



First Session - Thirty-Seventh Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

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ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
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CALDWELL, Drew, Hon.	Brandon East	N.D.P.
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WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 8, 2000

The House met at 10 a.m.

### PRAYERS

#### Introduction of Guests

**Mr. Speaker:** Prior to Orders of the Day, I would like to draw the attention of all honourable members to the gallery where we have with us from Grant Park High, 70 Grades 7 and 8 students under the direction of Mr. Julien Rhoda. This school is in the constituency of the Honourable Minister of Culture, Heritage and Tourism (Ms. McGifford).

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

### ORDERS OF THE DAY

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call the following matters. First, under second readings there will be three bills, Nos. 16, 29 and 31, and then on debate on second readings all of the bills listed on the Order Paper beginning with Bill 8 to Bill 27, and then Bills 5, 6 and 7.

### SECOND READINGS

#### Bill 16—The City of Winnipeg Amendment Act (2)

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh), that The City of Winnipeg Amendment Act (2), Bill 16; Loi no 2 modifiant la Loi sur la Ville de Winnipeg, be now read a second time and be referred to a committee of this House.

#### *Motion presented.*

**Ms. Friesen:** I am pleased to introduce for second reading Bill 16, The City of Winnipeg Amendment Act (2). Bill 16 arises from the deterioration that we have seen in the city of

Winnipeg during the years of the previous government, and it attempts to work with the City to develop some options for the City in dealing with many of the very difficult situations that it finds in some of its inner city neighbourhoods. It proposes several amendments to The City of Winnipeg Act to support the City's efforts to revitalize older neighbourhoods.

As a result of these amendments, city officials will have the tools they need to deal with property issues and to enable residents and homeowners in their efforts to maintain their neighbourhoods. This bill will also allow the City to react quickly and effectively to conditions that they have identified that did contribute to the arson difficulties that the city and the province faced over the past number of months.

The Bill contains a number of important features. It will allow the City to pass a by-law regulating the maintenance and condition of vacant houses and buildings, including providing for inspections of vacant buildings and imposing limits on the length of time buildings can be boarded up. It will streamline the process for buildings deemed unsanitary or uninhabitable and brings these into conformity with The Public Health Act.

It will enable the City to take action immediately in an emergency to eliminate dangerous conditions in a building or on a property. It will authorize the City to require occupants to vacate dangerous or uninhabitable buildings. It will provide a uniform process for serving owners and occupants of dangerous, unsafe or unsanitary buildings. And it will ensure that where a building could be demolished if the owner fails to comply with a repair order, the owner is notified of this possibility in the order, served with the order personally or in accordance with a court order. Mr. Speaker, Bill 16 builds on Bill 2 which we introduced in December 1999 and which was received, I think, with great enthusiasm by community groups in the city as well as by the City of Winnipeg.

Bill 2, if you remember, empowered the City to register a variety of orders against the title of the property that they affected. Like Bill 2, these amendments were requested by City Council in its action against arson, combating arson in Winnipeg. That document reflected the opinions that the City had heard over a number of years, as well as most immediately in the months surrounding the arson issue. It reflected consultations with the public and with all departments of the City administration. Equally, many community groups have, over the years, suggested many of these amendments and that has come from different parts of the city.

I want to emphasize that although the City requested these amendments last fall in response to an immediate arson crisis, they are not limited to situations in which arson is an immediate threat. Rather they are intended to address the long-term issues that the City is facing. It addresses a variety of building and housing conditions that have contributed to the decline of some neighbourhoods.

For example, several amendments grant the City a streamlined authority to deal with residential and non-residential buildings that are dangerous or unsanitary. Dangerous and unsanitary conditions are a threat to occupants of the premises but they also equally, of course, pose a threat to others in the community. Moreover, they undermine the efforts of residents who are committed to their neighbourhoods and want to see them flourish. By facilitating the work of the Medical Officer of Health, as well as fire and building inspectors in requiring that buildings be brought up to code, these amendments will ensure property owners meet normal standards of health and safety, thereby supporting the efforts of residents who are working hard to revitalize their neighbourhoods.

Another important feature of Bill 16 is the authority it gives the City over vacant and boarded up buildings. Vacant houses can have a tremendously negative effect on any neighbourhood. They contribute to a poor image both for those who live there and those who see it from the outside. They do, in many cases, reduce property values in the neighbourhood. They affect the tax assessment and hence the city tax

revenue. Sometimes they can create concerns throughout a neighbourhood for personal and property safety.

Bill 16 empowers the City to pass a by-law to regulate the condition and maintenance of vacant buildings. Such a by-law could set out appropriate means to secure the buildings, provide for inspections of vacant buildings, including their interior, and restrict the length of time a building could be boarded up. Such a by-law could give the City a tool to assist local residents in dealing with abandoned or boarded up houses in their neighbourhoods. The Bill also provides adequate notice to owners when repair orders are issued, and it allows for appeal. It ensures that no building will be demolished without the owner having been given clear notice or indeed served in accordance with a court order.

Our government understands how important safe housing and safe neighbourhoods are to the residents of all parts of Winnipeg. We also recognize this as an issue for all Manitobans. Winnipeg cannot thrive without a strong and vital inner city and strong neighbourhoods, and similarly the economic condition of Winnipeg is of great significance for all Manitobans. Manitoba will not be able to thrive unless the core area is revitalized and the historic and valuable neighbourhoods in the inner city are renewed.

Residents in the inner city should be able to expect the same amenities that other neighbourhoods now enjoy, safe streets, accessible recreational facilities, career options for young people and homes that they can expect will retain their value in the years to come.

Mr. Speaker, when the arson issues were first dealt with in this House, we quickly passed Bill 2. The Minister of Labour assigned fire investigators to an arson task force, and I know that in talking to some of the people who have been working on that arson task force that that has made a difference. It has made a significant difference to the city fire department and the police department in their ability to deal with some of the rapidly escalating issues with which they are faced. I want to congratulate the City for its continued efforts to work on that and for its

continued efforts to assist inner city residents in transforming many aspects of their community into places that are vibrant and exciting places to live.

\* (10:10)

We are pleased to work with the City on many of these issues, and we are, as I have said many times, working very co-operatively, very closely with the City. We believe that this is one of the important responsibilities of the provincial government. As this bill shows, we need to work together with the City continuously so that they have the additional tools that they believe they need to get the job done. This bill will provide the City, its communities and its council with some of these tools.

Mr. Speaker, in conclusion, I recommend this bill to the members of the Legislature for their consideration and adoption. Thank you.

**Mr. Doug Martindale (Burrows):** I am pleased to have the opportunity to put some remarks on the record on this important piece of legislation. I have spoken many times in the past about the problem of vacant and boarded up houses in the inner city, but it gives me great pleasure to be able to speak to a bill that addresses this problem. In the past I could only complain about it. Now we can do something about it. So I commend the Minister and this government for taking action on this problem, action that is long overdue.

I was once told by my friend Carl Ridd that I am a concrete thinker, so I am going to give some concrete examples to illustrate the problem and why the legislation is badly needed. For example, in Burrows constituency, and members may have heard me use this example before, there was a vacant house at the corner of College and Parr. It was boarded up for 15 years, and I got many phone calls about that house. In fact, the Member for Kildonan (Mr. Chomiak) used to live down the street on Parr. He is probably familiar with this house. At one time, they tell me, it was a beautiful house. It was in the same family from 1909 until the time it was demolished. It was not drywall on the inside; it was plaster. It was a 12-room house. It was two

and a half storeys, and it probably could have been rehabilitated. In fact, when the public health inspectors did get in, they said that it probably could be renovated and put on the market again.

The problem was that the owner moved to Florida, and then she died. It was in the estate of her son and he wanted to sell it. I wrote him a letter and put in my letter all the comments that the neighbours made about this house, all of which were derogatory. People said that it was an eyesore, that it was lowering their property values, that it was a fire hazard, that kids were breaking into the house. This house was a problem in their neighbourhood. The owner wanted to sell it, but he wanted \$60,000 for it. He had had an offer for \$40,000. I tried to point out to him that property values in the north end were going down, they were not going up, and that he would be extremely lucky to get \$40,000 for this house, and that he should have sold it when he had the opportunity. I even sent him pictures of the graffiti on the house, how the hedge had grown up and overgrown the sidewalk, and the grass was uncut and there was graffiti on the garage. The owner ultimately did not do anything. In fact, he died, and I was contacted by the executors of his estate.

Apparently, there was no follow-up with the City of Winnipeg. So there was a break and enter and a fire. Then there was a second fire, and the City of Winnipeg was able to get a demolition order because it was deemed unsafe. I am happy to report that this is the site where Habitat for Humanity built two new houses. I took part in the construction of those houses, including during the election campaign. People were rather surprised to see me show up during the election campaign instead of out door knocking. I suppose it created some good will in the neighbourhood.

This house was not the only house that has been boarded up for a long period of time. It is not the only house that is a problem in the inner city or the north end. There are numerous houses that are boarded up. There are numerous houses that are empty, and there are numerous problem houses for various reasons that this legislation hopefully will address, and I think it will address.

For example, I received complaints about a house on Selkirk Avenue west of McPhillips that has been empty for 15 years, not boarded up, just empty. The storm windows are falling off and the grass is knee-high, until I phone the City, and then they send someone in to cut the grass and bill the homeowner. The homeowner is a lady in her eighties. The garage is vacant and has been vandalized. The city promised that they would get it demolished, but it has not been yet, at least not the last time I drove by. This same slum landowner owns another property closer to where I live that apparently is in good condition on the inside, and the outside is just totally covered with graffiti, just totally covered, every square inch of this house.

The City will not take action, and probably the reason is that they do not have the legal authority at the present time to force the landlord to do anything. For one thing, as was the case in the house at College and Parr, as long as the house is secure, the public authorities do not have the legal authority to go into the house nor to inspect the inside and then issue work orders, and Bill 16, the amendment to The City of Winnipeg Act, will empower the City.

In fact, one of the choices, I suppose, that our government had was that we could have amended The City of Winnipeg Act and we could have put all these powers in The City of Winnipeg Act, and we could have told the City what they could do and what they could not do. I think we had a choice, and we made a different kind of choice. We said that the City may change their by-laws. So as I read this bill, it is a piece of enabling legislation that enables the City to pass their own by-laws, and I think they are going to do the right thing.

I have always said that the Environmental Health department of the City of Winnipeg is the best department that I ever deal with as an MLA of any department of any level of government, federal, provincial or civic, because I can phone them about a complaint or about a house or about anything that is unsanitary or unsightly even, anything that infringes on City of Winnipeg by-laws, and they will go out and do an inspection. They will do it within 24 hours. They will phone me back and tell me what they did, even whether they issued work orders or

not. They are always in their office from 8:30 to 9:30 in the morning, and they have voice mail the rest of the day. They have cell phones, and they check their voice mail.

One time I phoned them about a complaint in the morning. I happened to be working at Habitat for Humanity on Ross Avenue, and the inspector personally came to see me at the Habitat work site the same day. I wish all government departments could give that kind of turnaround time, but I suppose it is not possible. *[interjection]* Or, as the Minister of Health (Mr. Chomiak) says, we are trying. I think a 24-hour turnaround time in most departments would be a miracle. Maybe it is a goal to strive for.

So I commend the Department of Environmental Health, and I think they are going to do the right thing. I think because they have asked the Province to amend The City of Winnipeg Act, which I see as enabling legislation, so that they are going to change some of their by-laws now, I think they will say it is reasonable to allow a house to be boarded up for six months or a year, or maybe 30 days. I do not know what they are going to decide, but it certainly will be a major improvement on a house being boarded up 15 years or indefinitely without the City inspectors being able to get inside.

So we know what the problem is. We know how the Bill addresses the problem. The specifics are to give the City the authority to pass by-laws concerning vacant, boarded-up buildings and to make it easier to inspect vacant, boarded-up buildings for by-law violations.

Now, these amendments were proposed by the City and by some of us as individuals, and I think it fits very well with the provincial government's Neighbourhoods Alive! initiative. You know, we are putting money into the inner city. I believe the three levels of government are going to invest about \$22 million in the inner city. People, I think, are quite realistic. People are saying to us as a government: You know, we experienced 11 years of neglect in the inner city, 11 years of Tory neglect, and your new NDP Government is not going to turn it around in six months. People are quite understanding about

that, because since 1993 there has been no investment in housing. *[interjection]*

If we went back to the polls, not much would have changed because they would re-elect us. There is another way of looking at that. People know that that government did not invest money in the inner city. It was not a priority. They know that this government is making the inner city a priority but that it is going to take time. It is going to take time to turn some of these problems around, but we are going to make a difference. We are investing money in housing, something the federal government eliminated in 1993.

In fact, I believe it was the Mulroney government that eliminated funding to the provinces for housing, and the Liberal opposition at the time screamed and yelled and said that this is terrible, no money for housing to the provinces. A short time later, they became the federal government. They have had, let me see now, at least seven budgets to put money back into housing and have not put any money back into non-profit or social housing, with one exception, and that is their emergency homelessness program where they are giving money to homeless people for shelters, for temporary accommodation.

\*(10:20)

Well, the members opposite want to talk about casinos. I would say that if the senior executives had not misspent money, the provincial government would have had more money to put into housing. One of the most important things that we are doing by way of Neighbourhoods Alive! is giving people hope. People are going to see the difference in their community; they are going to see the new houses going up, the houses being renovated on Alfred Street by Just Housing. Manitoba Avenue is going to be the scene of Habitat for Humanity who are building four new houses this summer. They are going to renovate houses so that it makes a difference on one street, and we are letting neighbourhood groups receive the money. They are going to determine the priorities and some very good groups. I do not know the names of all of them, but, you know, it is a matter of public record that the Inner City

Housing Coalition had a plan. They have brought together, I think, 21 different organizations in the inner city, and the money is going to flow to those organizations who are going to consult the people in the neighbourhood and do the right thing for their neighbourhood.

Most importantly, I think it is going to give people hope that there is a future in the inner city and that we can stop the decline in property values, which I think I spoke of in my last speech which probably was my budget address and talked about how this had affected me personally. I am happy to report that since then we have sold our house. We actually got what we asked for it, and we are pleased.

**An Honourable Member:** Where are you moving to? St. Vital?

**Mr. Martindale:** Well, I can tell the Honourable Member that we are not abandoning the inner city. We are not leaving the north end. We are moving six blocks, so we are staying in the north end, Machray Avenue, Burrows constituency, in fact, which shows that not only does this government have faith in the inner city and the north end, but I have faith in the inner city and the north end. Of course, I bought a house there, and I already live there, lived there since 1980. I am going to wind up these remarks so that we can introduce other bills and debate other bills, but I think that everyone will be pleased when the City of Winnipeg does amend their by-laws, and it does make a difference because they can inspect buildings, they can demolish unsafe buildings, they can issue work orders on unsanitary buildings. We will finally give the City of Winnipeg some authority to crack down on the small number, I think a minority, of irresponsible landlords who have been taking advantage of the loopholes, some very large loopholes in the current legislation, so I look forward to seeing what the City of Winnipeg does, but I have every faith that with the guidance of the staff at the Environmental Health Department, they will do the right thing. Thank you, Mr. Speaker.

**Mrs. Louise Dacquay (Seine River):** Mr. Speaker, I move, seconded by the Honourable Member for Russell (Mr. Derkach), that debate be now adjourned.

*Motion agreed to.***Bill 29—The Health Sciences Centre Repeal and Consequential Amendments Act**

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I move, seconded by the Minister of Industry, Trade and Mines (Ms. Mihychuk), that Bill 29, The Health Sciences Centre Repeal and Consequential Amendments Act; Loi abrogeant la Loi sur le Centre des sciences de la santé et modifications corrélatives, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Chomiak:** Mr. Speaker, several years ago, as part of the move to regionalization, the previous administration put in place a process whereby the Health Sciences Centre would become an entity under the direction of the Winnipeg Regional Health Authority. That process was entered into several years ago, and this is the culmination of that particular process. By virtue of this act, we are going to be repealing The Health Sciences Centre Act as well as making several small amendments in order to effect the change most notably dealing with some name-changing issues, some issues concerning taxation, that is to permit the new entity to continue to be exempt under The Municipal Assessment Act to allow for testamentary disposition of items towards the Children's Hospital Foundation.

I suggest, pending of course comments from all members of the Legislature, that this particular amendment will meet with approval of members of this Chamber as it continues a process and in fact brings in line in an administrative sense a process that has already taken place as the province moved towards a regionalized health structure several years ago. This is, I suggest, Mr. Speaker, a non-controversial issue with respect to implementation. It is effectively an administrative and legal procedure that is required to effect the change that has in fact already taken place, and I look forward to passage of this particular act and to comments of all members or suggestions that they might have in this regard.

**Mrs. Louise Dacquay (Seine River):** I move, seconded by the Honourable Member for Pembina (Mr. Dyck), that debate be now adjourned.

*Motion agreed to.***Bill 31—The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act**

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** It is my pleasure to move, seconded by the Minister of Health (Mr. Chomiak), that Bill 31, The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act (Loi sur le commerce et l'information électroniques, modifiant la Loi sur la protection du consommateur et la Loi sur la preuve au Manitoba), be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Ms. Mihychuk:** It truly is a pleasure for me to rise today and talk about Bill 31, our e-commerce, e-filing bill. It is a significant step for Manitoba and for the nation in terms of moving towards the new economy. I am pleased to make a few remarks on Bill 31, The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act.

In our budget this year, the Minister of Finance (Mr. Selinger) noted in response to changing requirements in the new economy legislation facilitating e-commerce will be brought forward this year. This is that promised bill, and its general purpose is to provide a framework to facilitate the development of electronic commerce in Manitoba.

\*(10:30)

Mr. Speaker, this was also a priority of our Century Summit, which we conducted shortly after being elected, where participants talked about the need for Manitoba to move into the new economy. Of course, the new economy is

focussed on high technology, the Internet, computers, the Web and the whole world of commerce in that sector. The Internet and electronic commerce have been expanding in recent years at explosive rates. There is little doubt that this growth will continue in years to come. Every day more and more Manitobans are using the Internet to do business, obtain information, purchase goods and services, communicate with family members, friends and interact with government. Many people no longer have time to wait in line or choose not to. Instead of going to banks to pay their bills, they do their banking transactions on-line.

Mr. Speaker, there are many members on our side who understand the importance of e-commerce and e-filing which refers to government's ability to interact with the public. Of particular note, I would like to recognize the work of my honourable colleague the Member for Elmwood (Mr. Maloway), who has done a lot of work on preparing this bill. Ensuring that it meets the needs of the citizens of Manitoba. I must thank him for taking a leadership role in bringing forward and preparing this bill for the House.

Increasingly, businesses are conducting transactions electronically, and consumers are finding goods and services on the Internet. Forrester Research, a Cambridge, Massachusetts, based technology consulting firm predicts global on-line sales will total \$6.9 trillion within the next four years. Statistics Canada recently reported that the proportion of Canadian households that had at least one regular Internet user jumped to 41.8 percent in 1999. Many businesses report significant productivity gains from using the Internet networks to create, buy, sell and distribute products and services.

Mr. Speaker, I had an opportunity to work with the West End BIZ in my own riding. We sponsored a breakfast meeting to introduce the Internet and its services and e-commerce to the local businesses in my riding. We had a great turnout, and there is a great deal of interest by small business owners, whom the majority of my business community are, in learning more about the Net. There is a strong recognition that it is the way of the future and that they must become part of it to remain successful.

On a global scale, electronic commerce is changing the way business is conducted. The Organization for Economic Co-operation and Development has said that global electronic commerce has potentially far-reaching economic and social implications for the nature of work, daily life, business-to-business relationships and the role of governments. The information and communications technologies underlining global electronic commerce is creating a new economic order, changing the way people participate in society as citizens, consumers, workers and entrepreneurs.

The OECD, along with a growing number of governments throughout the world here and in Canada, believe that for electronic commerce to flourish, it is necessary to build trust for users and consumers and to establish ground rules for the digital marketplace. This is what The Electronic Commerce and Information Act is all about, building trust and establishing ground rules.

The purpose of this bill is to facilitate both electronic commerce and electronic access to government in Manitoba. It also increases protection in certain circumstances to consumers who make purchases on-line. Many of our existing laws were developed for a paper-based system, and some do not translate readily to the electronic world. Individuals and business need assurance that they can transact business electronically and still have the usual protection of the law that applies to non-electronic transactions.

Manitobans who go on-line to purchase goods and services need consumer protection measures that take into account the special nature of Internet commercial transactions. Government also must be able to respond to public expectations for online access to government services. It is particularly important for businesses, which face growing competition in a world of instant communication, to be able to communicate electronically with government. Both government and business stand to benefit from the provisions of this bill that enable streamlined regulatory requirements and improved administration and enforcement of laws applying to businesses.

It is important to note, however, that while the Bill removes barriers to electronic communication, it does not require anyone to communicate electronically. We will ensure that the traditional methods of dealing with government will continue to be available. The Electronic Commerce and Information Act responds to these consumer, business and government needs and expectations.

Part 2 of the Bill facilitates the use of electronic means for government service delivery. The general scope of this part is electronic filing, which covers communications between citizens, between government and citizens. This part confirms the authority of government to communicate electronically and contains clarification on specific uses of electronic documents. It provides for flexible and staged implementation through the design of laws to which it will apply by regulation. While providing for the use of electronic means to meet requirements under designated laws, this part does not force anyone to use electronic means without their consent.

Part 3 extends to electronic communications respecting contracts, contacts the established rules of law in the area of information and operation of contracts, the effect of using automated transactions, correction of errors and the time and place of sending and receiving computer messages.

Part 4 of the Bill includes specific provisions to govern the use of electronic documents in the contracts for the carriage of goods. This part is based on the Uniform Law Conference Commission Act of Canada's uniform electronic commerce act and the United Nations Model Law on Electronic Commerce. As the nature of transportation of goods is international, harmonized laws are important.

Part 5 of this bill enables the streamlining of regulatory requirements and procedures for businesses dealing with government, provides for the creation of a common business identifier, combined forms and integrated filing and payment procedures so that businesses will be able to fulfil the registration requirements of more than one program at the same time. This

will improve the administration and enforcement of laws that apply to business entities.

Part 6 amends The Consumer Protection Act to provide protection under certain circumstances for the consumers who purchase goods and services over the Internet. These amendments require disclosure of certain information to consumers before they enter into contracts over the Internet and allow cancellation of contracts and the cancellation or reversal of credit card charges for Internet purchases in specified circumstances.

Part 7 amends The Manitoba Evidence Act to provide rules governing the admissibility of electronic documents as evidence in courts. The amendments are consistent with the recent amendments made to the federal Evidence Act and will provide comfort to the courts, lawyers and the public in keeping and using electronic documents which may be required for litigation.

A number of Canadian jurisdictions have passed or introduced legislation to address elements of the emerging needs of electronic commerce. In developing the Bill, we have drawn on these precedents, as well as the uniform electronic commerce act. This uniform act was developed by the Uniform Law Conference of Canada, an organization that is dedicated to harmonizing the laws of various jurisdictions of Canada. To ensure consistency in the international context, Canada's uniform act draws on the model law on electronic commerce adopted by the General Assembly of the United Nations.

Legislation facilitating electronic service delivery by government or electronic filing has been enacted by Canada, British Columbia, Saskatchewan, Ontario, Nova Scotia and the Yukon. A bill confirming the legal effect of electronic documents and contracts was recently introduced in the Saskatchewan Legislature. Legislation permitting the authentication and use of electronic documents as evidence has been enacted by Canada and Ontario and is part of Saskatchewan's new legislative proposal.

\* (10:40)

I am pleased to confirm that in terms of consumer protection, this bill is innovative. No

other jurisdiction in Canada has passed or introduced consumer legislation specifically orientated toward electronic commerce. However, the amendments to The Consumer Protection Act are generally consistent with the principles developed by a national working group on electronic commerce which have been endorsed by the federal, provincial and territorial ministers of Consumer Affairs. The credit card charge-back provisions in these amendments mark out new ground in the provincial Consumer Protection.

Mr. Speaker, The Electronic Commerce and Information Act is a comprehensive, timely and innovative legislative initiative addressing a number of key requirements to facilitate the use of electronic commerce. I do hope that we will have unanimous consent of this bill as a sign of our strong endorsement of moving Manitoba's economy into the new world, and I commend the Bill for approval by the Assembly.

**Mrs. Louise Dacquay (Seine River):** Mr. Speaker, I move, seconded by the Honourable Member for Steinbach (Mr. Jim Penner), that debate be now adjourned.

*Motion agreed to.*

## DEBATE ON SECOND READINGS

### Bill 8—The Enforcement of Judgments Conventions and Consequential Amendments Act

**Mr. Speaker:** On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), Bill 8, The Enforcement of Judgments Conventions and Consequential Amendments Act (Loi sur les conventions relatives à l'exécution des jugements et modifications corrélatives), standing in the name of the Honourable Member for Lac du Bonnet (Mr. Praznik).

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there unanimous consent for the Bill to stand in the name of the Honourable Member for Lac du Bonnet?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** The Bill will stand in the name of the Honourable Member for Lac du Bonnet.

### Bill 10—The Cooperatives Amendment Act

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs (Mr. Lemieux), Bill 10, The Cooperatives Amendment Act (Loi modifiant la Loi sur les coopératives), standing in the name of the Honourable Member for Steinbach (Mr. Jim Penner).

**Some Honourable Members:** Stand.

**Mr. Speaker:** Stand? Is there unanimous consent for the Bill to stand in the name of the Honourable Member for Steinbach?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed. The Bill will stand in the name of the Honourable Member for Steinbach.

### Bill 12—The Public Schools Amendment Act

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Education and Training (Mr. Caldwell), Bill 12, The Public Schools Amendment Act (Loi modifiant la Loi sur les écoles publiques), standing in the name of the Honourable Member for Fort Garry (Mrs. Smith).

**Some Honourable Members:** Stand.

**Mr. Speaker:** Is there unanimous consent for the Bill to stand in the name of the Honourable Member for Fort Garry?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** The Bill will stand in the name of the Honourable Member for Fort Garry.

**Ms. Nancy Allan (St. Vital):** It is my privilege today to speak on Bill 12, The Public Schools Amendment Act. This act recognizes in legislation home schooling and the commitment of parents and guardians who choose to educate their children at home. The Minister of Education (Mr. Caldwell) and I have had the opportunity to consult with the home-schooling

associations and have a great deal of respect for the work they do in the communities all across Manitoba in providing quality education for their children. I commend parents who choose to home school their children, and I respect them for their dedication and commitment to excellence in education.

I would also like to take this opportunity to put on the public record the excellent work the home-schooling associations presently do with families in providing support to them all across this province who make this very important decision. I would like to ensure the home-schooling community that we are committed as a government to ongoing consultation, dialogue and working with the home-schooling associations. Dr. Gerald Farthing and John Shaw, Department of Education officials, have participated in our meetings with the associations and look forward to continuing to provide support to families schooling their children at home.

\* (10:50)

I would like to take this opportunity to thank the school divisions across Manitoba for their support of parents and students in their divisions who are being schooled at home. Sometimes students choose to attend high school programming, and I know that school divisions work tenaciously with families to integrate them into the public school system.

This bill recognizes home schooling as a legitimate education option. It commits to providing supports for home schooling, providing equity across the province and ensures quality education for Manitoba students schooled at home.

*Mr. Harry Schellenberg, Acting Speaker, in the Chair*

On behalf of the Minister of Education, I commit our ongoing support and respect for diversity in the delivery of education. Our government is committed to building a public education system that will prepare Manitoba's youth for the challenge of the new economy and ensure that all children have a fair start in life through the opportunity of quality schooling.

This government also recognizes that parents in Manitoba may choose the setting in which their children will receive their education. While government is supportive of parents who choose to school their children at home, we share the responsibility with them for ensuring that home-schooled children receive an adequate education.

Bill 12, The Public Schools Amendment Act, will allow the Department to ascertain that a reasonable standard of education is taking place through home schooling while respecting the rights of home schoolers to choose an educational plan for their children. The Bill also contains provisions that will expedite the payment process for certain grants to education organizations and to school divisions and districts.

In conclusion, Mr. Speaker, I recommend this significant legislation and ask all members of the Chamber to support this very important legislation. Thank you, very much.

#### **Bill 14—The Provincial Railways Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Minister of Highways (Mr. Ashton), the second reading of Bill 14, The Provincial Railways Amendment Act (Loi modifiant la Loi sur les chemins de fer provinciaux), standing in the name of the Honourable Member for Carman (Mr. Rocan).

Is there leave for the Bill to remain standing in the name of the Honourable Member for Carman?

**An Honourable Member:** Leave.

**The Acting Speaker (Mr. Schellenberg):** Leave has been granted.

#### **Bill 15—The Water Rights Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Minister of Conservation (Mr. Lathlin), second reading of Bill 15, The Water Rights Amendment Act (Loi modifiant la Loi sur les droits d'utilisation de l'eau), standing in the name of the Honourable Member for Arthur-Virden (Mr. Maguire).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to permit the Bill to remain standing?  
[Agreed]

\* (10:50)

**Bill 18—The Labour Relations  
Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Minister of Labour (Ms. Barrett), second reading of Bill 18, The Labour Relations Amendment Act (Loi modifiant la Loi sur les relations du travail), standing in the name of the Honourable Member for Springfield (Mr. Schuler).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to permit the Bill to remain standing in the name of the Honourable Member for Springfield? [Agreed]

**Bill 21—The Water Resources  
Administration Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Minister of Conservation (Mr. Lathlin), second reading of Bill 21, The Water Resources Administration Amendment Act (Loi modifiant la Loi sur l'aménagement hydraulique), standing in the name of the Honourable Member for Arthur-Virden (Mr. Maguire).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to permit the Bill to remain standing?  
[Agreed]

**Bill 22—The Court of Queen's Bench  
Surrogate Practice Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), second reading of Bill 22, The Court of Queen's Bench Surrogate Practice Amendment Act (Loi modifiant la Loi

sur la pratique relative aux successions devant la Cour du Banc de la Reine), standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to permit the Bill to remain standing in the name of the Member for St. Norbert?  
[Agreed]

**Bill 23—The Jury Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), second reading of Bill 23, The Jury Amendment Act (Loi modifiant la Loi sur les jurés), standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to permit the Bill to remain standing in the name of the Honourable Member for St. Norbert? [Agreed]

**Bill 24—The Personal Property Security  
Amendment and Various Acts  
Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs (Mr. Lemieux), second reading of Bill 24, The Personal Property Security Amendment and Various Acts Amendment Act (Loi modifiant la Loi sur les sûretés relatives aux biens personnels et d'autres dispositions législatives), standing in the name of the Honourable Member for Seine River (Mrs. Dacquay).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave for the Bill to remain standing in the name of the Honourable Member for Seine River? [Agreed]

**Bill 25—The Interpretation and Consequential Amendments Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), second reading of Bill 25, The Interpretation and Consequential Amendments Act (Loi d'interprétation et modifications corrélatives), standing in the name of the Honourable Member for Seine River (Mrs. Dacquay).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to permit the Bill to remain standing in the name of the Honourable Member for Seine River? *[Agreed]*

**Bill 26—The Court of Queen's Bench Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), second reading of Bill 26, The Court of Queen's Bench Amendment Act (Loi modifiant la Loi sur la Cour du Banc de la Reine), standing in the name of the Honourable Member for Carman (Mr. Rocan).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to permit the Bill to remain standing in the name of the Member for Carman? *[Agreed]*

**Bill 27—The Correctional Services Amendment Act**

**The Acting Speaker (Mr. Schellenberg):** On the proposed motion of the Honourable Attorney General (Mr. Mackintosh), second reading of Bill 27, The Correctional Services Amendment Act (Loi modifiant la Loi sur les services correctionnels), standing in the name of the Honourable Member for St. Norbert (Mr. Laurendeau).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Schellenberg):** Is there leave to have the Bill remain standing in the name of the Member for St. Norbert? *[Agreed]*

*Mr. Speaker in the Chair*

**Bill 5—The Wildlife Amendment Act**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Conservation (Mr. Lathlin), Bill 5, The Wildlife Amendment Act (Loi modifiant la Loi sur la conservation de la faune), standing in the name of the Honourable Member for Lakeside (Mr. Enns). Is there unanimous consent of the House for the Bill to remain standing? *[Agreed]*

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Speaker, I am pleased to have the opportunity this morning to speak on this bill, The Wildlife Amendment Act, that deals with penned hunting. I did not think that I would have that opportunity this morning, given the number of bills that were called. Given that opposition members are not prepared to speak on the bills, I am very pleased to have this opportunity to address this issue, in particular the Bill that deals with the penned hunting.

This issue of penned hunting has been a subject of a lot of discussion and an issue that has been raised in the Legislature many times. In fact, we raised the issue of penned hunting when we were in opposition. The members across the way said they too were opposed to penned hunting, and, in fact, the former minister even said that he was upset that the suggestion of penned hunting was being raised.

We raised the issue for a good reason. That is because penned hunting operations have been allowed to flourish, and we want to ensure that they are not allowed. We are not going to see a continuation of this.

I want to say that hunting is a long tradition here in this province. It is a basis of livelihood for First Nations people in this province, while more recently hunting has become an important part of our tourist industry. I have to say that the hunting industry in our family is an important recreational activity.

I remember a time when I was growing up that it was very much part of our livelihood and part of our sustenance of living, where my father was able to provide meat for our family by going out hunting. Certainly it continues to be a tradition in our family where both my husband and I enjoy participating in hunting during the fall season here in Manitoba. Certainly at times I much more enjoy the scenery and just getting out into the outdoors and enjoying nature very much more so than I actually enjoy the hunt. I actually enjoy the opportunity to hunt with a camera. But I do not have as much time to do that as I want to.

In my area of the province, hunting is very much an activity and very much a tourism activity. We have several lodge owners in the area who have created quite successful businesses by bringing in tourists for bear hunting and deer hunting, moose hunting, all of those species. It is a very important part of the economy.

There is an interesting trend as well where many tourists, particularly Europeans, come to Manitoba to enjoy our unique species, who are more interested in photography and eco-tourism and enjoying the wildlife than they are in shooting the animal. Many tourists will come just for the enjoyment of our nature and the photography.

I talk about the people who are in the guiding business in our area and across Manitoba who were very concerned with the direction the previous government was taking in allowing for penned hunts. Although the former minister stated that the practice was illegal and would not be tolerated, at the same time, under their administration, there were advertisements for penned hunting in Manitoba offered as a tourist activity.

This certainly upset a lot of people. The people are not prepared at all. Although hunting is an important part of our livelihoods for many people in this province, the concept of putting an animal in a pen and then having a shoot on this animal really, Mr. Speaker, is not something that people will tolerate, and they have certainly sent a strong message that they do not accept this kind of concept.

In fact, Mr. Speaker, there have been a couple of cases I believe where there have been animals that have been put down with drugs so that people can then have their pictures taken with these trophy elk, in particular. Quite frankly, I think that is absolutely intolerable and is something that we cannot accept, and the practice that we are going to release an animal into a pen or into some kind of enclosure and then have a hunt is not what Manitobans believe hunting should be about.

\*(11:00)

So, Mr. Speaker, when you look at this legislation, the legislation is enabling legislation, which will be followed by public consultation. As the Minister has pointed out, there will be consultation, and I think it is very important that we recognize that the emphasis is that the public will be consulted on this issue.

Mr. Speaker, there have been concerns raised about the impact of this legislation on the agriculture industry. I have met with people in the bison industry and people in other industries who have raised their concerns, and I want to state clearly that this legislation is not intended in any way to hamper or slow down the elk industry or the bison industry. This legislation deals specifically with an issue that has been brought forward by the public, and that is the issue of putting animals in a pen, in a contained area, and then allowing for a hunt.

I have to say, Mr. Speaker, that this issue was addressed during the election. We committed during the election to end the practice of penned hunting, and it was pressure from the public that forced the previous Premier and members opposite to also say that they were opposed to penned hunting and that they would be bringing in legislation. Well, we are living up to our commitment that there is not going to be this kind of abuse of wildlife.

Manitobans feel the practice of penned hunts is simply an unethical way to treat wild species, and I know that members opposite will want to support us in this legislation because they, too, during the election campaign said that they did not support this.

In Manitoba, some of the wildlife we have is unique and it can bring us many opportunities. It can be enjoyed and we can have an industry built around hunting out in the wild. As I indicated, we have a large tourist industry, and in the tourist industry, we run the risk, if we allow this type of penned hunting, to lose our reputation as a province that values eco-tourism and values our wildlife.

We know, Mr. Speaker, that throughout the world eco-tourism is fast becoming an effective and nonconsumptive tool for economic development. Tourists come to see wildlife in their natural habitat and spend tourist dollars in local communities. The bird industry alone has become a billion-dollar industry in the United States. Our vision is to maintain legitimate hunting practices but also to move forward in developing eco-tourism strategies that will not only maintain our wildlife population but also restore their natural habitat. This is the kind of tourism we need for the 21st century.

Mr. Speaker, again, I want to say that the people in the agriculture industry have raised a concern with this legislation. I have given them my assurance that this is not going to affect the agriculture industry. They have made suggestions of how we can make changes to The Animal Care Act to cover off some of their concerns, and I want to tell the people whom I had the opportunity to visit with that we are reviewing their recommendations. If there are other changes that we have to make to other legislation to ensure that the livestock industry in this province can grow, and for those people who have invested in various species such as bison and elk, if there are areas of legislation that have to be changed to address their concerns, to ensure that they can continue to operate viable businesses, then we will bring those changes first.

The legislation that we have before us is to end and eliminate the practice of penned hunting, a commitment that we made during the election. It is not in any way intended to hamper the livestock industry, and I do not believe that it will. I think that we have the opportunity here in Manitoba to have a thriving agricultural industry and at the same time have our tourist industry grow and have the ability also, for those people

who choose to hunt, to hunt within a natural environment. There are many ways that they can do that, and I think that is what we heard, what Manitobans wanted us to do, and we are addressing the concern in Manitoba. I think this legislation will not hamper the industry. It will give confidence to the industry and give them direction into the areas that they can expand, but at the same time also give a good signal to our tourist industry, to our guiding industry, to ensure that all of those aspects can grow.

I look forward to having this legislation passed and then going to the public for consultation to hear the views of Manitobans, and I am quite confident that Manitobans will speak in favour of this legislation. Certainly, there are going to be suggestions that will be made on other changes that we can make, but, specifically with this legislation dealing with penned hunts or canned hunts, I know that we will have good participation from the public. The important part of it is, once the legislation is passed, to allow the public to participate and give their suggestions on what steps there should be, on how they see the regulations put forward in here. But, definitely, this legislation is an important piece of legislation, and I have to say from the area that I come from, the Swan River area, where there is a lot of wildlife, people are looking to us to see what steps we are going to do to ensure that our wildlife, our natural resources are protected. There is the opportunity for the industries surrounding to grow.

I look forward to the passage of this legislation and the public process that will follow. Thank you, Mr. Speaker.

**An Honourable Member:** Stand.

**Mr. Speaker:** When this matter is again before the House, it will remain standing in the name of the Honourable Member for Lakeside (Mr. Enns).

#### **Bill 6—The Water Resources Conservation and Protection and Consequential Amendments Act**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Conservation (Mr. Lathlin), Bill 6, The Water Resources

Conservation and Protection and Consequential Amendments Act (Loi sur la conservation et la protection des ressources hydriques et modifications corrélatives), standing in the name of the Honourable Member for Arthur-Virden (Mr. Maquire).

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there unanimous consent for the Bill to stand? [*Agreed*]

\* (11:10)

**Mr. Harry Schellenberg (Rossmere):** Mr. Speaker, I rise to speak on Bill 6, The Water Resources Conservation and Protection and Consequential Amendments Act. The Bill prohibits a transfer of water between water basins or removal of water from Manitoba in bulk. This was an election commitment, and we plan to fulfil our election commitment, as we have others.

As a geography or social studies teacher of many years, I have learned to appreciate the natural resources of Canada. We often point out the many resources we possess, but we tend to overlook water as an important resource. Possibly, we have overlooked water because we think we have an everlasting supply of water. However, we must be careful that we do not lose control of our water supply. We must conserve it and not waste our water supply.

In Europe, you have to pay for a glass of water when you eat at a restaurant. This is done because they want to conserve water and also they are short of water. This tells us that there is a scarcity of water in Europe and in many countries. Many countries in Europe have policies to conserve water, and we in Manitoba and Canada have not reached the point where we have conservation practices or measures to the extent of the European countries. We still think that we have ample or an abundant supply of water in Manitoba and Canada, and that is changing drastically.

If we take a quick look or glance at the map of Manitoba, we find about one-sixth of the province is covered by water, but despite the good supply of water in Manitoba, people are

becoming concerned about the future of Manitoba's water supply.

Worldwide water use is doubling every 20 years. This is twice the rate of population growth. The World Bank and the United Nations' predictions are that by the year 2025, the demand for fresh water will be 56 percent more than the available amount. Many people predict that the wars of the 21st Century will be water wars.

In Manitoba, water usage is increasing by 5 percent a year. The worldwide water shortage is partially caused by the pollution of the existing water supply. For instance, the Red River and the Assiniboine River often cannot be used for irrigation or swimming because of the pollution, and we have not really learned to conserve our very valuable water supply. People think, as soon as our water is polluted, we will look for new resources of water. We get those new resources, and we pollute and we damage them, but the answer to the whole water question is conserve it, use it wisely. We have not done that in Manitoba or Canada or North America.

Also, governments are turning to the market for solutions to the scarcity of water. Privatization of public utilities is taking place, like in Britain and also in many countries, and there has been a rise of private water corporations. These are a few trends in the world that are giving Canadians some concern.

I would just like to point out the dangers of the water companies being privatized. The Manitoba Telephone System was privatized. We know what happened to the rates. We lose control. The public no longer owns this utility and, of course, the resources. We just have to look at the Manitoba Telephone System. It did not answer all our problems.

I would like to turn to Autopac or MPI. This morning's *Free Press* said that the rates were coming down, and that is a public utility. Privatization is not the total answer to our shortage of water. Also, hydro rates are the lowest in North America, and that is publicly owned. The trend has been in the world to move toward privatization of water, and that is the danger. That is a trend. We must look out. Let us

not let this happen here. Just think of MPI. Just think of Manitoba Hydro. They have done very well.

These are some of the world trends that are making us concerned about a water shortage, but there are other pressures closer to home that we must examine. The pressure to sell Canadian or Manitoba water comes from the water-short Americans. That is where the pressure is coming from, and that is why we are here today to pass legislation to protect us from that.

Over the last hundred years, American engineering projects have allowed deserts to bloom throughout the American southwest because of water supply. These irrigation and diversion projects have brought about wonders. It is excellent. Cities have blossomed in deserts. Populations in the U.S. are growing, and there are no new water sources to be tapped in the United States. They have used up their good fresh water supply. Therefore, they are looking elsewhere, and, of course, they are looking north.

There are basically three main ways to move water to the U.S.A. One is by tanker, pipeline and interbasin transfer. These have all been studied. These have all been in the press. We have not really, as a society, looked at these things too much, because we think there is lots of water around. We just have to look to the Americans. There is a shortage to the south, so we have to be very careful. Just recently, American companies are attempting to use tankers to export water from B.C., and the NDP Government there said no. So right now, there is pressure, and once precedents are set, they are very difficult to break.

There have been various proposals to construct pipelines, as well as interbasin transfer, and many of these projects would involve moving water through Manitoba. I would just like to point out some of these. For instance, the Rocky Mountain trench is one route that has been discussed. It would be a canal which would take water right across North America from our North to the south, but the Rocky Mountain trench is one route that the Americans have talked about. Another one proposed in 1968, this route would take water from the Great Bear Lake

to Great Slave Lake to Lake Athabasca and Lake Winnipeg to the Great Lakes. It would cross Manitoba. That is another route.

Just recently in *The Globe and Mail* dated February 12, 2000, this article talked about an American company called Azurix that has long-range plans for getting access to Canadian water. The President of the company was quoted as saying: "We believe there is a market in the U.S. that can be served by Canadian water supplies." So there is ample evidence right today that there is great danger of our water going to the south, and that is why in this Legislature today the Doer Government wants to keep control of Manitoba's water.

However, moving water from one watershed to another would have drastic consequences on our environment. I do not have to explain the effects it would have on the environment such as tourism or irrigation or our Hydro dams or our ecosystem or wildlife and so on. It would have drastic effects on Canada or Manitoba.

All these points are concerns and pressures that exist in Manitoba and the rest of Canada to sell water to the U.S. in bulk. Our federal government has developed a strategy. I appreciate that. They are very concerned and also in accord with the provinces to stop the removal of water. I appreciate the work that the federal government is doing, because we are concerned. Again, this just tells us, the federal government is quite nervous about this situation.

The reason we are all a little nervous about the removal of water from Manitoba as well as Canada is that the terms of our free trade agreements we have are not spelled out in black and white. There is some confusion there. We signed NAFTA and so forth. What is the fine print? Can they get at our water? These are concerns Canadians have.

\* (11:20)

There is concern that prohibiting the export of water will be subject to a trade challenge. You can possibly challenge it under the Free Trade Agreement. There are questions. Is water subject to NAFTA? Can water be sold in the natural state? Is water a good or a product? Can it be sold under NAFTA?

I remember the 1988 federal election when Mulroney won the second majority government on free trade. Some people had concerns of what the implication of these terms would have on our resources. This was not really discussed in public. What will it do? What is its future? Even our press did not do a good job of covering it. Free trade is a wonderful concept. We can all believe in it. Personally I do as well. But what else is built into this agreement that we do not know about? I know in Europe, free trade has done wonders. You cross boundaries there, and you do not pay a duty when you move from, say, France to Germany and so forth. They really have free trade. That is appreciated. They have done economically very well.

But here I think it is a different free trade arrangement. So my point is it was never really explained what was in the free trade agreement. Provincial governments across Canada are nervous, and the federal government is nervous.

I would just like to say that Bill 6, The Water Resources Conservation and Protection and Consequential Amendments Act, fulfils our election commitment. It is consistent with also the provisions of the federal accord, with what the federal government wants to do.

The Bill sets out a general prohibition against the bulk removal of water from Manitoba's portion of the Hudson Bay drainage basin, which is all of Manitoba. It then provides some exemptions to this prohibition. It also enables the establishment of a water management regime by allowing the division of the province into sub-basins, with the ability to prohibit bulk removal of water from the sub-basin.

Within the general prohibition of the bulk removal of water, there are a number of practical exemptions, minor ones, may I say. First of all, water may be bottled in Manitoba for export in containers of not more than 25 litres. This provides for Manitoba water bottlers to export their product. However, water will not be removed for subsequent bottling outside of the drainage basin. Number two, water may be removed from the drainage basin if it is being used in care for passengers or animals in transport. Number three, water may be removed

from the drainage basin if it is required for the operation of the vehicle or if it is necessary for the transportation of food or products. Another point is water may be removed to meet short-term safety or humanitarian needs with approval of the Minister. The last point I want to point out that is in this bill: Water that originated outside the water basin and is being transferred through water can be exported.

The Act sets out significant penalties consistent with other Manitoba environmental legislation: The Environmental Act, The Dangerous Goods Handling and Transportation Act, and the Contaminated Sites and Remediation Act. Therefore, there are some very stiff penalties for the removal of bulk water, which is to be appreciated. This legislation is clearly a significant step in ensuring the long-term sustainability of our water resources for the present and future generations of Manitoba. We must develop a sustainable strategy. We must have a plan that reaches into the future. Our strategy must be on conservation not on using more water.

With those remarks, I look forward to the full support of this House in getting this very important piece of legislation passed. I thank you, Mr. Speaker.

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, first of all, I want to say that it is passing strange that the members of the Opposition are sitting in their seats and they are not speaking on any of our legislation. We are debating a very important issue here in the House today. The issue of water export is a crucial issue at this time in our history. It is a crucial issue in terms of trade. It is a crucial issue in terms of environmental stewardship and protection. It is an issue that affects all of us as citizens, and I am quite curious as to why members opposite are silent on this issue.

Issues surrounding water have been a concern that I try to keep track of as much as I possibly can because it is so important. I know that in the paper recently we have seen headlines that read something to the effect that the wars in the future are going to be based on water. We know that some parts of our planet, whether it is the parts of Africa right now that are

experiencing such severe drought that thousands and millions of people are dying and are starving and they look to countries like Canada for the solution to these problems. It is a very difficult issue, Mr. Speaker, to deal with.

We know even closer to home, there are areas in the province that have a problem with water shortage. I know just since my tenure in the House, there have been a number of water projects that have come to this House that have been very controversial. I am thinking of, first of all, the Assiniboine water diversion project which was stopped not too many years ago, partially, I believe because it was found that the former government did not have a procedure in place to adequately monitor withdrawals from the Assiniboine River.

At that time, there was a proposal to transfer water from the Souris River into an area in southern Manitoba that relies on a lot of water for irrigation. There was a lot of debate at that time if the water was going to be used as potable water for drinking or if it was going to be used for irrigation. There are a lot of issues that get brought up when we start talking about matters related to water, including, you know, the kind of agricultural practices that we utilize and the kind of methods that we use for something such as irrigation.

With that said, I think it is important to know that when we are talking about banning the export of bulk water, we go back quite a long time in our history to recognize that there had to be agreements between countries. It was 1909 when the Boundary Waters Treaty was first signed by Canada and the United States. At that time, there was a recognition that there had to be some kind of an agreement on how these two countries that bordered around the Great Lakes could jointly manage the water that they shared in the Great Lakes, and that Boundary Waters Treaty was an agreement where each side promised not to unilaterally affect the levels of the waters on the other side of the border. To help resolve the issue and advise the two countries on managing the waters they shared, the Treaty created the International Joint Commission.

So I find it quite amazing that the issues that we are dealing with in this Bill go back to 1909. They go back to that Boundaries Water Treaty. They go back to the International Joint Commission. I want to make mention that the legislation that we are dealing with here today also is connected to the federal government's attempt to address this issue through the Water Accord. The Water Accord actually has an interesting history as well which I want to make mention.

It was actually, my member of parliament, Bill Blaikie, the Member for Transcona, also for my colleague the Member for Transcona's MP, who wants me not to forget to make mention of that. There are probably a few other people in this House where he is their MP too. But the important thing that Mr. Blaikie has done recently was actually in February of 1995, that he introduced a motion into the House of Commons calling for an immediate moratorium on the export of bulk water shipments and interbasin transfers from Canada. MP Blaikie said that the motion needed to be asserted that Canada had sovereign rights over its protection and preservation and conservation of fresh water resources. The motion also stated that Canada should not be party to any international agreement that compelled Canada to export fresh water. And the motion was passed by the House of Commons. So it is interesting that a member of a back-bench party was able to put forward a motion that was passed, and that is what has resulted in the Water Accord that is still being debated.

Just recently there was a meeting of conservation environment ministers from across the country discussing the details of that Water Accord which I am going to get into in a bit more detail in a moment. I want to first give a little bit more attention to the issue of how, instead of imposing a moratorium on that Bill, the federal government has asked each provincial government to institute separate moratoriums. In 1999, the Manitoba government introduced legislation designed to protect Manitoba's water resources by prohibiting for ecological reasons bulk water removal from the Hudson Bay drainage basin. The Water Resources Conservation and Protection and Consequential Amendment Act would prohibit

bulk water removal of water for Manitoba's portion of the Hudson Bay drainage basin. Based on sustainable water resources management practices, the proposed legislation provides for the establishment of a water management scheme. The scheme will ensure that the removal of water from Manitoba's water basins does not have any significant adverse effects on the ecological integrity of Manitoba water resources and related ecosystems.

Well, it sounds like the job should have been done back in 1999 under the previous government, but what we are finding now is that there is a requirement to go a step further and explicitly put into legislation prohibitions on bulk water export. I think that one of the things that we see happening here is the fact that we are dealing with Bill 6, and bulk water export is an admission that the federal government has a problem, that because the federal government has signed on to the North American Free Trade Agreement, they cannot, in and of themselves, ban bulk water, so they have asked the provincial governments to pass legislation to do it for them. The reason why the federal government cannot do it on its own is that there are a number of provisions under NAFTA that would be triggered.

First among these is the obligation under NAFTA for national treatment, which means that we cannot limit the exploitation of water in Canada to Canadians. Any Canadian use of water creates the right of use for companies in any other country that is party to that trade agreement, whether inside or outside of the water basin. These rights exist in both GATT and NAFTA. So what we are really having happen, with the development of Bill 6 and other bills across the country similar to it, is an admission by the federal government that they cannot do what they are asking the provinces to do—that they would be challenged under NAFTA.

There is also a sort of the foot-in-the-door problem with NAFTA. NAFTA includes several other obligations. For example, article 315, the proportionality clause, says that once we start exporting water in any form, we cannot turn off the tap as long as there is any water left in Canada. This is an incredible agreement that we

have signed, that says that you cannot even make an agreement with another country to limit the amount of water export that would be allowed under NAFTA. There is a clause that allows that, any time there is any water export to another country, that opens the door to then unlimited water export. That is an incredible abdication of our sovereignty.

Even more disconcerting are, under chapter 11 in NAFTA, the investment provisions. Canada can be sued for acting to protect its water. Presently, the country is being sued for \$10.5 billion because the Province of British Columbia acted to protect its water by revoking a water export licence. This underlines the fact that no one province can act in isolation. If one province starts exporting water, it sets the standard for the rest of the country. This is another area that is a great concern to us, and why we need the federal government to act decisively. We cannot rely in this way on provinces acting individually.

I think all of us would be concerned to learn that companies from another country can sue a government in Canada because they did not have access to water resources or any other natural resource, but that is in fact what is happening. It is that same issue, I think, we are dealing with when we talk about what is happening with Québec—or not in Québec, in Alberta with Bill 11, and the slow erosion that it could lead to in terms of medicare. It is the same idea.

The federal government, then, has produced this scheme which will, in their opinion, protect water. It focusses on environmental protection and respects our international trade obligations as we have signed on in NAFTA and other agreements. They have introduced Bill C-15, which actually allows water exports and makes the Minister of Foreign Affairs, not the Minister of Environment, the permitting authority. This is an incredible situation as well when you have the ministry that is responsible for international trade and international relations related to trade responsible for overseeing water exports, not the Minister of Environment.

A couple of the other concerns related to this matter in terms of NAFTA is the definition of water as a "good." I know that some of my

colleagues have talked about this. The federal government suggests that Article 20 in the GATT allows environmental protection to be exempt from trade obligations, but there are other comments made by different ministers.

\* (11:40)

The federal government claims that the joint statement of 1993 exempts water in its natural state from NAFTA, but there is a legal opinion that refutes this claim. Indeed, on November 24, 1999, a press conference on Bill C-15, Lloyd Axworthy, the federal Minister of Foreign Affairs admitted that this statement is not binding on NAFTA, and if the parties to the agreement are serious about protecting water from trade agreements, the included opinion identifies several ways that it could be done. It is only a matter of political will and integrity.

So, Mr. Speaker, it is clear that there are a number of problems at the federal level in terms of dealing with the export of bulk water, and as a provincial government we are bringing in Bill 6 to do what we can to stop the export of bulk water, but I strongly believe that there still must be action at the federal level. I think that Bill 6 is one step that we can take as a provincial government but I am concerned that nationally there must be more political will and more decisive action that has to be taken with respect to trade agreements and with respect to some kind of a comprehensive national strategy.

I will deal now with some of the issues related to the water accord. I talked about how this is so far the strategy that the federal government has come up with. One of the large concerns that I have about the water accord is that it includes the definition under where water can be exported from as a water basin and not a watershed. The water basins covering North American, and I have a map with me, are along each coastline, so that definition presents a problem because it would allow water to be exported from British Columbia down to California because all that water flowing into the Pacific Ocean is in one water basin, similarly on the east coast as well.

So, if the definition of water basin is continued to be utilized, I am concerned that the

goal of cross-border export of water is not going to be fulfilled. There has to be a reconsideration of that definition. A watershed is one that we often use here. It is much smaller. It is limited to the geographical area within our country, and I think that it would be a much better way to go.

The legislation we are discussing here today has to be also seen in the context of large area planning. As a new government, we will begin the long process of large area planning to provide a rational context for local decision making. This, I believe, is also linked to what I was just talking about in terms of trying to do economic planning and development planning based not on artificial jurisdictions solely but also looking at the ecological and geological underpinnings of our economy which is the natural resources that we rely upon for our livelihood and our lives in our economy.

The move to large area planning and within then will be closely linked to watersheds that make up this province. Through large area planning we will begin to address water use issues within Manitoba on a more regional basis. The challenge of this kind of planning should not be complicated by allowing bulk water to be removed from its natural drainage basin.

One of the tenets of large area planning process is that there are overriding policies that guide the planning process. A central policy of large area planning will be the wise stewardship over waterways, including a prohibition on the removal of water in bulk form from Manitoba's portion of the Hudson Bay drainage basin. When you look, Mr. Speaker, at the drainage basins that cover Canada and North America, the Hudson Bay drainage basin draws water from well into our province's neighbouring to the west, as well as, of course, all the way into Québec and Labrador. So we are talking about a huge area of land.

It is incredible to think that we are only now starting to have more attention to this and co-operation, so that we recognize that what we do upstream is going to affect those people that live downstream, and rely on the water that often is impacted from the kind of water withdrawals and use upstream. It was during the election that we made a commitment to ban the bulk removal

of water from our province, and Bill 6 represents our fulfilment of that commitment to the people of Manitoba.

I just wanted to talk a little bit more about some of the provisions in Bill 6. The Bill sets out a general prohibition against the bulk removal of water from Manitoba's portion of the Hudson Bay drainage basin, which is all of Manitoba, as I said, and goes much beyond that. It provides some exemptions to this prohibition, and it enables the establishment of a water management regime by allowing the division of the province into sub-basins with the ability to prohibit bulk removal of water from the sub-basins.

I had the opportunity recently, Mr. Speaker, to tour some of the conservation districts in Manitoba, and some of them have a long history of working around water drainage basins, in developing a very co-operative way of planning around these water basins. I think that that is a model that will be very useful in this process, and there is a lot of the work that some of those conservation districts have done in terms of mapping, in terms of using geological information systems, to do a very detailed overview of where our nature resources are, what type there is, and how they should be sustainably utilized.

Within the general prohibition of bulk removal of water, there are a number of exemptions, and one of them is that water bottled in Manitoba for export in containers not more than 25 litres or other such sizes can be put out in regulations. I know that that is how a lot of people feel; that is, if we are going to be selling water from Manitoba or, indeed, anywhere in the country, we should be doing it one bottle at a time. One of the other issues that this raises, though, is the whole question of the lack of labelling and standards in the area of bottled water. I know that that is not something that is going to be dealt with specifically in this legislation, but I do find it a gap. I know that there is a large increase in the consumption of bottled water. We only have to think to some of the issues lately in the country to know why, but even in municipal water sources, as in the City of Winnipeg, the large amount of chlorine is used because the water sits in the reservoirs for

often such a long period of time. Because so many of us live in homes that have lead pipes, there is a lot of concern, and more and more people are turning to bottled water as their drinking water.

I think that is another area that governments have to look at, is the classification labelling and clear sourcing on bottled water. One of the other prohibitions is that water may be removed from the drainage basin if it is used to care for passengers or animals or transport. Also, water can be removed if it is required for the operation of a vehicle or if it is necessary for the transportation of food or products or for short-term safety and humanitarian needs. I think that we only have to look. There was an example of this when we had that huge fire at the straw bale plant recently in southern Manitoba. I believe they had to go from Winkler and get water south of the border in Devil's Lake, where they had to use water bombers and go and get water and use that to put out the fire because there was no area of water in that part of Manitoba that was big enough to accommodate the water bomber planes. That is an example, I think, where there is and would continue to be co-operation between jurisdiction on the use of water in bulk form that would be acceptable under this legislation.

One of the other things the legislation does is set out specific penalties consistent with other environmental legislation from The Environment Act or The Dangerous Goods Handling and Transportation Act or The Contaminated Sites Remediation Act. One of the other areas that I am wanting to see how we are going to deal with this is something that I raised earlier in terms of British Columbia, and that is the existing licence under the water legislation and how we are going to deal with lands that have an existing water licence if they are sold to someone from across the border. That is sort of an outstanding issue that I want to see how we are going to be dealing with it.

\* (11:50)

In closing, Mr. Speaker, I just want to say that both Bill 6 and any federal water accord that is developed by the federal government really does not get the federal government off the

hook, and it does not prohibit future action. I think that we will still need to take a look at how we can review the situation and have discussions with stakeholders to see what other steps need to be taken to actually protect water and to deal with the situation that we are now faced with because of NAFTA. I just want to reiterate that I think the fact we are having to bring in legislation such as this is an admission by the federal government that there are problems with respect to the trade agreements they have signed and that legislation like this is a good step and will do it. It shows the commitment that we have as a government. It is a commitment that we made in the election, but I am concerned that the federal government is not being entirely up front on this issue and that they are not going far enough and that they are not really going to be able to protect the water resources we enjoy in this country in a way that is going to meet the needs, not only that we have right now, but well into the future. I think that we live in a time when things are changing so fast, and we cannot even imagine, I mean, even some of the things that are occurring now, where there are proposals to export cargo ships full of water from the Great Lakes all the way over to the Orient. It boggles the mind to think that proposals like that exist. That is actually what kind of proposals we have been dealing with in the country.

While I am on this topic, I would also mention that it boggled my mind when I read the former premier of Manitoba's thesis when he was a masters' student as an engineer. I did read excerpts of that. The former premier was very interested in bulk water exports. He had another scheme that boggles the mind, which was to create a canal from the Hudson Bay area in northern Manitoba, the tributaries, using nuclear blasts. He was going to create a canal, and he would then be able to transport water from Manitoba into the United States.

So we know that on the other side of the House there is a long history of interest in these issues. There is a long history of proposals. I know that there were a number of proposals put forward by the previous government. I mentioned one at the beginning of my speech, which was stopped because of the decision of the Clean Environment Commission. So I find it

interesting that members opposite are not taking the opportunity to put their thoughts known and on the record on this important legislation.

I know that there is a lot of concern among the public. I know that there are a lot of petitions that have been circulated. There are a lot of letters that people from the community have written. I know that I have received some letters from people in my constituency on these issues. Whenever issues of sale of water from Canada get raised, it triggers something in people. Some of my colleagues have used the phrase that it turns their stomach. When we start dealing with issues like this, people get very, very concerned, and they take action. So I think that it is important that we as a new government are recognizing that and that we are doing our part, we are doing what we can as a provincial government, by passing this legislation.

As I said, I do not think that it is far enough in terms of what the federal government has to do. I think that there are more things that the federal government has to look at, and I want to urge on my colleagues in the federal caucus of the NDP for Bill Blaikie and other MPs to continue the work that they have done in raising this issue and continuing to fight for the natural resources in Canada. That is our duty in our generation to protect for the future generations that are going to follow us. We do not know the kinds of situations that they are going to be facing. Other environmental problems that are progressing like global warming, and the decline in the ozone layer, are going to create climate changes. We do not know now the way that that is going to affect the water resources that we have in the country, as they are right now. We know that some people predict that water levels on the coasts will rise with even a small increase in degrees of average temperature.

So all of these things that we are going to have to deal with and face in the future, I think that we have to use what is known as the precautionary principle. That means that we have to prove that there is not going to be any damage caused by any development or something that we do before we go ahead with it. That is the approach that I think that we have to take when we are dealing with bulk water export. That is the approach, I think, that we

have to take when we are taking responsibility for any of our natural resources. That is something that I know myself, and others on this side of the House, are committed to.

I will, with that, conclude my remarks, Mr. Speaker.

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

the Honourable Member for Arthur-Virden (Mr. Maguire).

Is it the will of the House to call it twelve o'clock? *[Agreed]*

The hour being 12 noon, I am leaving the Chair with the understanding that the House will reconvene at 1:30 p.m.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 8, 2000

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