefighters are exposed to a host of health hazards. These new amendments reflect our continuing commitment to the thousands of full-time, part-time and volunteer firefighters, the brave men and women who risk their lives on a daily basis to protect us and our communities.

I'm pleased the proposed act expands the list of presumptive diseases for firefighters to include primary site esophageal and primary site testicular cancers. In 2002, Manitoba became the first Canadian jurisdiction to have a statutory firefighter presumption, meaning that certain injuries are presumed to be caused by the occupation of firefighting unless the contrary is proven.

We are pleased that six other Canadian jurisdictions have since introduced and passed similar legislation. In 2002, five primary site cancers were included: brain, bladder, kidney cancer, non-Hodgkin's lymphoma and leukemia. In 2005, we extended the presumption to part-time and volunteer firefighters and added primary site colorectal and

ureter cancers, lung cancer for non-smokers and heart injuries within 24 hours of attendance at an emergency response. By adding primary site esophageal and primary site testicular, there are now 10 presumptive cancers, the most of any jurisdiction in Canada.

Members of this House unanimously supported the firefighter presumptive legislation in 2002 and 2005. I ask all members to continue their support for this bill as well.

**Mr. Gerald Hawranik (Lac du Bonnet):** Madam Deputy Speaker, I move, seconded by the Member for Tuxedo (Mrs. Stefanson), that debate on Bill 17 be adjourned.

*Motion agreed to.*

**Bill 16—The Police Services Act**

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** I move, seconded by the Minister of Advanced Education (Ms. McGifford), that Bill 16, The Police Services Act; Loi sur les services de police, be now read a second time and referred to a committee of this House.

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

*Motion presented.*

**Madam Deputy Speaker:** His Honour the Lieutenant-Governor has been advised of the bill, and I table the message.

**Mr. Chomiak:** I'm very pleased to present this bill. Manitoba's current police act is outdated. Manitobans and police officers working to keep us safe in this province need a modern act. Bill 16 proposes long overdue changes to modernize police governance and police services across the province.

\* (15:40)

Madam Deputy Speaker, for the first time in decades, Manitobans were given the opportunity to voice their views in development of a comprehensive police act. Bill 16 is based on extensive on-line and in-person consultations, including meetings with 120 stakeholders representing 46 agencies across Manitoba. These included elected municipal officials, police chiefs, Aboriginal leaders, police associations and community agencies, and five public meetings held in Brandon, Thompson, Morden and Winnipeg.

Madam Deputy Speaker, I'd like to highlight three major initiatives that will facilitate civilian input into policing and change how police incidents are investigated. Firstly, Bill 16 establishes a Manitoba police commission to provide advice to the minister on law enforcement, policing and regulatory issues. Bill 16 provides for

Firstly, Bill 16 establishes a Manitoba Police Commission to provide advice to the minister on law enforcement, policing and regulatory issues.

Bill 16 provides for a First Nation and Aboriginal representation on the commission and directs the government to take into account the multi-cultural and gender diversity of Manitoba when appointing another person to the commission.

Secondly, Bill 16 requires that every police service must operate under the general direction of a police support. Police supports are standard requirement in most Canadian provinces. Police supports strengthen independence by creating a buffer between police and elected officials preventing real and perceived interference.

The bill takes into account concern expressed during the consultations by leaving final authority for police budgets with municipal councils and by ensuring that members will receive training and be expected to abide by a code of conduct.

Thirdly, Bill 16 contains the most comprehensive independent investigation model in Canada to deal with incidents involving police officers. It establishes an independent investigation unit to be headed by a civilian director with jurisdiction over on- or off-duty incidents involving death, serious injury or a specified unlawful activity. The unit will also be able to take over any other case it considers advisable. The unit will use civilian monitors provided by the police commission and independent legal counsel for advice and any resulting prosecutions.

The bill will also create a legislative foundation for a community safety cadet program to encourage and assist Aboriginal people and new Canadians to become involved in public safety and policing.

Madam Deputy Speaker, Bill 16 responds to the recommendations of various inquiries and a wide range of individuals and people and Manitobans and their efforts to establish a new public police services act. This will modernize policing for the benefit of all police officers and all citizens of Manitoba.

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable Member for Turtle Mountain (Mr. Cullen), that we adjourn debate.

*Motion agreed to.*

### **Bill 15—The Victims' Bill of Rights Amendment Act**

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Madam Deputy Speaker, I move, seconded by the Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk), that Bill 15, The Victims' Bill of Rights Amendment Act; Loi modifiant la Déclaration des droits des victimes, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Chomiak:** Bill 15 contains two amendments to The Victims' Bill of Rights that will implement the recommendations of Commissioner Salhany in his report of the Taman Inquiry.

If the victim who's registered to receive information under the act is not the parent or child of the deceased, the first amendment will enable the parents and child of a deceased victim of crime to also get information relating to investigation of prosecution.

The second amendment clarifies the bill to victims to give their views on matters relating to prosecution of charges and requires prosecutors to give those views serious consideration. Thank you, Madam Deputy Speaker.

**Mr. Cliff Cullen (Turtle Mountain):** I move, seconded by the Member for Pembina (Mr. Dyck), that debate be adjourned.

*Motion agreed to.*

### **House Business**

**Hon. Dave Chomiak (Government House Leader):** Madam Deputy Speaker, on House business.

In terms of the order dealing with matters before this Chamber, I wonder if we can call the bills in the following order. I just will clarify that we're going to start with Bill 23, The Buildings and Mobile Homes Amendment Act, to be followed by Bill 19, The Mortgage Dealers Amendment and Securities Amendment Act, to be followed by Bill 20, The Manitoba Hydro Amendment and Public Utilities

Board Amendment Act (Electricity Reliability), Madam Deputy Speaker. Thank you.

**Bill 23—The Buildings and Mobile Homes Amendment Act**

**Hon. Nancy Allan (Minister of Labour and Immigration):** I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that Bill 23, The Buildings and Mobile Homes Amendment Act; Loi modifiant la Loi sur les bâtiments et les maisons mobiles, be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Ms. Allan:** Every year Manitoba farmers spend millions on building construction, repairs and maintenance, Madam Deputy Speaker. These buildings include livestock barns, processing facilities, crop storage structures, machine shops, structures for storing field equipment, greenhouses and many other specialized structures. Some farm buildings are more than 11,000 square metres in size.

While farm buildings have increased in size and complexity, they are currently exempt from building code requirements under The Buildings and Mobile Homes Act. This has raised concerns over the past several years from key stakeholders in the agricultural industry. Madam Deputy Speaker, the purpose of Bill 23 is to amend The Buildings and Mobile Homes Act to bring larger farm buildings under the Act by allowing for a regulatory change that will include the construction of farm buildings with a building area that is larger than a size specified by the regulation. Stakeholders have told us that the non-regulation of farm buildings creates risk to the lives and safety of employees and emergency services personnel.

\* (15:50)

While some farms use professional engineering firms that result in the good design and construction of their buildings, poor design or selection of building materials can result in unsafe working environments for workers as well as emergency responders. Dust, chemicals, gases and fires pose health threats to people and animals if appropriate safety standards are not followed. Poor design and construction can reduce the profitability of a building for the owner over the long term. Credit agencies, insurance companies and municipalities that have a stake in new farm buildings are demanding standards to protect the security of their community and to minimize the risk to their investment. The lack of

any regulation causes significant financial loss for those who own or insure the buildings, as well as for employees whose jobs and incomes are lost following the loss of the building.

We will be consulting with stakeholders beginning this month on a proposed regulation, including a proposal that the construction of farm buildings, over 600 square metres in size, be regulated under the act. Bill 23 will enable us to proceed with the regulatory changes that will result in uniform design standards so that building losses can be reduced and prevented, and farm buildings can be made safer through the application of uniform building codes and standards in the construction of farm buildings.

Therefore, Madam Deputy Speaker, I commend this bill to the House.

**Mrs. Mavis Taillieu (Morris):** I move, seconded by the Member for Emerson (Mr. Graydon), that we adjourn debate.

***Motion agreed to.***

**Madam Deputy Speaker:** We will be dealing with Bill 19, The Mortgage Dealers Amendment and Securities Amendment Act, and then Bill 20, The Manitoba Hydro Amendment and Public Utilities Board Amendment Act.

**Bill 19—The Mortgage Dealers Amendment and Securities Amendment Act**

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Intergovernmental Affairs (Mr. Ashton), that Bill 19, The Mortgage Dealers Amendment and Securities Amendment Act; Loi modifiant la Loi sur les courtiers d'hypothèques et la Loi sur les valeurs mobilières, be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Mr. Selinger:** Obtaining a mortgage is the most significant financial commitment most consumers make. In the past, most mortgages were obtained from financial institutions, such as banks and credit unions. Madam Deputy Speaker, today there has been a significant increase in alternative sources of mortgage financing available to the public. There has also been an increase in the number of individuals and independent businesses that work with consumers to find mortgage lenders.

Madam Deputy Speaker, this bill introduces amendments to expand the existing consumer protections contained in The Mortgage Dealers Act to include a greater variety of mortgage brokerage activities. The Mortgage Dealers Act will be renamed The Mortgage Brokers Act to reflect the expanded scope of the legislation. The amendments will ensure the consumer is better protected by requiring businesses and individuals who conduct a greater variety of mortgage brokerage activities to obtain registration.

The amendments will also increase consumer protection by regulating how these businesses operate. The amendments will permit regulations to be established, which will require disclosure be provided to the consumer prior to obtaining a mortgage. The consumer will be required to receive information about the responsibilities he or she assumes when obtaining a mortgage. Regulations will also require disclosure of any fee being paid to a mortgage broker by the lender. With this information, the consumer will have the information needed to make an informed decision before obtaining a mortgage.

Madam Deputy Speaker, the bill also contains amendments to The Securities Act, which more clearly set out the authority of the Manitoba Securities Commission to investigate possible violations of the new Mortgage Brokers Act, as well as other statutes administered by the Manitoba Securities Commission. The amendments clarify the independence of the investigation process and the role and responsibilities of the director of the commission in the conduct of investigations.

The bill also includes amendments to The Securities Act to increase the financial loss compensation provisions from a maximum of \$100,000 per claim to a maximum of 250,000 per claim. These provisions, which were first enacted in Manitoba, and have now been copied by other provinces, permit the Manitoba Securities Commission, following a hearing, to order repayment to an investor of a financial loss caused by the illegal or improper conduct of a business or an individual trading in securities. These financial loss provisions have proven to be highly successful by providing investors with a no-cost alternate to having to go to court.

Madam Deputy Speaker, this bill demonstrates the government's commitment to enhanced consumer protection and encourage confidence in our economy

through laws that both protect the public and facilitate the operation of businesses in Manitoba. Thank you.

**Mr. Cliff Graydon (Emerson):** I move, seconded by the Member for Morris (Mrs. Taillieu), that the second reading debate of Bill 19 be adjourned.

*Motion agreed to.*

#### **Bill 20—The Manitoba Hydro Amendment and Public Utilities Board Amendment Act (Electricity Reliability)**

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** I am pleased to move, seconded by the honourable Minister of Labour and Immigration (Ms. Allan), that Bill 20, The Manitoba Hydro Amendment and Public Utilities Board Amendment 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 his message.

*Motion presented.*

**Madam Deputy Speaker:** His Honour the Lieutenant-Governor has been advised of the bill, and the minister has tabled the message.

**Mr. Rondeau:** Madam Deputy Speaker, today I have the pleasure of speaking on Bill 20, which will amend The Manitoba Hydro Act and The Public Utilities Board Act. Bill 20 establishes the framework for Manitoba's participation in the new system of mandatory electrical reliability standards and to improve the reliability of North American interconnected electrical grid.

This bill will enable Manitoba to adopt and make mandatory standards for the design, operation and planning of our electrical generation in transmission facilities as a part of the continental interconnected grid. For nearly four decades, voluntary electric reliability standards for the grid were developed by the North American Electric Reliability Council, a U.S.-based body, with membership from all sectors of the electricity industry, including Canadian utilities. Manitoba Hydro has complied with these voluntary standards through its membership in the Midwest Reliability Organization. Security and reliability of our electrical system has been an important priority for Manitoba, and the reliability must continue. Manitoba Hydro has long supported and encouraged

a move to mandatory reliability standards for entire North America.

Madam Deputy Speaker, we can recall the August 2003 power blackout in parts of the U.S. and Ontario triggered by one utility's failure to trim trees close to a transmission line in Ohio. That massive blackout brought business to a halt, left millions of people without power and caused widespread disruption. It became important to move forward.

This bill will connect Canadian provinces, the U.S., and all of them will work towards the mandatory styles. Manitoba has complied with NERC in voluntary, and will continue to move forward in these compulsory standards. The new reality requirements will be complied with, and we will ensure that PUB is the organization that does establish the penalties imposed for non-compliance. We will continue to work forward to ensure that we have a standard, robust grid and the Public Utilities Board will have an important new responsibility in the area of reliability. Thank you very much, Madam Deputy Speaker.

\* (16:00)

#### House Business

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, on House business. I'd like to table a list of ministers to be called for concurrence for Thursday, May 14, 2009: the Minister of Finance, the Minister of Agriculture, the Minister of Health, who will be questioned concurrently.

**Madam Deputy Speaker:** The list of ministers to be called for concurrence for Thursday, May 14, 2009, will be the Minister of Finance, the Minister of Agriculture and the Minister of Health, who will be questioned concurrently.

\* \* \*

**Mr. Cliff Cullen (Turtle Mountain):** I move, seconded by the Member for Ste. Rose (Mr. Briese), that the debate on Bill 20 be adjourned.

*Motion agreed to.*

#### House Business

**Hon. Dave Chomiak (Government House Leader):** On House business, I'd like to indicate that the debate on second readings will continue on Bill 22, The Cooperatives Amendment Act, and Bill 12, The Residential Tenancies Amendment Act. If there's still time, Bill 11, The Highway Traffic

Amendment and Manitoba Public Insurance Corporation Amendment Act.

**Madam Deputy Speaker:** It has been requested that the next bills to be dealt with will be Bill 22, The Cooperatives Amendment Act; Bill 12, The Residential Tenancies Amendment Act; and Bill 11, The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act.

So we now move on to Bill 22, The Cooperatives Amendment Act.

#### Bill 22—The Cooperatives Amendment Act

**Hon. Greg Selinger (Minister of Finance):** Yes, Madam Deputy Speaker, I move, seconded by the Minister of Education (Mr. Bjornson), that Bill 22, The Cooperatives Amendment Act; Loi modifiant la Loi sur les coopératives, be now read a second time and be referred to a committee of the House. Thank you.

*Motion presented.*

**Mr. Selinger:** This bill amends The Cooperatives Act in three basic ways. First, it will allow agricultural co-operatives to issue patronage shares, a new class of membership shares to take advantage of provisions in The Income Tax Act. The new shares, referred to as tax deferred co-operative shares, are already available to agricultural co-operatives in other jurisdictions. These amendments will help Manitoba agricultural co-ops retain capital to provide for current operations and growth. It will also allow their members to defer paying taxes on patronage dividends paid in the form of shares. We understand that there are a number of agricultural co-ops that could benefit from this change.

Madam Deputy Speaker, other government amendments will clarify the framework for exemption orders when a co-op raises capital by issuing securities to members. The amendments will expand the registrar's powers to issue, amend or place conditions on an exemption order; require the submission of an amended disclosure document when there is a material change; give the registrar the ability to issue cease trade orders until the amended disclosure document is approved; and provide a two-day cooling off period to protect members who purchase securities.

The third type of amendment will strengthen the enforcement of provisions of the act to be more consistent with similar legislation in Manitoba and other jurisdictions. Enforcement provisions are

seldom used but should be available, if needed, and act as a deterrent.

I believe that this bill includes needed amendments to provide additional financing options for agricultural co-ops and to allow their members to benefit from tax initiatives. It will also provide increased authority to protect member investors and strengthen the enforcement provisions of the act.

Madam Deputy Speaker, I am pleased to recommend this bill for consideration by the House.

**Mr. Cliff Graydon (Emerson):** I move, seconded by the Member for Turtle Mountain (Mr. Cullen), that the second reading on the debate of Bill 22 be adjourned.

*Motion agreed to.*

### **Bill 12—The Residential Tenancies Amendment Act**

**Madam Deputy Speaker:** We move on now to Bill 12, The Residential Tenancies Amendment Act.

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Justice (Mr. Chomiak), that Bill 12, The Residential Tenancies Amendment Act; Loi modifiant la Loi sur la location à usage d'habitation, be now read a second time and be referred to a committee of the House.

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

*Motion presented.*

**Madam Deputy Speaker:** His Honour the Lieutenant-Governor has been advised of the bill, and the minister tables the message.

**Mr. Selinger:** This bill proposes several significant amendments to The Residential Tenancies Act. Several of the amendments relate to a new type of rental accommodation that has emerged from Manitoba's housing marketplace in the last few years. These are apartment buildings where, in addition to the rental unit, the landlord provides a service package that includes things like meals, light housekeeping, transportation and linen service.

This type of rental housing is becoming increasingly popular. In response to this demand, the number of buildings offering these services is on the rise. The target market for these complexes is seniors who can live independently in an ordinary apartment complex but prefer to live in a building that offers the additional amenities. The services these facilities

offer are similar to those available in licensed facilities such as personal care homes and licensed residential care facilities. Unlike licensed facilities, landlords of these buildings are not allowed to offer services like the provision of medication or assistance with bathing or dressing.

Currently, the Residential Tenancies branch has no formal authority to deal with any problems relating to these services. Issues have come to the branch's attention but the current legislation does not include provisions to deal with such problems. Since more of these facilities are being built, it is important to give the branch the necessary tools to deal with complaints.

The amendments proposed on this bill will provide a tenancy agreement that clearly details the services being provided. It requires notice of a service rate increase and creates a mechanism to resolve complaints relating to the provision of tenant services.

Madam Deputy Speaker, other amendments in this bill will allow landlords to collect a pet damage deposit in addition to the existing security deposit. It is hoped that this will encourage more landlords to allow pets in their buildings. Tenants living in apartment buildings are often denied the opportunity to have a pet because landlords are concerned about the possibility of damage from the pet. Some landlords have indicated they would consider allowing pets if they could collect a larger deposit. Many tenants have expressed a willingness to pay such a deposit in exchange for the chance to have a pet. These proposed provisions are permissive. Landlords are not required to accept pets, but if they choose to do so, they are entitled to collect a pet damage deposit of one-half month's rent in addition to the regular security deposit.

\* (16:10)

The bill includes provisions regarding guarantee agreements and makes it clear that the Residential Tenancies branch has authority to determine matters and issue orders relating to guarantee agreements. Guarantee agreements will be required to state clearly the obligations of the tenant that the guarantor is undertaking to be responsible for, how long the guarantee agreement is for and whether it extends to one or more renewals of the tenancy agreement and the extent of the guarantor's liability.

The proposed amendments indicate that the landlord must inform the guarantor when the tenant

defaults on an obligation for which the guarantor might be responsible. There are also provisions setting out the guarantor's right to terminate the guarantee agreement and the period of notice required to do so.

Madam Deputy Speaker, we are proposing to give the director of the Residential Tenancies branch the authority to impose administrative penalties for contravention of specified sections of the act such as those dealing with change of locks, right of entry, withholding of vital services and tampering with smoke alarms. Penalties can also be imposed for failure to comply with an order of the director.

The goal of the Residential Tenancies branch has always been to gain compliance with the legislation without using a heavy hand, and there is no intention to change this practice. In keeping with this approach, penalties will be imposed only in the most serious cases. Administrative penalties will be a matter of public record as they will be listed on the branch's Web site. Money collected as administrative penalties will be deposited into the security deposit compensation fund and used for educational purposes for landlords and tenants.

Madam Deputy Speaker, proposed amendments also give the Residential Tenancies branch the authority to issue amended orders in certain specific circumstances. Under the current legislation, if the branch makes a typographical error or an error of omission, the landlord or tenant must appeal the branch order and pay a filing fee to the Residential Tenancies Commission to have the error corrected. This creates an unnecessary step for landlords and tenants and creates extra work for the commission. The preamble to the act speaks of the need for inexpensive, expeditious dispute resolution. This proposed amendment supports that intention.

Amendments are proposed to allow the Residential Tenancies Commission to have a single commissioner to hear certain appeals. Currently, the commission is required to sit in panels consisting of three members. This amendment provides for appeals that are of a small monetary value or less complex matters to be heard by the chief commissioner or a single deputy chief commissioner. This will be more expeditious, cost-effective, and a cost-effective way of handling these matters.

Madam Deputy Speaker, there are also various other minor amendments to the act. We are correcting an inconsistency regarding the landlord's general responsibility to repair and maintain a rental

unit and the tenant's responsibility to maintain a mobile home site and repair any damage they cause to the site.

Also, to prevent landlords from circumventing the rent regulation provisions of the act when they regain possession of a unit in a complex with three units or less, amendments will address the situation where fictitious rents are being created, with the result that tenants pay inflated security deposits and rents. The branch is also given the authority to enforce an order that a landlord of a life-lease complex reimburse a tenant for overpaid rent, similar to the authority that already exists for all other tenancies.

The term of appointment for deputy chief commissioners is extended from two to four years. The current two-year term is too short given the lengthy training process for new commissioners and the need to maintain consistency.

Madam Deputy Speaker, I am pleased to recommend this bill for consideration by the House.

**Mr. Cliff Graydon (Emerson):** I move, seconded by the Member for Carman (Mr. Pedersen), that the second reading debate of Bill 12 be adjourned.

*Motion agreed to.*

#### House Business

**Hon. Dave Chomiak (Government House Leader):** Madam Deputy Speaker, just in terms of order of bills, I wonder if the order could be changed somewhat to deal with Bill 24, to be followed by review of Bill 11, and if there's time after that, to deal with Bill 27.

**Madam Deputy Speaker:** It has been requested that we deal with Bill 24 and defer Bill 11 and then Bill 27. Agreed? [*Agreed*]

\*\*\*

#### Bill 24—The Colleges Amendment and Le Collège universitaire de Saint-Boniface Amendment Act (College Degrees)

**Hon. Diane McGifford (Minister of Advanced Education and Literacy):** Madam Deputy Speaker, I move, seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that Bill 24, The Colleges Amendment and Le Collège universitaire de Saint-Boniface Amendment Act (College Degrees); Loi modifiant la Loi sur les collèges et la Loi sur le Collège universitaire de



Saint-Boniface (grades des collèges), be now read a second time and be referred to by a committee of this House.

***Motion presented.***

*Mr. Speaker in the Chair*

**Ms. McGifford:** Recently the Premier's Economic Advisory Council recommended introducing baccalaureate degrees at Manitoba colleges. New industry standards, areas of specialization, technological advances and more complex tools and equipment are all career related trends and issues that point to the need for expanded educational opportunities for Manitoba's post-secondary students.

After consulting with the province's public colleges, universities, other jurisdictions and local industry, the Manitoba government is convinced that college baccalaureate degrees will be a welcome program addition within the post-secondary education sector. Joining four other jurisdictions, Alberta, Ontario, British Columbia and Prince Edward Island, I'm, therefore, pleased to have tabled the legislative amendments to The Colleges Act and Le Collège universitaire de Saint-Boniface Act, which, if passed, will authorize colleges to grant degree credentials.

The University College of the North has already received degree-granting authority. The passing of these amendments would be a significant addition to existing certificate, diploma and advanced diploma programming structures. While undergraduate programs at universities also graduate labour market entrants, there is a broader focus on theoretical knowledge and preparation for additional study at the academic and professional levels. Differing from university degrees, proposed college degree programs will focus on the application of knowledge and prepare graduates for immediate employment in the local labour market.

It is intended that college baccalaureates would provide students with extensive practical experience, usually in the form of a full-year practicum. College degrees will also rely on input from industry, both in their development and continuing operation.

Mr. Speaker, under the proposed legislation, colleges would be in a position to propose four-year degree programs on a case by case basis in partnership with industry and government. The Council on Post-Secondary Education would work with colleges to determine which college degree programs would be most beneficial to Manitoba's

economy. It is anticipated that our colleges will be able to offer programs in areas where highly advanced skills are a prerequisite to employment, such as construction management, aerospace, materials and manufacturing, health studies, transportation services and multi-media. Extended college programming would ensure graduates have the skills, knowledge and specialty training that they need to succeed in today's high-tech global marketplace.

Under the proposed legislation, Manitoba's colleges would be able to provide more opportunities for students to pursue specialized intensive technical-vocational programming and build on the Province's current efforts to meet increasingly complex labour market demands.

**Mr. Gerald Hawranik (Lac du Bonnet):** I move, seconded by the Member for Morris (Mrs. Taillieu), that debate on Bill 24 be adjourned.

***Motion agreed to.***

\* (16:20)

**Bill 11—The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act**

**Hon. Dave Chomiak (Minister charged with the administration of the Manitoba Public Insurance Corporation Act):** I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 11, The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act; Loi modifiant le Code de la route et la Loi sur la Société d'assurance publique du Manitoba, be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Mr. Chomiak:** Mr. Speaker, we will have an opportunity to discuss this bill in detail at committee stage, but there are some important points that I'd like to bring to the attention of honourable members.

Firstly, Mr. Speaker, in 2002, the Manitoba government was the first provincial government in Canada to implement legislation to establish a process to enable vehicles that are used in certain serious Criminal Code driving offences to be forfeited to the government, and sold, if the driver is convicted of the offence.

On February 28, 2008, as part of Bill C-2, the Parliament of Canada passed legislation to create new Criminal Code impaired driving offences that

came into force on July 2, 2008. These new offences are: driving over 0.08, causing bodily harm; refusing to provide a sample where the driver knew, or ought to have known, that he or she was involved in a collision resulting in bodily harm; driving over 0.08 causing death; and refusing to provide a sample where the driver knew, or ought to have known, that he or she was involved in a collision resulting in death.

Mr. Speaker, the government of Manitoba is taking appropriate steps to amend The Highway Traffic Act to recognize the new Criminal Code impaired driving offences and expressly apply Manitoba's vehicle forfeiture law to vehicles used in those newly created impaired driving offences.

Mr. Speaker, the bill also responds to a need to amend The Highway Traffic Act to ensure that automatic drivers licence suspension provisions that apply to persons convicted of Criminal Code driving offences will also apply to persons convicted of the new Criminal Code impaired driving offences that were introduced by the government as part of Bill C-2. Without this amendment, persons convicted under the new Criminal Code impaired driving offences would escape liability for the driver licence suspensions under The Highway Traffic Act.

In addition, Mr. Speaker, the bill also responds to a need to amend The Public Insurance Corporation Act to ensure that its reduction in certain no-fault accident benefits law apply to persons convicted of the new Criminal Code impaired driving offences created by federal Bill C-2, and the Criminal Code street racing offences resulting from the passages of Bill C-19, that is, the act to amend the Criminal Code, street racing, and to make a consequential amendment to the Corrections and Conditional Release Act.

Mr. Speaker, these street racing offences are: dangerous operation of a motor vehicle while street racing; dangerous operation of a motor vehicle causing bodily harm while street racing; dangerous operation of a motor vehicle causing death while street racing; criminal negligence causing bodily harm while street racing, and criminal negligence causing death while street racing.

Mr. Speaker, as indicated, we will discuss the deal in more detail. I look forward to an opportunity to have a discussion in committee, and I look forward to perhaps advice and further amendments that may occur in committee, with respect to ongoing changes in provisions to the Criminal Code, that we

can then apply to our provincial offences in this regard.

Thank you, Mr. Speaker.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I move, seconded by the Member for Pembina (Mr. Dyck), that debate now be adjourned.

*Motion agreed to.*

#### **Bill 27—The Gaming Control Amendment Act**

**Hon. Dave Chomiak (Minister charged with the administration of The Gaming Control Act):**

Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 27, The Gaming Control Amendment Act; Loi modifiant la Loi sur la Commission de régie du jeu, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Chomiak:** Mr. Speaker, the proposed amendments in Bill 27, The Gaming Control Amendment Act, are an attempt to further strengthen the honesty and integrity of gaming operations in Manitoba through enhanced regulatory oversight by the Manitoba Gaming Control Commission.

At the heart of the amendments is to further fortify public confidence in lottery ticket sales and prize redemptions by extending the regulatory expectations for honesty and integrity that now apply to the other industry employees, equipment suppliers and games in Manitoba.

We intend to accomplish this by amplifying safeguards at the retail level through third-party oversight, establishing an avenue for consumer complaints, investigation, dispute resolution or remedy, appeal hearings and, if appropriate, pursuit through the courts in instances of suspected illegal activity.

The amendments proposed would accomplish this by requiring lottery ticket retailers to be registered with the MGCC and by extending regulatory oversight the Western Canada Lottery Corporation on matters relating to the lottery schemes it conducts and manages in Manitoba.

Ultimately, Mr. Speaker, the amendments proposed by Bill 27 would establish a new standard of quality assurance in the regulations of lottery products through the consolidation of regulatory responsibilities. Very briefly, I'll outline the particular measures to the House that would authorize this action to happen.

Firstly, through MGCC would be able to assess the honesty and integrity of retailers seeking registration through background investigations and compliance monitoring. In granting registration, the MGCC would set terms and conditions under which the individual or entity must operate and would create a formal relationship between the registrant and regulator to facilitate ongoing monitoring and permit investigation and response to complaints or concerns.

In the event of a public complaint, the MGCC, that is the Manitoba Gaming Control Commission, would have the authority to seek remedies, mediate and make remedial orders in lesser complaints, and to investigate and lay charges should criminal activity be suspected.

As well, the MGCC would have the responsibility to confirm the technical integrity of in-store ticket checking machines which enable players personally to check their tickets. The amendments will permit MGCC to respond to player complaints by adding the Western Canada Lottery Corporation as a formal party in the current dispute resolution process, as they would require the WCLC, that is the Western Canada Lottery Corporation, to develop and implement response to the gaming policy, which will bring consistency and equity to Manitoba's responsible gaming commitments as similar policy requirements have applied to the Manitoba Lotteries Corporation and all of casino operations since 2005.

I'd also like to bring to the attention of the House that while the amendments were originally pursued in consideration of improving regulatory oversight for lottery products, there are some other amendments which are proposed in Bill 27 which would also further strengthen the honesty and integrity of gaming operations in Manitoba.

Briefly to highlight these, an amendment is proposed to introduce criteria related to the suitability of privately owned gaming venues for charitable gaming. For example, a charitable organization may request to conduct a Texas-hold'em tournament at a third party's premises. This amendment recognizes that the owner of a gaming-events premises may be required to demonstrate honesty and integrity as a key aspect of regulatory oversight.

As well, Mr. Speaker, the MGCC is seeking latitude to address contraventions of the act via

progressive discipline. This would permit the regulator to employ more sophisticated and stage responses appropriate to incidents that warrant attention but that would distinguish between remedial and punitive orders as a way of resolving disputes and seeking resolution.

As well, there are also a few housekeeping items which we'd like to address during this opportunity. For example, to clarify the executive director's order-making authority under the act to include setting a time period for remedy and to permit immediate suspension in the interests of the public; example, serious criminal charges like drug trafficking.

It also proposes to repeal an unproclaimed section, that is subsection 52(2). This proclamation would have had the unintended consequence of prohibiting Manitoba companies from selling gaming supplies outside the province if they do not do business in Manitoba.

We'll also note that a consequential amendment is proposed to the Manitoba Lotteries Corporation to ensure the consistent definition for lottery ticket retailers.

Mr. Speaker, as I noted at the beginning of the remarks, the focus of Bill 27 is to strengthen the honesty and integrity of gaming operations in Manitoba. At this time, I am pleased to commend this bill to the study of all members and I look forward to the passage to committee for clause-by-clause review.

**Mr. Cliff Graydon (Emerson):** Mr. Speaker, I move, seconded by the Member for Ste. Rose (Mr. Briese), that the second reading debate of Bill 27 be adjourned.

*Motion agreed to.*

\* (16:30)

### House Business

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

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, I appreciate the co-operation of all members of the House.

I'd like to call the next bills: Bill 21, labour mobility; Bill 25, statistics; Bill 26, apprenticeship; to be followed by Bill 28, private investigators.

**Mr. Speaker:** We're calling the bills in the order of Bill 21, Bill 25, Bill 26, Bill 28.

**Bill 21—The Labour Mobility Act**

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** I move, on behalf of the honourable Minister of Competitiveness, Training and Trade (Mr. Swan), seconded by the honourable Attorney General (Mr. Chomiak), that Bill 21, The Labour Mobility Act, now be 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 has been moved by the honourable Minister of Science and Technology, seconded by the honourable Attorney General, that Bill 21, The Labour Mobility 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. Rondeau:** Bill 21, The Labour Mobility Act, fulfils Manitoba's commitment to fully honour its obligations under the Agreement on Internal Trade to remove barriers to labour mobility for regulated occupations. The Agreement on Internal Trade was established in 1994 by the federal government and all provinces and territories to reduce and eliminate barriers to internal trade and labour mobility.

Our government believes that all Canadians should have full labour mobility within Canada. Our Premier (Mr. Doer), by co-chairing—among efforts among other premiers at the Council of the Federation—has positioned Manitoba as a leader in supporting improvements to the Agreement on Internal Trade to reduce barriers to internal trade and ensure full labour mobility.

Through these efforts, achieving full labour mobility was identified as top priority for all premiers in July 2008 at the Council of the Federation and they agreed to work on Agreement on Internal Trade and amend these regulations by January 2009 to ensure any worker certified for an occupation in one province or territory would be recognized to qualify for a practice that occupation all other provinces and territories. These efforts have focussed on ensuring that the amendments to strengthen the Agreement on Internal Trade to achieve full labour mobility would come into effect by April 1, 2009.

Manitoba has established a government-wide labour mobility strategy to ensure that these new commitments and any associated deadlines are met. This strategy has included appointment of a former minister responsible for internal trade to oversee Manitoba's efforts to eliminate labour mobility barriers and to ensure that all regulatory bodies meet their labour mobility commitments. It sends a strong message to all Canadians that Manitoba's firmly committed to ensuring full labour mobility across Canada. We support the strengthening of provisions to ensure that Canadians can work anywhere in Canada without restriction on labour mobility.

The bill will provide Manitobans with the legislative authority to require compliance with the new labour mobility provisions on the Agreement on Internal Trade and will remove all obstacles bearing compliance with Manitoba's regulatory bodies.

Mr. Speaker, Manitoba's Labour Mobility Act will allow certified workers from other jurisdictions to practice their occupations in Manitoba in accordance with chapter 7 of the AIT. In particular, it will require Manitoba regulators to comply with chapter 7 when workers who are certified for an occupation in other jurisdictions apply to obtain Manitoba certification for that occupation.

Mr. Speaker, each province will continue to be responsible for maintaining and monitoring new requirements that are in place through provincial legislation for the regulated occupations. With the introduction of the bill, we will closely follow other jurisdictions in Canada who are supportive of the legislation to ensure full compliance with labour mobility under the AIT such as B.C., who introduced the labour mobility act on March 12, 2009.

This improved labour mobility within Canada will create a more stable, attractive climate for business investment and help address the skill shortages in many regions of the country by creating opportunities for freer movement by certified workers and by filling gaps in our labour force. Canada will be in a better position to compete in an expanding global economy.

Manitoba's highly skilled, experienced work force is crucial to the international success of our industries. Manitoba has experienced low unemployment in recent years, but labour shortage is widely reported in many sectors. Manitoba is now a net importer of people. We stand to benefit from reinforcing our commitments to full labour mobility. It will make people certified and others able to

practise when they come to Manitoba, Mr. Speaker. Over the past 10 months we've been working very closely with Manitoba regulators, officials from other departments and representatives from other jurisdictions to ensure that this is complied with.

Provinces and territories across Canada have noted that there may be instances where there may be a significant difference in scope of practice in an occupation that exists between jurisdictions, and exceptions to labour mobility may be required. However, governments agreed to minimize exceptions to those strongly identified and justified as required to meet legitimate objectives, such as the protection of public health or safety. To date, there have only been three requests in Manitoba for exceptions to these rules in labour mobility that are necessary to meet a legitimate objective. These exceptions have been put forth by licensed practical nurses, midwives and lawyers. The Manitoba government intends to review these ongoing needs for these exceptions on an annual basis.

For transparency purposes and in accordance with the amended agreement, legitimate objectives, approved by all the provinces and territories will be made available to the public by the Committee on Internal Trade. It's the intention of the internal trade ministers that any exception to the new rules that are considered necessary to meet legitimate objectives are required to be reviewed on a regular basis.

I want to commend all of Manitoba's occupation regulators for their extraordinary efforts to ensure full labour mobility in our province, now and in the future. These regulatory bodies represent some 170 regulated occupations. Manitoba will continue to work with internal government and external stakeholders to maintain full labour mobility in accordance with the agreement on internal trade.

While some occupations have indicated concern related to these new efforts, leading to a reduction of standards to meet the lowest common denominator, I do not share this concern. Under the labour mobility chapter, the provinces and territories continue to maintain the authority to opt or maintain standards through regulated occupations at a level of protection that each considers appropriate.

At the same time, to the extent possible, provinces and territories have agreed to reconcile the differences based on common interprovincial standards. Further, employers continue to have the right and ability to hire workers they believe have the skills, knowledge and experience they require.

The new labour mobility chapter in this legislation ensures that, where individuals are qualified to practise and certified in other provinces, we can reconcile differences based on a common interprovincial standard to ensure the highest standards are available. But, most importantly, we will recognize that because an individual has been certified in another province or territory, they will have gone through the rigours of training, education and experience to achieve the competence necessary to be qualified to practise in their field.

To remain a strong and vibrant province, we need to attract people with skills, education and experience to Manitoba and to address the present needs and support future opportunities. In preparation for an aging work force and resultant gaps created by anticipated requirements, we need to attract human resources to secure our future.

Labour mobility will help provide the work force needed to support infrastructure programs like CentrePort, our construction industry and other key economic sectors where we are emerging global leaders, such as green energy initiatives, life sciences, biotech, research, just to name a few.

Mr. Speaker, by moving forward with Bill 21, we can have more skilled workers and continue to build a more prosperous future. Therefore, I'm pleased to present Bill 21 on behalf of the Minister of Competitiveness, Training and Trade (Mr. Swan).

**Mr. Blaine Pedersen (Carman):** I move, seconded by the Member for Morris (Mrs. Taillieu), that Bill 21, The Labour Mobility Act, now be adjourned.

*Motion agreed to.*

**Mr. Speaker:** Call Bill 25, the statutes amendment act. The honourable Minister of Science and Technology.

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** I am pleased to move—

**Mr. Speaker:** Statistics, right? I'm sorry. I mispronounced that—Statistics Amendment Act.

\* (16:40)

#### **Bill 25—The Statistics Amendment Act**

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** Mr. Speaker, I am pleased to move, on behalf of the honourable Mr. Swan, seconded by the—[interjection]—oh, sorry, the Minister of Competitiveness, Training and

Trade—seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that The Statistics Amendment Act be now read a second time and be referred to a committee of this House. Thank you.

**Mr. Speaker:** It has been moved by the honourable Minister of Science and Technology, seconded by the honourable Minister of Education, that Bill 25, The Statistics Amendment Act, be now read a second time and be referred to a committee of this House.

**Mr. Rondeau:** I am pleased to rise in the House today to introduce for second reading of Bill 25, The Statistics Amendment Act. Statistics are an important part of the development and evaluation of programs, policies and initiatives in government and in society. They are used to measure our progress as a province to predict trends and inform decisions. The amendments in this bill will update The Statistics Act to address operational issues facing the Manitoba Bureau of Statistics and, more clearly, to reflect modern privacy principles.

Under The Statistics Act, the Manitoba Bureau of Statistics is tasked with collecting and analyzing information and publishing the resulting statistics. The bureau has identified impediments to its work that are addressed by these amendments. For example, while the act gives the bureau the authority to require persons in businesses to provide information to it, the amendments will also allow the bureau to request that information be provided on a voluntary basis.

The act currently prevents the bureau from publishing information that indirectly reveals the price of a consumer product sold by specific businesses even if the price is publicly available. The amendments will allow the bureau to include this useful information in its publications. Because of the nature of its work, the bureau is entrusted with sensitive, confidential information, including personal information and personal health information. Accordingly, the act contains strictly confidential provisions, and the bureau has stringent security measures in place to protect privacy.

The Statistics Act dates from the early '70s, and the language used in it and its confidentiality provisions predate privacy legislation such as The Freedom of Information and Protection of Privacy Act. This has created some challenges for the bureau when it comes to obtaining information. The amendments clarify the relationship between The Statistics Act and the privacy legislation. They also

enhance those provisions currently in the act that protect privacy and confidentiality to better reflect the practice of the bureau and the privacy legislation.

Specifically, the amendments clarify that the director can request or require personal or personal health information, but only when necessary to carry out his or her statutory duties. They also incorporate the privacy principle that collection and disclosure of personal and personal health information must be limited to the minimum amount of information necessary. The amendments require the bureau to inform persons providing the information of the purpose for which the information is sought, whether the information must be provided, whether the information will be shared under an agreement, and of their right to object to the sharing of information under the agreement with bodies other than Statistics Canada. By specifically requiring the bureau to protect information in a manner that takes into account the sensitivity of information, the amendments reflect both the current practice and privacy privileges and principles.

The current act provides that the bureau may enter into agreements to share information with Statistics Canada and other bodies. The amendments require that the agreements include provisions protecting information including personal and personal health information from risks such as unauthorized access or disclosure.

Other amendments update the act by increasing the penalties for offences, including offences involving misuse of bureau information, and making the language in the act gender neutral.

I am pleased, on behalf of the Minister of Competitiveness, Training and Trade, to present this second reading to the House on Bill 25.

**Mr. Blaine Pedersen (Carman):** I move, seconded by the Member for Brandon West (Mr. Borotsik), that Bill 25, The Statistics Amendment Act, now be adjourned.

*Motion agreed to.*

#### **Bill 26—The Apprenticeship and Certification Act**

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** Mr. Speaker, I move, on behalf of the Minister of Competitiveness, Training and Trade (Mr. Swan), and seconded by the Minister of Education (Mr. Bjornson), that Bill 26, The Apprenticeship and Certification 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 has been moved by the honourable Minister of Science and Technology, seconded by the honourable Minister of Education, that Bill 26, The Apprenticeship and Certification 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 the message has been tabled.

**Mr. Rondeau:** Mr. Speaker, I'm pleased to introduce the second reading of Bill 26, The Apprenticeship and Certification Act to enhance and expand apprenticeship training and certification in our province. Our commitment to apprenticeship and training and certification has been long-standing, and while there's been many exciting developments in recent years, the Apprenticeship Futures Commission is perhaps the most exciting development. The Apprenticeship Futures Commission conducted broad public consultations to determine the necessary changes in the apprenticeship and training certification system to respond to the needs of the Manitoba labour market.

Mr. Speaker, as part of the Apprenticeship Futures Commission, we pledged the creation of 4,000 new apprenticeship positions over four years. In 2008-2009, our government allocated a total of \$5.6 million to create an additional 1,600 apprenticeship training seats.

But, Mr. Speaker, creating more training seats is only one aspect of the Apprenticeship Futures Commission's report. The final report of the Apprenticeship Futures Commission provided a total of 23 recommendations. We are introducing the new legislation because it supports many of these 23 recommendations.

The bill is an important legislation because it clarifies the mandate of Apprenticeship Manitoba. Historically, Apprenticeship Manitoba has supported apprentices and their employers as a training body, while also functioning as an enforcer of apprenticeship regulations. Because of this dual role, however, apprentices and employers viewed the apprenticeship model as inflexible, unresponsive and confusing. To correct this, this bill emphasizes the education role of the two main bodies in the education system: the apprenticeship and trades

qualification board as a governing body, and Apprenticeship Manitoba as the administrative body.

As outlined in the bill, enforcement will be undertaken by other government departments that have the capacity and expertise to enforce regulations. In addition, decision-making related to designating trades as compulsory will be made by the minister responsible for Apprenticeship through the Lieutenant-Governor-in Council. This will allow the Apprenticeship and Trades Qualification Board and Apprenticeship Manitoba the opportunity to fully dedicate its expertise to training and skill development.

In addition to clarifying the role of the Apprenticeship and Trades Qualification Board, the bill is also intended to update the governance model. Currently, Mr. Speaker, the Apprenticeship and Trades Qualification Board is the legislative policy and regulatory body that represents the apprenticeship model in Manitoba. Under the current act, however, the board is constituted as an advisory board without the meaningful authority to truly plan and co-ordinate apprenticeship training and certification. This bill is intended to position the Apprenticeship and Trades Qualification Board as the true governing board.

To update the governance model, the bill requires the board to develop an annual plan and annual report. The annual plan is a new and exciting component on the bill. This annual plan will outline and prioritize specific goals to be met by the board in hopes of increasing responsiveness, transparency and accountability. In addition, the bill will create standing committees that will achieve two important objectives. The first standing committee will help the board focus and streamline its governing role; second, they will improve accessibility to the board for all stakeholders, either the apprenticeships or employers.

Another important aspect of the bill is emphasis on consultation with stakeholders. For example, the board will be required to consult with stakeholders when devising its annual plan. Additionally, the provincial advisory committees will be required to consult more actively with the stakeholders prior to making the recommendations to the board.

Mr. Speaker, these are some of the key highlights contained in this proposed legislation. I look forward to discussing this important bill with you and my fellow colleagues. I would like to publicly thank the work of the Apprenticeship

Futures Commission and its chair for putting up wonderful recommendations, doing broad public consultations and moving this important piece of legislation forward to ensure that we have the educated and trained work force, now and in the future. I am pleased to present this bill to the House for its consideration.

\*(16:50)

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I'd like to put a few words on the record with regard to this bill. I'm pleased that the bill has come forward. We've been talking for many years about improving access to apprenticeship and improving the number of apprenticeships. It's taken 10 years to get this far. I'm glad that we are, at least, this far with this legislation.

I think that there are certainly some positive developments in this legislation in terms of the requirement for a strategic plan. I would say that the outline that's present here, in terms of what must be in the board's annual strategic plan, is a little bit skimpy. Not only setting out goals and objectives, we would have expected that, you know—we want an assessment and a report of what actually has happened in terms of the number of apprenticeships, and the particular areas that they have been developed and what is happening on the ground as a prelude in terms of what is happening.

So what we're looking for is something which has got a little bit more depth in terms of the strategic plan than what's presented here. I think that it's not just performance measures that need to be identified; it's actual performance which needs to be measured. What we're interested in is the results that are of this program and the results over the last 10 years. We want to make sure that this bill is actually going to make a difference and that it's going to increase the number of apprenticeships.

We also think that it's going to be very important to look at this from the perspective of the business community. I would say that we've had a shortage of many skills and trades in this province for the last number of years and a shortage which hasn't been adequately addressed by the current government.

So what we need to know is not just how many new apprenticeships there are, and not only where they are, but we need to know from a business perspective what the demand is and the need is in

terms of skills, trades, what the projections are, so that this is, I think, a pretty important strategic plan.

I'm a little bit disappointed that all we've got is section 4.2 (a), (b) and (c). Although the minister may say that it can contain any other information required by the minister, I think it would have been far better to set this out in more detail and to talk about the reporting. This is a government which has not been very accountable. We sure need in this bill and in this strategic plan the accountability part which leads up to the planning.

So I would say that it would be good during the committee stage and during the debate on this bill, to get more ideas here in terms of the depth and the breadth of the strategic plan. Because that's what the whole section, the development of apprenticeships, the fulfilling of apprenticeships, how successful the candidates are in not only completing the apprenticeship but in getting jobs, the quality of the work as a result of having the apprenticeship program. I think that this is also a fundamental part in terms of what we have to measure, what we have to know about, to ascertain that the program is actually working effectively.

We have watched over the last little while as the NDP has brought forward various ideas. One of those, of course, was photo radar and we know it ended up a mess. We sure don't want this end up a mess in the same way. That is why it is so important to get the bill right to start with. We're trying to protect the province and make sure that the province works well. If we do our job, the unfortunate thing, sometimes, is the government may not get as much flack. But they should have listened to us when we raised concerns about photo radar when that bill came through. They didn't and they're in a mess now. It's worthwhile having a careful look at this bill to make sure we've got it right.

I think there are some aspects of this bill which relate not only to the strategic plan and the way this is going to roll out. I mean, there are certainly a variety of committees and so on which are involved here, and what we want to make sure is the whole approach to apprenticeship training and the net result of all the committees that are being set up is actually a program which works. That's why I'm spending a little bit of time on the strategic planning process and the reporting process so we know we actually are going to have some worthwhile results out of all this.



I think it certainly is a hopeful area. It is certainly a very important area, and one which we're pleased is moving forward. There are, as I would see it, some areas which are pretty important, and in terms of the availability, for example, of 31, which talks about the requirement. Despite not meeting the requirements of section 26, which deal with compulsory certification trades, factory mass production, in-plant assembly operations, in-plant processing, or operations supporting in-plant processing, can be tasks in which there can be appropriate inspections under supervision that are appropriate to the operations of the processes being used.

We want to make sure this works well, that there're no safety shortfalls, that there's appropriate supervision. We think it can work well, and we think this list we want to make sure is adequate, is inclusive enough. We'll be looking forward to hearing more from presenters at the committee stage in terms of this particular area.

The putting in place of an appeal process, I think, is reasonable. We don't want this to get tied up too much, but we do need to make sure appropriate processes are followed and there are regulations, et cetera, which are going to be effective. That, I think, is one of the areas which, when we're talking about the annual report and the strategic plan, needs

to be covered, and why these areas are particularly important when we're dealing with this legislation.

The setting up of the mechanism through Lieutenant-Governor-in-Council for designating trades, the mechanism for the Trade Advisory Committee, I think these are, in general, aspects we can agree with. We want to make sure people are going to be heard and adequately listened to when this is discussed at the committee stage, and we also want to make sure this is going to work for the learners, for the trainees, as well for the operation of the unions, as well as for businesses in Manitoba.

We're hoping we will have a bill which is in fact going to produce the results which I think, quite frankly, many of us have been looking forward to increased numbers of apprenticeships, increased apprenticeship training, and better, improved mechanisms for addressing the shortage we've had in a variety of skills in this province over the last—

**Mr. Speaker:** Order, when this matter is again before the House, the honourable Member for River Heights will have 20 minutes remaining.

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, May 13, 2009**

**CONTENTS**

<b>ROUTINE PROCEEDINGS</b>		<b>Members' Statements</b>	
<b>Petitions</b>		Rémi Bouchard	
Crocus Investment Fund Lamoureux	2019	Briese	2029
Parkland Regional Health Authority– Ambulance Station Briese	2019	Noëlle DePape Altemeyer	2029
Long-Term Care Facilities–Morden and Winkler Dyck	2019	Friesens Corporation Graydon	2030
PTH 15 Schuler	2020	Carmen Cano de Infante Selby	2030
		Community Hospitals Lamoureux	2031
<b>Oral Questions</b>		<b>ORDERS OF THE DAY</b>	
Photo Radar Tickets McFadyen; Doer	2020	<b>GOVERNMENT BUSINESS</b>	
Mitchelson; Chomiak	2022	<b>Second Readings</b>	
Goertzen; Chomiak	2023	Bill 14–The Consumer Protection Amendment Act (Payday Loans)	
Educational Facilities Schuler; Bjornson	2024	Selinger	2031
		Lamoureux	2034
Communities Economic Development Fund Rowat; Ashton	2025	Bill 29–The Environment Amendment Act	
		Struthers	2036
Provincial Debt Borotsik; Selinger	2026	Lamoureux	2037
Regional Health Authorities Lamoureux; Oswald	2027	Bill 31–The Manitoba Floodway Authority Amendment Act	
Lamoureux; Doer	2028	Lemieux	2039
		Lamoureux	2040
Pimachiowin Aki Corporation Altemeyer; Struthers	2028	Bill 17–The Workers Compensation Amendment Act	
		Allan	2042

Bill 16–The Police Services Act Chomiak	2042	Bill 24–The Colleges Amendment and Le Collège Universitaire de Saint-Boniface Amendment Act (College Degrees) McGifford	2048
Bill 15–The Victims' Bill of Rights Amendment Act Chomiak	2043	Bill 11–The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act Chomiak	2049
Bill 23–The Buildings and Mobile Homes Amendment Act Allan	2044	Bill 27–The Gaming Control Amendmen Act Chomiak	2050
Bill 19–The Mortgage Dealers Amendment and Securities Amendment Act Selinger	2044	Bill 21–The Labour Mobility Act Rondeau	2052
Bill 20–The Manitoba Hydro Amendment and Public Utilities Board Amendment Act (Electricity Reliability) Rondeau	2045	Bill 25–The Statistics Amendment Act Rondeau	2053
Bill 22–The Cooperatives Amendment Act Selinger	2046	Bill 26–The Apprenticeship and Certification Act Rondeau	2054
Bill 12–The Residential Tenancies Amendment Act Selinger	2047	Gerrard	2056

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**