

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

Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
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

Monday, June 8, 2009

The House met at 1:30 p.m.

Mr. Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom, know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Routine proceedings; introduction of bills.

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

Bill 238—The Service Animals Protection Act

Ms. Sharon Blady (Kirkfield Park): Mr. Speaker, I move, seconded by the member from Fort Rouge, that the Bill No. 238, The Service Animals Protection Act; Loi sur la protection des animaux d'assistance, be now read a first time.

Mr. Speaker: It's been moved by the honourable Member for Kirkfield Park, seconded by the honourable Member for Fort Rouge (Ms. Howard), that Bill No. 238, The Service Animals Protection Act, be now read a first time.

Ms. Blady: Mr. Speaker, this bill protects service animals and, by extension, the people they train and work with, such as persons with disabilities who have guide dogs, hearing dogs and other assistance animals, and police officers and search and rescue teams who use detector dogs and other trained dogs and animals in the execution of their duties. It addresses the issue of interference with a service animal, especially where that interference comprises the animal's ability to carry out its duties.

Mr. Speaker, whether they are in personal or public service, these animals are highly trained and dedicated to serving human beings and making all of our lives better. This bill recognizes the value of their work and acknowledges the protection and respect they deserve from the human society that they so faithfully served, and, if passed, this bill will be first in Canada legislation. Thank you.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? Agreed? Agreed and so ordered.

Bill 202—The Highway Traffic Amendment Act (Bicycle Helmets)

Mr. Kevin Lamoureux (Inkster): I would move, seconded by the member from River Heights, that Bill 202, The Highway Traffic Amendment Act, in bracket the Bicycle Helmets act, be now read a first time.

Mr. Speaker: It's been moved by the honourable Member for Inkster, seconded by the honourable Member for River Heights (Mr. Gerrard), that Bill No. 202, The Highway Traffic Amendment Act (Bicycle Helmets), be now read a first time.

Mr. Lamoureux: Yes, Mr. Speaker, this bill calls upon the government to take some action regarding to mandatory bicycle helmets. Other provinces, including British Columbia, New Brunswick, Nova Scotia, Prince Edward Island, Alberta and Ontario already have some form of bicycle helmet laws. By implementing such a law in the province of Manitoba, we'll save lives and head injuries here in the province. Thank you.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? Agreed? Agreed and so ordered.

PETITIONS

Seven Oaks Hospital—Emergency Services

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

The background to this petition is as follows:

The current Premier (Mr. Doer) and the NDP government are reducing emergency services at the Seven Oaks Hospital.

On October 6, 1995, the NDP introduced a matter of urgent public importance that stated that quote, "the ordinary business of the House to be set aside to discuss a matter of urgent public importance, namely the threat to the health-care system posed by this government's plans to limit emergency services in the city of Winnipeg community hospitals." End of quote.

On December 6, 1995, when the then-PC government suggested it was going to reduce emergency services at the Seven Oaks Hospital, the NDP leader then asked Premier Gary Filmon to, quote, "reverse the horrible decisions of his government and his Minister of Health and reopen our community-based emergency wards." End of quote.

The NDP gave Manitobans the impression that they supported Seven Oaks Hospital having full emergency services seven days a week, 24 hours a day

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier of Manitoba consider how important it is to have the Seven Oaks Hospital provide full emergency services seven days a week, 24 hours a day.

This is signed by E. Dyck, V. Barrett, E. Barrett and many, many other fine Manitobans. Thank you, Mr. Speaker.

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

And these are the reasons for this petition:

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

These communities represent about 2,500 people. Other communities of 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 to 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 petition is signed by Tara Houle, Darren Baptiste, Penny 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 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; and

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 L. Friesen, Marge Janzen, Cindy Cranston and many, many others.

**Traffic Signal Installation—PTH 15
and Highway 206**

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

These are the reasons for this petition:

In August 2008, the Minister of Transportation (Mr. Lemieux) stated that traffic volumes at the intersection of PTH 15 and Highway 206 in Dugald exceeded those needed to warrant the installation of traffic signals.

Every school day, up to a thousand students travel through this intersection in Dugald where the lack of traffic signals puts their safety at risk.

Thousands of vehicles travel daily through this intersection in Dugald where the lack of traffic signals puts at risk the safety of these citizens.

In 2008, there was a 300 percent increase in accidents at this intersection.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate installation of traffic signals at the intersection of PTH 15 and Highway 206 in Dugald.

To request that the Minister of Transportation recognize the value of the lives and well-being of the students and citizens of Manitoba.

Signed by Robert Rondeau, Sharyn Orr, Alan Ford and many, many other Manitobans.

* (13:40)

Ophthalmology Services—Swan River

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

The Swan Valley region has a high population of seniors and a very high incidence of diabetes. Every year, hundreds of patients from the Swan Valley region must travel to distant communities for cataract surgery and additional pre-op-pre-operative and post-operative appointments.

These patients, many of whom are sent as far away as Saskatchewan, need to travel with an escort who must take time off work to drive the patient to his or her appointments without any compensation. Patients who cannot endure this expense and hardship are unable to have the necessary treatment

The community has located an ophthalmologist who would like to practise in Swan River. The local Lions Club has provided funds for the necessary equipment, and the Swan River Valley Hospital has space to accommodate this service.

The Minister of Health (Ms. Oswald) has told the town of Swan River that it has insufficient infrastructure and patient volumes to support a cataract surgery program, however, residents of the region strongly disagree.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health to consider rethinking her refusal to allow an ophthalmologist to practise in Swan River and to consider working with the community to provide this service without further delay.

This is signed by Kent Meyn, Robert Malcolm, Robert Boyachuk and many, many others, Mr. Speaker.

Twinning of Trans-Canada Highway

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

And these are the reasons for this petition:

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

This section of the Trans-Canada Highway is one of the few remaining stretches of undivided highway in Manitoba and has seen countless accidents, some of them fatal.

In its January 2009 budget, the federal government indicated it would work with the provincial government to cost share the improvements to this stretch of the Trans-Canada Highway.

In the interests of protecting motorist safety, it is critical that the dividing of the Trans-Canada

Highway in Headingley is completed as soon as possible.

We petition the Legislative Assembly as follows:

To request that the Minister of Infrastructure and Transportation (Mr. Lemieux) consider meeting as soon as possible with his federal counterparts to finalize the cost-sharing arrangements needed to move the twinning of the Trans-Canada Highway forward in order to ensure that the federal monies available for this important project do not lapse.

To request the Minister of Infrastructure—Infrastructure and Transportation consider making the completion of the dividing of the Trans-Canada Highway in Headingley in 2009 an urgent provincial government priority.

And this is signed by Jill Ruth, Jody Cole, John Killbery and many others, Mr. Speaker.

Mr. Speaker: Petitions; committee reports.

COMMITTEE REPORTS

Standing Committee on Human Resources Second Report

Ms. Jennifer Howard (Chairperson): Mr. Speaker, I wish to present the Second Report of the Standing Committee on Human Resources.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Human Resources presents the following as its Second Report—

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

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

Meetings

Your Committee met on June 4, 2009 at 6:00 p.m. in room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 30) – The Budget Implementation and Tax Statutes Amendment Act, 2009/Loi d'exécution du budget de 2009 et modifiant diverses dispositions législatives en matière de fiscalité**

Committee Membership

- Mr. BOROTSIK
- Ms. BRICK
- Mr. GRAYDON
- Ms. HOWARD (Chairperson)
- Mr. MARTINDALE
- Hon. Ms. MELNICK
- Mrs. MITCHELSON
- Mr. PEDERSEN
- Mr. SARAN
- Ms. SELBY
- Hon. Mr. SELINGER

Your Committee elected Ms. BRICK as the Vice-Chairperson.

Public Presentations

*Your Committee heard the following seven presentations on **Bill (No. 30) – The Budget Implementation and Tax Statutes Amendment Act, 2009/Loi d'exécution du budget de 2009 et modifiant diverses dispositions législatives en matière de fiscalité:***

Garnet Boyd, Private Citizen

Shannon Martin, Canadian Federation of Independent Business

Kevin Rebeck, Manitoba Federation of Labour

Lynne Fernandez, Canadian Centre for Policy Alternatives

Mike Skafffeld, CUPE Manitoba

Colin Craig, Canadian Taxpayer's Federation

Judy Edmonds, Manitoba Teachers' Society

Bills Considered and Reported

- **Bill (No. 30) – The Budget Implementation and Tax Statutes Amendment Act, 2009/Loi d'exécution du budget de 2009 et modifiant diverses dispositions législatives en matière de fiscalité**

Your Committee agreed to report this Bill, with the following amendment:

THAT Clause 1(3) be amended by replacing the proposed subsection 13(2.1) with the following:

Exception for 2009-10 and 2010-11

13(2.1) Subsection (2) does not apply to the 2009-10 and 2010-11 fiscal years, but the minister may transfer to the debt retirement account — in addition to the sum of \$20,000,000 transferred on June 1, 2009 for the 2009-10 fiscal year — any portion or additional portion of the amounts determined under

subsection (2) that the minister considers feasible to transfer for those fiscal years.

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

Mr. Speaker: It's been moved by the honourable Member for Fort Rouge, seconded by the honourable Member for St. Norbert, that the report of the committee be received.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Standing Committee on Legislative Affairs Fourth Report

Ms. Sharon Blady (Chairperson): Mr. Speaker, I wish to present the Fourth Report of the Standing Committee on Legislative Affairs.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Legislative Affairs presents the following as its Fourth Report.

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Your Standing Committee on LEGISLATIVE AFFAIRS presents the following as its Fourth Report.

Meeting

Your Committee met on Thursday, June 4, 2009 at 6:00 p.m. in Room 254 of the Legislative Building.

Matters under Consideration

- **Bill (No. 6)** – *The East Side Traditional Lands Planning and Special Protected Areas Act/Loi sur l'aménagement des terres traditionnelles situées du côté est et les zones protégées spéciales*
- **Bill (No. 7)** – *The Food Safety and Related Amendments Act/Loi sur la salubrité des aliments et modifications connexes*
- **Bill (No. 25)** – *The Statistics Amendment Act/Loi modifiant la Loi sur les statistiques*

- **Bill (No. 27)** – *The Gaming Control Amendment Act/Loi modifiant la Loi sur la Commission de régie du jeu*
- **Bill (No. 28)** – *The Private Investigators and Security Guards Amendment Act/Loi modifiant la Loi sur les détectives privés et les gardiens de sécurité*
- **Bill (No. 32)** – *The Centre culturel franco-manitobain Act/Loi sur le Centre culturel franco-manitobain*

Committee Membership

Committee Membership for the Thursday, June 4, 2009 meeting:

- Ms. BLADY
- Hon. Mr. CHOMIAK
- Mr. DERKACH
- Mr. EICHLER
- Mr. GOERTZEN
- Mr. REID
- Hon. Mr. ROBINSON
- Hon. Mr. STRUTHERS
- Hon. Mr. SWAN
- Mrs. TAILLIEU
- Hon. Ms. WOWCHUK

Your Committee elected Ms. BLADY as the Chairperson.

Your Committee elected Mr. REID as the Vice-Chairperson.

Public Presentations

*Your Committee heard the following nine presentations on **Bill (No. 6)** – The East Side Traditional Lands Planning and Special Protected Areas Act/Loi sur l'aménagement des terres traditionnelles situées du côté est et les zones protégées spéciales:*

*Sophia Rabliauskas, Poplar River First Nation
Chief Marcel Balfour, Norway House Cree Nation
Garry Raven, Private Citizen
Chief Donovan Fontaine, Sagkeeng First Nation
Gaile Whelan-Enns, Manitoba Wild Lands
Ron Thiessen, The Canadian Parks and Wilderness Society
Michael Anderson, Manitoba Keewatinowi Okimakanak Incc. (MKO)
Mary Granskou, Canadian Boreal Initiative
Eric Reder, Wilderness Committee*

Your Committee heard the following five presentations on **Bill (No. 7) – The Food Safety and Related Amendments Act/Loi sur la salubrité des aliments et modifications connexes**:

Glen Koroluk, *Beyond Factory Farming*
 Ian Wishart, *Keystone Agricultural Producers*
 Enid Clark, *Women's Institute*
 David Wiens, *Dairy Farmers of Manitoba*
 David Shambrock, *Manitoba Food Processors Association*

Written Submissions

Your Committee received the following written submissions on **Bill (No. 7) – The Food Safety and Related Amendments Act/Loi sur la salubrité des aliments et modifications connexes**:

Rory McAlpine, *Maple Leaf Foods*
 Ruth Pryzner, *Private Citizen*

Bill Considered and Reported

- **Bill (No. 7) – The Food Safety and Related Amendments Act/Loi sur la salubrité des aliments et modifications connexes**

Your Committee agreed to report this Bill, with the following amendments:

THAT Clause 10(2) of the Bill be amended by adding "give a receipt to the person from whom they were taken and" after "but must".

THAT Clause 15(3) of the Bill be amended by striking out "seven days" and substituting "14 days".

THAT the following be added after Clause 20 of the Bill:

PROTECTION OF PERSONS WHO REPORT

Persons reporting protected from liability

20.1 *No action or proceeding may be brought against a person who in good faith*

(a) complies with a request or requirement to report or provide information under this Act; or

(b) voluntarily reports or provides information about a food safety risk under this Act.

- **Bill (No. 25) – The Statistics Amendment Act/Loi modifiant la Loi sur les statistiques**

Your Committee agreed to report this Bill, without amendment:

- **Bill (No. 27) – The Gaming Control Amendment Act/Loi modifiant la Loi sur la Commission de régie du jeu**

Your Committee agreed to report this Bill, without amendment:

- **Bill (No. 28) – The Private Investigators and Security Guards Amendment Act/Loi modifiant la Loi sur les détectives privés et les gardiens de sécurité**

Your Committee agreed to report this Bill, without amendment:

- **Bill (No. 32) – The Centre culturel franco-manitobain Act/Loi sur le Centre culturel franco-manitobain**

Your Committee agreed to report this Bill, without amendment:

Bill Considered and not Reported

- **Bill (No. 6) – The East Side Traditional Lands Planning and Special Protected Areas Act/Loi sur l'aménagement des terres traditionnelles situées du côté est et les zones protégées spéciales**

Ms. Blady: Mr. Speaker, I move, seconded by the honourable Member for Transcona (Mr. Reid), that the report of the committee be received.

Mr. Speaker: It's been moved by the honourable Member for Kirkfield Park, seconded by the honourable Member for Transcona, that the report of the committee be received.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Tabling of reports.

TABLING OF REPORTS

Hon. Greg Selinger (Minister responsible for French Language Services): Monsieur le Président, j'aimerais déposer le rapport suivant, le rapport des services en langue française 2007-2008.

Translation

Mr. Speaker, I would like to table the following report: the French Language Services report 2007-2008.

Mr. Speaker: Ministerial statements.

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us today, we have Anne Whitwell who is the mother of the honourable Member for Kirkfield Park (Ms. Blady), and also her brother Phil Blady and her son Zach Blady.

And also, along with their service dogs, we have from CNIB, Vic Pereira and Tracie Garbutt, Shep Shell; from Winnipeg Police Service, Patrol Sergeant David Bessason with police service dog Juno; and from the Office of the Fire Commissioner, Ken Kroker with K9 Murphy; and from Manitoba Human Rights Commission, we have Yvonne Peters, Janet Hunt, Doug Parisian and Christine Ross, along with other members of the disabilities and service animal community.

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

And also in the, in the public gallery we have from Sansome Elementary School, we have 14 grade 4 and 5 students under the direction of Mr. Kyle Briggs. This school is located in the constituency of the honourable Member for Kirkfield Park (Ms. Blady).

And also in the public gallery we have from Salvation Army Life and Employment Enhancement Program, 15 English as an additional language students under the direction of Ms. Wendy Parks. This school is located in the constituency of the honourable Minister of Labour and Immigration (Ms. Allan).

And also in the public gallery we have from Ri-Riverbend Colony School, we have 15 grade-kindergarten to grade 12 students under the direction of Ms. Ruth Mendel. This school is located in the constituency of the honourable Member for Turtle Mountain (Mr. Cullen).

And also in the public gallery we have from Westpark School, we have 10 students under the direction of Mr. Merle Friesen. This sch-school is located in the constituency of the honourable Member for Portage la Prairie (Mr. Faurshou).

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

Oral questions.

ORAL QUESTIONS

1999 Election Campaign Returns

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, thanks to recent public disclosures, we now know that the NDP in 1999 engaged in a rebate scheme that was uncovered by a forensic auditor in 2000, and that rebate scheme cost Manitoba taxpayers in essence—in excess of \$76,000. The Premier has indicated that this rebate scheme was a long-standing practice of the NDP.

I want to ask the Premier: In addition to the \$76,000 that they wrongfully took in 1999, how much other money have they taken from Manitoba taxpayers under his watch?

Hon. Gary Doer (Premier): Mr. Speaker, Elections Manitoba dealt with all of those issues.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: I know members opposite, or members of this Chamber received the Elections Manitoba report in December of 2004. We went to the committee, and I know it's surprising to members opposite 'cause you didn't go to the committee on Elections and Privileges for nine years in the 1990s; we went to the committee within two weeks. The committee again sat in 2005, 2006, 2008, 2009. Elections Manitoba dealt with that issue, dealt with the—their findings and their decisions, and we respect them.

* (13:50)

Mr. McFadyen: Mr. Speaker, I don't blame him for respecting the way Elections Manitoba handled this issue. The problem that he has is that he is virtually the—one of the very few people in the province who respect the way this issue was handled.

Mr. Speaker, I want to ask—[interjection] Well, the NDP backbench respects it as well. I stand corrected.

Mr. Speaker, the reality is that the, the scheme which was determined to be illegal by the forensic auditor was uncovered in 2000. The scheme cost Manitoba taxpayers more than \$76,000. The Premier said on Thursday that he had—he had been advised of the scheme in 2001, and he said previously that it was a long-standing practice of the party.

I wonder if the Premier will acknowledge, again, that the scheme was wrong and that, as leader of the party, he takes personal responsibility for it.

Mr. Doer: Mr. Speaker, I know the member likes to misquote people. I want to make the point—I make the poi—I want to make a couple of points. The members opposite have used last Thursday—used the language that if—[interjection]—that if you file a, a, a matter with Elections Manitoba, and it's revised, it's therefore—the first one that is fi—the first statement that's filed with Elections Manitoba is a false statement to Elections Manitoba.

I wonder if the Leader of the Opposition could explain why he revised his statement from 2007 by \$2,000. Is that—does that mean the first statement was, quote, false? We don't think so. This is an ongoing practice with Elections Manitoba.

Elections Manitoba has said, time and time again—they said it in July of 2008. They said it again two weeks ago in committee: This is a long-standing practice with all political parties to get statements, with revisions that are made, in co-operation with political parties.

That's what happened with the Leader of the Opposition. That's what happened with us, Mr. Speaker.

Mr. McFadyen: Well, Mr. Speaker, I, I can see why the, the—that response only got a smattering of applause, because the fact—the fact is that many candidates have filed changes for inadvertent returns. But very few, very few—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. McFadyen: —very few, Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. McFadyen: —very few have engaged in a deliberate scheme to change returns after they were—after they were repaired, failed to disclose the change to their official agents, triggered an improper payment of \$76,000 and use, use journal entries, false invoices and cheque swaps in order to try to create the impression of expenses that didn't exist, Mr. Speaker.

That's what they did, Mr. Speaker. It was discovered by the forensic auditor in 2000. Does the Premier take personal responsibility for this scheme,

or is he going to continue to try to put up a smoke screen?

Mr. Doer: Mr. Speaker, this is from the Chief Electoral Officer in the committee, in the committee in the House last year and, again, he stated it two weeks ago: With respect to the repayment or reimbursement or the refiling of returns, first thing to set a context, that is not unusual. There is not a political party in the House—there's not a political party in the House that hasn't refiled a financial spayment—statement—that has not repaid reimbursement at one point, and in some cases more than once. So this has happened in the past across the board, having not resulted in—in resulted in—resulting in the same treatment from other political parties.

Mr. Speaker, it's coming right down to the fact that we trust independent officers of the Legislature. When, when the members opposite accused the Minister of Finance (Mr. Selinger) of withholding a document and the Auditor General said, no, the document was made available to the Auditor General's office, the Leader of the Opposition attacked the Auditor General. He attacks election Manitoba for a map that his party didn't like, Mr. Speaker.

We trust the integrity of independent officers. They don't, Mr. Speaker.

Mr. Speaker: The honourable Leader of the Official Opposition, on a new question.

1999 Election Campaign Returns Responsibility

Mr. Hugh McFadyen (Leader of the Official Opposition): Thank you, Mr. Speaker, and he's got it all wrong once again. The fact is that he, on Thursday, on three different occasions in the media scrum, said that the false statements were the responsibility of the official agents.

The Minister of Finance has said that the false statements were the responsibility of Tom Milne.

I want to ask the Premier: Whose responsibility was it for the false statements? Was it Tom Milne, who was working for him, as the Minister of Finance has said, or was it the official agents as the Premier said three times in his media scrum on Thursday?

Hon. Gary Doer (Premier): Again, Mr. Speaker, the member, the member quotes, and selectively quotes, where he'd like—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order.

Mr. Doer: Mr. Speaker, we stated that the filings were made with Elections Manitoba, accepted. Elections Manitoba returned and had challenged the statements. We had legal advice, one way saying that they were completely compliant with the laws. We also had the advice from Elections Manitoba that they did not agree. We co-operated with Elections Manitoba. It required the concurrence of 13 returning officers.

Mr. McFadyen: I think it's interesting that the Premier says that Elections Manitoba's lawyers said that the scheme was illegal, because Elections Manitoba is saying that they're—that they decided not to prosecute based on the advice of their lawyers.

But, Mr. Speaker, in any event, on three occasions Thursday, he blamed the official agents. He said they were responsible for signing the returns. He says they were all involved, otherwise, they couldn't be refiled. He then said, we would have gone to court and defended all of the official agents for the way they did it. That's what he said on Thursday afternoon. They would have gone to court to defend them for the way they did it. The Minister of Finance (Mr. Selinger) says that it was done by Tom Milne, who worked for the Premier.

Mr. Speaker, I want to ask the Premier: Who's telling the truth? Was it the Minister of Finance who said it was Tom Milne who falsified the returns, or is it the Premier who said, in the scrum, that it was the agents who did it?

Mr. Doer: Mr. Speaker, again, and notwithstanding, again, notwithstanding the inaccuracies of the member on the internal affairs of the provincial party, we had auditing advice and legal advice on the way in which we filed the returns. One of our biggest concerns, by the way, is to not exceed the caps on election spending. Our biggest concern is to make sure that when union staff are involved in a campaign that they're not—they're fully reported and, therefore, the cap is not exceeded surreptitiously, and that's what was the primary concern. Elections Manitoba looks at that and says the returns should be—they, first of all, accepted them, then they changed their mind on that. We respect that.

Mr. Speaker, that's why we are very proud of the fact that what, in the past, when it was corporate donations, corporate donations that went through political parties, sometimes, nudge, nudge, wink, wink, you sell a phone system, your corporate

donations go up \$100,000. That's nothing wrong with that, a hundred thousand dollars more to the Tory party for brokerage firms after you sell the phone system.

And, Mr. Speaker, the issue of union staff in election campaigns, we banned them both.

Forensic Auditor Concerns

Mr. Hugh McFadyen (Leader of the Official Opposition): In 2000, the forensic auditor uncovered a rebate scheme that was deliberate, and in the view of the forensic auditor, illegal. The forensic auditor brought that information forward to Elections Manitoba and, somehow, more than three years later, after the 2003 election, a report appeared saying, update to previously filed financial statements. Not even remotely close to what the forensic auditor had advised Elections Manitoba in 2000.

I want to ask the Premier if he can outline what happened between the time the forensic auditor brought forward the evidence of illegality and this innocuous report that appeared more than three years later. I'm talking about the opinion of the forensic auditor and, in particular, would the Premier indicate to the House who was it that brought the illegal scheme to his attention in 2001?

Hon. Gary Doer (Premier): I mention again that, I mention again that, and I've already mentioned who—the sequence of the, the filings being made in compliance with the auditor's advice and legal advice. Mr. Speaker, Elections Manitoba, two weeks ago at committee, three or four times, indicated Mr. Green and Mr. Graham advised Elections Manitoba. The Leader of the Opposition can complain about it. He can attack them. We trust their integrity.

Mr. Speaker, I didn't like it when, in 2000, I found out through Elections Manitoba that in the 1999 election campaign, or the 1995 election campaign, the Tories exceeded the election cap. Not only were they having a second party, but they exceeded the election cap.

Now, you may want to argue about the rebate—

Some Honourable Members: Oh, oh.

* (14:00)

Mr. Speaker: Order. Order. Order. Order. The honourable First Minister has the floor.

Mr. Doer: Mr. Speaker, you may want to discuss the rebates and the refiled of statements which the

Leader of the Opposition has done, but overspending your election caps give you a democratic advantage that is called into question and can subvert democracy in Manitoba.

We don't do that, Mr. Speaker.

1999 Election Notification to Department of Finance

Mr. Leonard Derkach (Russell): Mr. Speaker, the Premier knew in 2001 that this scheme was a deliberate attempt to defraud Manitobans of \$76,000 of taxpayer money, and then in 2001 he had the obligation to inform the Minister of Finance (Mr. Selinger) that, in fact, this was a deliberate attempt.

Mr. Speaker, the Minister of Finance, when he accepts his responsibility as Minister of Finance, enters into a covenant with Manitobans, and it is his responsibility to be above reproach when it comes to dealing with finances in Manitoba.

I want to ask the Minister of Finance whether he informed his Department of Finance about this scheme when he found out about it and when he asked for his letter absolving him of this responsibility.

Hon. Gary Doer (Premier): Mr. Speaker, first of all, we campaigned in 1995 to ban union and corporate donations, and it would've been a good thing because if we had won that election campaign, we wouldn't have had a situation where the telephone system was sold and, and, of course, brokerage firms donated \$150,000 to the Tories. But there was nothing wrong with that, nothing wrong with that at all.

So, in '99, we campaigned on banning corporate donations and union donations, including staff working in campaigns and being filed as such and the rebates that flow from that. And we do that, Mr. Speaker, fully aware that the Tories will oppose it. They did oppose it. They still oppose the banning of union and corporate donations.

That is really the issue. There's two issues here: the integrity of Elections Manitoba and banning union and corporate donations.

Mr. Derkach: Well, Mr. Speaker, the real issue here is trying to defraud Manitobans of taxpayer money deliberately by an NDP party not only in the 1999 election but, obviously, in, in elections previous to that as well.

Now, Mr. Speaker, the Minister of Finance (Mr. Selinger) broke his, his silence when he walked out into the hallway and talked to the media about his involvement in this. So I want him to come clean with Manitobans today in this House and to ensure that, in fact, he informed his Department of Finance that this was a problem and it was a deliberate attempt by his party to take money from Manitoba taxpayers.

And I want to ask him once again in this House whether he, as Minister of Finance, informed his officials about this scheme and whether they were prepared to deal with it accordingly, Mr. Speaker.

Mr. Doer: Mr. Speaker, we have always attempted to follow the advice and co-operate with Elections Manitoba, whether it was in 1995, whether it was in, you know, when we were dealing with issues of two political parties and eventually finding out in the year 2000 that the members opposite over-overspent. We didn't whine about the '95 election.

We have always tried to work with Elections Manitoba. When they tell us everything's acceptable and appropriate, we're, we're pleased. When they tell us it's appropriate and then they, they have different information or different interpretation, we sit down and try to work with them.

That's the approach we take, working with Elections Manitoba, and we will always take that approach. We will take that same approach with the Auditor General. We'll take that approach with recommendations made by the Ombudsman. We will take that approach with the Children's Advocate. We will work with these independent officers, Mr. Speaker.

Mr. Derkach: Well, Mr. Speaker, the Premier may yell as loud as he likes, but the fact remains that this was not an error. This was a deliberate attempt by his party to, to, take money from taxpayers that was not owing to them.

Mr. Speaker, records were falsified, statements were falsified, invoices were falsified, knowing that this would lead to an overpayment to the NDP party from the taxpayers of Manitoba. So I want to ask the Minister of Finance (Mr. Selinger): Had he—because he knew this and he asked for a letter absolving this, whether he in fact did inform his officials at the Department of Finance of this scheme so that they could take appropriate action, Mr. Speaker?

Some Honourable Members: Oh, oh.

Mr. Speaker: Let's have a little order, please. Order. The honourable Attorney General has the floor.

Hon. Dave Chomiak (Minister of Justice and Attorney General): Yes, thank you, Mr. Speaker. This scheme was so secretive it was published in the annual report about all 13 campaigns in 2003, provided to this House, and there was questioning in committee hour after hour after hour on this very issue.

This so-called secret scheme, Mr. Speaker was on page 17 in the book specifically, and let me quote from this secret scheme that was devised and members talked about: As a result of a further assessment of the statements and considerations of the issues raised, the New Democratic Party and several New Democratic Party candidates amended and refiled certain financial statements. Just as, in the election report of 2000, the Conservative Party refiled its unaudited—not accepted by its auditor—statement in the—with Elections Manitoba.

Mr. Speaker, it speaks for itself.

Mr. Speaker: Order. Order.

Photo Radar Vote for Proposed Motion

Mrs. Bonnie Mitchelson (River East): Constituents for the members for St. Norbert, for Kirkfield Park, for Southdale want this House to have a free and honest vote, a true vote, on photo radar, Mr. Speaker, a cash grab that the NDP has instituted and one that the courts have said tickets never should have been issued.

I'd like to ask the Premier today whether he will allow these members of his party to stand up and vote with their constituents who have asked that refunds be granted to the tax grab as a result of photo radar.

Hon. Gary Doer (Premier): Mr. Speaker, I remember the last free vote in this House, and it actually was on the issue of Meech Lake, and it was in the NDP caucus. I remember 11 years of Conservative government. I never saw one free vote. We had a free vote on the Constitution, which was a very serious document, an irreversible document. We need no lectures from the Tories who had no free votes in 11 years.

I wonder if they had a free vote on the budget. I wonder if they had a free vote on making provincial parks free for all citizens. Did they have a free vote on more police officers? Did they have a free vote on

having fifty dollars—fi—\$50 million for education tax credits? Did they have a free vote on the small-business tax going from 2 to 1 to zero percent? Did they have a free vote on more investment in health care and education? They are as 'bout as free—*[interjection]* They're—

Some Honourable Members: Oh, oh.

Mr. Doer: If you want to find freedom, you'll sign it—find it on this side of the House every time, Mr. Speaker.

Mr. Speaker: The honourable Member for River East.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. Order.

Mrs. Mitchelson: We just have to—Mr. Speaker, we just have to ask Jim Walding about free votes.

Mr. Speaker, the members—the members for Radisson, for Transcona and for Rossmere have received many e-mails and phone calls asking them to vote in favour of refunding thousands of photo radar tickets that should never have been issued in the first place.

Mr. Speaker, rather than the rant that we just heard from the Premier, would he allow those members of his caucus that have been receiving the phone calls from constituents that want to see justice done, will he allow a free vote tomorrow on our motion?

Mr. Doer: The min—the minister—

Some Honourable Members: Oh, oh.

* (14:10)

Mr. Doer: The Minister of Justice (Mr. Chomiak) consulted with the City of Winnipeg. He considered it, as the motion indicates, and the City of Winnipeg did not want to have a rebate as suggested, and neither do we, Mr. Speaker, and neither do we.

Do you have a free vote? Much accomplish—the member from Lac du Bonnet has a great pamphlet: much accomplished, more to do. First of all, I want to thank him for that great slogan. It's very appropriate in Manitoba. He talked about getting things done, like the health-care facilities in Powerview, Pinawa, St. George, Whitemouth, Beausejour, Lac du Bonnet, a \$2-million claim centre for MPI, a \$1-million investment in Pointe du Bois.

Did you give the member from Lac du Bonnet a free vote? No, Mr. Speaker. The heavy hand of the leader of the opp—opposition made them vote against all those good proposals in Manitoba, Mr. Speaker.

Mr. Speaker: The honourable Member for River East.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. Order. Order. The honourable Member for River East has the floor.

Mrs. Mitchelson: You know, the Premier talks about the City of Winnipeg, but the last time I looked, it was this Legislature that made laws for the province of Manitoba.

And one of those laws is the photo radar law that—the tax grab that this NDP government has implemented. And many, many MLAs, all of the MLAs on that side of the House and this side of the House, are getting e-mails and phone calls, Mr Speaker, from people that are saying, stand up, stand up with your constituents and vote to return the money that was illegally collected through the photo radar tax grab.

Again, I ask the Premier: Will he stand up with Manitobans, with some of his neighbours, my constituents, and many, many others, Mr. Speaker, and ask—and make sure that his colleagues have a free vote?

Mr. Doer: I would note that the enabling legislation that we brought into the Legislature, the Conservatives criticized it for not going far enough and having unfettered radar, photo radar, in Winnipeg. In fact, Mr. Speaker, that's what they said then and now—what they say now, it's obviously different.

Mr. Speaker, there are people that are concerned and were confused last summer on photo radar. We readily admit that. There's people that have got photo radar tickets that are mad. I got two of them on Grant Avenue. I admit that readily, didn't like getting them.

There are people, Mr. Speaker, that don't want to have a system where there is a rebate because of the safety and concern for the police. The city of Winnipeg police said every one of those people, if there wasn't a photo radar, could have got a ticket under the same law if police were there with photo radar guns. That's the only thing different.

One technology took police away from enforcing crime and preventing crime; the other technology allowed police to, to, to be—would have required more police. That's the only difference, Mr. Speaker.

Taman Inquiry Implementation of Recommendations

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, the tragic death of Crystal Taman not only devastated the victim's families, the Tamans and the Sveinsons, but it also shook people's confidence in the justice system itself. A plea deal was struck that left the man responsible for Crystal's death with nothing more than a house arrest. The public inquiry that followed the tragedy revealed that there was constant communication between the outside prosecutor and the Department of Justice and that the plea bargain should never have been offered.

Yet, not only does the lawyer involved for that plea bargain still receive government cases, top officials in the Department of Justice, itself, say they don't agree with the findings of the inquiry regarding the plea bargain.

Can the Minister of Justice explain why Crystal Taman's family should feel anything but outraged?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, at the inception and following the, the report of the Taman inquiry, we indicated we would follow the recommendations in the Taman inquiry and, in fact, we've done that, and part of that is the police act that's before us now that we want to pass as soon as possible and have it brought it into—in place that will probably be the most independent and appropriate investigation unit across the country.

And in similar cases of its kind, if something like that should happen again, would be dealt with by the independent investigation unit, and that—Mr. Speaker, the best way to deal with mistakes of the past is to look at them and improve on them and that's why that legislation is before the House right now.

Mr. Goertzen: The mistakes of the past are still being compounded. The public knows that that plea bargain should never have been offered by the outside prosecutor and it should never have been accepted by the government, who was in constant contact as the case evolved, but now, months after the inquiry, things seem to be going on in the

Department of Justice as though nothing ever happened.

The same outside prosecutor is still getting the same kind of work. Senior Justice officials seem prepared to make the same mistakes and have dismissed the inquiry's findings regarding that plea bargain that the public was so justifiably outraged against.

Why is this Minister of Justice compounding a tragedy by failing to learn the lessons from it?

Mr. Chomiak: Yes, Mr. Speaker, as usual, the question is an acsetorial–accutorial, an accusatory mode of—from the member opposite. The recommendations have been followed. The plea bargaining recommendations have been followed. The move to independent prosecutors has been followed. The move to an independent prosecutor's advice has been followed.

All of the advice has been followed, and the police act is before us, Mr. Speaker. Talking about individuals, I don't think is appropriate. In fact, the Leader of the Opposition (Mr. McFadyen) talked about the particular Loren [*phonetic*] case and said he was satisfied that he—that I, I'm looking—I know this fe—I'm confident he put the best case that he had with evidence that was presented to him.

The Leader of the Opposition defended him, Mr. Speaker. I don't think it's about, at this point it's about, it's about systems that we have to put in place and it's about independence, and with the amendment to the police act that we've proposed, we are the most independent—

Mr. Speaker: Order.

Mr. Chomiak: —process in the country.

Mr. Goertzen: Mr. Speaker, it's more than about systems. It's about an attitude by the minister and by the department.

Justice Salhany said that plea bargain should never have been offered because house arrest wasn't the appropriate sentence. It should never have been offered. It should never have been accepted, and, yet, we see that the mistakes continue to be compounded by the Minister of Justice. Senior officials in his department have said that they don't believe that Justice Salhany was correct, that the plea bargain was still the right thing to do. And so now we have, it's set up for the same mistakes to happen again.

Crystal Taman, their family, the Sveinsons, they all deserve justice. Now they're being victimized

again by having a, a, a, Justice Minister who didn't learn the lessons from the inquiry. Why doesn't he just say that things need to change and he'll take direction to change them?

Mr. Chomiak: Victims are often made of inaccurate statements that the member's put on, put on the record, Mr. Speaker.

The system has changed. The way of appointing prosecutors has changed. The plea bargaining system has changed. All the recommendations, except for the police act recommendations that we wanna pass, we wanna pass those changes to the police act. Come on board, come on board with th—with the amendments that were put in place, come on board with the independent [*inaudible*] we put in place, Mr. Speaker. We can pass it, we can pass it this week if you want. We can put it in place by Thursday if you want. We can do that and we'd have a different system in place, and it would never happen again.

I challenge members opposite to do that. They had the act now for over a month, a month and a half. Let's put it in place, Mr. Speaker. Let's make those changes.

Bill 6

First Nations Communities Consultation

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, we continue to hear from First Nations communities about the inacqu–inaccurate–inadequate, sorry, consultation on Bill 6, The East Side Traditional Lands Planning and Special Protected Areas Act. During Bill 6 committee last week, Norway House Cree Nation stated in its presentation that they found, and I quote, the lack of Crown consultation on this bill is troubling. Norway House Cree Nation has received no correspondence or other requests for Manitoba to undertake a formal consultation from our nation, end quote.

Mr. Speaker, I ask the Minister of Conservation: If he's so confident he's consulted properly, why are the stakeholders citing concerns about Bill 6?

Hon. Stan Struthers (Minister of Conservation): Well, Mr. Speaker, I was very pleased to make very clear on Thursday night to Chief Marcel Balfour and everybody who was there to listen that we are looking at ways in which we work together with them, and we have been over the past number of months, to accommodate the very concerns that he has put forward in terms of protection of the Northern Flood Agreement which we have as a

government. They didn't have, across the way, the courage to do this, but we have said that's a modern day treaty and we're gonna treat it as such.

There you go, Mr. Speaker.

* (14:20)

Mrs. Rowat: There you go, Mr. Speaker.

Last week, with respect to Bill 6, the minister stated, we've been there, we've done that consultation. But it was extremely dismissive approach by this minister who should be working with First Nations and other stakeholders to resolve questions about Bill 6.

God's Lake First Nation will be coming to Bill 6 committee tonight. They've expressed concerns that the provisions of Bill 6 were not jointly developed on a government and government basis.

Mr. Speaker, I ask the Minister of Conservation again: Is he confident he's undertaken proper consultation on Bill 6?

Mr. Struthers: Mr. Speaker, it's unfortunate the Member for Minnedosa uses such words as dismissive. Eighty meetings leading up to, to this whole process, 80 meetings is not being dismissive.

Regional resource meetings with each of the groups, each of the chiefs, on the east side of Lake Winnipeg is not being dismissive, Mr. Speaker. A whole no—a whole nother round of ministers meeting with chiefs is not being dismissive.

We, we have—we've got another round of meetings tonight making sure that there's every possible, every possible, opportunity for us to include advice from the chiefs, Mr. Speaker.

This isn't dismissive. I wish they had the courage that we've got to deal with these kind of historic issues when they had their chance, Mr. Speaker.

Mrs. Rowat: Mr. Speaker, during second reading on Bill 6, the Minister of Conservation stated, and I quote, for too many years, people living on the east side of Winnipeg, living in First Nations, have been left out of the decision-making process.

He also claimed that his government is taking First Nations seriously with regard to consultation. Yet, by judging from the reaction of affected First Nation communities, lack of consultation is a key issue.

Mr. Speaker, the House, the House is set to rise this week. So can the Minister of Conservation tell

us how he plans to address First Nation concerns with regard to Bill 6 in a sh—in such a short time frame? What is his plan with regard to this issue?

Mr. Struthers: Well, Mr. Speaker, the, the member was there Thursday night. I made it very clear that we will bring forward amendments based on, based on the advice that we have got from chiefs, specifically Chief Andrews, who she referenced last week, who two months ago asked and two months ago I agreed to bring forth a non-derogation clause that would make it clear that we're not putting Bill 6 forward to trample on the treaty rights of, of First Nations in the area, treaty rights, which somehow has popped up in the minds of members, and now they're feigning some kind of support for, of—

I think we need to understand that this is a historic step forward, that we're doing it inclusively, and we're making sure that the chiefs have every opportunity to come forward and talk to us and, and have conversations with us about that move forward, Mr. Speaker.

1999 Election Public Inquiry

Hon. Jon Gerrard (River Heights): Mr. Speaker, when the Crocus scandal came up, the, the Premier played hide and seek with Manitobans and refused to have a public inquiry.

When the Premier started getting into trouble financially, he changed legislation so that he could call an \$88-million operating deficit a balanced budget and hide it from Manitobans.

And, and now, the Premier has admitted that he knew about this NDP accounting scandal—from the '99 election back in 2001, and yet he refused to tell anyone and continues to play hide and seek with Manitobans.

Why is the Premier doing this? When will the Premier call a public inquiry and sss—or will the Premier continue to hide this sort of thing under the rug?

Hon. Gary Doer (Premier): I, I hate to say this to the member opposite, but the report was tabled in this Legislature, in his presence, in December of 2004. Now, if he can't read or, or doesn't pay attention, or doesn't pay attention to the findings of the report, he's obviously not interested.

Mr. Speaker, that report was before the legislative committee in December of 2004. It was before the legislative committee in 2005, 2007, 2009

and 2008, and the member opposite, I don't remember him asking one question.

Mr. Speaker, it's hard to hide and seek when you're not even asked a question by the Leader of the Liberal Party on this subject.

Knowledge of Justice Minister

Hon. Jon Gerrard (River Heights): Mr. Speaker, but it's only recently that the Premier has admitted that he knew it was wrong, that the Premier's admitted that this was a long-standing practice that was wrong and he knew it.

Look, we would like to know—and Manitobans would like to know—more about what the Premier learned in 2001, when he was told and who told him. The current Minister of Justice (Mr. Chomiak) was a co-chair of the 1999 election campaign, the very top of the organizational structure.

I ask the Premier: Was it the Minister of Justice who informed the Premier in 2001, and just what did the Minister of Justice tell the Premier then?

Hon. Gary Doer (Premier): Mr. Speaker, it's very clear that the statements were filed and Elections Manitoba did not agree with the statements and that they were refiled. That is something that all political parties have done. When the member from Inkster asked that question to the—Mr. Balasko, he stated that the Liberal Party had done the same thing in terms of refiled statements and different treatments.

So, Mr. Speaker, it's in the book. I was informed there was disagreement between our party and the Elections Manitoba. I had advice on it and my advice to the party was to co-operate with Elections Manitoba. That's what we did. That's what was in the report. The report is almost five years old now, and it's clearly delineated in that report. I'm surprised that the Leader of the Liberal Party didn't raise the question in the House before if he was concerned about it.

1999 Election

Knowledge of Justice Minister

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, the Premier is wrong. The Liberal Party never said to our candidates to falsify an Elections Manitoba document. The Premier is wrong.

Mr. Speaker, further, we're trying to find out when the Minister of Justice actually knew about this. He was the chair of the '99 campaign. One would think that the Minister of Justice knew about

the scheme. The Minister of Justice refuses to answer the question: Did he or did he not know that the NDP were trying to take advantage of the taxpayer by changing a donation of kind into a chequing exchange?

The question to the Minister of Justice: Did he know prior to this plan being implemented that the NDP were trying to—it's an unparliamentary word, Mr. Speaker—if the minister will acknowledge that he knew, that he knew that there was a change that was taking place that led to a fixing of election documents back in 1999?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, after the 1999 election, when we banned—

Mr. Speaker: Order.

Mr. Chomiak: —corporate donations and members opposite voted against it, when they voted against banning union and corporate donations, Mr. Speaker, it changed some of the ways that you have—

Mr. Speaker: Order.

Mr. Chomiak: —and after the Monnin inquiry, it found, quote, the Chief Justice Monnin has never seen so many liars in his life. After the Monnin inquiry, The Elections Act was changed to make it tougher and to make different roles and functions for the Chief Electoral Officer.

The Chief Electoral Officer has said that every single political party has refiled and repaid for statements, Mr. Speaker, that were repaid and refiled. He said that over and over and over again.

Mr. Speaker, we all do our election returns. We hand them in. They get reviewed by an auditor. Elections Manitoba looks at them. If there's changes, the changes are made and they're re-handed back in.

That's the process. It's in a report that's five years old. You know, Mr. Speaker, it's not very secret.

Mr. Speaker: Order. Order. Order. Time for oral questions has expired. Members' statements.

MEMBERS' STATEMENTS

Canadian Forces Reserve Units Amalgamation

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, it was brought to my attention by reserve support and the honourable Member for Elmwood (Mr. Blaikie), that the Canadian army wants to remake reserve forces. They believe that amalgamating some of their 140 historical regiments,

creating new units and getting rid of old ones will increase operational efficiency.

Their current plans are to implement the structural shift in 2011, after the end of the military's mission in Afghanistan.

* (14:30)

I would like to express my concern to the House regarding these plans for amalgamation. There are six army reserve units in Manitoba, including three of the country's most storied units: the Fort Garry Horse, the Royal Winnipeg Rifles and the Queen's Own Cameron Highlanders of Canada. Each of these units maintains their own unique legacy and identity. To blur these stories by amalgamating them into larger units would be a disservice to the men and women who have served throughout the years.

We must be willing to provide the resources necessary to allow these units to grow and provide the community with the military footprint that ensures its safety in time of natural disasters or conflict outside our borders. A shared sense of purpose and identity is essential to maintaining strong bonds. These bonds are based on stories, on legends, on common struggles and achievements. The unique pride and honour runs deep. To uproot these histories and blend them into a single narrative runs the risk of devaluing the contributions of each incomparable unit.

We must continue to ensure our reserve forces are respected and appreciated for their stand out contributions to our communities. Our reserve units make a difference, both abroad and here at home. We commend the Minister of National Defence, the Honourable Peter MacKay for his initiative in reactivating the Halifax Rifles a few weeks ago, and support this initiative across Canada.

There's a critical shortage of combat engineer units in both the regular and reserves. We encourage the Minister of National Defence to reactivate units which were taken out of the order of battle, like the 21 Field Engineer Squadron in Flin Flon, Manitoba. This unit was a great contribution to the community and served as a—

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

An Honourable Member: Leave.

Mr. Speaker: Order. I haven't heard a request from the member. Order.

Ms. Korzeniowski: Leave, please.

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted. The honourable member for St. James, to continue.

Ms. Korzeniowski: This unit was a great contribution to the community and served as a training—solid training establishment to the Aboriginal youth who learned heavy construction trades, leadership and service.

I ask the House to join me in urging the Minister of National Defence to maintain the integrity of our unique reserve units. They inspire all Manitobans to be proud of the rich history and one-of-a-kind civilian military tradition that exists in this province. Thank you, Mr. Speaker.

D-Day 65th Anniversary

Mr. Ralph Eichler (Lakeside): On June 6, 1944, thousands of Canadian soldiers charged the beaches of Normandy on D-Day, in a joint effort with the British, French and American comrades to defeat the Nazi rivals in—during the Second World War. This past Saturday marked the 65th anniversary of D-Day, and people in North America and Europe gathered to remember the brave soldiers who fought on this day.

On D-Day, 14,000 soldiers from a 3rd Canadian Infantry Division were responsible for taking the eight-kilometre wide region of Juno Beach. The Canadian troops rose to the challenge and battled 7,100 German soldiers to make their way ashore. They would eventually take back the port in France, along with two smaller villages in the eastern part of the country. By the time night fell on the sandy beaches of Normandy, Canadian troops had advanced further inland than any—either the American or British troops.

The Battle of Normandy was one of Canada's most significant military engagements, and it was key to the liberation of Europe at the end of the Second World War. However, Canadians successes on D-Day came with a price, as 340 Canadians died and 574 Canadians were wounded on D-Day alone.

Today, France continues to recognize Canadian troops for their efforts on D-Day. French President Nicolas Sarkozy recognized Canadian soldiers on his D-Day address, saying that Canadians volunteering for service in the earliest days of the conflict not

because their country was threatened, but because they were convinced this was a matter of honour.

Across Canada, many ceremonies took place to remember the events that unfolded on D-Day. I was pleased to attend one of these ceremonies of remembrance in Stonewall, as I'm sure members on the other side of the House and this side of the House attended similar events in their own constituencies.

Mr. Speaker, I hope that all members will join me in recognizing the soldiers who fought on D-Day 65 years ago. Canadians will continue to remember the bravery and sacrifices that they made so that we can live in a safe and peaceful world today.

Lest we forget. Thank you, Mr. Speaker.

Dalhousie School Canadian Citizenship Ceremony

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, part of what makes Manitoba a dynamic place to live is the diversity of people who choose to settle here from all over the world. That's why immigration to our province is something we can be proud of.

On May 6th, I attended a citizenship ceremony at Dalhousie School that welcomed 30 new Canadians. Dalhousie School was a good choice to hold this event, as its slogan, Our Differences Make Us Strong, is fitting of what it means to live in Manitoba. Students at Dalhousie School, just like people in Manitoba, come from a diversity of backgrounds.

Immigration is extremely important if Manitoba hopes to keep its population and work force in balance. In 2007, almost 11,000 new immigrants came to Manitoba, the majority of which entered through our Provincial Nominee Program. They came from all over the world, everywhere from the Philippines to West Africa to Germany. Our government strives to attract and retain new Canadians through recruitment initiatives, credentials recognition, language training, multicultural support and labour market integration. We also work to ensure that settlement initiatives allow new immigrants to integrate successfully and participate fully in their communities and workplaces.

The ceremony hosted by Dalhousie School showcased the talents of the school choir and the musical skills of a group of students playing the handbells. The guest speaker, Strini Reddy, did an admirable job talking about the important economic,

cultural and social impact immigrants have had on the province of Manitoba.

Mr. Speaker, I was honoured to tend this event, recognizing all the hard work these new Canadians have done to get to where they are today, and I would ask all members of the House to join me in congratulating them. I want to take this opportunity to thank the students and staff of Dalhousie School for doing a great job of hosting this warm and welcoming citizenship ceremony. Everyone in attendance enjoyed themselves immensely.

It is my hope that we continue to work together to make Manitoba not only a destination, but a home for people from all over the world. Thank you, Mr. Speaker.

Atlantic Band Festival Participants

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, it gives me great pleasure to rise today and congratulate the Notable Women's Choir of Oak Lake and the Virden Collegiate band for their outstanding performance at the Atlantic Band Festival in Halifax in April. Both groups provided energetic performances. The Notable Women, under the direction of Karyn Penner, were recognized with a gold standing, and the VCI band, conducted by Janet Yochim, was awarded a silver recognition.

The Notable Women's Choir was first organized in 2004, as a non-auditioning vocal group, open to any women with an interest in singing. This was the choir's first trip outside the province, and not all members were able to attend. Some members had little knowledge of how to read music when they began, while others were experienced singers. This group of women comes from diverse backgrounds and several communities, including as far away—from as far away as Brandon and Reston. Members range in age from 17 years old all the way to their mid-60s. But these differences mean nothing when they sing because, as one member of the choir put it, we are our own community, a community brought together by a shared love of music. They—their achievement is truly exceptional.

The Virden Collegiate band was able to send—send 32 students to compete at the festival. This was the first experience traveling outside the province for many of them. The Virden Collegiate band is composed of students from grades 9 through 12 who meet on every—on an every-other-day basis to practise over lunch hour at the high school. In order to be able to attend this festival, young musicians

were—been fundraising for the last two years. All the hard work paid off with a spectacular experience and a performance that was described by the adjudicators as well balanced, disciplined and performed by a group comprised of spectacular young musicians.

The two groups arrived in Halifax on April the 29th, and spent a number of days workshop—attending workshops where they learned techniques and gained insight specific to their instruments and styles. Tours included displays of the Titanic sinking and the Halifax Explosion, as well as seeing the natural wonder of Peggy's Cove and the Atlantic Ocean.

It is experience like this, travelling together, performing together, encouraging each other's talents and learning about another culture that are among the most valuable that can be heard—or had, pardon me, Mr. Speaker—creating bonds and friendships that last a lifetime. The students, their parents, staff and communities all deserve praise for—

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

Some Honourable Members: Leave.

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed? It's been agreed to.

Mr. Maguire: Thank you, Mr. Speaker.

So, as the member of the Legislative Assembly for Arthur-Virden, I once again congratulate the Notable Women and the VCI band on their stellar performances. I speak for everyone, I am sure, when saying, congratulations and keep up the good work. Thank you.

Neil Campbell School

Ms. Erna Braun (Rossmere): Mr. Speaker, I rise today to recognize Neil Campbell School and their project to build a new play structure. This project has been in the works for the past three years and has been organized by a group of committed parent volunteers. These enthusiastic volunteers have been organizing fundraising initiatives and have kept the pre—the project going throughout all the logistical developments.

Their hard work paid off. In October 2008, Playgrounds-R-Us built a new play structure on the school grounds. The official opening took place last

month, on May 21st of this year, and to thank—to thank the many sponsors and contributors, and I was thrilled to be in attendance at this event.

* (14:40)

During the ceremony the students assembled outside on a warm, sunny spring day. The grade 1's sang the song, "Down at the Park" to commemorate the opening, and the whole student body sang a song of welcome.

I was joined by several guests in attendance, including Lillian Thomas, city councillor, as well as Eva Prysizney and Rod Giesbrecht, trustees of the River East Transcona School Division, and Assistant Superintendent Joan Trubyk. We were presented with thank you cards uniquely crafted by each class and were witness to a rewarding ribbon cutting ceremony by Brenda Maxwell and Michelle Taylor from the parents' advisory committee. They have been responsible for spearheading this project over the past three years and were the perfect candidates to cut the ceremonial ribbon which was held by two students from grade 6.

I am pleased to say that this play structure remains the main attraction for children at recess, and it is very apparent that they are enjoying it very much. This is also a pay—play structure designed to be accessible for all. It is designed to provide activities to accommodate the youngest to the oldest students at Neil Campbell, and it is wheelchair accessible by way of a ramp leading into the structure. Gerry Hector, the principal at Neil Campbell School, has said the new structure is absolutely the main attraction and is also well used by the community on weekends and after school.

I ask the House to join me in congratulating the Neil Campbell parents' advisory committee and Neil Campbell School on the completion of a successful and meaningful project. I wish the students—

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

Ms. Braun: Leave to conclude?

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

Ms. Braun: I wish the students, staff, parents and community members many happy hours of play. Thank you.

Mr. Speaker: Grievances; orders of the day.

**ORDERS OF THE DAY
GOVERNMENT BUSINESS**

House Business

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I might—I wonder if I might have leave of the House to distribute amendments to Bill 7, The Food Safety and Related Amendments Act?

Mr. Speaker: Does the honourable House leader have agreement of the House to distribute the amendment to Bill No. 7, the food safety and related amendment act? Does the honourable member have—is there agreement?

Some Honourable Members: Agreed.

Mr. Speaker: Okay, there's agreement.

Mr. Chomiak: I thank the House.

I'd like to call in the following order, Mr. Speaker: Bills 25, 28, 29, 32 and then Bill 7. Now, on Bills 25, 28 and 32, I, I need leave of the House to go to concurrence and third reading. Bill No. 25, 28 and 32.

Mr. Speaker: Does the honourable member have, have leave for concurrence and third reading for Bill No. 25, 28 and 32? Does the hon—is there agreement?

Some Honourable Members: Agreed.

Mr. Speaker: Okay. There's agreement. So we'll call the bills in the order of—

Mr. Chomiak: Just for clarification then, the order will be Bill 25, 28, 29, 32 and ultimately 7, but I will be seeking leave and further instructions from the House when we get to Bill 7.

Mr. Speaker: Okay, we'll deal with concurrence, third reading Bill No. 25, 28, 29, 32, and when we deal with Bill No. 7, the honourable Government House Leader will be seeking—will be giving us further instructions.

CONCURRENCE AND THIRD READINGS

Bill 25—The Statistics Amendment Act

Mr. Speaker: Okay, I'll be calling Bill No. 25, The Statistics Amendment Act.

Hon. Dave Chomiak (Government House Leader): I move, seconded by the Minister of

Competitiveness, Trade—Training and Trade (Mr. Swan), and various important other things, that Bill No. 25, The Statistics Amendment Act; Loi modifiant la Loi sur les statistiques, reported from the committee, Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Speaker: It's been moved by the honourable Attorney General, seconded by the honourable Minister for Competitiveness, Training and Trade, that Bill No. 25, The Statistics Amendment Act, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Blaine Pedersen (Carman): Mr. Speaker, and as we're getting organized here as the—always stay fluid; you never know what's going to happen next.

So I, I'd like to put a few comments on the ro—on the record for third reading for Bill 25, The Statistics Amendment Act. And this act is, is making some changes to the Manitoba Bureau of Statistics: inclusion of voluntary surveys conforming to The Statistics Act, conforming to FIPPA and PHIA. And my colleague from Morris certainly has much better knowledge of FIPPA and PHIA than I do, and, and she will be putting a few comments on the record about how this act still does not address privacy issues.

Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair

And the act updates and increases fines for non-compliance, and, amongst other things, what it does is—it's, it's about mandatory and voluntary surveys. Prior to this bill, any survey was—got issued by Manitoba Bureau of Statistics was a mandatory survey and resq—required by law, and now it's allowing MBS to issue survey, voluntary surveys where a respondent can choose not to respond to the survey and, and face no legal penalties. And an example of that would be wide-ranging surveys which a single respondent's response will not greatly affect the quality of the data, depending on what the data is that they are actually seeking.

This bill will still conduct mandatory surveys when required, and an example of that would be for sensitive information, and that failing to answer that, if you were included in a mandatory survey, would

leave a significant disruption in the data seeking to be collected.

The, the surveys—I, I have a, a view that I would wish that the MBS would, would work more closely with Statistics Canada. I think there is still an overlap of, of information, and we see this when Statistics Canada releases some information and MBS turns around and, and disagrees with that information. They must be working on the same information but they're—they're coming to different conclusions, and, and—and so we're, we're—I continue to be concerned about that. The—we know that there are—important information that MBS collects that, that is—plays an important role for Manitoba, and we would like to see—certainly encourage them to continue that. But, but this, this bill is, is just simply bringing it up to—some of the information up to date or some of the information that they can collect up to date.

The, the bill increases fines for companies that refuse to comply with Manitoba bureau of surveys. There's always a concern that, that they can use, as this is—as a hardship, to threaten companies to do this. And, again, when they're collecting sensitive information, companies need to know that this information is being held secure and is not open to be distributed in any way, shape or form beyond M—MBS. And we need that—the MBS assures us that this information is secure, but there's—we know that there are shortfalls in, in FIPPA and PHIA, so that, that there is always that possibility of information moving on elsewhere.

This, this government tends to develop programs that are out of touch with the labour market realities in this province. We hope that they're not—we hope that they're not using MBS to, to, to further their cause in, in producing this misinformation.

*(14:50)

We would—I'm—our party will not oppose the bill. We think there are—we have outlined improvements that they could make to it. They seem to be content with what they brought up here, and, and again, we raise issues in regards to privacy, in regards to relevancy, and, again, in terms of duplication of services with outfits like Statistics Canada.

So we would—we think they could have sat back and taken a much more proactive and view with this bill. They're—it's tinkering with things that they could have done a much better job with if they'd really sat

back and done a real accurate overview of the information that MBS does.

So, with those few comments, Madam Deputy Speaker, we will see this bill pass third reading and become law shortly this week. Thank you.

Mrs. Mavis Taillieu (Morris): I'm, I'm also happy to say a few words about Bill 25, The Statistics Amendment Act. What this bill does is it sort of clarifies the collection of statistics within the province and aligns it with the FIPPA and PHIA legislation, but as I'll get to in a moment, there is a bit of gap in this as it doesn't do anything to protect personal information in the private sector.

But, you know, Madam Deputy Speaker, we all understand the necessary collection of data to compile statistics. Statistics are created and used for a variety of reasons. I know even within our own constituencies, we get information that allows us to look at a cross section of demographics, of just information about the people that we serve, but having said that, we're talking about statistics. It's not something that can be tied back to individuals, and I think that's very important that we talk about that a little bit because when you're collecting personal information, whether it is personal information, and everything about a personal is personal information, their name, their age, their date of birth, their social insurance number, their address, where they live, what they do for a living. It's all personal information, and many parts of that information is sharable within the public domain because we certainly know, for example, we need to know how to contact people.

So we know that some personal information is not terribly sensitive because it's shareable, but we also know that there's other personal information that could be shared, and it may not be appropriate to share, and certainly the way people think about this issue, the way people think about their personal information, varies among people. Some people are quite willing to share all of their personal information, and some people are a little bit more private about that, and, and, and for good reason in today's society with technology and with identity theft and with all of the things that are occurring that we really don't deal with on a day-to-day basis but those are the things that are happening, and unless you get affected by something like that, you're likely not to really, really understand how, how complicated it can be and how it can really

compound the difficulties in your life and having to deal with that.

Now, when you're talking about collecting data for statistical reasons, of course the basis of that is personal information so we did have a briefing with the minister, and I, I know when I spoke to this in second reading, I said that we had a briefing with the minister, and I said Wilf Falk, the provincial statistician, however, in *Hansard*, it came up and it said, and we'll fault the provincial statistician.

So I want to make sure that this record is corrected today, that I did not say that we'll fault the provincial statistician. I said, Wilf Falk, the provincial statistician. *[interjection]* Well, I just noticed in reading *Hansard* today that I saw that and I wanted just to correct that because in no way am I faulting Wilf Falk.

But just when we did have that briefing, Madam Deputy Speaker, we talked about surveys being done both mandatory surveys and voluntary surveys, done in, in the public and private sector. Now, if you are collecting data in the public sector and that personal information, that information is protected under two pieces of legislation, the FIPPA legislation and the PHIA legislation. And, if you're collecting data that has to do with anything in the, in consumer based in which there's a transaction, a business transaction, that information would then be protected under the federal PIPEDA, P-I-P-E-D-A, PIPEDA, and the last A stands for act, but there's a lack—a little loophole in, in, in Manitoba that, if you're collecting this data from the private sector and there's a breach of information, the only recourse a person would have would be to hire a lawyer and go to the federal Privacy Commissioner in Ottawa because we do not have that kind of legislation governing the private sector in Manitoba.

And I asked the minister about this. We talked about an example. We said, well, what if you're going to collect data on, for an example, 56-year-old carpenters in the private sector. And I said, well, supposing the 56-year-old carpenters didn't want that information shared about them, then what would happen? And the minister said, well, they could go to the Ombudsman. And I said, no, no, no, you can't go to the Ombudsman because there is no jurisdiction of the Ombudsman in Manitoba to protect the, the personal information of people in the private sector. The Manitoba Ombudsman is responsible for FIPPA and PHIA which governs public bodies in, in Manitoba.

And I, I did speak to a Mr. Brian Bowman, who is a renowned privacy lawyer here in Winnipeg, and he's renowned across the country. I know members opposite might want to make light of that, but Mr. Bowman is a very well-respected lawyer both here and across the country, and he's consulted a lot on privacy issues, Madam Deputy Speaker. So I, I talk to him on a regular basis, and I, I just asked him if he'd had a chance to view this law. And he said he had looked at it and he said, For the most part, he said, I don't have a problem with Bill 25, but, he said, it, it could be problematic in that there are no checks and balances in the private sector.

For one thing, if someone was asking for information from a private business owner on a survey, for example, and perhaps they're only asking for the length of time the employees have been with the company, perhaps they're only asking that, but, and the scenario that Mr. Bowman gave as an example to me was, supposing the employer says, well, I don't really have time for this and you know what, here's my files, you take out of it what you want. Now, perhaps he doesn't realize that he has a duty to protect the personal information as many, many companies in Manitoba do that as, as a matter of good business practice, but that does not mean that everybody is aware of, of this, of the need to protect this personal information.

So perhaps they give the information, and then there's too much information available. Maybe there's information in that person's file that isn't shareable or the person is not comfortable in having in the public domain. Now, if that person then said to his employer, I'm very unhappy with you sharing that information, there's nothing that the person can do other than I already said was take that, take that matter up with a lawyer and, and go to Ottawa with the federal Privacy Commissioner.

So checks and balances are necessary, and I, I have for the last four years introduced a private member's bill in this House that actually, if passed, would fill this loophole in the province in terms of collecting information from the private sector which would make it much easier. First of all, it would educate people as to the need to have to do this, and second of all, if there was a breach there would be a, a recourse of, of that person being able to go to the Ombudsman, and it would just create a good business climate and, and more trust, I think, between employee and employer, because the, the basis of, of collecting personal information would be, first of all, consent to collect that information and

disclosure of how that information is going to be used, what it's going to be used for. That's very important because you can't collect data for one reason and then use it for another reason without consent.

* (15:00)

And, and then, of course, it's, it's very important not to share that information, to protect that information in such a way, it's stored in such a way that it's not available because we, we, we do hear of how records end up in the Dumpster. People decide they're, they're done with these records. They're cleaning their files out. They throw files out into the Dumpster, and a wind kind of blows it across the parking lot or wherever, and someone picks up some information on someone.

And, and then usually what happens is they notify the media that this has happened, and then the media writes a story on it, and then people go, oh, I wonder if that was me. And, and you know, I think really there, there is such an important role to play here for everybody in, in making sure we understand the need to, to protect that information and how we should use it. And then how we should, when the time comes, how it should be disposed of in a way, in a correct way in which it cannot be made renderable again to the—to access any personal data.

So, as, as I said, the, the legislation basically did—does not sound like legislation that is a, a bad thing. As I explained, we do need to collect data. We do need to compile that data for statistics. However, I'm, I'm a little concerned when we have governments legislating the ability for themselves to collect more data about people. That is always just a concern to me and to, to a lot of Manitobans who feel that they're a little careful in sharing that data because they're not exactly sure how that will be shared across departments.

We did talk a little bit about that at committee hearings last year on the amendments to Bill 31, the FIPPA legislation, and I do recall Mr. Bowman speaking at that committee and saying, when you increase access of sharing of information across government departments, and I'm quoting, he said, it can be dangerous, Madam Deputy Speaker.

So, I, I want to just impress on minister that this—we take this very seriously, and I, I want to impress on him he should talk to the Ombudsman to understand that the Ombudsman does not have any jurisdiction in the private sector. And if we're talking

about collecting information in the private sector, I would really like to sit down with the minister and explain why we should—why it is that we should be adopting my private member's bill so that we would fill a gap in, in the legislation here in the province and, and therefore allow increased protection for everybody that works in the private sector, not just in the public sector.

As I, I really think that having reviewed all that the, the members opposite have said over the years in, in debating this bill, I know that they have absolutely no understanding of, of the bill, and I, I feel that that's very unfortunate because it's been before this House for four years. I've spoken on it for four years now, and I, I feel it's an important piece.

It—it's one of those things that no one understands what happens when your personal information is compromised until it happens to you and wha—when it does happen to a person, they're usually—they feel very violated and therefore are, are not willing to come forward and, and be made a public spectacle of again because they feel that this has already happened to them and going public with it just increases their, their invasion of their privacy.

Although there are many, many cases where this happens to people, people don't readily come forward and say, oh, guess what, I had my personal information stolen, and this is what happened to me.

But there are, there are incidents where some people have spoken about it, and, in fact, sometimes it's been an incredibly long journey to get their credit rating back if their personal information has been stolen, fraudulently used to set up bank accounts or credit, credit cards. It's an incredibly long journey for people to clear their name, as not being associated with other people's debts, Madam Deputy Speaker.

So, Madam Deputy Speaker, with, with just having had my say again, once again, on Bill 25, we recognize that the statistician, Wilf Falk, and the minister, brought forward this bill and, in order to collect data in accordance with the FIPPA and PHIA legislation, to provide statistics in the province of Manitoba, but I want to ensure and impress upon the minister that it should not be any information that is tied to personals, personal and individuals, and any time that that should happen, if it's in the public sector, there are laws in the province that would protect a person, but if it's in the private sector, there are not, and I look forward to having further discussions on that private members' bill.

So, at this point, though, I think other members would like to say a few words about Bill 25. So, with that, Madam Deputy Speaker, I'd just like to pass it on to my colleagues.

Mr. Larry Maguire (Arthur-Virden): I just want to reiterate the words of my colleague from Morris. She's done a tremendous amount of work in regards to freedom of information, trying to make sure that information is used in its proper manner. And also, my colleague from Carman, for speaking on this bill, as well as, as I'm sure I know the member from Steinbach has had opinions on this bill as well, Madam Deputy Speaker.

Mr. Speaker in the Chair

And so I want to just touch as well on the fact this personal information could be information that comes from the private sector and may be somewhat disconcerting, I guess, in regards to, perhaps, how it could be used. And I know the member from Morris indicated that, that, you know, sometimes, in the busy part of a, of a, of a businessman's, businessperson's life, they may not have taken all the time necessary to safeguard themselves against the kinds of information that could be taken from their records, Madam Deputy Speaker—or Mr. Speaker, pardon me.

And I just wanted to put on the record as well that I feel that the checks and balances need to be there in this type of legislation. I believe that the minister probably tried to bring this forward with good intentions, but I think that it's a situation that we just want to caution the House and Manitobans to be aware that they make, that they must make sure that the information that they put forward is accurate and that they, that it is not something that may be subject to abuse.

And I would hope, Madam—Mr. Chairman, that, that the government would consider the information that the member from Carman put forward in her talks with Mr. Brian Bowan—Bowman. I've met Mr. Bowman myself, and I know that he is an authority in regards to this type of privacy legislation. I know that he is a, a very well respected in this particular area across the province of Manitoba as well. And I know that we wouldn't want to see data about persons that they wouldn't want to have on the record, you know, stripped from some documents that might be a concern to them, Mr. Speaker, and so I think it's a, it is a, it is a concern from our side of the House that we want to make sure that the type of legislations being put forward can be understood

easily by everyone, can be used in a manner that will be regarded as safe.

The member also mentioned, and I would like to bring to the attention of the Speaker, as well, that the statistics that are gathered by Manitoba statistics, Vital Statistics, as well, in some cases. You know, we're doing census reports from both Manitoba and Canada, at different times. Our work from Manitoba, of course, some of it is taken from the Canadian census, and I think that it's a situation where we would want to make sure that the—that we safeguard that, the demographics and the information that comes into our own constituencies. It is valuable, Madam Deputy Sp—Mr. Speaker, pardon me.

*(15:10)

I, I certainly don't have any problem with, with the fact that this information is valuable. We use it in our constituencies from time to time, and I know it's made available to us on a regular basis. And so I've, I've—you know, I know that since I was elected at first in 1999 there've been some changes in just about every constituency in Manitoba.

And I, I know only too well of the growth that's taking place in the last few years in my own constituency in Arthur-Virden in the southwest corner of the province, and the wonderful opportunities that are there in developing the potential of, of the Peace Gardens in regards to the conflict resolution centre that the Peace Gardens is trying to put forward as a, a wonderful opportunity for not only world peace, Mr. Speaker, to develop those discussions, but also between Manitoba and North Dakota, and we certainly do have areas that need to be resolved in the agricultural industry, and weights and measures in trucking industries, and as well as some of the water resources that we share in water travelling back and forth across the border. Whether it's the Souris River coming into my constituency or the Pembina River going into North Dakota before it comes back up the Red, there are a host of areas that we need. Even the smaller Antler River, Antler Creek as it's known down in the southwest corner, is, is an area that goes across the border and, and back up into, into North Dakota and back before it comes back into Manitoba. And so we just want to make sure that all of this type of information is credible and that it is not used for areas that would be in conflict.

And, with those words, I would let others have an opportunity to speak to this bill. Thank you.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, a pleasure to speak to this bill regarding the statistics amendment for a few minutes this afternoon in the Chamber and to encourage a government to look at a variety of other statistics that could be helpful to Manitobans. In particular, I think of the, the justice system and the need for more information to come forward statistically in that particular area.

It wasn't that long ago that I had the opportunity to ask the Minister of Justice (Mr. Chomiak) regarding victimization surveys in Canada. At that time he had indicated to me that victimization surveys are done by Statistics Canada every month, and shortly after that he retracted that comment, which was good of him to do and to correct the record, because, in fact, those surveys are only done every five years, which is unfortunate both nationally and provincially because I think that a victimization survey which is really simply about trying to find out the true level of crime in a community is important.

What happens with these surveys—and they're quite widely used in the United States and, and to a lesser degree in Canada nationally—is to phone up individuals randomly like any other sort of poll or survey and to ask individuals if they've been a victim of crime over a certain prescribed period of time. And then those, those results are compiled, and you can determine whether or not the real crime rate is judged by those who are responding by saying that they've been victimized matches up with the reported crime rate. And there's always a difference. And then sometimes the difference is quite large, you know, often 30, 40, 50 percent difference between the reported crime rate and what you'd find through a victimization survey. And a large part of that distinction, that difference, is simply because of underreporting a crime, and underreporting of crime to police is a result of a lot of different things.

Some people simply find it difficult to go to a police station and to file out a report or to phone in to make that report. Quite often people simply don't think that there's any outcome from it anyway. They might not think that the individual who committed the crime is going to get caught, and, even if they do get caught, whether or not there'll be any consequences that flow from that criminal action. And so you find that there is quite a disparity between the, the number of crimes that are happening when you ask people on a victimization survey through a phone call and how many crimes actually end up getting reported through the filing of a police report. And why that's important is, is, you,

you want to have the true level of crime in a community and the true level of crime in a society, because only then can you really tackle the problem.

You might not think it's a problem if you're just looking at the reported level of crime as opposed to the victimization surveys which give a much higher level, a much higher indication, and I encourage this government to look at having these victimization surveys perhaps on a, an annual or a biannual, even, basis just to get a real indication of what the crime level is in the province. And I suppose that one of the reasons that they've refused to do it is because they're concerned that it might show that there is considerably more crime than is being reported, and, you know, in a community or in a province that already has a very poor reputation for violent crime and other crimes when compared nationally, that might not reflect well upon the sitting government.

But ultimately, without having the true statistics, without having the true data in front of you, it's very difficult to try to approach and to tackle a problem, and so I would encourage the government, even though I know politically it might be embarrassing to see what the level of crime truly is, it's important to the community and it's important to the province as we try to address the level of crime.

I do understand that, that Statistics Canada is going to be looking at this issue again and trying to have more victimization surveys, more often than every five years, and so that's positive. I know some, some areas like Vancouver, for example, I was reading a report where the Vancouver, I believe, their Chamber of Commerce had asked for victimization surveys to, to be increased significantly. They have a, a desire to see the real numbers of crime, and the Chamber of Commerce, of course, would be interested because their companies, their members, would often be the victims of crime, and they probably know that much property crime and crime in stores often goes unreported, whether it's shoplifting or other sorts of commercial crimes, and so they would have a motivation to see what the real level of crime is and then we could see what the real level of the cost to society is.

So, you know, and I, I'd be—I want to ensure that, that there aren't those in the Chamber who, who might think, well, if somebody doesn't report a crime, then that's sort of their own, their own fault, and it must be not significant enough for them to bother reporting the crime and so why should, why

should we even care to know about it. And I think that that's a wrong sort of opinion because what I believe is happening and what police and others believe is happening, is that individuals are just simply becoming so frustrated with the justice system that they won't report the crime any more. It's not that they don't think that their victimization or that the crime itself wasn't significant or serious, they simply don't think that it's, it's going to make any difference if they report the crime, that the individual who committed it isn't going to get caught, and even, even if they are caught, there's not going to be a significant consequence.

And so we shouldn't diminish the fact or, or say that an individual who doesn't report a crime didn't think it was serious enough to report it or that we shouldn't be concerned about that particular criminal activity. All criminal activity is important, and the reasons why people are reporting crimes less often are more complex and more diverse than we might think simply by looking at a report.

And so, when we look at the statistics act, there's a lot of other things that the government could be measuring, which I don't think would be expensive but certainly would provide us with good information, but they shouldn't only look at providing statistical analysis or information for things that they don't find embarrassing to the government. There are times, because of the importance of transparency, that you need to measure things that simply might not be, reflect well on the government of the day but that people would expect the, the information to be made available and to be transparent for all to see.

So there are a lot of things that this bill and future bills could address, as we go forward into the next sitting. I know that this session won't end this week, that we'll have another sitting as part of this current session in the fall, and so there'll be an opportunity for the government to bring forward legislation at that time to address this and other issues.

So, with those words, Mr. Speaker, I think we're prepared to see this bill move forward. On the face of it, it could, it could go forward and pass, but we do encourage the government to look at other issues in other areas where analysis and statistical data would be helpful to the province and to those who need to rely upon it. So thank you very much and if there are no other speakers this afternoon, we look forward to this bill moving forward.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House, concurrence and third reading of Bill No. 25, The Statistics Amendment Act.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed. Agreed and so ordered.

The honourable Government House Leader, on House business.

Hon. Dave Chomiak (Government House Leader): Yes, House business. I move—[interjection] Oh, shoot, yeah. We're next—

* (15:20)

Bill 28—The Private Investigators and Security Guards Amendment Act

Mr. Speaker: Okay, we'll move along. I'm going to now call Bill No. 28, The Private Investigators and Security Guards Amendment Act.

Hon. Dave Chomiak (Government House Leader): I move, seconded by the Minister of Labour and Immigration (Ms. Allan), that Bill No. 28, The Private Investigators and Security Guards Amendment Act; Loi modifiant la Loi sur les détectives privés et les gardiens de sécurité, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Speaker: It's been moved by the honourable Attorney General, seconded by the honourable minister for Labour and Immigration, that Bill No. 28, The Private Investigators and Security Guards Amendment Act, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Kelvin Goertzen (Steinbach): Also pleased this afternoon to put a few words on the record regarding Bill 29—or, sorry, Bill 28, regarding the securities act and those who perform security in the province of Manitoba.

I, first of all, want to start by commending everybody who's involved either as a private investigator or as a security guard. Those are not easy occupations to fill. They're not always things that people appreciate and it's difficult work. But, in

many cases, it is, in fact, needed work and something that needs to be fulfilled by individuals in the province of Manitoba. So we want to recognize that this bill deals with these individuals and will impact their work and how they perform their duty to Manitobans and to those who employ them, that we appreciate, in fact, the work that they do each and every day in the province of Manitoba.

So, with those words, I want to then launch into a more substantive debate regarding the legislation, Mr. Speaker, and to look at how the impact will be on those who are performing this act. When you look at the legislation, it changes how individuals have to register and be licensed as security individuals in the province of Manitoba, and it's important to know that those safeguards are in place. Obviously, those who are security guards fulfil a special responsibility in the province of Manitoba, as well as those who are private investigators. They don't necessarily have the powers that are invested in those who are peace officers in our province, but they have, you know, civil responsibilities and the ability to perform detention through civil acts, and they're given special responsibility in relation to private property and private matters, and you wouldn't want individuals who are unqualified or unscrupulous in one way or the other to be able to fulfil those responsibilities without a degree of supervision.

Having said that, we also know that there are many reasons why we need more security guards and other sorts of private fulfillment of security than we had even a number of years ago. I'm not sure—the government will be able to now, I know, track how many individuals are fulfilling the responsibility of a security guard, and, in tracking that, they might see the growth over time of the security guard industry. And it really has become an industry, where many companies now are fulfilling this role of private security because people are concerned about their safety. Individuals who own property, whether it's a mall or some other sort of property, are concerned about safeguarding it and ensuring that no harm comes to their business or to those who are on the property.

And so it makes good sense to have regulations for a growing industry, but you also have to ensure that the government is doing all that it can to, to provide a safe environment, so there isn't such a need for private security, that there isn't such a need to have the sort of private individuals who come into the, the workplaces, that come into the establishments, to try to give that sense of security

for patrons or others who are, who are there or to try to ward off individuals who may be trying to break into businesses or to establishments. But there is a need, in fact, then, to have that sort of regulation, to ensure that we have due diligence when it comes to the individuals who are fulfilling these roles.

You know, we find ourselves in a society now that is dealing with more enforcement that doesn't have to do directly with police officers, and I think sometimes that's unfortunate. We rely on technology for a lot of different things. I know that the City of Winnipeg and other communities around North America have relied on cameras in, in high crime areas, often in downtown areas of cities, to try to provide a deterrent for those who might be committing crimes in the downtown areas of communities. I believe that the City of Winnipeg looked at Minneapolis as, as the model, or that's one of the examples where there are crime cameras—as they're called—in downtown Minneapolis to try to provide that deterrent. Not that the cameras themselves can prevent crime, but the feeling that if there are crime cameras there recording activities, that it might prevent those who would commit crimes in those areas from committing them, because there would be evidence of, of, of the crime itself and who had committed it.

So we rely on that technology. We rely on other kind of technology as well. You know, photo radar is one that's been at the forefront of the debate of the Legislature in Manitoba for the last number of months, and we see the, the failure and the vulnerability of this technology. With the photo radar system it's not that the tech—technology itself didn't work, it's not that it didn't have the capacity or the capability to do what it, it was set up to do, but it was operating under faulty rules and under the wrong guidance because it was intended to be a safety issue. But it merged from that safety issue into being purely about revenue when it comes to the mobile radar units, and so you had, you know, technology that was set up presumably for the right intentions, but then over time it became something else. It became more than just about trying to provide safety and safe measures, but also about trying to get revenue for the government.

And so, often, there's these unintended—what one would hope would be unintended consequences. In the cases of photo radar, because you went from 3,000 individuals getting a ticket one year to 60,000 the next year, it is difficult to, to assume that it was unintended, that it wasn't—that it wasn't

purposeful. And so when you move to this reliance of technology away from individuals, whether it's a security guards or police officers, you always have that danger. You always have that danger that the technology isn't going to fulfil the, the mandate that you had hoped that it would fulfil, and that certainly is the case with the photo radar debate, and I know that we'll have some discussion about that tomorrow in the form of a resolution. But I think that most people would look at photo radar and say, well, you know, maybe the intention originally was right and proper, and maybe there was a place for it when it was specifically about trying to provide safety, but somehow it's gone off the rails. It's, it's, it's changed. Its intention has changed. The result has changed when—it almost as a form of entrapment, and I—that's the word I don't use lightly here in the Chamber, Mr. Speaker, but one that I hear from people where they, in fact, feel that they were entrapped somehow, that the government had allowed—not that they directly set up the entrapment, but they allowed a system to develop where people were entrapped by the photo radar in a way that was intended simply to raise money and not to provide safety.

And so technology is good, but it also has its shortcomings. It also has its failings, and that's why we've often talked about the need for police officers, but more than in just in certain areas. One, one of the things about photo radar that I know the Winnipeg Police Association was very concerned about originally was that it might take people off of the traffic unit, that it might take real police officers away from traffic.

Now, members might say, well, okay, the police association has its own sort of vested interest in that because it's trying to protect its members and, perhaps, it's trying to get more members. But the reality is that—and I think that any studies that members would look at, and I can certainly provide some for the Chamber—is that traffic officers is one of the greatest forms of proactive policing that police officers have. There are a lot of a, a, good rules that we have in, in our country. Some might question how far they go, but we have a lot of good rules about the inability just simply to go up to individuals and question them about things without something that's called just cause.

But individuals who are doing traffic enforcement often are pulling over vehicles for, for highway traffic infractions and other infractions, and they find many things. I mean, they find that individuals might have a—an expired licence, they

might have an expired vehicle registration, they might have warrants, there might be things in the cars like drugs that, that shouldn't be there, and so traffic enforcement becomes a very proactive form of policing, Mr. Speaker.

* (15:30)

In fact, I remember reading a study not long ago from Indianapolis where in the city of Indianapolis they were trying to clean up a particular area of that community, and how they did it was by putting more traffic enforcement officers in there because it did two things. First of all, it provided a police presence. There was more of a police presence by virtue of the traffic officers, and so the criminal element realized that this is an area that they didn't want to be in because of the increased presence, but, as they started to pull over vehicles for traffic infractions, they found a lot of other things, whether it was weapons in the vehicle or drugs in the vehicle or warrants, as the case may be. In the United States they found that there was a lot of different things that they were proactively able to get at as a result of having more traffic officers.

And so, when, when the Police Association or others say that we shouldn't just simply rely on technology to provide policing because it, it misses the point, that you don't have all of the other good things that happen when you have police officers actively and progressively and proactively enforcing the law, they're right. You miss a lot of those other things and you miss a lot of the advantages of technology. And so I appreciate very much the fact, Mr. Speaker, that we can't simply rely on technology, that we need to rely on individuals, and that's obviously what businesses have decided to do when it comes to the securities portion of their business.

They've gone out and they've hired people to try to provide a presence, a, a person-on-person presence in their mall or to protect the property that they own. And that's something that private business wants to do because it, it ensures that there's less criminal activity, but it's also a cost that they might have to incur, and that's another cost of the criminal element and criminal activity that we have in Manitoba and across Canada. But you also, I mean, there's a government role to play in this because I recognize that when you, when you grant people this responsibility, when you put a uniform on them and send them into the mall, or whatever else they're doing for responsibility for, for a guardianship, that people assume that there's a certain degree of

authority that goes with these individuals. They assume that they must have a certain level of power and a certain level of responsibility, often because of the uniform that they're wearing or, or any other sort of descriptive measures that they can show that they have some authority on that presence.

And I, I would expect that if you talk to many people, I'll just use the mall as the example, I'm sure if you talk to many people in a mall they would think, well, you know, this might be somebody akin to an officer. They might have the same sort of powers vested in them as a police officer does in the city of Winnipeg or another municipality, but in fact that's not, that's not the case. I mean, they have some authority by virtue of being vested by the private property owner to provide security for that particular area, but they don't have the same level of responsibility or same powers of arrest as a police officer would have. But, because there's that sense that they have this ability, that they have this power, you have to ensure that there are good measures in place to, to, to ensure that the individuals who are fulfilling those roles as police officer—or as security guards have the reputation, have the background and have all the, the proper attributes to fulfil that particular role.

And that's one of the things that this bill does. It also puts an onus on businesses to, in a sense, keep track of their employees, to ensure that their security guards are licensed, to ensure that you have a following of the security guards as they, as they move to other occupations or at least out of that particular company, and that the registration of security guards is, is kept up to date.

This has become a particular issue, I know, at bars and nightclubs as those who are working jobs as security, often referred to as bouncers, have a certain authority, and they often come into physical contact with patrons at the, at these establishments. And because there are times when people might overindulge in these bars and these establishments, nobody here would do that, but there are times when that might happen, you sometimes get into situations that are violent or can turn violent, and you need to ensure that the people who are there to keep order and to keep security while the police aren't there are the right kind of people, that they had the right temperament, that they know the limits of the law, that they know the limits of, of the physical boundaries that they can impose on other individuals.

And so we're mindful, Mr. Speaker, that there's an important role for this. I, I know that we have other pieces of legislation to look at this afternoon, and I'm prepared to see this bill go forward with the caveat, of course, that we encourage the government to try to ensure that crime itself is reduced in the province of Manitoba and that there isn't an over-reliance on this private security, because all of the measures in place when it comes to regulating security guards or regulating private investigators cannot equal having a safe community, cannot equal having a safe neighbourhood, and cannot equal having the sense from people that they're safe in the area that they live. So we need to do more than just regulate individuals who are hired as private or other kinds of security but know that we're working hard to reduce crime overall. So the need for these individuals isn't as great.

So, with those words, Mr. Speaker, we look forward to hearing others who either may wish to speak to this bill but if not, then we'll move this bill forward and look forward to seeing the results of it in the years ahead.

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

Some Honourable Members: Yes.

Mr. Speaker: The question before the House is Bill No. 28, The Private Investigators and Security Guards Amendment Act.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed. Agreed and so ordered.

Bill 29—The Environment Amendment Act

Mr. Speaker: We will now call Bill No. 29, The Environment Amendment Act.

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that Bill No. 29, The Environment Amendment Act, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for the third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Intergovernmental Affairs, seconded by the honourable Minister of Agriculture and Food, that Bill No. 29, The Environment Amendment Act, reported from the Standing Committee on Social and

Economic Development, be concurred in and be now read for a third time and passed.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak briefly on the Bill 29, The Environment Amendment Act. We on the Liberal Party support this bill. We've seen the need for the NDP to pay more attention to the environment for quite some time, and certainly the significant sites where there's been problems with pollution, that a number of these are continuing. Now, essentially close to 10 years after the NDP came to power, visiting, for example, in Sherridon, in the MLA's, for Flin Flon area, there is still a continuing need for a major cleanup with the toxic wastes, the acid mine tailings that have been dumped near Sherridon, and cleanup, of course, has been long overdue, but we still wait for that.

And so the bill is one thing and the movement forward in this area is important, but it's also important to make sure that some of the major toxic waste sites that we have are cleaned up and cleaned up properly, and, as I've commented in the past, that in the area of budgeting that we have environmental liabilities more clearly added up and included in the budget so that, you know, we know what our long-run financial commitments must be, what the debt is that we're passing on to the next generation from not adequately looking after the environment over the last number of years.

* (15:40)

I think it's also good to have this bill being able to work and to improve the way that we approach greenhouse gases in Manitoba. After almost 10 years of NDP government, it's sad that we are still going up on greenhouse gases. We went up again in the latest report, and the NDP can claim that, oh, it took them a long, long time to get moving on this file, but they should have been moving on this file back in 1999 and 2000 so that, in fact, the amount of greenhouse gas produced in Manitoba would be decreasing now instead of continuing to increase and leave us a larger and larger challenge in order to meet the Kyoto equipments—Kyoto commitments and make sure that we're, instead of going up, following the numbers from 1990, that we're, in fact, going down and that we're moving in the right direction. And as I've pointed out in the past that there are some areas where we've been doing particularly poorly and agriculture has certainly been one of those, generation of nitrous oxide, and it will be interesting to see how the Minister of Conservation (Mr. Struthers) applies this in, in areas of agriculture

and in generation of nitrous oxide and methane and other pollutants and greenhouse gases.

I note that the Minister of Conservation talked about adding some more enforcement officers. They were, I think, in the last budget, but the question is going to be, you know, have they actually been hired yet and are they working, because time and time again I have heard from people that the minister has not got the enforcement capacity to match some of his efforts and that this is a continuing problem. And so we hope that the minister has actually got these people hired and that they're out working and doing the enforcement, because time and time again, this has been one of the major issues, that the minister has not even been able to enforce some of the existing legislation, let alone the new ones like this bill that he's bringing forward.

So, Mr. Speaker, with those words, comments on this legislation, we're looking forward to this bill being passed and the Minister of Conservation, after 10 years, you know, finally getting down to work to address some of these problems.

Mr. Cliff Cullen (Turtle Mountain): It's certainly a pleasure today to speak on third reading on, on Bill 29, and, obviously, talk about an issue that's very important to, to all Manitobans in terms of our environment. And I would, I would suggest that the Minister of Conservation is taking some steps to clean up some legislation that hasn't been addressed for, for quite some time.

And that's the intent of Bill 29, is to probably parallel what's happening at the federal level with what, what should be happening here in the province of Manitoba. So we'll see a lot of the, the wording in this particular legislation will, will parallel what the federal government is doing in terms of their environment—environmental legislation as well, Mr. Speaker.

And, you know, the Member for River Heights touched on a very important concept when, when he talks about enforcement. And I know I've raised the issue—which has been brought forward by a couple of my municipalities in my particular area—and it has to do with on-site waste-water treatment around some sensitive areas, and the sensitive areas include such lakes as Pelican Lake, Killarney Lake and Rock Lake. And the municipalities in that particular area have some concern with some of the, the on-site waste-water treatment facilities that are there or—in, I guess in broader terms—some of the facilities that aren't there. Now, they've raised the issue with

myself and I raised the issue with the Minister of Conservation (Mr. Struthers) and the issue really comes to a matter of enforcement because there is some situations that are out there that may, in fact, endanger the environment. And what the municipalities are wanting to raise the concept was that the Department of Conservation, who is responsible for the regulatory aspects under The Environment Act, they should be addressing those situations.

Now, there are specific areas that were brought forward to the Minister of Conservation and to his department about on-site waste waters where the municipalities wanted to have some inspections done. Well, we get word from the minister's department that they do not have the staff available to do the inspections on those particular areas.

So, Mr. Speaker, we have the Minister of Conservation, who has very specific regulations to try to protect the environment around these sensitive areas, but he doesn't have the staff there to enforce them, or at least that's his excuse for the staff not going out there to look at these particular facilities.

And it's an issue that's been raised by—the minister, you know, in the past, and now the minister, Mr. Speaker, is proposing additional on-site wastewater regulation changes. In fact, he's gonna bring in some regulations that are going to involve the entire province, not just some of the areas in the Red River Valley that, that do have to be addressed because there is a lack of, of proper treatment facilities there, but, with his regulations, he's gonna impact the entire province of Manitoba.

And the municipalities, of course, when this—they got—first got wind of these changes in regulations, certainly were, were a little surprised by the regulations he's gonna bring forward and had a lot of questions about those regulations he's brought forward.

Well, at least the minister had the, the foresight to recognize that there were some substantial issues with his forthcoming regulations. So he has put those regulations on the back burner for now, Mr. Speaker, but we're not sure where the minister wants to go with those regulations.

We understand there has been some discussion with municipalities across the province, and hopefully there has been some feedback from those municipalities. And, hopefully, the minister and his department are having a, a serious look at those

recommendations that the municipalities are putting forward because we know the proposed on-site wastewater regulation changes will have a dramatic effect on a lot of property owners across the province.

And a lot of property owners, when they go to transfer their property, if the regulations stay as they're written, will be facing a fairly significant financial cost, anywhere between 10 to 20 thousand dollars for those particular sites and facilities that have to be upgraded to, to holding tanks. Not only that, Mr. Speaker, but if you get into a holding tank situation, you're going to incur—encounter a, a tremendous ongoing expense when you have to have that particular holding tank pumped out.

Now, Mr. Speaker, having said that, we recognize that in sensitive areas the holding tanks are, are the best way to go. But we realize there is some options there, in terms of other areas which aren't as environmentally sensitive, and some of the areas that aren't close or adjacent to waterways or—such as the lakes that I talked about previously.

So, we're hoping the minister will have a sober second look at the legislation that he's proposing in terms of the waste-water regulations coming forward.

Now, Mr., Mr. Speaker, Bill 29, obviously, any time we look at environmental legislation and change to it, it's important that, that things are done correctly, and I notice a lot of the, the wording in this particular legislation in terms of, of definitions will be—I think they're going to come in line with what the, the federal legislation is saying as well.

And the one thing that I, I think is also of interest and it'll be something we'll have to monitor as time goes forward, is this legislation will give the minister's staff the opportunity to be pretty proactive in terms of making assessments on, on impending or pending environmental damage that may occur.

So, up till now, the legislation precluded the environment officers from going in there and making any, any decisions or bringing forward any, any issuances that may stop any environmental incidents from happening. So this legislation will, will amend The Environment Act to give the, the officers the, the opportunity to hopefully stop some of the, the situations that may develop in the environment, and, and impact the environment. So, that's something that we will certainly be watching into the future that, that his officers are, are using

that clause as it's intended going forward, Mr. Speaker.

Mr. Speaker, I know there's other members that want to talk about Bill 29 and the environment, and we know the, the Province does have a, a long way to go in terms of improving the environment here in Manitoba. And we just had a look at the greenhouse gas emissions that were reported by Environment Canada just a couple of weeks ago, and it's pretty clear that the province of Manitoba is trending in the wrong direction.

* (15:50)

And it's going to be interesting to see how the government spins its way out of the fact that it's pretty clear that this government won't be able to meet its Kyoto targets by the year 2012. And, ironically, Mr. Speaker, having 2012 right in their legislation, saying that that is going to be their Kyoto target date, ironically, it's one year after the next provincial election.

So, and that's why we on this side of the House proposed amendments to their existing Bill 15, the climate change and emissions reduction act to have sort of a, a monitoring and evaluation process prior to 2012, and, unfortunately, there's very little in the way there in terms of that type of a process in place with their existing legislation. So it will be interesting to see what kind of spin comes out of the government when they recognize the fact that they won't be able to meet their Kyoto targets as laid out in their own legislation.

The minister and the government will have a couple of options, probably, to get out of this thing and come clean with Manitobans, and one will be to amend their own legislation, which they just brought out a year ago, Mr. Speaker. Now, we've seen the—we've seen the government flip-flop on legislation in the past, and we're just wondering if maybe the government is going to flip-flop on this legislation as well.

Now, they have the opportunity—they could go in and change their own targets that they just established a year ago, you know, and those targets laid out the formula that they were going to reduce greenhouse gas emissions by 6 percent from the 1990 benchmark to the year 2012. Well, we look at the report that came out last—two weeks ago, pardon me, Mr. Speaker. The report that came out two weeks ago clearly indicates that the greenhouse gas emissions are up 14.5 percent here in Manitoba since

1990. So they are a long way off of being anywhere close to meeting their Kyoto requirements.

Now, the other option—and there's a fine, a very fine line in that particular piece of legislation as well. And it—in that legislation it says that the minister may make up his own rules in terms of emissions. Now, I would think that most Manitobans would want the government of the day to, to, to look at the tried and true and the proven emissions put out by Environment Canada. These are put out on an annual basis by Environment Canada and everyone else across the country recognizes these emissions.

Now, why—of course, I guess being a government of the day, they're always looking for an out somewhere, so that's why they added that little line in there, that the minister has a little caveat so that he can either change the targets or he can select his own emissions and how they're going to—what kind of guideline they're going to use to determine those emissions. So that's an interesting piece of legislation they've, they've established there, Mr. Speaker.

Well, Mr. Speaker, I know there are other—there's other members that want to speak to Bill 29 and the changes to The Environment Act, and certainly all Manitobans look forward over the next couple of years to see how the government of the day is going to handle the environment here in Manitoba. Thank you very much.

Mr. David Faurichou (Portage la Prairie): A pleasure to rise this afternoon and participate in third reading debate of Bill 29, The Environment Amendment Act, as presented to the House from the honourable Minister of Conservation (Mr. Struthers).

It is, indeed, interesting reading as this government, once again, attempts to modify The Environment Act to bring forward amendments that supposedly will give greater address to the issues that present themselves to, to the challenges we're experiencing here in Manitoba.

But I really fail to see why the government is continuously bringing forward changes to various acts that already exist in other acts. And, if one was to truly evaluate how our environment functions and the transferral of pollutants from one point to another, one only needs to look primarily at our most valuable resource, and that being water. One—if, if one concerns its—himself or herself to the quality of the water that is found all across Manitoba, whether in water bodies or in watercourses, that we would be

far better addressed than to continuously look at changing legislation always as it is important to make sure that the laws that are passed by this Assembly are indeed enforceable, and currently, the minister, under his own admission, cannot enforce the laws already passed because the minister stated earlier, when providing a briefing regarding this legislation, that he would be looking for an additional eight environmental officers because the seven new environmental officers that he hired last year weren't yet able to enforce the law that was already on the books.

So it's, it is interesting that this government recognizes that it can't enforce the laws that are already on the books, but I want to make absolutely certain that the minister is aware that we on this side of the House, myself included, are very supportive of taking any and all measures to preserve the environment in which we live.

The precious resource that we have more of than any other jurisdiction on the planet, that being water, is something that we need to take very seriously because we are indeed the stewards of the land and want to make certain that we have the laws in place in order to do so, but let's keep a common sense orientation when we look at passing legislation. We want to make as certain that we have the tools and the personnel available to deal with individuals, organizations, groups, whomever it might be, that is responsible for polluting our water. We want to make certain that individuals that are responsible are made to change their practices and to provide the resources, whether it be money or means to correct the situations that are—that they are responsible for creating in the first place.

And it's important that we have laws in place that those responsible for polluting are called upon to correct the situation, but also, too, we want to not be so blinded to say that accidents do happen, and whether it be an act of God where weather has created a situation by inundation or by erosion through wind or adverse amount of precipitation that takes place from time to time, but we can only do what is humanly possible and do our very best as it—as we know it to be on a normal basis, but there are abnormal situations do occur, and that's why we should be looking to make certain that any and all persons that do handle products that could be considered as pollutant are covered by either bond or insurance and to make the operations of the groups, organizations, or individuals, corporations, the entities that are responsible, make sure that they have

adequate coverage to take care of abnormal events that would see our environment polluted. But we want to—want to recognize that there—the common sense element.

* (16:00)

And I come back to that very premise because we cannot continue to pass legislation that, that gives greater powers to, to officers of the, of the Crown that again are, are beyond enforcement because of, of the resources provided to them. And we know now that the length and breadth of the legislation before us will, will require substantive resources as, as we look to intervene and perhaps prevent a pollutant's release by earlier intervention, and th—this requires a, a bit of more investigation and it also requires officers to potentially anticipate what potentially could happen, and this certainly broadens the, the scope of, of their original mandate. And I'm, I'm very concerned that it's so broad now that basically the officers that the minister has in him—his department and is looking to bring into his department will still be inadequate.

And I, I, I do want to though leave with the minister my belief that persons should be responsible, and if they are not, that they are made to clean up their act and clean up the—what has previously been their responsibility. And it's so vitally important that, that once persons are, are thrust upon the, the, their—by government the, their responsibility, then they will be examples, if you will, for others, and I don't believe that there will be anyone out there once they have seen specific examples of the, of, of the government and this Legislature's commitment to the environment, will not be willing to see that happen to them, and they will indeed be going the extra mile to do what is humanly possible to prevent any pollution from their own hands.

So, Mr. Speaker, I, I, I do want to compliment the government. I, I believe their heart is in the right place. And the minister most certainly has had personal experience in his career about seeing situations where pollution has, has occurred, and now carries with that—with him into his position as minister. And, and I believe it is good that the minister can draw upon first-hand knowledge when reviewing legislation before, before him.

And coming from an agricultural background and one that—one's belief that we are only caretakers for a brief time in the spectrum of history, the environment and which surrounds us on the farm,

that we truly harmonize our agricultural practices with that of Mother Nature to preserve any and all of the environment that comes into our purview, whether, whether we make use of the particular lands for active production or whether we preserve those lands within our farming operation for natural use by nature. And I will, will say that I'm very proud that—to be one of the very, very first agricultural producers in the province to, to dedicate lands to, to nature and to make a commitment that within my lifetime that no disturbance will take place on these lands and that they will be left in the natural state for the benefit of, of everyone.

And so, Mr., Mr. Speaker, I do, do believe that this legislation is moving in the right direction. I would like to acknowledge the minister's efforts to harmonize the legislation in the province of Manitoba with other jurisdictions. And I understand that this legislation is bringing harmony to, to other, other other jurisdictions such as Nova Scotia, Ontario, Saskatchewan and Alberta because persons that do operate in various locations in, in other provinces, as well as our own, won't—will know what the, the rules are as far as transportation and handling of potential pollutants, and to recognize that the Crown is definitely serious about preserving the environment and putting forward legislation as well as the enforcement resources coupled that with the changes to the judicial imposed fines that are indeed a deterrent as well because—I know that there are persons out there that, that personally may need significant financial deterrents to actually provide guidance in their day-to-day activities.

So, Mr. Speaker, I, I once again appreciate the opportunity to participate in the third reading of Bill 29, The Environment Amendment Act, and I close my comments with a common refrain that I have stated previously in, in other, when other bills have been debated before in, in this House, is that the final clause in the—Bill 29 is clause No. 19 which states, this act comes into force on the day to be fixed by proclamation, and one only has to look at the various acts that have been, been passed by this Chamber that have yet to be completely proclaimed.

Many provisions are, are, are, are still not yet law here in Manitoba simply because this government has failed to take the legislation passed by this Assembly and formulated the regulations which are effectively how the rubber hits the road and, so to speak, and I look at numerous pieces of legislation that have been, been passed by this House dating back to the very, very early days of, of this

government. There are sections of, of acts that were passed in the very first session of the New Democratic Party's ascension to, to, to government.

* (16:10)

And, and I look at the—there's portions of the victims' rights amendment act that this government heralded as, as groundbreaking and one that they were so proud to pass in this Assembly, and yet is not completely enacted. And, in fact, the—their various acts that, that are still sitting, waiting for this government to take action, the entire acts.

I, I look at, at a bill that was passed in 2006. The entire act of The Personal Investigations Amendment Act (Identity Protection) is not proclaimed and it is not law yet here in the province. And yet three years has passed since this government passed this legislation through the, through the House, with, with the support of, of the members on this side of the House. And, in fact, we, we are now looking at legislation that is in the amending acts that aren't even proclaimed, that aren't even in place in the first place.

So I, I want to really look to this government and, and ask, what are they doing? They obviously do not know what they're doing. And maybe there—this is time for a change because if they cannot even put in place legislation that they passed almost ten years ago, that really brings into doubt their capabilities of governing. And, and if members are, are wanting to, to look at the various legislation that, that still remains in, in entirety, entirely not yet in law—we, we even look at last year where the, where this Minister of Conservation (Mr. Struthers) stated in this House how proud they were in passing the legislation of, of, of reducing the phosphorus in our waterways. The entire act is yet to be proclaimed. How long does it take?

I look at the members across the way. How long does it take to get regulations in place to put in—to actually see the legislation that's gone through into law? You know, I, I'd like to, like to look at the, the Member for Southdale (Ms. Selby) and say, oh, yes, we passed the phosphorus reduction law and I'm so proud. Yet I'm sorry I lack the understanding how to actually make this law take place. I have no idea. I'm all about spin. I'm all about public relations. But don't ask me how to make sure the law that I passed actually gets enforced, actually comes into play and is proclaimed. So the phosphorus reduction legislation that the government heralded and

promoted is not even law yet because it's awaiting proclamation.

And that's what I'm afraid of with the Bill 29 that's before us this afternoon because, once again, there is no commitment, none whatsoever, by this government to actually make this law come into force. Because it remains unforced, not actually law until it is proclaimed. And this government is woefully inept when it comes to proclaiming legislation that is passed by this Assembly.

Mr. Speaker, thank you very much for the opportunity.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 29, The Environment Amendment Act.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

**Bill 32—The Centre culturel
franco-manitobain Act**

Hon. Gord Mackintosh (Minister of Family Services and Housing): I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that Bill No. 32, The Centre culturel franco-manitobain Act, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Speaker: It's been moved by the honourable Minister for Family Services and Housing, seconded by the honourable Minister for Agriculture and Food, that Bill No. 32, The Centre culturel franco-manitobain Act, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Kelvin Goertzen (Steinbach): What a pleasure it is to rise this afternoon to speak to this bill. Members will know that Manitoba has one of the largest francophone-speaking populations outside of, outside of Québec, and, as such, we—we've taken many opportunities to recognize that distinct culture and that distinct heritage that we have here in Manitoba. And we always need to ensure that we recognize those who are representing our second official language in, in Canada.

I know, in my area in particular in southeastern Manitoba, there are many communities that have a very strong Francophone background, and they are very proud of that background, their language and, and the heritage and the culture that follow from it.

I've had the opportunity to, to attend many different cultural events in these communities, and you learn a lot about the background and the pride that they have in, in the heritage and the ancestors that came to Manitoba and contributed so greatly. And there are so many different individuals who've made Manitoba such a unique province.

And those who represent the Francophone community are, are certainly one of them and they, they show that in, in a variety of different ways and their pride shines through. And so when we have the opportunity here as legislators to, to find a way to, to represent and to make special attention and give special merit to those individuals, that we need to take that opportunity.

The Government of Canada, of course, has done a number of things to strengthen our bilingual country and to ensure that our second language remains strong and vibrant throughout Canada, and often we, we forget that it's not simply Québec that has a strong presence of those who are—would declare French is Franc—is their first official language as, as their tongue of choice, mother tongue of choice.

And we need to recognize that really across Canada, there are many individuals who declare the Francophone culture as their own. And we need to find ways to support that and to nurture that and to find ways to, to ensure that that remains rich and vibrant.

And, you know, it's always hard to select and single out one particular heritage or culture or language for recognition because Manitoba is really a diverse province and in every area of, of the province, we see there, there are individuals who proudly display their culture.

You, you know, even in the community that I represent, there's a growing diversity. Many individuals would say that German is their, is their first language, and they've come to our country from others across the, the world—but, also, you know, it's changing in the Steinbach community and in the region, there's many Filipinos who are coming to the area.

And I have the opportunity quite often to meet with the Southeast Filipino Association, and while I'm mentioning that, I want to mention, in particular, Jorie Morriveau, who just stepped down as the president of that, of that association, but did a tremendous job nurturing it over the years as many, many Filipinos are coming into our region.

And my wife, Kim, and I have had just a great opportunity to meet many of the new families coming from the Philippines into the Steinbach region and getting to know them as friends, I would say, Mr. Speaker. We've gone to some of the Christmas parties that they've had. They have family days that they celebrate in the summer, and together with my wife and our son, Malachi, we've gone to these events and, and learned so much about the country that they came from, and why they decided to come to Canada and to make a home, why they thought it was a special place to bring their families and the opportunities that we have as a, as a country.

* (16:20)

And the fact that we're inclusive, and when we look at our bilingual nature and the fact that we have two official languages, it speaks to that inclusivity about the desire to build a country that speaks with one voice as Canadians, but, in fact, has many different backgrounds of people and of individuals, and to respect that and to consider it something that we're proud of and yet to still find a uniqueness and a, a distinctly Canadian voice in that is always something that we look for and that we are challenged by. You can go to other areas of the province and see the strong Icelantic background and, and those who've come—[interjection] Ah, the Icelandic background, and I appreciate the Member for, for Gimli (Mr. Bjornson) bringing forward that correction.

And you know, this is something that is a bipartisan discussion. Each of us, I think, if I look around at the different members of the House, I'm sure that each could get up and to speak of the culture of their area and how it's distinct and how it's unique and the individuals who've come to their areas and how proud they are of the people that make up their communities. And I, I think it's good to have that bipartisan discussion sometimes because, unfortunately, sometimes, you know, members just have a partisan nature, and I try to bring a more—a bipartisan approach to the House sometimes and a more inclusive and a less, less aggressive approach to some of these issues.

And so, when we look at the issue of, of those who come to Manitoba to—from other areas to build a strong province, we need to ensure that we not only recognize that, but that we celebrate it. And all of us, I think, could do well to find our way to different events and community events that celebrate the different cultures that make up that community, 'cause we could all learn from it. And I'm always fascinated when I, when I go to these celebrations that no matter what the, the culture, what the background is, there's such pride in it and there's such pride in the traditions and there's—whether it's—you're looking at the variety of different foods that the different cultures have or the music or the dance or, or the language and all the different areas that we find when we look at the different cultures. There's a tremendous amount of pride, and I think it's always one of the, the greatest things when we see that being passed down to the children, the next generation, and there's a, there's a great deal of effort that's made to ensure that the younger generation gets a flavour and gets acclimatized to some of that culture, that it's not lost, because, as it gets lost from generation to generation, I think it's a loss for all of us, not just the one individual or not just the one culture.

We know full well, of course, some of the celebrations that get focussed around that in Manitoba. the celebration of Folklorama, for example, where people come from all over the country and all over North America to get that flavour and to get that, that sense of the different cultures that, that we have here in Manitoba and that celebration, and we always welcome individuals from across the country and North America to participate in that celebration, that festival of friends, that festival of, of different cultures over, over that time. And—but when it's not just that limited period of time, it's not just a few weeks out of the year. I think that that celebration continues on in all of our communities, whether it's through community events or sometimes just through, through smaller gatherings, from person to person and from group to group.

And, and, of course, the Francophone community is one of those groups with that rich heritage and, and they bring forward the, the diversity, the uniqueness, the history, the culture, all of those contribute to the fabric that is Manitoba. And many of the centres that we have throughout our province are designed and designated to support individuals from different backgrounds and, and, you know, they, they get government support and they

get community support and that's valuable and that's worthwhile, and I think we need to always measure the, the strength of our province by the individuals who are in it and the backgrounds that they represent and that they're here to, to support.

And if we can support these centres, whether it's in, in Winnipeg or throughout Manitoba—and ensure that there's a, a common place to gather and to share experiences and to have events, then we're benefiting our children and our cultures into the future, because there is a danger that we could always lose that into the future if we don't have that mindset, if we don't encourage it and nurture it. And sometimes it's not easy and we wish, Mr. Speaker, that those traditions that we've had from our past, cultures from our past, heritage, could easily be maintained, but it, it does sometimes take a degree of effort. It doesn't always come easily. There's not always that, that initial interest from the younger generation to keep that, and so you need to do our best, do the best that we can to encourage it along day to day. And so having centres, having festivals, having activities, all of these things are an important part of it. And I think that Manitoba really is gaining a reputation nationally and internationally as being a multi-cultural, diverse province. It's something that we take pride in. It's something that we advertise. It's something that we try to attract others to our province to take part in and to celebrate and see the importance of it.

So this act and many other actions—of course, it's not just pieces of legislature—or legislation that achieve this, but it's our collective actions as a community, our collective actions as a province that ensure that we have the strength of culture, that we have the strength of diversity.

And so we'll see this particular piece of legislation, I expect, move forward this afternoon and move into legislation, but we need to be mindful in the future of other things that we can do to try to strengthen culture. I think back to our own region with the current immigration that we're having in the southeast part of the province, and there are challenges there for individuals who are coming into, into Manitoba, a variety of different challenges.

Some of those challenges, of course, relate to just settling into a new area, a new place, Mr. Speaker, and we forget because those of us who have spent our lives here have no sense, perhaps, or appreciation of how difficult it is to come to a new country and to try to start fresh and try to start all

over and to start, start new again. Even though Canada has so many advantages for those who are coming to it, that doesn't make it easy. It might make it easier than if you were in another place, but it doesn't make it easy.

Often these individuals are coming from other countries. These new Canadians have a certain set of skills that they obtained in the country that they were in before, but they're not always completely applicable here in Canada. They might have left their country believing that the skills that they learned, that they could seamlessly move into Canada and have the same sort of skills, but it's not always possible. They aren't able to get the same certification, and that leads to a level of frustration because they find themselves not unemployed; they're perhaps underemployed. They're not employed in the field that they would hope to be. They're not employed in a particular area that they were educated to be employed in, so that breeds a level of frustration.

I know—I had the opportunity to speak to the former president of the Philippines, Fidel Ramos, sometime ago and one of the things that he was talking about was the need to perhaps have a training establishment in the Philippines to have the proper standards training for those who were coming to Canada so that there wouldn't be that disconnect, so that if you had the training that was set up and run by individuals from our country so that the right standards were in place, then when individuals were immigrating from the Philippines to Canada, which the Philippine government is encouraging, then you would have a seamless transition. That might be important to look at.

And so there are a lot of different ideas that we could come forward with to try to ensure that there's a smooth transition from the countries that individuals are leaving into our country, but we need to be mindful that it's never going to be easy and the support has to be there in place. Often, especially for the young children, they go into schools and they might not have the English skills. They might not have the adaptation, and they go into this environment where there are other young children and that can be a difficult—that can be a difficult time. It's often a difficult time for young people who are going into a school, but it's particularly difficult when you've come from a different country and you might have the language barriers and all these other barriers that get set up and get put in place.

And so, you know, we encourage immigration and certainly members of our party—I think of the Member for River East (Mrs. Mitchelson) who was instrumental in bringing forward the Nominee Program, something that's been adopted and expanded under the current government. We appreciate that and we support that, that the Nominee Program, which was set up under the former Conservative government, has found the success that we always believed that it would have and that's being modelled now across the country.

* (16:30)

But when you support immigration and when you try to increase the numbers of individuals who are coming to Manitoba, you need to have the support in place, the financial support to ensure that individuals can do it in a way that works, in a way that's respectful, and in a way that makes the—makes it attractive for others to come to our province from their various countries.

And so we look to the government to say—it's not enough just to, just to say, well, the doors are open and we welcome people but to ensure that those supports are in place. That means new schools and that means infrastructure and that means places to work and to live and to play. All of those things are important, that infrastructure to be in place. I know that the Minister of Education (Mr. Bjornson) recently announced two new schools in the Steinbach constituency, well-deserved and well-appreciated announcements, and I've said that to the Minister of Education. That's nothing new. Tho, tho, those were good announcements. They needed to be done.

But the reason that we needed those schools is because of the growth and the immigration that's come into the areas, and while we wish they would have come a little sooner, we're still glad that they're coming. And we know that there'll be other requests to the Minister of Education for more schools and we hope that, that those will come as well. But the support simply has to be there if you're going to continue to have the, the immigration, people coming to the country.

So, with this bill, we recognize, of course, the, the Francophone culture, the English culture, the emergence of the two official languages but also recognize that there are many other individuals who are now coming to Canada to try to make a home and to establish their own families and their own networks, and they need our support as well.

So we appreciate the work that can be done to strengthen all the different cultures in our province because through that diversity I think we find strength, and through that diversity I think we find a uniqueness, and through the diversity I think we find a common voice of what it is to be a Manitoban and what it is to be a Canadian.

So, with those words, Mr. Speaker, I look forward to hearing comments that my colleagues or others might have regarding the bill. Thank you very much.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill No. 32, the centre culturel francophone-Manitoba act.

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

An Honourable Member: Agreed.

Mr. Speaker: Agreed and so ordered.

House Business

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I wonder if we might have leave to go to report stage, third reading of Bill No. 7.

Mr. Speaker: Is there leave to go to proposed amendment to Bill No. 7? Is there agreement?

Some Honourable Members: Agreed.

Mr. Speaker: Okay, there's agreement.

REPORT STAGE AMENDMENTS

Bill 7—The Food Safety and Related Amendments Act

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Chomiak), that Bill No. 7 be amended by adding the following after clause 10(2): Entry to private dwellings 10(2.1) An inspector may not enter a premise—a private dwelling except with the consent of the owner or occupant or under the authority of a warrant.

Mr. Speaker: Okay, I'm going to move the motion as printed, okay?

It's been moved by the honourable minister for agriculture and food, seconded by the honourable Attorney General,

THAT Bill 7 be amended by adding the following after clause 10(2):

Entry to private dwelling—

An Honourable Member: Dispense.

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

10(2.1) An inspector may not enter a private dwelling except with the consent of the owner or occupant or under the authority of a warrant.

Ms. Wowchuk: Mr. Speaker, I would just like to put a few comments on the, on the bill here at third reading.

Mr. Speaker, food safety is a very important issue and the act will really provide the authority for Manitoba—for Manitoba Agriculture, Food and Rural Initiatives to work with its provincial partners, its federal counterparts in the industry to ensure that our food is safe, and this is a very important issue to our producers.

Mr. Speaker, I do want to, at this time, thank people who made presentations, particularly the Women's Institute who had some concern, and we were able to address them, and Keystone Agriculture Producers, as well, who, who raised a few issues and we were able to amend, make a couple of amendments in the, in the, at the committee hearings, and after reviewing the comments that were made, we decided that it was important to clarify the bill by making the amendment that's, that's here.

And Mr. Speaker, this bill with these amendments will now allow, this act will provide the bill—the tools that are really necessary to enable the Province to take steps to carry out the important task of food safety and ensure that operations that are doing commercial operations are, are, are operated on, under, in a very safe manner. Ultimately, all of us want to ensure that food that is produced in this province is, is produced in a safe manner, and this act will establish a licensing regime for food premises regulated by my department, including food warehouses, distributors, processors and these pre-premises will be given the appropriate time to transfer into the new regime, but, ultimately, it's about, we will be—we will be appointing and designating inspectors, as is spelled out in the act, and there will be some, many of the issues that were

raised will be, will be addressed and put in place under regulation. Thank you.

Mr. Ralph Eichler (Lakeside): In regards to the proposed amendment to Bill 7, I do want to just thank Keystone ag producers for bringing this forward. I know that the minister had referred to it as a result of the committee meeting on this past Thursday, where it was brought forward, and the Keystone ag producers had talked about the producer's office, as most of us know, those offices are, in fact, part of their homestead and they strongly oppose that the personal privacy that was brought as a result of that may be very important.

And so this amendment, the way it's been brought forward by the minister, is significant, and we certainly would encourage all members to support this particular change in the bill, in regards to Bill 7, as we know that the offices can sometimes become a kitchen table, and most of the time, as we know that the business that goes on in regards to the farm is done at the kitchen table, either by the wife of the household, the husband or in discussion with the family, and so this is a personal space of theirs, and certainly this makes it very clear that any inspector cannot enter a private dwelling without the acceptance or consent of the owner or occupant under the authority of the warrant.

So we look forward to moving forward on this amendment and debate the bill in detail a little bit later, Mr. Speaker.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Minister of Agriculture and Food.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

CONCURRENCE AND THIRD READINGS— AMENDED BILLS

Bill 7—The Food Safety and Related Amendments Act

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, by leave, I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that Bill No. 7, The Food Safety related—and Related

Amendments Act; Loi sur la salubrité des aliments et modifications connexes, as amended and reported from the Standing Committee on Legislative Affairs and subsequently amended, be concurred in and be now read for a third time and passed.

Mr. Speaker: Does the honourable member have leave to move Bill No. 7?

An Honourable Member: Agreed.

Mr. Speaker: Okay, it's been agreed to. It's been moved by the honourable Attorney General, seconded by the honourable Minister of Agriculture and Food, that Bill No. 7, The Food Safety and Related Amendments Act, as amended and reported from the Standing Committee on Legislative Affairs and subsequently amended, be concurred in and be now read for a third time and passed.

Mr. Ralph Eichler (Lakeside): I do want to put a few, few more comments on, on the record in regards to Bill 7 as a result of the committee meeting on this past Thursday.

As we're very much aware, the minister did respond in a positive manner with four amendments in regards to Bill 7. Again, this came as a result of the committee meeting. The first one was in regards to clause 10, subsection 2 of the bill, amending and strik-adding: and giving receipt to the person of whom they were taking, and after, be must.

* (16:40)

And, again, that was another recommendation that was brought forward in the presentation of the Keystone ag producers. And, certainly, I want to commend the farm organization, Keystone ag producers, for the hard work that they've put in to having a good hard look at this particular piece of legislation, as well, they do all of them.

And the second amendment was brought forward in regards to Bill 7 was that clause 15, subsection 3, that the bill be amended by striking out seven days and substituting 14 days. This is significant when you look at the number of days that are allowed in regards to this particular clause and certainly gives that extra edded-added seven days, which is actually double the response time in regards to ensuring that there's adequate time line in order to ensure that those decisions be made in a way that was going to be in the best interests of producers and that of the consumer.

Ms. Marilyn Brick, Acting Speaker, in the Chair

Now, also as a result of Keystone Agriculture Producers' comments and presentation, clause 20, subsection 1 also was changed, and that reads that: no action or proceeding may be brought against a person who in good faith (a) complies with a request or requirement to report or provide information under this act; or (b) voluntary reports or provides information about food safety risk under this act.

Again, that's certainly significant as well, and we know that the information that was passed on to us as a result of a number of presentations that was made that particular night, not only from the Keystone ag producers, but other presenters as well, and some that weren't there.

One in particular we had to move forward and that was in regards to a presentation made by Glen Koroluk in Beyond Factory Farming and brought up a number of interesting ideas as a result of what they saw in regards to Bill 7. In a summation for the House, I can certainly let the House know that they were very concerned about the powers of the minister in regards to her power as a result of bringing Bill 7 forward, and certainly I think that we know, on this side of the House, that we have to have that consultation. We've encouraged the consultation process not only in the drafting of Bill 7, but also in the drafting of the regulations which is under way now, Madam Deputy Speaker, as I understand it, and certainly we know this bill will be passing by this Thursday, whenever the House rises.

And we know that everybody in the province of Manitoba, we have a wonderful product. We have a product that's world renowned, world known for our quality, but we also need to take it to that next step and that has to do with food safety, and this bill does deal with that. In fact, it's just right on the heels of "Food Traceability, Not a Food Safety Issue" that was symposium that was just had in the city of Winnipeg here, sponsored by the Richardson Centre. I know that the Cargill CEO, Len Penner, took part. I know that Dr. Hill Hobbs-Jill Hobbs, from the University of Saskatchewan was involved in that as well, and also Dr. Michael Trevan from the University of Manitoba as well.

Also, I do think it's, you know, part of my responsibility as a critic for agriculture to talk about the Women's Institute that made a su-submission as well in regards to definitions and inspectors and that type of thing, and actually, they had a very good suggestion in regards to the qualifications of the inspectors, and I know the minister encouraged them,

that the definitions were that was covered off in a way that she felt that it was certainly made sure that they did have the necessary requirements in order to be an inspector, and there was a strong suggestion that maybe that be looked at in regulations and part of the training process that, that, is, is, is in becoming an inspector for the department.

I had talked just briefly ago in regards to the traceability. I think it's important that, that we have time here, Madam Deputy Speaker, in regards to the comments that was put on the record in regards to the CEO, Len Penner, who says that enhanced traceability offers three key advantages but won't impact food safety. One is it can help us enhance our competitiveness. In Canada, the majority of products that we work with have a far greater capacity to produce than we have to consume with 35 million people in Canada.

So we have an opportunity. We have a need to be in the export marketplace. So how does the traceability system allow us to become more competitive in that particular space?

The second key value that he says co—could get some traceability wouldn't be in the area of a system that helps in the supply management side. This does allow us to identify preserve commodities that move through the system to deliver integrity in products that we know we can deliver the premises and the claims are being made by that particular food.

Then third area is one that I would almost put in the defensive area, that being a good traceability system will add value if it allows us to minimize the impact of mistakes that are made in the system and allowing us to wrap our arms around the problem quicker, faster, minimizing recalls on products that should not be out there.

Penner also goes on to say he believes that food, safe food, depends on imple—implementing processes with relentless determination. He says that traceability can provide the confidence that everything has been done to ensure products out there are safe. So I think it's imperative, I think he makes some very interesting comments in regards to, to the traceability of food and, and the safety of that food.

Mr. Speaker in the Chair

Also it was interesting, as well, that at the same symposium, Dr. Jill Hobbs that I had spoke about earlier from the University of Saskatchewan, for the record, as well, I'd like to read the news clip that was

put into, into that particular initiative as well as we found from Jill Hobbs, that we found that there was a sizable group of people that we surveyed that definitely trusted the government. That doesn't mean government has to do any—everything. If there is a government backed by quality standard we found that a lot of Canadians would trust that. Again, in some cases other people would trend—tend to trust third parties.

When we looked at what explains trust, it was extended to which organizations were seen as knowledgeable to the extent of which they were seen to be transparent and accountable and then lasting the extent of which we would be seen to act in consumers' best interest.

That really sort of varies across whether people trust government more than they trust food companies or they would trust third parties and so on but, basically, looked at what we are knowledgeable, we are seen to be transparent and accountable, are they seen to represent consumers' best interest. From this perspective our industry a food company help can manage companies gain customer—consumer trust. It was really a sort of working on showing that they can act in consumers' best interest. For example, one was a way which food companies could create more trust among consumers.

And the last one that I certainly want to talk about is Dr. Trevan from the University of Manitoba and his comments were also quite fulfilling in, in information as well. And I'd like to put this on the record as well. Indrus—industry can benefit from it if it can demonstrate that it's able to add value to a product because it can say exactly where it come from, where it's been, how it's been handled all the way down the food chain.

The consumer can benefit because they have the confidence in the fact that they know this. For example, a piece of beef comes from Manitoba and that's what they want to buy as opposed to a piece of beef that comes from Brazil. That's a simplistic example but the perception of the benefit is actually fact and quite, really quite important thing here in which way food contains have developed particularly in Europe where there's a marketing technique that actually has been in place for a long time where essentially that supermarket says, look, here's a little booklet about Fred who produces a piece of cheese in his sort of way in the middle of England. For example that we have that system says that we know

then this cheese was made by him in these particular dates.

That sells a product at a premium price but also the producer gets a premium price for the value that is enhanced all the way through the food chain, and the customer gets something that they appreciate as well and is prepared to pay for more on that particular, particular product. The result of that, knowing where it comes from, that it's safe, that it is traceable.

Also I just also think that it was interesting in reading the presentation that was sent in by Maple Leaf Foods and the last part of their presentation, second last part, I think it's important to put on the record in regards to Manitoba Maple Leaf Foods that have their, their, their offices and facilities here in Manitoba. It says that all of our facilities in Manitoba are federally registered and inspected so they fall outside the scope of Bill 7. However, we support the provincial government's efforts to clarify and strengthen food safety standards and their enforcement to ensure that all food premises are regulated to a similar standard. So we also urge Manitoba for the support, national harmonization of meat hygiene standards, meat inspection and meat registration requirements.

* (16:50)

Mr. Speaker, in regards to the dairy producers, they had a very interesting presentation. I think that all the members of the committee certainly thought that they did a fantastic job in their presentation.

And one was the—that was brought forward—was the issue of liability in regards to the washing of the interior and exterior bulk milk trucks to ensure the safety of raw milk and ultimately the finished product for consumers. And we had a number of questions in that regards. In fact, they go on to say that clause 44 states that uses of a tank truck or station and the equipment and materials at the plant are restricted to the cleaning and sanitation of the interior of the tanks and equipment they're on washing the outside tank trucks. And 42 states that the use of truck tank wash station and equipment and materials for cleaning and sanitizing tank trucks shall be made available by the operator of a plant without charge to operators of tank trucks delivering milk to the plant. And, as a result of that, they believe the dairy regulation which will be included in the food safety act should be revised to reflect this.

It goes on to say that the dairy farmers of Manitoba also believes that the safety and integrity of raw milk supplied depends on accurate, reliable and the most up-to-date technology for testing of all raw milk antibiotics. Antibiotic testing, Mr. Speaker, in regards to testing is conducted at the processing plant before milk is inload-unloaded, and also because the dairy farmers of Manitoba are committed to producing milk, according to standards they're amongst the highest in the world, it is rare for a truckload of milk to test positive for antibiotics.

And most of the dairy producers are covered by HACCP, which is a federal-provincial program I believe is part of, partly processed by the, the Province of Manitoba. And I know one of our family businesses in regard to, to the turkey business certainly has been HACCP certified for quite some time. And we certainly see the value of that. We, we encourage all businesses that are involved in food safety certainly take initiative and, and try and look at either becoming HACCP certified, if not certified in some way through their own organization, to ensure that we do have the best quality, the best safety mechanism in its place to ensure that we do carry forward in regards to ensuring that the safest possible food safety elements are in place to sustain our particular industry.

A couple of things that didn't get changed in regards to the Keystone Agricultural Producers' request and that was regarding part 6, enforcement of 27(1)(2), and it talks about depreciation between corporations' individuals relating to the penalties for an offence under the act. It goes on to say, we understand and appreciate the intent to make large corporation entities pay higher penalties, but for a variety of reasons put in succession planning, many of the province's small farms are legally incorporated. The penalties should be related directly to the scope of potential negative impact and not on the system of ownership. Small family—a small family run farms with limited potential to do harm could be penalized the same level as large corporate processors who offences cause problems, problems on a wider scale using a major—measure of volume or value of sales could be more suitable way of making this distinction.

And the second part that never got implemented into regards to amendment was in regards to part 7 in the general provisions under section 31(1)(a), an operator of food premises required to pay for testing

of food, other things or storage removal, disposal or return of any food or any things required or authorized under this act.

We do not believe that producers should be responsible for these costs when they do not commit an offence under the act or they are not found to have produced an unsafe crop. This again relates to our position that producers should not be fully responsible for the cost associated with provision of safe food. The burden must be shared among industry, consumers and government.

And that was submitted on behalf of Ian Wishart from the Keystone Agricultural Producers.

Mr. Speaker, we all know and understand that, that food safety is that most importance—and we looked at the, the intent of the bill in regards to Bill 7 and we all want to be ensured that we have the safety in mind of food processed and grown in this particular province, and, certainly, we on this side of the House are in favour of supporting Bill 7. We certainly want to commend the, the, the presenters that brought their ideas and comments forward in regards to Bill 7 at committee that was on this past Thursday, and certainly want to ensure those, those presenters that their message was heard loud and clear. And we certainly would want to encourage the minister and her staff to definitely take to heart the, the, the hand that was extended out in regarding making sure that the regulations be drafted in a way that would be sustainable, not only for the industry but for the safety in the long term without having to

bring back legislation to make those necessary changes.

So, with that, we look forward to moving forward with Bill 7, the passage of it, Mr. Speaker.

Mr. Speaker: House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill No. 7, The Food Safety and Related Amendments Act.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Mr. Chomiak: Mr. Speaker, insofar as this committee starts again at 6 o'clock, I wonder if you could call it 5 o'clock.

Mr. Speaker: Is it the will of the House to call it 5 o'clock?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Okay, the hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 8, 2009

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