



Third Session - Thirty-Seventh Legislature

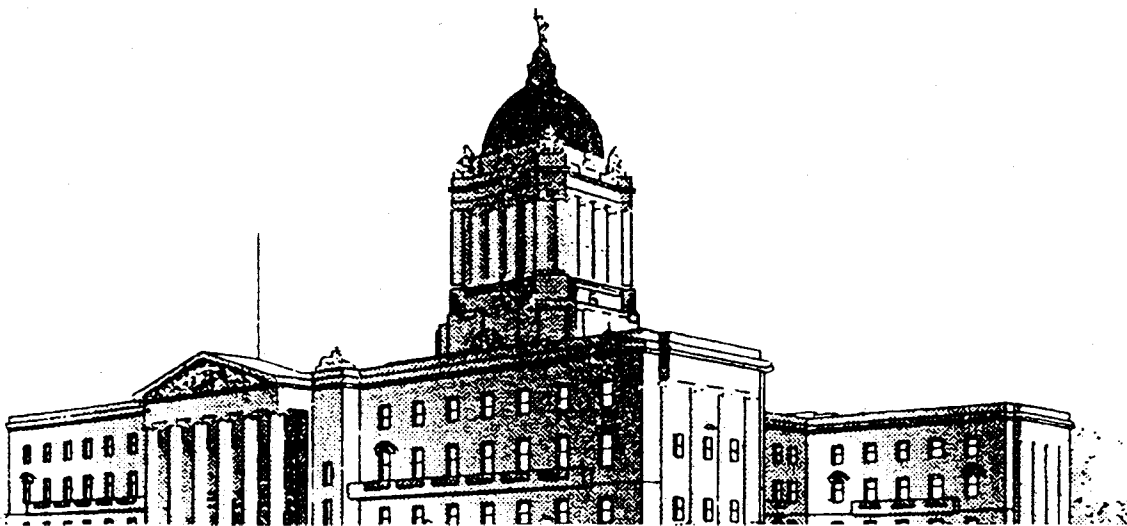
of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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The Honourable George Hickes
Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	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.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
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MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
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MURRAY, Stuart	Kirkfield Park	P.C.
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PENNER, Jim	Steinbach	P.C.
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REID, Daryl	Transcona	N.D.P.
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ROCAN, Denis	Carman	P.C.
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SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
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SMITH, Scott, Hon.	Brandon West	N.D.P.
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TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, July 15, 2002

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Transcona-Springfield School Division

Mr. Ron Schuler (Springfield): Mr. Speaker, I beg to present the petition of Ashton Raitt, Connie Bredin, Cheryl Bredin and others praying that the Legislative Assembly of Manitoba request the Minister of Education (Mr. Caldwell) to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

READING AND RECEIVING PETITIONS

Transcona-Springfield School Division

Mr. Speaker: The honourable Member for Springfield (Mr. Schuler), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Yes.

Mr. Speaker: The Clerk please read.

Madam Clerk (Patricia Chaychuk): The petition of the undersigned citizens of the province of Manitoba humbly sheweth

THAT on November 8, 2001, the Minister of Education (Mr. Caldwell) announced a split in the Transcona-Springfield School Division but despite repeated requests has been unable to identify any benefits of this decision to the students and taxpayers of said school division; and

THAT this decision was not preceded by adequate public consultation as outlined in section 7 of The Public Schools Act; and

THAT this decision would result in significant hardships for the students in both Transcona and Springfield that would affect the quality of their education; and

THAT the proposal by the Minister of Education on February 12, 2002, neither alleviates nor remedies these hardships; and

THAT this decision results in an increased financial burden on the taxpayers of both the Transcona-Springfield School Division and the province of Manitoba; and

THAT on March 13, 2002, the number of resident electors required by The Public Schools Act requested the Minister of Education to convene a Board of Reference to decide the matter.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly request the Minister of Education to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Standing Committee on Privileges and Elections Third Report

Mr. Conrad Santos (Chairperson): Mr. Speaker, I beg to present the Third Report of the Committee on Privileges and Elections.

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

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Meetings:

Your committee met on Wednesday, July 10, 2002, at 6:30 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

Bill 9—The Canadian Forces Personnel (Amendments Relating to Voting Rights and Driving Privileges) Act/Loi sur le personnel des Forces canadiennes (modifications relatives au droit de vote et aux privilèges rattachés à la conduite des véhicules)

Committee Membership:

Substitutions received prior to commencement of meeting:

*Hon. Ms. Barrett for Mr. Dewar
Ms. Asper for Mr. Nevakshonoff
Ms. Korzeniowski for Mr. Aglugub
Mr. Rondeau for Hon. Mr. Smith (Brandon West)
Mrs. Mitchelson for Mr. Loewen
Mr. Hawranik for Mr. Penner (Emerson)
Mr. Laurendeau for Mr. Tweed*

Public Presentations:

Your committee heard two presentations on Bill 9—The Canadian Forces Personnel (Amendments Relating to Voting Rights and Driving Privileges) Act/Loi sur le personnel des Forces canadiennes (modifications relatives au droit de vote et aux privilèges rattachés à la conduite des véhicules), from the following individuals and/or organizations:

*Colonel Doug McLennan, Department of National Defence
Nicole Johnson, Private Citizen*

Bills Considered and Reported:

Bill 9—The Canadian Forces Personnel (Amendments Relating to Voting Rights and Driving Privileges) Act/Loi sur le personnel des Forces canadiennes (modifications relatives au droit de vote et aux privilèges rattachés à la conduite des véhicules)

Your committee agreed to report this bill without amendment.

Mr. Santos: I move, seconded by the honourable Member for Selkirk (Mr. Dewar), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Gord Mackintosh (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): I am pleased to table the Quarterly Financial Report of Manitoba Public Insurance for the three months ended May 31, 2002.

ORAL QUESTION PERIOD

**Dakota Tipi First Nation
Women's Concerns**

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, my colleagues and I recently had the opportunity to meet with women from Dakota Tipi First Nation, accompanied by the Provincial Council of Women of Manitoba, who shared with us issues regarding financial accountability and transparency of gaming revenues, gasoline tax, cigarette tax, as well as issues of safety and security for women and children.

* (13:35)

Mr. Speaker, my question is for the Minister responsible for the Status of Women. I know she was looking to set up a meeting with these women. Has she set that meeting up and could she confirm for us today what day that would be?

Hon. Diane McGifford (Minister responsible for the Status of Women): As the member opposite knows, she wrote to me. I have written to her saying we are setting up a meeting. My office was in touch with women from Dakota Tipi this morning. There was a conflict of a date with one of my staff members. I will let the member know what the date is once it has been determined.

Mrs. Mitchelson: Yes, I know the minister was looking at a date for a meeting. Since the Premier (Mr. Doer) and the Government of

Manitoba have known about the issues and concerns raised by the Provincial Council of Women since April 15 and we have not seen any action, will the minister now today indicate to us what course of action she might be taking on behalf of the women of Dakota Tipi when she meets with them?

Ms. McGifford: I thank the member for the question, Mr. Speaker. As I have indicated I will be meeting with the women. I need to first hear what the women have to say to me.

The member has written to me. I would prefer to operate on first-hand information, and I will be meeting with the women.

Mrs. Mitchelson: The information has been on the minister's desk since April 15 when it was considered an urgent matter by the Provincial Council of Women. Can the minister indicate what communication, what discussions she has had with her colleagues and what information or course of action she and her Government will be taking and announcing to the women of Dakota Tipi?

Ms. McGifford: For the third time, Mr. Speaker, I will be meeting with the women and I will let the member know when that meeting is to take place.

Dakota Tipi First Nation Chief and Band Council

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, my question is to the Minister of Aboriginal and Northern Affairs.

On April 1 of this year the federal Minister of Indian Affairs, the Honourable Robert Nault, invoked section 74. (1) of the Indian Act and called for an election to be held at the Dakota Tipi First Nation. Until the election for a chief and council is conducted, Minister Nault put third-party managers in place to manage medical services and INAC affairs on the First Nation.

Can the Minister of Aboriginal and Northern Affairs indicate whom he currently recognizes as the chief and band council of Dakota Tipi First Nation?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): As the member knows, the issue on Dakota Tipi is quite complex. There are different factions in the community. I would venture to say there are at least four factions in the community I am aware of that are in support of the current chief.

It is really difficult for us. We want the matter to be settled. We want the people to live in safety and in comfort for their families in the community of Dakota Tipi. We have no alternative but to recognize the current chief and council as they exist, and that is Chief Dennis Pashe and the current council that exists in the community.

With reference to the legislation tabled by the honourable Minister of Indian Affairs, I will talk about that to some degree as well, given the opportunity, but to answer the question directed to me by the member I would have to say currently we have no alternative but to recognize the elected chief until such time as there is an election for a new chief and council.

Dakota Tipi First Nation Gaming Revenues

Mr. Jack Reimer (Southdale): Mr. Speaker, the federal government has brought in third-party management to manage the affairs on the Dakota Tipi First Nation near Portage la Prairie. Until an election is held and despite the federal government's actions, this Government, the Doer government, still allows the chief, Dennis Pashe, to have total access and control over all lottery revenue from the VLTs on Dakota Tipi.

Can the Minister responsible for Lotteries indicate if she has considered appointing a third party to manage the VLTs and other gambling activities on Dakota Tipi, given the federal government put in third-party managers on April 1 of this year?

Hon. Diane McGifford (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Mr. Speaker, the member probably knows that Manitoba Lotteries' relationship with the First Nation is that it is basically responsible for the integrity of the gaming, and I understand there is not a question

with regard to the integrity of the gaming, so I put that answer forward.

I understand the community's arrangement is with the community's gaming commission. It was established under the previous government by Order-in-Council in 1994. By this arrangement, 90 percent of revenues remain in the communities and 10 percent is retained by MLC to cover their expenses.

* (13:40)

Mr. Speaker, MLC does not determine, nor should we determine, how the band should spend their revenues. This is the responsibility of the chief and council.

Mr. Reimer: Mr. Speaker, I thank the minister for that answer, but can the Minister of Lotteries indicate if she will be following the recommendations provided to her on April 15 by the Provincial Council of Women of Manitoba, which asked this Government to, and I quote, place all gaming revenues which may be at risk in a trust fund until the new leadership is installed?

Ms. McGifford: Mr. Speaker, as I just told the member, our arrangement is with the gaming commission, an arrangement that was established by the previous government. I pointed out that 90 percent of the earnings stay in the community and 10 percent are returned to MLC to cover the costs of managing. Our arrangement is with the commission, and, no, this is the arrangement we have at this time.

Mr. Reimer: Mr. Speaker, this indeed is a bowl of spaghetti because one is related to the other; the other one does not want to take responsibility, pushing it off to somebody else.

I just want to ask the minister then: Can the minister indicate if she will follow the Provincial Council of Women's request that, again, as I quote, was outlined to her on April 15 when they met with the Cabinet that the complete files from Manitoba Lotteries Commission, Manitoba Gaming Control board and the Taxation Division of Manitoba Finance concerning gaming, gas bar and tobacco revenues be put on the public record? Will the minister commit to that?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Well, Mr. Speaker, to the best of my understanding, the third-party management of the community is occurring on all other business. With respect to the community, this is a very complex issue. With respect to the gaming initiatives in the community and the gas bar operation, that, too, is a separate issue. That has gone under third-party management as well.

On the bigger picture, with the other aspects of the band's business, that indeed has been dealt with by the Department of Indian Affairs and a third-party manager has been appointed. On the other hand, it is within the legal realm of the current chief and council to appoint their own third-party manager on the gas bar and on the gaming initiatives in the community. So it is a touchy issue, and it is an issue we are all trying to understand.

Dakota Tipi First Nation Debt Management

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, there are at least 18 Portage la Prairie small businesses that are owed tens of thousands of dollars by Dakota Tipi, and these debts were incurred prior to third-party management being introduced by the federal government.

I would like to table a letter this afternoon for perusal of the Minister responsible for Aboriginal and Northern Affairs, and I would like to follow on with questions. The letter is from Mr. Dennis Brownlee, president of the Portage la Prairie and District Chamber of Commerce, regarding the plight of more than 18 small businesses in Portage.

Mr. Speaker, these debts were incurred by the former chief, Dennis Pashe. Now, I understand by the wording here this Government does not recognize him as former chief. Mr. Pashe still has complete control over all gaming revenues, yet he has no responsibility for the debts that he, himself, was responsible for prior to third party being introduced by the federal government.

* (13:45)

I would like to ask the Minister of Aboriginal and Northern Affairs: What discussions or what actions has the Doer government taken to assist Portage businesses to recoup the monies owed to them by Dakota Tipi?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): This is the first opportunity I have had to read the letter from the chamber in Portage la Prairie, Mr. Speaker. I am aware of the many problems that exist in Dakota Tipi, some to a lesser degree, but I am also aware that this is one of the reasons why the community itself, the First Nations, came under third-party management because of the financial problems that were being experienced by the people of that community.

The matter with respect to the election of the chief, as the member knows, has been challenged by Dennis Pashe and that matter is before the courts. It would be inappropriate for our Government to respond to that, First Nations being the primary responsibility of the federal government. The federal government has the responsibility of First Nations throughout this province and indeed across this country.

However, there are instances where provincial governments have some involvement with First Nations, and with respect to rebates on gasoline and tobacco, indeed, that is the responsibility of the provincial government. As I said, the issue is complex, where Chief Pashe has appointed his own third-party manager.

Mr. Faurchou: The Minister of Aboriginal and Northern Affairs, I hope, is prepared to intervene and ensure that the VLT money still flowing to Mr. Pashe will be used to pay down the debts Mr. Pashe signed for with the Portage businesses. Is he prepared to intervene?

Hon. Diane McGifford (Minister charged with the administration of The Manitoba Lotteries Corporation Act): The premises behind the member's questions simply do not work. As I said, in accordance with an agreement between Dakota Tipi, Manitoba Gaming Commission and Manitoba Lotteries, VLT revenue is collected by the site holder; 90 percent is retained by the site holder and MLC withdraws their 10 percent

from the Manitoba Gaming Control Commission's bank account on a weekly basis.

Therefore, it is simply not possible for MLC to place their gaming revenue in any kind of trust fund or to have this gaming revenue used somehow to pay back business owners in Portage, because neither Manitoba Lotteries nor the Manitoba Gaming Control Commission have their hands on this 90 percent. It remains in the community in accordance with the agreements that were signed by the members opposite.

Report Tabling Request

Mr. David Faurchou (Portage la Prairie): Mr. Speaker, does the minister not realize that Mr. Dennis Pashe, as chief, appointed himself to the gaming commission for the reserve? Now Mr. Pashe has been removed from all responsibility of paying the bills, yet this Government recognizes him as the gaming commissioner on the reserve and he is receiving all the monies. Does this minister not realize he receives all the money yet he has no responsibilities to dispense it? Is the minister here today willing to table the report that is called for by the gaming commission, so that we here in the House can see where those monies are being spent?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Let me repeat what I said earlier, Mr. Speaker. To the best of my understanding, the community is indeed under third-party management. The main function of the First Nations community is under third-party management by the Department of Indian Affairs, federal government. On the other hand, the gaming—*[interjection]*

Well, if they would listen, I will respond, Mr. Speaker.

I am trying to say the chief and the current council have appointed their own third-party manager, asserting the authority they have as First Nations leaders in the community on the gaming initiative and also on the gas bar operation they have in this community. This matter may go before the courts where Chief Pashe, his right as a Canadian person to challenge this matter in court may occur, and I have no further knowledge beyond that.

**Dakota Tipi First Nation
Gaming Revenues**

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, the federal government, in its wisdom, was concerned enough to put a third party in place to manage the affairs and the financial affairs of the Dakota Tipi First Nation. We see the provincial government is shirking its responsibility. If in fact the federal government believes a third party needs to manage until a chief is duly elected, why is this Government still recognizing the chief the federal government does not recognize, and why are they still allowing millions of dollars of lotteries revenue to flow through that individual?

* (13:50)

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): The issue itself is complex, and I do not really want to politicize the matter any more than it is in Dakota Tipi. *[interjection]* It is a serious matter and I wish they would listen.

Mr. Speaker, there is a threat that somebody could get hurt in the community. We are all concerned about that. The government that has a primary responsibility is the federal government. They are doing matters as appropriate, and our Government is going to be supportive in matters when it comes to law and order and other issues.

Mrs. Mitchelson: Again, I ask this Government: When the federal government believes the issues on Dakota Tipi are serious enough that they put a third party in place to manage the affairs and to manage the finances of that reserve, why is this Government shirking its responsibility and still allowing the chief the federal government does not recognize to be the spokesperson to them for that reserve?

Mr. Robinson: Again, Mr. Speaker, the primary responsibility of any government is the federal government with respect to First Nations communities. It happens to be the federal government, and we are supportive of their initiative.

Mrs. Mitchelson: This is absolutely unbelievable. *[interjection]* A little sensitivity, Mr.

Speaker, by the Minister of Health (Mr. Chomiak). *[interjection]*

Mr. Speaker, women and children on Dakota Tipi fear for their safety and their security, and millions of dollars are not being accounted for as a result of this Government recognizing a chief the federal government does not recognize.

Point of Order

Mr. Speaker: The honourable Government House Leader, on a point of order.

Hon. Gord Mackintosh (Government House Leader): Yes, Mr. Speaker, I believe the member is up on a supplementary question, I believe her second supplementary, in which case *Beauchesne* Citation 409 states and applies that a supplementary question should need no preamble. I wonder if you could remind the honourable member.

Mr. Speaker: The honourable Member for River East, on the same point of order.

Mrs. Mitchelson: Mr. Speaker, this is an extremely serious issue, an issue that women are asking for answers on and they are getting no answers from this Government. If it takes an extra sentence to lay out the issue so that Manitobans can understand, I believe it is our responsibility to do that.

Mr. Speaker: On the point of order raised by the honourable Government House Leader, he has a point of order. *Beauchesne* Citation 409(2): A supplementary question should not require a preamble.

* * *

Mr. Speaker: The honourable Member for River East, to please put her question.

Mrs. Mitchelson: My question is for the Premier. Will the Premier provide some leadership in this province and stand up for the women and children who are raising issues of concern on Dakota Tipi, and will he get some answers from his ministers within Government as to how to deal with this issue to ensure the lotteries revenue, the tobacco taxes and the gasoline taxes

are being dealt with in an appropriate, accountable fashion so that the women and children do not have to go to food banks in order to receive the nourishment they need and that they can be supported as individuals who deserve his support here in the province of Manitoba?

Hon. Gary Doer (Premier): As the previous answers have indicated, the Government has not rescinded the gambling agreement made by the previous government in 1994, nor I believe the agreement that was reached by former Minister Stefanson on taxation, both for cigarettes and gasoline.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (13:55)

Mr. Doer: Thank you, Mr. Speaker. I think the issues raised about a chief who has been put into a situation by the federal government and the answer given by the Minister of Aboriginal and Northern Affairs (Mr. Robinson) about our lack of jurisdiction is correct in terms of who is chief under the Indian Act of Canada, but I think the issue of the legality of the gaming agreement that was signed in 1994 and what legalities, legal rights and responsibilities we have as a government should be investigated, and I will do that with the appropriate ministers.

Cardiac Surgery Mortality Rate

Hon. Jon Gerrard (River Heights): Mr. Speaker, my question is to the Minister of Health. Recent information shows the mortality rate from adult cardiac surgery has increased since 1995 from 3.46 percent to 4.4 percent most recently, and for coronary artery by-pass grafts from 2.1 percent to 2.6 percent over the same period. Mortality rates elsewhere in North America have been declining so that in Manitoba these rates are now significantly higher than the North American average. With approximately a thousand Manitobans each year receiving cardiac surgery in Manitoba, this means we now have an additional approximately 12 people who die each year compared to the North American average.

I ask the Minister of Health: What is he doing about this situation?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I believe the member had a press conference on that this morning with Linda West, ex of the department, ex of the Tory caucus research and now, I think, a candidate or associate. This information had been raised before. The member has raised this information on three or four occasions in this House with respect to the raw data with respect to mortality rates regarding heart surgery, I believe he raised it.

With respect to the issue of the individual the member kept raising in this House, that matter went before Judge Krindle for review.

Mr. Gerrard: Mr. Speaker, I ask the minister: Will the Minister of Health now act to institute public reporting of results, as occurs in Ontario where the mortality from coronary artery by-pass grafting has now decreased to 1.9 percent, well below the Manitoba rate of 2.6 percent?

Mr. Chomiak: Mr. Speaker, we have introduced in this Legislature, for the first time in Canada, a bill on physician profiles and the member has filibustered on Bill 14 day after day, week after week. Let us get on and talk about that bill so he can put those amendments forward when that bill gets discussed, but he keeps filibustering and blocking passage of the bills in this Chamber so we cannot do it.

Mr. Gerrard: Mr. Speaker, I think the minister should not protest about good debate in the Legislature.

I ask the minister, who in fact has the power to act, why he hesitates now to move in the Ontario direction and improve accountability and transparency by posting the public results in a regular fashion.

Mr. Chomiak: Mr. Speaker, first off, the data released by the member today is going into a compilation to be compared with other data. I understand we will have good results and comparative data by the fall with respect to information provided by the member that he has provided on many, many other occasions.

Secondly, we have a bill before this Chamber for the first time dealing with physician profiles. I would be curious as to the member's position in that regard, because I have had occasion where the member has taken one position on one issue and another position on another issue. Let us discuss the bill. Let us discuss physician profiles in general. Let us see what we are going to put on the record to help all Manitobans, as was recommended by the Sinclair and Thomas inquiries. We have much larger issues that fit in with that and we would appreciate some support from members opposite.

School Divisions Amalgamations—Benefits

Ms. Nancy Allan (St. Vital): Mr. Speaker, my question is to the Minister of Education, Training and Youth. In anticipation of the modernization of school boundaries, trustees and senior management have been preparing for amalgamation effective July 1 for months and months. During that time, the Opposition has continuously put doom-and-gloom comments on the record regarding the benefits of amalgamation.

* (14:00)

Could the Minister of Education, Training and Youth—

An Honourable Member: Question.

Ms. Allan: I think "Could the Minister of Education, Training and Youth" is a question—update his colleagues in the House today outlining specific benefits to divisions because of amalgamation?

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, there are, as Manitobans know, a great many benefits from amalgamation. I quote from the *Clipper Weekly*, a newspaper in the Member for Springfield's (Mr. Schuler) constituency. In a piece entitled Amalgamation has much to offer, I quote: We found that the amalgamation of Springfield and Agassiz has much to offer. The following are some of the programs and resources we felt were important and available within the Agassiz School Division: consulting and in-school sup-

port; resource teachers; talent development programs; reading recovery; industrial arts; music programs for middle and senior years; technology computer updating; French immersion opportunities; vocational schooling; busing development; and professional development days for teachers and staff.

Mr. Speaker, there are many benefits from amalgamation around the province.

Labour Relations Legislation Exemptions

Mr. Edward Helwer (Gimli): Mr. Speaker, when referring to the bungled mess the Minister of Labour (Ms. Barrett) has created with Bill 18, the Minister of Industry, Trade and Mines told the *Interlake Spectator* and the *Selkirk Journal* that she is sympathetic to those who may be frustrated by the process.

The minister went on to say, and I quote, uncertainty is difficult to deal with.

The minister also stated it is possible for Cando Contracting to take over the rail line without changing its legislation or forcing Cando to unionize.

I would like to ask the Minister of Industry, Trade and Mines if one of the options she is looking at is ordering the Manitoba Labour Board to exempt Cando from Bill 18.

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Mr. Speaker, options are on the table reviewing everything possible, and I would like to inform the House we are still working with all members who are involved with this difficult situation. *[interjection]*

Mr. Speaker: I just want to draw the attention of all honourable members that politicians you might be, but I guarantee you, singers you are not. I would ask the co-operation of all honourable members, because it is very, very difficult to hear the person who has the floor. I would ask the full co-operation of all honourable members, please.

Ms. Mihychuk: Thank you, Mr. Speaker. The short answer to the question is no.

Mr. Helwer: Mr. Speaker, then can the Minister of Industry confirm that if the Labour Board does not exempt Cando from Bill 18 her Government will have to make changes to Bill 18 to see this deal go ahead?

Ms. Mihychuk: What I can tell the members across the way, and all Manitobans, is that our goal is to ensure the line remains open, that the industry in Gimli is successful and has a long future here in Manitoba, and we are still working with all parties to ensure that can happen.

Mr. Helwer: Mr. Speaker, will the minister then follow the example set by her Minister of Health (Mr. Chomiak) and do yet another flip-flop and repeal Bill 18 so important jobs in Gimli can be protected?

Ms. Mihychuk: Mr. Speaker, what I can tell you is this Government is going to work with all diligence to find a positive solution, as we have for companies in Brandon, in Elie, in Winnipeg, and in this case in Gimli. I understand how difficult it is to have a situation of uncertainty, but I can assure you that all members are concentrated on finding a positive, long-term solution for Gimli and rural Manitoba.

Medical Specialists Waiting Lists

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the Minister of Health and the Premier (Mr. Doer) promised Manitobans during the 1999 election they were going to slash waiting lists and they failed miserably in keeping that promise. I would like to ask the Minister of Health if he could explain, according to a 2001 Stats Canada report, why almost 60 percent of Manitobans are forced to wait more than a month to see a specialist for a new illness and, in fact, has one of the worst records in all of Canada.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I do not know if the member overlooked the fact that recently there was a Canada-wide study that showed our hip and knee replacements were the best in the country. I do not know if the member overlooked the fact that there was a cancer waiting list study that just came out that said we had the shortest waiting list in the country.

So, Mr. Speaker, now the member is saying, okay, now we are going to decide that the waiting list issue is the wait between a specialist and diagnosis, and maybe we can find something there. Over all, on a whole variety of areas, we have put in more resources, and we continue to work every day to clean up their mess.

Mrs. Driedger: I would like to ask the Minister of Health to explain, according to that same report which I might indicate was released today, and it is those facts I am quoting from today—it is not facts that I am drawing out of the air, it comes out of a Stats Canada report—why 60 percent of Manitobans are forced to wait more than a month for non-emergency surgeries, again, according to this report, one of the worst records in Canada. Can the minister explain that?

Mr. Chomiak: Mr. Speaker, I can tell her for a fact that there are at least two reports released a week with respect to comparative figures in terms of health care. I note the member did not choose to talk about the CIHI report that talked about the number of specialists we have in Manitoba. She chose not to talk about the number of physicians that have increased for the first time in the last two years.

So, Mr. Speaker, with respect to that report, I will check the specific criteria, because often members raise reports of comparisons that have in fact occurred when members opposite were actually in government.

Mrs. Driedger: I would like to ask this Minister of Health, who has shown a bit of a tendency to flip-flop lately, to admit that this report shows he has no plan for slashing waiting lists in Manitoba. Despite the fact that he has poured hundreds of millions of more dollars into health care, the waiting lists continue to go up, and this report is just substantiating that we have one of the worst records in Canada. Can he just speak to that issue?

Mr. Chomiak: Mr. Speaker, the member is patently wrong. We have reduced the waiting list for stress, maybe. We have reduced the waiting list for cancer. We have reduced the waiting list for hip and knee replacement, all problem areas.

Members opposite wanted to close the whole cardiac ward in St. Boniface Hospital. Members opposite closed 1400 beds. The president of the Manitoba Medical Association called the Tory years the dark years, when doctors left year after year.

We put in place programs, we reinvested in doctors, we reinvested in nurses, we brought back the nursing programs the members opposite slashed, and then they opposed us when we brought back the nursing programs. The member is patently wrong.

Internet Crime Cyber Tip Line

Mrs. Joy Smith (Fort Garry): Mr. Speaker, 420 days have passed since the Minister of Justice announced his cyber tip line, promising at the time his Government would, and I quote, do more at the provincial level to prevent the exploitation of children through the Internet.

Mr. Speaker, I ask this minister: Where is his announced and re-announced cyber tip line? What happened to that priority?

* (14:10)

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I thank the members opposite for their new-found interest in this area. Mr. Speaker, unfortunately technology and law enforcement and the justice system have to catch up to the crimes that are being committed against children on-line.

Mr. Speaker, the member opposite referenced the establishment of the Children Online Protection Committee, which has been asked to put in place a cyber tip line for Manitobans. Since the Children Online Protection Committee began its work, I can advise members opposite and confirm there is interest federally, as well, in looking to the Manitoba project for a national tip line. That project is being led by Child Find Manitoba.

The questions, unfortunately, are reflecting in a negative way on the very hard work that has gone into this program, Mr. Speaker, and it will be announced very soon, when all the partners are ready to make that announcement.

Mrs. Smith: Mr. Speaker, in all due respect, it is not the technology that needs to catch up. It is the Minister of Justice that needs to catch up.

During Estimates, on May 29, the Minister of Justice said his cyber tip line would be operational, and I quote, over the next few weeks. That was May 29. It is now July. It has been over six weeks since that statement was made.

Can the minister advise how much longer Manitobans and children in Manitoba have to wait until this cyber tip line is up and operational?

Mr. Mackintosh: Well, Mr. Speaker, the member was also invited to meet with Child Find Manitoba, so that she understood the work that has gone into this initiative, the number of funding commitment—

An Honourable Member: What are you doing, Gord?

Mr. Mackintosh: Remember when heckling was an art, Mr. Speaker.

The member was invited to meet so she could understand all of the law enforcement work, the funding commitments that were necessary for this. I remind members opposite, and I will say this once again, that the Province is one partner of several. This is a project that is being led by the community and by many partners, and it will be announced very soon. I understand the announcement will be available either this summer or early in the fall.

Mrs. Smith: A new question, Mr. Speaker.

Mr. Speaker: The honourable Member for Fort Garry, on a new question.

Mrs. Smith: Mr. Speaker, clearly I have no need to meet with the parties involved. I fully understand the cyber tip line and the effort that has been put in by Child Find. That is not the question.

The question is it has been 420 days and this Minister of Justice is responsible for the children in Manitoba. They do not want the meetings.

They do not want all this stuff going on. What they want is to be protected.

My question to the minister, just answer the simple question: When will the cyber tip line be operational for Manitoba children?

Mr. Mackintosh: Mr. Speaker, it is unfortunate there is this reflection on the community partners that are doing this work.

As I said earlier in answer to the very same question, this is not some little phone line that is not answered for up to five months at a time like their gang hot line, so-called hot line, the cold line. This is a very serious project that requires security, that requires protocol, that requires as well the intelligence from the international community in terms of how we can protect children on-line, and not only in respect of Manitoba children but nationally as well.

So we are committed to that, Mr. Speaker, and I would urge members opposite that they not politicize the work of a community partnership like this, a partnership and leadership that is beyond reproach.

Mrs. Smith: Mr. Speaker, on a new question.

Mr. Speaker: The honourable Member for Fort Garry, on a new question.

Mrs. Smith: Mr. Speaker, I do agree this is a very serious issue. Members opposite and the Justice Minister cannot afford to politicize this any longer. It has been 420 days. There is no reflection on any of the other parties. In all due respect, it is the Minister of Justice who is responsible for this. It is the Minister of Justice who has promised this. It is the Minister of Justice who is fully aware of the gravity of this situation. When will this cyber tip line be up for these children?

Mr. Mackintosh: What members opposite might not understand is the nature of a partnership. The Province was very proud to put together the Children Online Protection Committee in partnership with many organizations, including the police, Child Find Manitoba and Beyond Borders.

As well, we were pleased to be able to provide funding for Child Find, to take a lead by

hiring staff to put together a cyber tip line for Manitobans. I am very pleased that we are now nearing the end of that organizational effort.

I commend very highly the work of Child Find Manitoba, its staff, the board, RCMP, and Winnipeg Police Service in particular for their work on the Children Online Protection Committee. It will be a proud day for Manitoba when this announcement is made, as I said, expected this summer or early this fall.

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

MEMBERS' STATEMENTS

Freedom Walk 2000

Mr. Tom Nevakshonoff (Interlake): I rise today to tell the Assembly of a very special event which I attended last Friday, the 12th of July, in Portage la Prairie. I am referring to the opening ceremony of the Rising Bear Residential School Survivors group, Freedom Walk 2000. The march will pass through the communities of Portage, Brandon, Elkhorn, Birtle and Dauphin before ending in Peguis on the first day of the powwow. The objective of the march is to draw attention to the suffering and injustice experienced by people from Peguis First Nation who were forced to attend residential schools in the five communities mentioned above, and to provide a forum for the victims where they can share their experiences with each other and, by opening up their hearts, hope to achieve some type of closure.

The afternoon began with a fine lunch, which was followed by a pipe ceremony and drum song. After motivating speeches by various individuals, including SCO Grand Chief Margaret Swan and Aboriginal Healing Foundation Co-ordinator Joan Molloy, the marchers set off on the first leg to Brandon. The afternoon event was hosted by Chief Dennis Meeches of Long Plain First Nation, which recently took possession of the Portage Residential School and surrounding area in a TLE settlement. The chief, one day, hopes to convert the old brick building into a museum detailing the history of the residential school system as a lesson for future generations. For the people of Peguis, the after-

noon was a giant step forward on the long road to healing that they have been travelling now for too long a time.

As the rest of us become aware of the injustice they experienced, let us hope that we, too, can move forward on this issue so that never again in our society will such a travesty occur. Freedom was won at a great cost by our forefathers. Let us never take it for granted but remain vigilant and prepared to defend it at whatever cost indefinitely into the future.

Sterling Lyon

Mrs. Joy Smith (Fort Garry): It is with great pride and honour that I would like to speak about a very outstanding Manitoban who today is going to be receiving the Order of Manitoba. This is Mr. Sterling Lyon. As MLA in Fort Garry, it is with great pride that I stand in this House today to applaud and to honour Mr. Sterling Lyon.

Mr. Sterling Lyon, in Fort Garry, is well-known. I want to first talk about Mr. Sterling Lyon as the compassionate man and community member that he is in the constituency of Fort Garry. Many times I go to functions and Mr. Sterling Lyon is there. He is well loved, well thought of and well respected in the constituency of Fort Garry. It was with great pride that I see the service that Mr. Sterling Lyon has played, has put forward, the service that he has given both to Manitoba and to Canada. He was nominated as a Progressive Conservative candidate for Fort Garry in 1957 and was first elected to the Manitoba Legislature in 1958. He was sworn in as Attorney General, Mr. Speaker, at the age of 31. He was the youngest Cabinet minister in the Roblin administration.

He was re-elected again and again in '59, '62 and '66, and, during the 11 years he served this Legislature and the people of Manitoba, he held many different portfolios. These included Public Utilities, Municipal Affairs, Mines and Natural Resources, Tourism, Recreation and Northern Commissioner.

Above all, today as we honour Mr. Sterling Lyon with the Order of Manitoba, it is because of his character, his integrity and his commitment to Manitoba.

* (14:20)

High School Convocations

Ms. Linda Asper (Riel): High schools that serve Riel constituency students held their convocation ceremonies at the end of June this year. I had the pleasure of attending all three to celebrate the academic achievement and to acknowledge the accomplishments of our young people. These events are indeed a highlight in my role as MLA in Riel.

It was an honour for me to present the MLA for Riel Award to a Riel graduate at each school in recognition of leadership skills and academic success. Monika Rak, Dakota Collegiate, Kevin J. Roorda, Glenlawn Collegiate and David Taylor, Collège Jeanne-Sauvé were this year's recipients. Congratulations to these young people. They represent a dynamic and promising group of graduates who start their journey to fulfil their dreams and to continue a life-long process of learning.

Special thanks goes to the graduates' parents who provided the support needed for their young people to achieve high school graduation.

Ron Guarino, Dakota Collegiate principal, Donna Bulow, Glenlawn principal and Christian Michalik, Collège Jeanne-Sauvé principal, as well as their staffs, deserve much credit for their students' achievements and the moving ceremonies held again this year. I would like to thank them for hosting me at the convocations and providing me the opportunity to contribute to the future of three deserving students.

Congratulations to all graduates, best wishes for the future. We all look forward to their ongoing contribution to our community and our province. Thank you, Mr. Speaker.

Dakota Tipi First Nation

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, today during Question Period I tabled a letter that was offered by the president of the Portage and District Chamber of Commerce, Mr. Dennis Brownlee.

I would like to read an excerpt of that to express more fully the serious nature of the situation in Portage as tens of thousands of dollars owed by the Dakota Tipi had been previously entered into good faith by Mr. Dennis Pashe, and I quote: "Our members dealt with Dakota Tipi in good faith, and expect payment. Some of our members are owed many thousands of dollars. These are small businesses whose margins are tight, and this outstanding debt has a huge impact on their viability. Some businesses may be on the verge of failure because of their inability to collect these outstanding accounts."

Mr. Speaker, these debts were incurred by Dakota Tipi when under the direction of Mr. Dennis Pashe. On March 27, a third party was appointed to administer the First Nation of Dakota Tipi in their affairs. Since then, all bills have been paid, but the third party does not have the ability in which to pay the debts that were acquired or incurred by Dakota Tipi prior to March 27 of this year.

I ask the Minister responsible for Aboriginal and Northern Affairs (Mr. Robinson) to please consider this request very seriously. I believe that this situation needs to be discussed immediately by all principals. Currently, Mr. Speaker, Dennis Pashe has filed a letter—

Mr. Speaker: Order.

Sturgeon Creek Graduation

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, I rise today with a feeling of tremendous pride. On June 27, I attended the Sturgeon Creek School graduation ceremonies. It was a moving experience to watch these young people positively glowing as they crossed the stage to receive their diplomas and awards. This year, the grads' ranks swelled as those graduating from Second Start, an alternative program run out of Jameswood School, joined in the ceremonies for the first time. During the event, I had the great honor of presenting the St. James Rotary Award to Thomas Banasiak.

I would like to commend all the school staff for helping these young people achieve their goals. They are also to be praised for the great organization of such a memorable event. As

well, my thanks go out to the school administrators for supporting the invaluable and dedicated staff of Second Start.

I would like to make a special mention of Sturgeon Creek principal Rick Strongman and staff Jeff Chartrand, Warren Nightingale and Yubi Gill of Second Start. Thank you to them all. Through the unique and creative efforts of such educators, these recent graduates have truly been given a Second Start. To see such students work toward their difficult goals, sometimes struggling, and then realize their dreams is tremendously gratifying.

Mr. Speaker, as the proud mother of Alexis, who is one of those young people to achieve her dream, I speak with profound understanding and gratitude for the contributions that both staff and students make for the future of this generation. Thank you.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call report stage of Bill 14.

REPORT STAGE

Bill 14—The Public Schools Modernization Act (Public Schools Act Amended)

Mr. Speaker: An amendment brought forward by the honourable Member for Minnedosa (Mr. Gilleshammer) and the debate remains open. The honourable Member for Minnedosa. The honourable member has already spoken on it.

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is the proposed amendment to Bill 14

THAT Bill 14 be amended in subsection 22(2) of the Bill by adding—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

" , if the minister has advised the division by no later than January 15 of the current fiscal year of the provincial funding that the division is to receive for the next fiscal year," at the end of the part before clause (a).

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: We will move on to the next amendment in the name of the honourable Member for Minnedosa.

Mr. Harold Gilleshammer (Minnedosa): This is a rather lengthy amendment. I move, seconded by the Member for Springfield (Mr. Schuler)

THAT Bill 14 be amended by striking out subsection 22(3) of the Bill.

Motion presented.

Mr. Gilleshammer: This section of the bill comes under the Transitional Provisions and Consequential Amendments to this bill. In fact, it allows the minister to insert himself into the business of the school division as they are being amalgamated.

This, in a democracy such as we enjoy here in Manitoba, seems a strange way for a minister to act. The members of the school board are duly

elected by their ratepayers, and today are responsible for almost half the school division budget through the special levy. This is perhaps something that people have not foreseen, but as governments in this province have slowly withdrawn their commitment, in terms of dollars to school divisions, well, I see the Deputy Premier (Ms. Friesen) is here, and I am pleased to see her again today. She should be well aware of the fact that the Manitoba Teachers' Society talked about the funding that is being given to school divisions now, and her Government is giving the least amount on a percentage basis to the operating funds of government. I am surprised, after her many, many years as a critic of Education, and one who would have a lot of influence on Cabinet and on Treasury Board, that she allowed this to happen. The funding for school divisions is the least amount that school divisions have seen in many, many generations.

Now, Mr. Speaker, the Minister of Intergovernmental Affairs, of course, has done quite a change. She was such an opponent of school division amalgamation just a few short years ago. I know that this would not mirror the lack of influence she has at the Cabinet level, but perhaps she was away that day when the Minister of Education (Mr. Caldwell) brought in his funding and perhaps she was away another day when he brought in the new boundaries, because I cannot believe that the Minister of Intergovernmental Affairs would sit there and allow this to happen.

* (14:30)

At any rate, getting back to this amendment, these trustees are duly elected by the people in their school division, and they are responsible now for upwards of half the expenditures, the raising of the money for half of the expenditures on the operating side of the budget. Yet how are they being treated by this Government? This Government is telling them that they have to come cap in hand with their preliminary budget, show it to the Minister of Education, and this bill allows him to make those changes in their budget that he deems fit to try and find that \$10 million of savings that he has been talking about.

Now the minister surely knows that they have appointed boards across the province like

the regional health authorities. These are all appointed people, and the minister has every right to determine what their budget is, but he allows them to determine how it is expended. What is particularly an affront in this case is the fact that these people are duly elected and have been ever since schools were built in this province. Neighbours would get together and form a school board and then build a school, and they were responsible for the budget of that school. Now, by this act, the minister is reversing the history of education in Manitoba that goes back into the 1800s where duly elected trustees had a lot of clout in the school division; they had a lot that they could do about hiring of teachers, setting of programs, setting of budget. The Minister of Education today, by this act, is setting that all back to I do not know when. In fact this type of interference in a school division's budget has before this time never been seen before.

I would ask members across the way to support this amendment. This minister does not need this authority. School divisions have operated very well for many, many generations. Now the Minister of Education (Mr. Caldwell) wants to insert himself into their budget process, determine what their expenditure line should be, and I would ask members opposite to support this amendment. The minister can make these changes to school boundaries without this authority that he is giving himself, and I am surprised that New Democrats across the way would support such an undemocratic portion of the bill. This would allow them to make a change. As I say, the minister does not need this authority, other than he seems to take great delight in inserting himself into the role of a trustee and taking away their authority.

Mr. Ron Schuler (Springfield): Mr. Speaker, I do also want to put a few comments on the record in regard to the amendment that has been put forward by the honourable Member for Minnedosa (Mr. Gilleshammer).

What we have in front of us currently is a bill that could be called the school board bullying bill. It is another one of those attempts from one level of government to push around another level of government, to bully them into doing something that the Government wishes them to

do, rather than putting forward legislation that does the right thing, that does the best thing for all those involved, for doing the right thing for the children and the children's future.

Clearly, this amendment improves the bill greatly, Mr. Speaker, because the bill has many, many flaws. Over the last couple of weeks, we have seen the debate going on. In fact, we wish that we could get the minister to recognize his wrong and improper bill and do like the Minister of Health (Mr. Chomiak) and come to his senses and see the light and actually reverse himself of this terrible piece of legislation. We pointed out flaws last week where, for instance, Elmwood has completely been carved out of the whole amalgamation issue. I actually put on the record misinformation. It is not the Member for Elmwood (Mr. Maloway) who represents Elmwood High School. It is actually the Premier, the Member for Concordia (Mr. Doer).

You wonder why the Premier would have sat around while the Minister of Education pulled out his crayons and started carving up school divisions. Surely the Premier has some clout in Cabinet, one would be under that assumption, though one never knows with members on the other side. One would have thought the Member for Concordia, who represents Elmwood High School, who is supposed to represent the best interests of all students, including those of the students he represents, that he would have stood up and he would have defended Elmwood High School instead of running out to the far reaches of the city of Winnipeg so that his children now no longer have to attend Elmwood High School.

Perhaps that is the main reason why the Premier (Mr. Doer) moved is because he did not want his students attending Elmwood High School, instead of standing up for those children and doing what was best and doing what was in the best interests of those students.

In fact, it is too bad the Premier does not participate in these debates. We have noticed him by his silence, which has been deafening, that he has not taken an interest in this and that he is not a participant in the debate. That is very unfortunate on behalf of the Premier.

Ms. Bonnie Korzeniowski, Acting Speaker, in the Chair

With this amendment, as we sit here and toil over the bill trying to get the Government to see what is wrong with the legislation, what needs to be improved with the legislation, including this particular amendment and all the amendments that have been put forward and voted down by the Government and its members, one would have thought that rather than the Premier fleeing from the catchment area of Elmwood High School with his family to the outermost reaches of the city, instead of improving the situation in Elmwood High School, instead of looking at the amendment that is before us, instead of looking at ways to make the situation better, instead he just flees from the Elmwood High School catchment area and flees to the outer reaches of the city so that his children are not part of that particular high school.

Madam Acting Speaker, I think that bodes very poorly. As a former graduate of Elmwood High School, frankly, I am offended at the Premier's actions. The least he could have done is stood up in Cabinet—again, one would assume that the Premier would have some kind of clout, that he would have some kind of say in this regard—that he would have stood up for his area, that he would stand up for his constituents and defend Elmwood High School, as this amendment does.

This amendment speaks to all schools. It speaks to all areas of the province. We pointed out the difficulties on Thursday. Elmwood High School, basically because of where it is situated, is sort of caught in no-man's land. It is caught in nowhere land. It is really not part of Winnipeg No. 1, yet it is not legally part of River East School Division. It just sits there and it falters.

I am very saddened, as are all those graduates of Elmwood High School who got a good education there, when we see the MLA for Elmwood High School fleeing from the area, not interested at all in representing his own constituents and the students of Elmwood High School. It would be most telling if we would see the Premier (Mr. Doer) stand up and defend this

legislation. It is basically a piece that allows the Minister of Education (Mr. Caldwell) to further bully and push around school boards, another level of government. I do not think that is in the best interests of public education.

There was once a time, Madam Acting Speaker, that I actually thought that the NDP cared about public education. That is over. We can see that this is the big corporate agenda of amalgamation that they have gotten on to. One wonders if the Premier's intention is to put his own children into private school. What is next? That all bodes very poorly.

The Member for Rossmere (Mr. Schellenberg), does he defend his area? Absolutely not. He sits and does not defend his constituents nor the students that he purports to represent. We certainly would like to see that school boards be acknowledged as another level of government. The individuals who served there served long hours, spent a lot of time. I know at budget time—I used to be a trustee—the hours that were spent, are way over and above the call of duty, the kind of time.

I think this amendment is correct, and it is appropriate at this time, and I recommend that all members support this particular amendment. Thank you.

* (14:40)

The Acting Speaker (Ms. Bonnie Korzeniowski): Is the House ready for the question?

Mr. Speaker in the Chair

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the proposed amendment to Bill 14

THAT Bill 14 be amended by striking out subsection 23(3) of the Bill.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Gilleshammer: I am now ready to go with the next amendment.

Mr. Speaker: I will move on to—[interjection] In my opinion, the Nays have it. So the amendment has been defeated.

Now we will move on to proposed amendment to Bill 14. It is in the name of the honourable Member for Minnedosa.

Mr. Gilleshammer: I move, seconded by the Member for St. Norbert (Mr. Laurendeau)

THAT Bill 14 be amended by striking out subsection 22(4) of the Bill.

Mr. Speaker: It has been moved by the honourable Member for Minnedosa, seconded by the honourable Member for St. Norbert

THAT Bill 14 be amended by striking out subsection 24(4) of the Bill.

Mr. Gilleshammer: 22(4), Mr. Speaker.

Mr. Speaker: 22. Sorry about that. I will do it again

THAT Bill 14 be amended by striking out subsection 22(4) of the Bill.

I thank the honourable member for that correction.

Mr. Gilleshammer: We think this one is going to pass, so it is important that you have the number right.

This is my final amendment to Bill 14, and it deals with what happens if school divisions do not comply with the minister's directive, and it reads: "*Subsection 173.1(2) applies, with necessary changes, if a school board of an amalgamated division fails or refuses to comply with a direction of the minister under this section.*"

Now, the minister has good reason to believe that there are school divisions that do not want to comply with his directives. We have seen a minister who acts very much like a bully. In fact, it may even be rubbing off on the Member for Rossmere (Mr. Schellenberg) because—

An Honourable Member: I think so, because he was coming over the top the other day.

Mr. Gilleshammer: At any rate, what the minister fails to recognize is that every school division has a culture of its own. Every school division has a history of its own. They have decided what their expenditures should be. Now, I know the Member for Rossmere is very much in favour of this bill because he has stated that in his speeches. He has said that members, the people of his constituency actually love this bill, and we have seen now that there are going to be additional expenditures for the constituents of the Member for Rossmere. I am pleased to see the Member for Dauphin (Mr. Struthers) standing by. He, too, performs certain vital functions in this House, and I am sure that there is a good reason for him to be standing nearby. At any rate, I digress. The minister is using very threatening language here, that he is indicating—

An Honourable Member: Looks good on your amendments, Harold.

Mr. Gilleshammer: Well, thank you to the minister in charge of gambling, because she has a full plate in her own department that she seems to be ignoring at the moment. I am pleased that she is here, but I would encourage her maybe to

give more attention to some of the issues that are before her that she seems to be dragging her feet on.

Mr. Conrad Santos, Deputy Speaker, in the Chair

At any rate, the minister is certainly being a bit of a bully with this legislation. There seems to be no opportunity for school divisions to have divergent thinking about their budget. The minister is injecting himself, and I would dare say he does not know or understand the culture of each and every school division. Is he going to be setting the priorities for that school division when he tells them they are spending too much? Is he going to go line by line and say this is what should be taken out of your budget? Is he going to redesign the class structure within the school division? Is he going to change bus routes so that he can save money?

This is the type of nitty-gritty detail that the minister wants to inject himself into, and I can tell you it is wrong. These people are duly elected by the people of that school division. They need to have the authority. They need to have the authority to make those decisions. If, in fact, he wants to appoint school boards, but we have not seen that inclination of the minister. He is more up to firing school boards, and I wish he was here today to participate in this.

At any rate, this minister is very much acting like a bully with this particular piece of legislation, and in this particular item that I would like to see taken out of the bill, he does not need this. Surely, he can work together with school divisions, make suggestions to them, make recommendations to them, but, no, he is giving himself the authority here, the very, very heavy hand to dictate to school divisions exactly what their expenditure pattern should be, and this is wrong.

I am surprised that members opposite have gone along with this. The only reason one could think of is that the minister has been out front saying there are \$10-million worth of savings here, and, by golly, we are going to find those savings one way or another. If we have to reduce programs, if we have to reduce bus routes, if we have to take clinicians out of the field, we are

going to find that \$10-million worth of savings. But the minister is more apt to say we are going to do it on the administrative side, and he has already shown himself to be a bully with school divisions where he fired the board of Morris-Macdonald. In fact, when trustees from River East were talking about the service and funding agreement between themselves and Agassiz, one of the trustees was known to have said, we did not think we had a choice; we thought we were going to be fired. Now, this is the type of atmosphere that this minister has created in the education circles in Manitoba, that he has acted in a very erratic way, that he has threatened school divisions, and this bill is just another example of that.

Mr. Speaker in the Chair

There are other ways that he could develop this relationship, and I am surprised the Member for Rossmere (Mr. Schellenberg) has so much associated himself with this piece of legislation, because there are very negative repercussions ahead for him. I think we saw that realization last week. That light came on when he saw that, hey, maybe I am on the wrong side of this issue. I would expect the Member for Rossmere maybe to get up on his feet today and, in a very calm and calculating way, add his voice to the debate here, or even his partner from Dauphin may wish to enter the debate. This is not the way the trustees of River East want to be treated. This is not the way the trustees of Dauphin want to be treated. I can tell you that this sets a very bad standard for the relationship between the minister and school division boards.

So I would say to members of the House that this is an opportunity to perhaps mend some fences, to build those relationships, to vote for this resolution and mend some of those fences and develop a better relationship between school boards and the minister's office. Thank you very much, Mr. Speaker.

Mr. Schuler: Mr. Speaker, I do not know, was the Member for Rossmere getting up? No. Well, then I will take the floor. I do want to speak to this amendment, as well, seeing as members opposite could not care enough about their own legislation to get up and speak on it, which is really quite shameful because, as we have stated

earlier on, this really is a school-board-bullying bill. This could also be termed the micromanagement section of the bill.

I want to sort of, for the House and for the minister and for the Member for Rossmere, who used to be a teacher in the River East School Division, who, from what he says on the record, has quite a love for the River East School Division, which then one wonders why he stands by and watches the dismantling and the destruction of River East School Division in a most callous and uncaring way—even the Premier (Mr. Doer), the Member for Concordia, who has such a loathing for the individuals that he represents, the people from Elmwood High School, that he flees to the furthest reaches of the city so that his children will not have to attend Elmwood High School, and as a former graduate I find that very offensive. *[interjection]* The Member for River Heights (Mr. Gerrard) is astounded. He did not realize that the Premier lives almost at the boundary of the City of Winnipeg. That just shows how far the Premier wants to flee.

* (14:50)

But this particular piece of legislation is dealing with the whole micromanagement, and it deals with the whole philosophy of the way we have set up our particular education system. The way it was set up historically was that the Province would make broad policy decisions and the school boards would be the ones who would do the micromanagement, and it worked well, and that is the way you want it.

I would like to use a case in point. *[interjection]* If the Member for Rossmere (Mr. Schellenberg) would actually take the time and listen, I would like to lay out a case where micromanagement, which this section deals with, which the amendment wants to remove, is very dangerous, and it is going to be problematic not just for this Minister of Education (Mr. Caldwell) but for the next Minister of Education that is going to be put in after this session ends, and he gets bumped out of it and then after the next election when the current Government is defeated, thank goodness, and then sanity will be brought back to the province.

The problem with the micromanagement deals with the whole issue of discipline issues,

Mr. Speaker. The way the system works right now is if there is a problem and a school identifies a student that is clearly a problem student, that goes in front of the board in an in camera session. The board then has the authority to either back up the principal or the principal might have said, this is so severe we would like the school board to deal with the particular issue. And the school board then can decide either they suspend the student three days, they can do a week, or they can ask the student to be removed from the school division permanently, the only other option available.

So it is actually almost a quasi-judicial setting that takes place. I have been part of that. The parents sit with the student, and they present their case of what happened. The administration presents their case, and once a decision has been made, the next appeal process is to the minister. In every instance that I am aware of, the minister always acknowledges that the final decision is then made at the school board.

What the minister does not wish to get involved in is the micromanagement of school divisions. My goodness, what is the Minister of Education going to do? Hear every discipline issue from every school across the province? The minister has no idea what he is actually doing with this legislation.

The discipline, and we could take for example Elmwood High School where the Premier is fleeing from his own high school, fleeing to the outer reaches of the city because he does not even want to face it, and the Minister of Education is standing there saying, bring it all on; we will deal with it. And we know what will happen. There will be more bureaucracy built. This will add so much cost. That ridiculous spin of spending 10 million, we note, is a cost for sure. That amalgamation is going to cost double the 10 million they spin that they are going to actually save, but building a bureaucracy to deal with all the issues that then can come up to the minister's office if, in fact, the minister intends on micromanaging the school divisions.

It has nothing to do with modernization. This has to do with pushing around another level of government, and it has to do with this socialist insecurity, this need to concentrate

everything, to micromanage, and that is where the system will fall apart.

If this were purely about amalgamation issues, it would have been done under the old system. It would have been put through, and we would have lived with the consequences. Bill 14 is neither necessary for amalgamation nor is it necessary for any of the other things the Government was trying to do other than a power grab, push around the school divisions, micromanage the system, and this minister and all his predecessors will pay for it if they think they are going to micromanage the education system at the deputy minister's and the minister's level. It is a nightmare.

I know, just as a trustee, how many nights and how many evenings we sat and listened to parental concerns because they have a right to be heard. And again, we talk ourselves in circle, this being a government that takes away the rights of parents to be heard. So I guess this is another attack on the parental rights because, you know, if there is something that involves your student, there is a discipline issue. You have a right to appeal to the board right now and to be heard, and we know full well that right will be stripped away from them, because neither the minister, nor his deputy minister, nor his department can deal with that kind of micromanagement issue. That is one small piece of the education system, and it is unfortunate that individuals who have absolutely no history, no idea, have no clue what goes on in the education system are exactly the same ones that pull out their little crayons and start carving up our school divisions, Mr. Speaker.

* (15:00)

At least they could have listened to a well-thought-out and a well-designed plan like Norrie. Instead what they did, Mr. Speaker, is they took the process and claimed it as theirs, took the report and threw it out, and we have a disaster in front of us. We have a mess called Bill 14, and I would suggest all members support this particular amendment.

It is unfortunate that the rest of them did not go through, Mr. Speaker, because we might have had an amalgamation that, even though it stinks,

some of us could have supported. But, at the rate we are going right now, that if it is about voting another level of Government, if it is nothing but pushing around other individuals, if it is about micromanagement and concentrating power which the Member for Rossmere (Mr. Schellenberg) wants to see, he wants to see the death of the public school system that some of us fought so many years for, that we fought so hard to help build up. I spent a lot of time fighting for the public school system. My children are in the public school system, unlike the Member for Rossmere's children. We stood up, and we fought for the public school system. I am proud of River East School Division, and I am proud of Transcona-Springfield. It is a shame this Government saw fit to destroy them and to ruin a lot of hard work and a lot of good things that were done. I will be supporting this amendment.

Mr. Harry Enns (Lakeside): Mr. Speaker, I am just moved by the powerful speech just made by the Member for Springfield (Mr. Schuler) and also just thankful for the information that the Member for Minnedosa (Mr. Gilleshammer) put on the record, and it deserves to be repeated.

The simple fact is that the Filmon administration provided more support for the public school system than this New Democratic Party does, and that is when you think of the rhetoric and when you think of the smoke and mirrors, when you think of all what they are led to believe, and all of that is kind of reflected in Bill 14.

Simple fact of the matter is everything is relative. Mr. Speaker, it is like when we started the national medicare system. The deal was that Ottawa pays 50 percent, the provinces pay 50 percent. Well, we all know and we hear their rhetoric, and we join with them, when Ottawa's share has steadily decreased down to 40 percent, 38 percent. What is it now, about 17 percent, 18 percent? *[interjection]* Okay, 14 percent. When the Duff Roblin government and a Progressive Conservative government first, in a serious way, supported the public school system, the differential was 75 percent, 80 percent provincial support and 20 percent, 25 percent special levy local support. When the Filmon government was last in government, that ratio was better than it is today. It was better than it is today. So let it be

clearly stated, and I would think that, on a subject matter like this, perhaps one of them would get up and argue the point, but they will be silent. They will acknowledge that the Filmon administration supported the public school system better than the current Gary Doer NDP government does. Yes, that is true. That is true.

Those are the facts, and not a single one of them, Mr. Speaker, not a single one of them will refute it.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak in support of this amendment. As we look around the world, governments are increasingly looking at the role of government, the principles of subsidiary, which essentially says things should be done at the level of governments where they can be most effectively done. Clearly, under this act and this bill, the minister is trying to take authority which has rested with the school division and be in a position to micromanage and unilaterally manipulate the budgets of school divisions in ways that would be very difficult to challenge by school divisions with a lack of an appeal process and with clauses like this.

When we are talking about moving Manitoba, as we need to do, to a higher level of performance of government, then clearly we need to be letting the school divisions manage their affairs, manage them responsibly within the provincial framework, but you do not need a minister who goes in from some political sense of this or that to manipulate and to micromanage a budget.

So I rise in support of this amendment by the Member for Minnedosa (Mr. Gilleshammer) and hope, Mr. Speaker, that it will have support of many other members in this House.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the proposed amendment to Bill 14

THAT Bill 14 be amended by striking out subsection 22(4) of the Bill.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Mr. Marcel Laurendeau (Official Opposition House Leader): On division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, I wonder if there might be leave to allow the gentlemen in the Legislature to take off their jackets. I know it is a very hot day, and I just thought that it might be something that we might all agree to.

Mr. Speaker: Is it the will of the House, for today only, to allow the men to take off their jackets? *[Agreed]*

* * *

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Family Services and Housing (Mr. Sale), that Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), as amended and reported from the Standing Committee on Law Amendments and subsequently amended, be concurred in.

Motion presented.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Mr. Laurendeau: On division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mr. Mackintosh: Mr. Speaker, would you canvass the House to determine if there is leave to deal with third reading of Bill 14, please?

Mr. Speaker: Is there leave of the House to deal with third reading of Bill 14? Agreed?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Speaker: No, there is no agreement.

* * *

Mr. Mackintosh: Mr. Speaker, would you please call debate on second readings on Bills 13, 26 and 28?

DEBATE ON SECOND READINGS

Bill 13—The Medical Laboratory Technologists Act

Mr. Speaker: To resume debate on second reading of Bill 13, The Medical Laboratory Technologists Act, standing in the name of the honourable Member for Charleswood, who has 40 minutes remaining.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I am pleased to rise to put a few comments on the record regarding Bill 13, The Medical Laboratory Technologists Act.

According to this legislation, it is an act that creates a college for this particular professional organization similar to that created for other professional organizations within the health care system, similar to the nurses act and the physios act.

* (15:10)

Certainly, moving towards more public involvement on boards, a process for addressing disciplinary, self-regulatory and complaint processes are built into part of this act. In discussing this with the association themselves, they do not have any particular concerns about the bill. As it currently stands, Mr. Speaker, there is no legislation governing the practice of medical lab technologists in Manitoba. There are approximately 1180 of them employed in Manitoba in hospitals, public and private labs, Canadian blood service and in research settings.

So, Mr. Speaker, having been somebody that has worked in the health care system for a number of years and had much involvement with people working at this level, I do want to put on the record that I certainly have great respect for the skills that they possess and the expertise that they bring to their particular roles and the complexity of some of the issues that they do have to handle in their jobs. Certainly, it is not an area that somebody can easily step into. They are all highly trained, highly educated and certainly have a great deal of expertise and skill to bring to that particular role. Certainly, as with others in the health care system, they are integral to the health care system.

There is a place for all kinds of professions within health care. In order to make the system work well, we find that you need all of these various professionals doing their jobs and working in the best interest of patients to make our health care system as effective as it could possibly be. I know that they, along with other professions within the system, certainly work hard to rise to the challenges that are put before them on a daily basis. So I am pleased to be able

to put those few comments on the record, Mr. Speaker.

We look forward to this particular bill being discussed further in committee and hearing if there are further issues or concerns that might be brought forward at that stage, but, at this point, we are certainly prepared to move this bill on to committee.

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

Some Honourable Members: Question.

Mr. Speaker: The question for the House is Bill 13, The Medical Laboratory Technologist Act. Is it the pleasure of the House to adopt the motion? *[Agreed]*

Bill 26—The Occupational Therapists Act

Mr. Speaker: Bill 26, The Occupational Therapists Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Pembina?

Some Honourable Members: No.

Mr. Speaker: No. It has been denied.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I am pleased to rise to put a few comments on the record in regard to Bill 26, The Occupational Therapists Act. Having been a nurse that worked in the neurosciences area for a number of years, and seeing the incredible work done by occupational therapists, I am particularly pleased to be able to stand today and make some comments on this particular bill.

Again, similar to the bill for the medical lab technologists, this bill, in fact, does similar things in terms of creating a college for the professional organization, and, by having a college, we certainly see more public involvement on boards. The act, as well, will address disciplinary self-regulation and complaint processes and, hopefully, make it easier for the

profession itself to address some of the challenges that come before it on a daily basis.

In speaking with the association themselves, they have no particular problem with the bill. Specific to this bill, Mr. Speaker, occupational therapists will no longer have to consult with medical doctors before making recommendations to patients. I am certain that is something that will be appreciated by the occupational therapists themselves.

Again, another group that is integral to the system, I have certainly seen occupational therapists work miracles in working with patients to help them to recover to as much of a quality of life as some patients are able to after a stroke or after a motor vehicle accident or any number of illnesses that might have come upon a person. I have watched occupational therapists work diligently and persistently over long periods of time on patients who have needed a great deal of the kind of support and expertise that occupational therapists bring to their job; again, a profession that is unique, again, within the system.

All of these professions certainly have their specific skills and their specific expertise, and they are well educated and well trained to deal with what they are there to deal with. As all of these groups are certainly integral to the health care system, it is important that we can put into place all of the changes to the act that will help them be able to conduct their jobs to the best of their ability.

Mr. Speaker, again with this particular legislation, it is very similar to the same legislation that has been put forward for nurses and for physiotherapists. It is bringing in line and harmonizing the professional acts within the health care system in Manitoba. We look forward to anybody who will be bringing forward comments about this particular act to committee, and we look forward to hearing what they have to say at that time.

So we are prepared now to move this particular bill on to committee.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 26, The Occupational Therapists Act.

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

Bill 28—The Registered Dietitians Act

Mr. Speaker: Bill 28, The Registered Dietitians Act, standing in the name of the honourable Member for Charleswood.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, again, another bill that is being brought forward to create a college for this particular organization, this professional organization, similar to that that has been established for nurses and physios a number of years back, and now all of the other professional bodies within health care are being harmonized.

It does involve more public input into boards of directors. Of course, that is always important so that we are all hearing from the public on matters of importance to the public. Certainly we have been hearing more and more lately from people within the communities about their feelings on health care, and certainly it is important to bring the public views into our professional bodies and onto the boards, because they will bring a unique perspective and a valuable perspective as they all address their challenges in dealing with the various challenges that are before these professions.

It addresses the disciplinary, self-regulation and complaint processes, and I understand from the registered dietitians, in fact, that they have been working on this particular legislation for a number of years, that many, many groups have had an opportunity to have input into this particular bill, 35 groups, I believe, and that there has been no opposition to it. It does regulate dietitians only and does bring this bill into harmony with other bills like it across Canada.

Again, Mr. Speaker, another professional group that certainly brings a lot of skill and expertise to the system, and I certainly do value the skills and expertise that they have and as with the other professions within health care

have a great deal of respect for the work that these professions do within our health care system, for the integral role they all play within their health care system.

With this particular bill, Mr. Speaker, certainly when I think back to my student nurse days, I guess I have to admit that the dietary part of our curriculum never was one that was of particular passion to me, but I certainly did have a teacher at that time, Miss Wong Moon, who was an incredible teacher and brought a lot of passion to the subject of the significance of food and nutrition and nutrients to patients and the significance of that in helping people to get better and to feel better. It is certainly a pleasure for me to be able to stand today and reminisce just a little bit about some of those fond memories going back many years. Certainly with the association having no difficulty with this, with the incredible input that has been brought forward by the association on this, and as again we have another professional group that faces many challenges within our health care system, a group that is trying to make food in hospitals, something that makes everybody happy, is not always the easiest thing to do.

* (15:20)

Certainly, as a nursing supervisor, I can recall a number of times late in the evenings or in the middle of the night having to go into the hospital kitchen at St. Boniface Hospital, a kitchen, I might add, that requires a great deal of renovation, I think, to bring it in to modern times, a kitchen that has seen its challenges due to its age over time and certainly the challenges that dieticians and all the other food preparation workers must face every day as they face the job that is before them.

So certainly having had to look around for food within the kitchens and trying to find what we needed for patients sometimes in the middle of the night was sometimes a real challenge trying to find our way around these old kitchens, and I certainly developed more of an appreciation of some of the work that they have had to do in the hospitals.

So, Mr. Speaker, with those few comments, we look forward to the comments that might be

brought forward during committee, and we look forward to hearing from the public on this particular issue at committee.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 28, The Registered Dietitians Act.

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

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call debate on second readings, Bill 18? Would you please call second readings, Bills 32 and 48?

Mr. Speaker: First of all, the honourable Government House Leader had requested resuming debate on second reading of Bill 18, and now you are asking for second reading on 32, 48. Did you want it in that order, or did you want it in the changed sequence that you have called?

Mr. Mackintosh: Mr. Speaker, we could do 32 and 48, and then we will deal with the further bills.

Mr. Speaker: Okay. We will do second reading on Bills 32 and 48, and then we will move on to other bills.

SECOND READINGS

Bill 32—The Fatality Inquiries Amendment Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Family Services and Housing (Mr. Sale), that Bill 32, The Fatality Inquiries Amendment Act; Loi modifiant la Loi sur les enquêtes médico-légales, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Mackintosh: I am pleased to rise in the House to introduce second reading of this bill, Mr. Speaker, which has two principal areas of amendment. The first is to provide a time frame within which the public report resulting from an inquest conducted under the act must be completed; second, it clarifies the circumstances in which the Chief Medical Examiner is required to assess the quality or the standard of care and services provided by an agency under The Child and Family Services Act. In addition, there are some further amendments to provide clarification with respect to practices in the Chief Medical Examiner's office.

The amendments concerning inquest reports have two broad policy objectives: first, to provide the Provincial Court, members of the public and families affected by a fatality in this province with a time frame within which a report on the fatality can be expected. Reports prepared by members of the Provincial Court are very often helpful in making legislative policy and administrative changes to avoid fatalities in the future. They are also important to permit families to have a sense of closure after the death of a loved one. For those reasons, it is in the public interest that such reports be made available as soon as reasonably possible.

The second broad policy objective involves the need for transparency and an element of accountability in the process. It is important that the public have access to information with respect to when the inquest has been completed and when it is expected that the report will be available. Extensions to the time frame may occasionally be required, and in those circumstances it is equally important for the public to know that an extension has been granted and when the report can then be expected.

I will briefly describe these amendments as they relate to judicial inquests. A provincial judge presiding at an inquest shall complete the inquest report within six months of the completion of the inquest. This means six months from when all evidence and submissions are received by the judge. The provincial judge shall request an extension of time from the Chief Judge of the Provincial Court, if an extension is required, prior to the end of the six-month period. The Chief Judge may grant the extension

of time for completion of the inquest report for no more than three months but may extend that for a longer period if the inquest involves highly complex matters.

Written notice is to be given to all persons with standing at the inquest. The Chief Judge can also relieve the presiding judge of duties or reduce duties as the inquest report is complete. The Chief Judge shall refer the failure of the presiding judge to complete the inquest report within the extended period to the judicial inquiry board in accordance with The Provincial Court Act unless the Chief Judge determines that the inability to complete the report is due to extraordinary circumstances. In those circumstances, the Chief Judge may grant an additional extension. Once again, persons with standing at the inquest must be notified of such an extension.

If the Chief Judge presides at an inquest and requires an extension of time to complete the inquest report, this request for extension will be made to the Chief Justice of the Court of Queen's Bench in accordance with the proposed amendments. As well, the Chief Judge will include in the annual report of the Provincial Court statistics with respect to the number of inquests and time required for completion of the inquest reports.

In essence therefore, the bill establishes a six-month time frame as the norm but builds in a degree of flexibility which must be recognized, Mr. Speaker, coupled with checks and balances sufficient to ensure that inquest reports on complex matters and in more straightforward cases will both be received in a timely fashion.

I would like to emphasize that in the development of this bill we have endeavoured to strike an appropriate balance between the public interest in receiving timely reports on the one hand and the reality that members of the Provincial Court, who must hear these inquests, have an array of equally important responsibilities in the hearing of cases under the Criminal Code, as well as alleged infractions under other federal statutes and a significant number of provincial statutes.

In the development of this balance, we have benefited significantly from consultations we

have conducted with members of the Provincial Court. I would like to express my appreciation to the acting chief judge Bruce Miller as well as members of the Provincial Court for their valuable input. We also reviewed similar legislation in Newfoundland and Ontario, and were greatly assisted by the models that have been developed in those provinces.

I might add, Mr. Speaker, that this legislation couples very well with initiatives by the former Chief Judge, by the Provincial Court itself, which has now made available to Provincial Court judges time for completing inquest reports.

Now with regard to the portion of the bill that deals with medical examiner assessments of agencies, we note that last year a multi-disciplinary working group of social service and health care providers, government officials, including the Child Advocate, met to review the requirement for agency reviews when a child in the care of a child and family services agency or a parent or guardian was in receipt of services from an agency. The working group recommended that two amendments be made to the act, and the first was to ensure that reviews are undertaken when the child or the parent or guardian was in care or received services from an agency within one year before the child's death.

The committee also recommended that services to siblings should not be a factor in triggering the agency review process. Again, Mr. Speaker, this was really to—and I guess I am interpreting the concerns of this working group—focus the legislation on risk and provide a clarification. Both of the recommendations from the working group are therefore included in this amendment.

The amendment will also apply to any reports required under the former act which have not been completed.

* (15:30)

In essence, these amendments therefore ensure that the priority for assessments focusses on the services to the child who has died and/or the parent or guardian who has provided direct

care to the child. It is important to ensure that our efforts are focussed to ensure that meaningful reports can be completed in a timely way for use by the Minister of Family Services and Housing and by Child and Family Services agencies.

The Chief Medical Examiner has also asked that the act clearly define when an autopsy report must be submitted. An autopsy is not complete until all consequential testing such as bacteriological, serological, et cetera, has been performed. If there are delays in completing all the tests required for a particular autopsy, the current 30-day submission period would not start until all those tests are completed. The amendment reflects the importance of conducting all aspects of autopsies in a more timely, expeditious manner and will define with greater certainty the time period for the submission of these reports. It will be 60 days from the commencement rather than the completion of the autopsy, subject to the discretion of the Chief Medical Examiner to extend the time period for a further 30 days.

Another amendment in this act allows the minister, on the recommendation of the Chief Medical Examiner, to appoint persons who are duly qualified medical practitioners as medical examiners. The Chief Medical Examiner will continue to be appointed by the Lieutenant-Governor-in-Council.

The last amendment will increase the fine for impeding any actions of the Chief Medical Examiner or staff performing duties under the act, upon conviction, from \$1,000 to \$5,000.

Mr. Speaker, I look forward to seeing this bill go through the stages of this Legislative Assembly.

Thank you.

Mrs. Joy Smith (Fort Garry): I move, seconded by the Member for Steinbach (Mr. Jim Penner), that debate be adjourned.

Motion agreed to.

Bill 48—The Legal Profession Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move,

seconded by the Minister of Education (Mr. Caldwell), that Bill 48, The Legal Profession Act; Loi sur la profession d'avocat, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Mackintosh: I am pleased to introduce this bill, Mr. Speaker. Indeed, it is a new act which is an update and modernization of The Law Society Act which also deals with the elimination of future Q.C. appointments and clarifies the role that the Law Society is expected to play in the province.

The new legislation adds a clause that defines the purpose of the Law Society, namely that it exists to uphold and protect the public interest in the delivery of legal services in the province with competence, integrity and independence. While this was always understood to be the Society's purpose, it was not expressly stated in the former legislation.

The Society, which was founded in 1871, is responsible for regulating the practice of law in this province in the public interest, Mr. Speaker. Its members, of course, are Manitoba lawyers, articling students and law students, and its governing body consists of 25 elected or appointed benchers.

The practice of appointing new Q.C.s in Manitoba has already ended. In January of 2001, a survey of the legal profession showed most respondents were dissatisfied with the way appointments were made. The designation will, however, remain in place for 183 of Manitoba's 1739 lawyers already assigned the title.

Mr. Speaker, this does, as well, provide a plain-language rewrite of the legislation. As well, it permits the Law Society to make rules in respect of some administrative matters rather than having them set out in the act; for example, with regard to voting procedures for benchers elections.

Mr. Speaker, I look forward to the participation of members in the consideration of this legislation. Thank you.

Mrs. Joy Smith (Fort Garry): I move, seconded by the Member for Steinbach (Mr. Jim Penner), that debate be adjourned.

Motion agreed to.

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Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, we can continue with second readings. If you would call bills in the following order: Bills 41, 45, 49, 36.

Bill 41—The Manitoba Hydro Amendment Act

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 41, The Manitoba Hydro Amendment Act; Loi modifiant la Loi sur l'Hydro-Manitoba, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Selinger: Bill 41 amends The Manitoba Hydro Act to prevent Hydro to distribute up to \$288 million of its retained earnings to the Government by the end of its 2003-2004 fiscal year. Members of the House will know that Manitoba faces exceptional fiscal challenges. First, the economic slowdown of 2001 was further magnified by the terrorist acts of September 11. The results of the slowdown are clearly evident in federal projections for personal and corporate income tax revenues. Second, there is a significant impact from the federal accounting error, which was only reported to the provinces in late January of this year.

In order to address these challenges in a way that maintain this Government's commitment to vital health and education services, continued payments for general purpose and pension liabilities, and to deliver our promised tax relief, the April Budget called for special payments from Hydro, totalling \$288 million. Bill 41 indicates how the \$288 million is determined. One hundred and fifty million is based on the estimated \$214 million in net income realized in Hydro by Hydro in the year 2001-2002. The balance will come from 75 percent of Hydro's net income in '02-03 and '03-04. In no instance shall payments from Hydro in this period exceed \$288 million.

We believe this is a manageable payment from Manitoba Hydro's perspective that will not impact rates. This is especially the case because payments are based on a percentage of Hydro's net earnings. Thank you very much.

Mr. Jim Penner (Steinbach): Mr. Speaker, I move, seconded by the member from Fort Garry, that debate be adjourned on Bill 41.

Motion agreed to.**Bill 45—The Budget Implementation and Tax Statutes Amendment Act, 2002**

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 45, The Budget Implementation and Tax Statutes Amendment Act, 2002; Loi d'exécution du budget de 2002 et modifiant diverses dispositions législatives en matière de fiscalité, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Selinger: Mr. Speaker, this bill implements various measures announced in the '02 Budget. Part 1 amends The Corporation Capital Tax Act to repeal outdated provisions and clarify how interest is to be calculated.

Part 2 amends The Gasoline Tax Act to clarify how interest is to be calculated and enhance collection measures.

Part 3 amends The Health and Post-Secondary Education Tax Levy Act to improve reporting requirements, clarify how interest is calculated and enhance collection measures.

Part 4 amends The Income Tax Act to implement the income tax changes announced in the '02 Budget, amend the formula for allocating personal income tax revenue to municipalities and allow for the recovery for overpayments, and allow for the specified personal information to be used for the purposes of the act and related purposes of the federal Income Tax Act and make minor corrections.

Part 5 amends The Mining Tax Act to clarify how interest is to be calculated.

Part 6 amends The Motive Fuel Tax Act to amend the tax changes announced in the '02 budget, as well as to clarify how interest is to be calculated and to enhance collection measures.

Part 7 amends The Provincial-Municipal Tax Sharing Act to allow the Minister of Finance to minimize fluctuations in amounts allocated to municipalities by deferring increases and setting them off against future reductions.

Part 8 amends The Retail Sales Tax Act to implement changes announced in the '02 budget, clarify the taxation of telecommunication service involving dedicated lines, clarify how interest is to be calculated and enhance collection measures and make minor amendments.

Part 9 amends The Revenue Act to enhance the collection measures under Part 1 of that Act, clarify how interest is to be calculated and extend land transfer tax exemptions for transfers involving spouses, to transfers involving common-law partners.

Part 10 amends The Tobacco Tax Act to implement the tax changes announced in the '02 budget, as well as to clarify how interest is to be calculated and enhance collection measures.

The bill also amends The Financial Administration Act to broaden the powers of the Minister of Finance, to make regulations respecting interest on the debts owing to the Government. The bill also repeals provisions of The Statute Law Amendment Taxation Act 2000, Statutes of Manitoba 2000, Chapter 39, that have not been proclaimed in force.

* (15:40)

Mr. Jim Penner (Steinbach): I move, seconded by the Member for Fort Garry (Mrs. Smith), that debate be adjourned.

Motion agreed to.

Bill 49—The Purchase of Winnipeg Hydro Act

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Family Services and Housing (Mr. Sale), that Bill 49,

The Purchase of Winnipeg Hydro Act; *Loi sur l'achat de Winnipeg Hydro*, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Selinger: I am pleased to be able to bring this bill to second reading. This bill is indeed Manitoba history in the making. Manitoba Hydro's proposed acquisition of Winnipeg Hydro will provide many benefits for the citizens of Manitoba. There will be a guaranteed revenue stream for the city. Needed capital upgrades to Winnipeg Hydro infrastructure will now be part of the overall capital planning for Manitoba Hydro.

A new downtown state-of-the-art head office will be constructed in the next five years, bringing jobs and people to our capital's downtown. More PowerSmart opportunities will be available in the former Winnipeg Hydro jurisdiction for both businesses and residential participants in the old city of Winnipeg jurisdiction. Efficiencies and operations and synergies and amalgamation will be passed on to ratepayers and shareholders, the people of Manitoba.

Mr. Speaker, this is a good-news story for Manitoba and Manitobans. I would like to congratulate the people at both utilities for negotiating the details of the proposed acquisition. There have been a lot of meetings and many challenges to overcome in the process. They have remembered, in their dealing, that they were acting in the best interest of Manitobans.

Mr. Speaker, this legislation provides a necessary legislative framework to make this deal possible. I am proud to have this arrangement, debate it here in the Legislature, the highest court of the people in this province. A debate of such significant public policy issues belongs here in front of the people's representatives.

I look forward to debating this issue with my colleagues in this Legislature and to hearing their views. Thank you, Mr. Speaker.

Mr. Jim Penner (Steinbach): I move, seconded by the Member for Fort Garry (Mrs. Smith), that debate be adjourned.

Motion agreed to.

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Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I can just give you the full list of second readings in the order that we can call. Second readings: 36, 43 and 50.

Bill 36—The Drinking Water Safety Act

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 36, The Drinking Water Safety Act; Loi sur la qualité de l'eau potable, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Chomiak: Mr. Speaker, this bill builds upon significant work that has been undertaken in the last several years with respect to quality of water in the province of Manitoba. It builds on the decision of the Government to reinstate subsidies for individuals to test well water. It builds on the establishment of a drinking water office. This legislation, we have taken some of the lessons from Walkerton and some of the lessons from North Battleford, and we have incorporated them into legislation for all Manitobans.

Mr. Conrad Santos, Deputy Speaker, in the Chair

The bill will formally establish the drops of drinking water, formally that is, to administer and enforce the act to provide guidance, technical expertise and up-to-date information on educational materials about drinking water safety to water suppliers and the public. It will share the expertise and facilitate co-operative efforts in drinking water programs and policies with other jurisdictions of government and other individuals.

The bill will require a report about the activities of the office be laid and presented to the Legislative Assembly. The bill will enable the employment of drinking water offices to carry out monitoring and enforcement activities that provide it with improved inspection powers.

It will require public and semi-public water suppliers to comply with drinking water quality

standards, describe regulation and to obtain an operating licence. At present, Mr. Deputy Speaker, only public water systems have to be licensed and semi-public water systems do not have to be licensed.

In other words, Mr. Deputy Speaker, we are broadening the regime of water quality safety that has built up over the decades to include more formal and stringent structures as it applies to semi-public water systems, which I think and which I suggest is in the public interest and is supported by most Manitobans.

I just point out there is essentially three formal sources of water supply in this province at the semi-public system, which is about, I believe, 1500 systems that could be surface water or can be serviced or can be well water but have attachments of 15 or less. And then there are the private wells, of which, if memory serves me correctly, is 50 000 in the province.

This bill would require that a permit be obtained in order to construct or alter a public or semi-public water system. It will require public and semi-public water suppliers to conduct a comprehensive infrastructure assessment every five years and more often if required by officials. If there are safety concerns, they provide a report on the results of the assessment. If necessary, based on the results of the assessment, a supplier may be required to conduct repairs, upgrades or other work, or to carry out further investigations. Again, built upon experience in other jurisdictions in recent reports, this important maintaining and improvement of infrastructure and repair ability is significant.

This Bill 36 will also require public and semi-public water suppliers to disinfect the water supply and test for disinfected residuals through bacteriological and other testing that is bacteriological in other testing, to make and maintain written records related to the operation of the water system and the sampling conducted, and provide reports to officials. Those reports are obviously self-explanatory in their need.

The bill will require laboratories to submit the results of water testing to officials and to immediately notify officials by live telephone conversation where there is a serious health risk

for non-compliance with the water quality standard. It will also require a laboratory which identifies a serious health risk in a private water system to notify the owner as soon as possible.

Therein, Mr. Deputy Speaker, are two significant changes in the act and two significant requirements: the requirement for live reporting and the need for a direct messaging, direct communication of these results is part of the experience and part of the recommendations that came out of the Walkerton and North Battleford experience.

This breakdown in communication we believe can be remedied by having this structure in place. The bill will also require officials to issue drinking water safety orders where water from the water system may or may not become a health risk. Among other things, this includes orders to undertake investigation tests or analyses, perform repairs or other work, cleanse or disinfect anything specified in the order, stop delivery of water from the water system, provide users with an alternative supply of water, or stop an activity or remediate a contaminant or other material that is adversely affecting the water source for the water system.

This bill includes an appeal mechanism with respect to orders issued by officials that will enable a ministerial order to be issued requiring a water supplier to hire an interim operator if necessary. Most significantly the bill will provide whistle-blower protection for individuals who report violation of the act to officials.

Mr. Deputy Speaker, this is also something that obviously came out as a result of the recent inquiries into water quality supply across the country. We are very pleased that this is the second whistle-blowing legislation that I am familiar with in the health care field.

* (15:50)

Of course we brought in ground-breaking whistle protection legislation in terms of our Protection for Persons in Care Act. Now, in terms of the water quality act, we are providing whistle-blower protection for individuals who report violations of the act to officials. The bill will also enable officials to issue boil-water

advisories where water is or may be unsafe for domestic purposes unless it is boiled or otherwise disinfected.

They will require that where an advisory is issued the affected water is not served to the public for domestic purposes or in food or beverage unless the person providing the water, food or beverage has taken the action specified in the advisory. It will enable the implementation of recovery initiatives if they are considered appropriate. It will enable the establishment of a provincial drinking water quality database to assist in the monitoring and tracking of drinking water analysis and in identifying drinking water quality trends and risks.

It will also enable information from the database to be shared for the purpose of renting, controlling or dealing with risks and will also prohibit the construction or operation of non-potable systems except in accordance with the regulations.

This, as I say, Mr. Deputy Speaker, significant changes. What it does is it codifies many practices. It expands practices to provide for water safety. It builds on the studies and the conclusions of commissions both in Battleford and Walkerton. It builds on the work of the Government already undertaken, if, for example, as I have already indicated, the initiatives with respect to providing subsidy, the initiatives for the establishment of a quality water office, the advisories, the initiatives on the part of the Minister of Conservation (Mr. Lathlin) to provide enhanced, incredibly enhanced training that has been provided by the Government for water quality operators, and all of this finds its way into this legislation. This legislation will not obviously be operative today. It will take several years for full implementation.

For example, the database is being accumulated. It will take some time to establish a database, but Manitobans can be assured once implementation occurs they will have a fairly accurate database across the province with the ability to track, with the ability to do follow-up. So I present this bill to the Legislature and look forward to comments and advice from all members in committee hearings to ensure speedy passage of legislation that we think has

significant impacts on the quality of life and the quality of health for all Manitobans.

Mr. David Faurshou (Portage la Prairie): Mr. Deputy Speaker, in regard to this legislation, while the minister is in the House, I want to congratulate him in regard to, effectively, the intent of this bill; however, it is fraught with errors as far as implementation goes.

Mr. Deputy Speaker, I look to the second page and effectively the legislation speaks to the drinking water officer whose responsibility this entire piece of legislation rests. The definition of the drinking water officer means a person appointed as a drinking water officer under section 6(2) of this legislation.

Mr. Deputy Speaker, under section 6(2), the Appointment of the drinking water officers: "The minister may appoint any person, or a class of persons, as a drinking water officer."

Mr. Deputy Speaker, this legislation does not detail who will be classified as a drinking water officer, and without further clarification I do not believe we should even be debating this bill. Currently, the drinking water quality issues are the responsibility of the health officers throughout the province of Manitoba.

Mr. Deputy Speaker, currently we only have 28 health officers that are qualified to do as this legislation is asking, 28 individuals. I also want to point out that these 28 individuals are also charged with the responsibility of inspecting commercial kitchens, whether they be restaurant or institutional, as well as they have the responsibility for looking after any and all other health issues that may arise.

I may speak specifically to the one that we are addressing or concerned with right at the present time, and that being the West Nile virus. Again, health officers are responsible for making certain that situations that are in the public best interest are addressed and addressed in a very speedy fashion.

Mr. Deputy Speaker, 28 individuals will not be able to enforce this legislation, and without the minister's detail as to what he will consider as a water officer, we might as well not even be

debating this bill. It is also the responsibility of the minister to outline who and what qualifications those individuals might have in order to be able to accomplish the tasks which this legislation, which I might say has taken years upon years to come forward with into the House for debate. It is a good and noble cause. However, without the ability to implement and to enforce, we might as well not even debate this legislation.

It is with a great deal of concern that I rise on this very first occasion to speak at second reading because we in Portage la Prairie have first-hand knowledge of the shortage of health officers here in the province. Our health office, the environmental inspector, or however it may be termed and known to the public, essentially these are the same individuals that are responsible for protecting the environment, as well as doing the inspections for food preparation, as well as water quality.

I know the Minister of Conservation (Mr. Lathlin) is listening, and I appreciate that, but the amalgamation of officers under the environment as well as natural resources, there were officers that were charged with responsibilities on water quality. Not very many officers came into the Department of Conservation that had the qualifications to do dual duty. That, effectively, is to inspect for the environmental concerns, whether they be something to do with fossil fuels and the contaminants that exists with them as it pertains to soil and water, but that environmental officer that is charged with looking at water quality must also come from the health side. So I speak very specifically to the ministers that are responsible for the quality of water here in the province and state to them very seriously that you do not have the staff to enforce even the existing legislation, not only to add more responsibility to those individuals.

Mr. Speaker in the Chair

Mr. Speaker, I state once again that there are only 28 individuals that exist outside the city of Winnipeg with the skills to effectively enforce this legislation, and without any further additions to their numbers, this legislation will not be enforced and cannot physically be implemented. So I am stating that we perhaps are wasting our

time and breath here in the Legislative Assembly discussing something that is only a smoke screen, and is only there to achieve political gain because there are, to date, no concrete efforts being made by this Government to put in place the resources in which to enforce this.

Speaking specifically once again of Portage la Prairie, the Conservation office that was charged with the responsibility for the environment as well as the health officer responsibilities had three able-bodied individuals with two support staff. Currently, Mr. Speaker, both support staff have left, and all three health officers and environment officers have left as well. So, effectively, we have no one in Portage la Prairie and, I might just add, was virtually, as my understanding goes, the busiest in all of rural Manitoba. We have lost individuals to other opportunities, the federal government, the City of Winnipeg and to retirement. So, hence, we have no health officer with the qualifications to enforce current legislation, let alone additional information.

Now, the Government will say that they are under a hiring freeze, and that may be very well and good in regard to how the Budget is structured this year. But I look to the ministers and ask the question: Are we not considerate of what positions within the civil service are left vacant? Are we going to leave critical positions without individuals in those positions? Right now, I daresay, Mr. Speaker, we are leaving critical positions without individuals occupying those positions simply because this Government does not have any way of recognizing what is a vital position and what perhaps is a position that can remain vacant without detrimental effect to the services that are counted upon by Manitobans.

So, I hope the Minister of Health (Mr. Chomiak) has been listening, because it is a real concern to the residents of Portage la Prairie. It is a concern to residents of central Manitoba, and indeed it is a concern of all Manitobans, that the quality of water is vitally important. However, without qualified individuals to do the inspection and to do the sampling and to make certain that our legislation that already exists is enforced, we will be in a position that I do not think any of us

want to be in, and that is well known through the press as occurring in Walkerton, Ontario.

* (16:00)

So, Mr. Speaker, I do appreciate the minister's intention. However, I believe that prior to any further calling of this bill to the Legislative Assembly, we as members of the Assembly must have the assurances of the minister that he is quite prepared to put those persons in place who have the qualifications. It is not good enough for us as members of this Legislative Assembly to just trust in the minister's appointment without any qualifications given to that particular appointment. We have to be assured that those individuals have the qualifications and have the training in order for them to conduct what their responsibilities are, as called for by this legislation.

Having said that, Mr. Speaker, I would like to rest in regard to debate on second reading, and hopefully when this bill next comes to the House and the minister has the ability to address this particular piece of legislation, that he will have the answers which I have asked here in the House today, the qualifications of the individuals who are referred to in the legislation as the drinking water officers and also, too, to have the assurances of the minister that the individuals who are hired are hired in numbers that will satisfy the requirements of existing legislation, not only to consider additional legislation and responsibilities.

Thank you very much, Mr. Speaker.

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the Member for Lakeside (Mr. Enns), that debate be adjourned.

Motion agreed to.

Bill 43—The Polar Bear Protection Act

Hon. Oscar Lathlin (Minister of Conservation): Mr. Speaker, I move, seconded by the Minister of Labour and Immigration (Ms. Barrett), that Bill 43, The Polar Bear Protection Act, be now read a second time and can be referred to a committee of this House.

Motion presented.

Mr. Lathlin: Mr. Speaker, the polar bear is not only a majestic animal but an important symbol of northern Manitoba's sub-Arctic region.

Public controversy arose when a Mexican circus was charged under United States law for cruelty to animals while touring their polar bear act in Puerto Rico. Manitobans have since expressed their concerns over the facilities and care being provided to the bears and the reporting by the press that three of the bears may have originated in Manitoba.

In the past, polar bears that posed a threat to life and property in Churchill and the occasional orphaned cub that would have died without human intervention have been donated to zoos capable of providing humane treatment and a high quality home for the animals.

Currently, the options considered in descending order of priority are: first, to release the animal to the wild; secondly, to find foster parents to act as surrogates, however, this is still being researched; and, thirdly, placing the animal in captivity for a legitimate educational, scientific or conservation purpose and, as a last resort, euthanization.

The Government of Manitoba makes every effort to protect our native wildlife. My department is co-operating with the Born Free Foundation in an experiment in the Churchill area to reintroduce orphan cubs to surrogate mothers. If successful, orphan cubs may never need to be placed into a permanent captivity.

Unfortunately, there remain circumstances where the alternatives are no longer viable and donation to accredited facilities is considered. Only then are orphaned polar bear cubs considered for placement in the zoo. Since adult bears do not adapt readily to captivity, the last time a Manitoba polar bear was placed in a zoo was in 1996. The Province has made a number of efforts to ensure the best care and treatment of polar bears. However, once a polar bear leaves Manitoba, it is difficult to monitor or prevent further trade or sale.

The provincial, national and international concern over the care and use of polar bears in captivity has led me to believe that there is a need to expand and strengthen legislation respecting the export and use of Manitoba polar bears. Bill 43 addresses the seriousness that Manitoba places on matters respecting the disposition and use of live polar bears. Currently, placing an orphaned polar bear in a zoo is seen as being in the best interests of the bear if the standards in the current policy and procedure apply.

These standards are endorsed by a number of international agencies, including the North American Zoological Association. Current standards are policy only. This means they do not have the force of law, and they do not necessarily have to be complied with. Under the proposed act, the standards for facilities and care of captive polar bears will be made in the form of regulations. This will give the standards the force of law and will make compliance with them mandatory. This means that, if placing a polar bear in a zoo is in the best interests of the bear, a permit will not be issued until the zoo meets Manitoba standards and agrees, in writing, to meet those standards as long as they have the bear.

The proposed act, through the regulations, will give the force of law to matters such as, but not limited to, when a polar bear can be placed in captivity, permanent marking of polar bears intended for captivity, facility standards that must exist before a permit can be issued, the level of care that must be provided for a captive polar bear, the use that may be made of a polar bear while in captivity, the procedure that must be followed if a facility decides that it no longer wants to keep a Manitoba polar bear.

The Wildlife Act currently prohibits the killing and capturing, possession, buying, selling, importing or exporting of a polar bear without having first obtained a permit. The proposed act will not change this level of protection or legal status.

Mr. Speaker, this Government takes the humane treatment of our wildlife, both within and outside of our province, very seriously. Future generations should be able to enjoy the

natural wonders that this province has to offer. Please be assured that this Government is dedicated to protecting Manitoba's wildlife, and we are committed to bringing forward meaningful legislation. This bill demonstrates this commitment. Thank you.

* (16:10)

Mr. Jim Penner (Steinbach): Mr. Speaker, I thought, maybe, we should just add a few words to the minister's bill on polar bears. I have personally had opportunities to visit the polar bears in Churchill and thereabouts. It is a very remarkable animal, but the first time I saw a polar bear it was a rug. It was a rug by legitimate means, and it needed to be that because it could no longer sustain itself.

Mr. Speaker, obviously, this bill has been triggered by a concern, expressed through the media, about some bears that were mistreated. None of us like that. We all feel it is illegitimate to have polar bears in unnecessary heat. We are sure that is of great concern to animal lovers everywhere, and I think everyone here is very concerned that polar bears receive proper treatment.

However, Mr. Speaker, this bill only deals with a few polar bears. I am surprised that we do not deal with some of the real issues that exist in and around Churchill in regard to the polar bears. This bill would politically satisfy a small group of people who religiously read the newspapers, but it does not address the real dangers that exist for the polar bears. This bill is primarily in response to the media, and it is primarily protection of the Government for its political backside.

Mr. Speaker, some of the people in Manitoba only know about polar bears because the picture appears on the Labatt's ad. We really need to know more than that about polar bears because it is, like the minister said, a significant symbol of the province of Manitoba, and we are famous for it. If anybody here has not been to Churchill and visited the polar bears, they need to do that. You need to see the polar bears. They are such a magnificent and stately animal. Then to study their life cycle is even far more interesting than that. If you go to Churchill, you

can get on a tour, which is a tundra buggy. The tundra buggy has huge wheels. They are probably eight or ten feet high, many of them, and it is probably almost two and a half metres.

You know that those tundra buggies can accommodate, easily, 50 people. They do not sink when they cross the lakes in Churchill. The lakes are only two to three feet of water because permafrost exists below that. So you can drive across any lake with a tundra buggy, never worry about a pothole or anything, because it will only form at the warmest of the summer. Even though it is 15 Celsius today in Churchill, it will only form up two to three feet of water. By the way, there are no fish because the fish cannot exist in a permafrost atmosphere.

Mr. Speaker, the dangers to the environment in Churchill are far more involved with geese than with polar bears, but the polar bears are a real threat. When we started to visit around with a friend who is a tour guide there, we found that the polar bears do not know which property they should be living on and where they are not wanted. So, at any one time, they will wander into the town of Churchill. Well, that is pretty scary for kids going to school. The law for schools in Churchill is such that the children are not even allowed to walk one block to school. If you live one block from the school, you have to be bussed.

They also told us that, when we walk through the town, never to walk past the corner of a building, always to stop before you reach the corner of the building and peek around the corner. If you just boldly walk past the corner of the building, and a mother and her cubs are there, you probably will not survive the incident.

Mr. Speaker, I wanted to speak briefly about some of the challenges to the polar bear. Of course, all the talk about captivity, I am wondering if the minister realizes that, every year, there are dozens and maybe hundreds of bears taken into captivity in Churchill. They have a place in Churchill called Polar Bear Jail. You need to go there and see Polar Bear Jail because any bear that they can catch goes to jail. Amazingly enough, the bears in jail, in captivity in Churchill, do not get fed. They go into hibernation if you do not feed them, and they are

better off if they are not fed, but they will go up to three months with no food. So it is really an interesting thing to talk about captivity here. I think the bill might contradict itself at some point because we are putting bears into captivity all the time, and I am sure we do not have a licence to do that. It is kind of interesting.

Then the other thing is, Mr. Speaker, that the bears do not leave Churchill. They go in a big circle. They go north across the ice, then they come westward and then they come back on the shore of Hudson Bay and come back to Churchill. They work themselves in a big circle, and in that big circle they end up getting stopped at Churchill because they cannot move further until the ice forms. Once the ice forms, they move out on the ice, and then they are no longer a threat. Once they move out on the ice they fill themselves up on harp seals, and of course, the seals provide dinner for them, breakfast, lunch. They are constantly eating those harp seals, and much as we say we want to protect the harp seals, they are very important to the cycle for the polar bear.

Mr. Speaker, I took a helicopter and toured the shores of Hudson Bay, and we probably disturbed more polar bears in that one day than I can count. Also, we took the tundra buggies and went up and down the shores, and we also ended up moving polar bears around. These polar bears are not being fed, and so they should not be moved around. So it is a threat to move these polar bears all over the place when, in fact, they are in a situation where they need to be left alone and left at peace.

Now, as far as capturing polar bears for zoos and so on is concerned, I was told by naturalists who were studying polar bears when I was in Churchill that it was normal for a polar bear to have triplets and that only one or two would survive. The survivors would certainly not be the runt. The runt of the litter would not survive. However, the runt of the litter, if taken into captivity and cared for properly, can easily become a zoo animal. Instead of having to die on the shores of Hudson Bay, it can become a zoo animal and you are actually giving that animal a life instead of letting it be destroyed through its lack of ability to compete with its siblings.

So, Mr. Speaker, I am thinking that if some of the minister's people would study the situation in Churchill, first of all they would find out that we have all kinds of captivity. Secondly, we pick them up with helicopters with nets, we tranquilize them and carry them to the jail. We have large cages and they are in and around Churchill where we capture them, and so there is a significant amount of trafficking in bears and handling of bears.

It would be interesting if we could get our facts straight on this thing and certainly this bill does not help us understand the care and nourishment of polar bears. It just addresses the complaints by the media about a foolish incident, an unfortunate incident, but the real need of polar bears and the issues about polar bears is survival of polar bears in a global-warming society, the confrontation between people and polar bears, the tourist industry effect on polar bears. None of these things have really been addressed. So this bill is okay as far as we are concerned, but it certainly does not address polar bears. Thank you, Mr. Speaker.

Mr. Harry Enns (Lakeside): Mr. Speaker, I move, seconded by the honourable member from Minnedosa, that debate be adjourned.

Motion agreed to.

Bill 50—The Resource Tourism Operators Act

Hon. Oscar Lathlin (Minister of Conservation): Mr. Speaker, I move, seconded by the Minister of Labour and Immigration (Ms. Barrett), that Bill 50, The Resource Tourism Operators Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Lathlin: I am pleased to present The Resource Tourism Operators Act, Bill 50. Mr. Speaker, currently the outfitting industry of Manitoba is governed by The Tourism and Recreation Act. This act was last amended in 1988. The outfitting industry at that time was very different from the industry that we are dealing with today. At that time, outfitting was still, for the most part, a secondary activity for most outfitters, not their main source of income.

The main outfitting activities were hunting and fishing. Since that time, the industry has changed, not only in size but in character. It has changed over the decades from a roughing-it experience to some of the most sophisticated first-class lodges to be found anywhere.

* (16:20)

To put this in perspective, Mr. Speaker, let me share with you just a few figures which underscore the type and growth we have experienced. In 1989, for example, there were 105 lodges and 121 outfitters. That was in 1989. In 1999, these numbers had increased to 162 lodges and 328 outfitters. Presently, we have approximately 525 licensed outfitters operating in the province who contribute in excess of \$90 million to the provincial economy annually.

Tourists to our province now have a broad spectrum of activities to enjoy when choosing Manitoba as their vacation destination. Our outfitters offer a wide range of specialized activities ranging from fishing and hunting to wildlife watching, whitewater rafting and cultural tourism.

In 1993, a ministerial authority for those portions of The Tourism and Recreation Act dealing with resource-based tourism was transferred to the Minister of Natural Resources. The outfitting industry has grown considerably in size and complexity. The need to manage resource opportunities and to control illegal operators and substandard facilities is essential. The present act is inadequate and ineffective for managing this evolving industry. Additionally, there is no one act that deals directly with these activities. For these reasons, I have introduced The Resource Tourism Operators Act, which has been developed in consultation with the Manitoba Lodges & Outfitters Association which recognized the need for legislation. The new act will license outfitters, their services and facilities that use fish, wildlife and the ecotourism industry.

Ecotourism operations will now be licensed in the same manner that outfitters have been licensed in the past. We will have the ability to acknowledge and address, through legislation, the differences in the two types of operation, consumptive and non-consumptive, and develop

protocol standards specific to the needs of that sector of the industry.

It is important that this fast emerging tourism opportunity be afforded the recognition and protection that it requires to realize its long-term potential in our province. Contemporary legislation is needed to allow us to make decisions on the basis of resource conservation and sustainable development, including taking into account the sustainability of an area's wildlife and other natural resources and the impact on recreational activities in the area. Decision-making authority over the granting of licences and permits will be delegated from the minister to the administrator of resource tourism, a position newly created under this legislation. This change will make the licensing process more effective and more time efficient.

The second change is in the appeal process. The appeals committee will now have the power of final decision making in the matter of appeals. Better enforcement capability is required, especially, to deal with the illegal operators of substandard facilities that have such a negative impact on the entire industry and with operators who conduct business without a licence. The provisions in this act will not have a negative impact on operators who respect our resource laws. It will only affect illegal operators and those who violate resource legislation.

The maximum fine levels are dramatically higher than the existing fine levels. Under the existing act, an individual can only be fined a maximum of \$200, and a corporation \$500. This has proven not only ineffective as a deterrent, but it is viewed by some as simply a cost of doing business. The new act has fine levels of up to \$10,000 for an individual and/or six months in jail, and \$20,000 for a corporation. The new fine levels are consistent with existing fine levels in other resource-based legislation in my department and are commensurate with the severity of the infractions.

In general, the new act will reflect our current and existing practices of administering this complex industry. Thank you, Mr. Speaker.

Mr. Jim Penner (Steinbach): Mr. Speaker, I move, seconded by the Member for Lakeside (Mr. Enns), that debate be adjourned.

Motion agreed to.

* * *

Hon. Gord Mackintosh (Government House Leader): Would you please call Bill 18, Mr. Speaker.

DEBATE ON SECOND READINGS (Continued)

Bill 18—The Special Survey Amendment Act

Mr. Speaker: Resume debate on second reading, Bill 18, The Special Survey Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck), oh, the Member for Steinbach (Mr. Penner).

Mr. Jim Penner (Steinbach): Mr. Speaker, the Member for Pembina and I are both quite large, so we are easily mistaken.

This Bill 18, The Special Survey Amendment Act, is, probably, a friendly act to streamline and to speed up the process of how construction projects and special surveys are handled. I have done a fair bit of construction work in my life, building shopping centres and businesses. When it comes down to surveys, it sometimes is very, very complicated. I understand that the survey process here will be taken care of in a better fashion because, no longer will the special survey be charged to the owner of the land, which was the subject of a special survey. Secondly, the bill also provides that it will be approved by the Registrar General instead of the Lieutenant-Governor-in-Council. So the special surveys will probably be a little bit easier and more palatable.

I applaud any effort to streamline our method of handling business in the province. But these are such baby steps, Mr. Speaker. When it comes down to the really big issues, we still have not dealt with the fact that we are the

highest taxed province, and with all the duties and the service charges. Business is still leaving. We still have out-migration, and we still have mosquitoes.

So, having said that, I would like to see this bill passed.

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

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I would like to announce that the Standing Committee on Law Amendments will meet on Wednesday, July 17, at 6:30 p.m., to deal with the following bills: Bill 13, The Medical Laboratory Technologists Act; Bill 15, The Fatal Accidents Amendment Act; Bill 16, The Class Proceedings Act; Bill 18, the act just dealt with by the House; Bill 25, The Hearing Aid Amendment Act; Bill 26, The Occupational Therapists Act; and Bill 28, The Registered Dietitians Act.

Mr. Speaker: It has been announced that the Standing Committee on Law Amendments will meet on Wednesday, July 17, at 6:30 p.m., to deal with the following bills: Bill 13, The Medical Laboratory Technologists Act; Bill 15, The Fatal Accidents Amendment Act; Bill 16, The Class Proceedings Act; Bill 18, The Special Survey Amendment Act; Bill 25, The Hearing Aid Amendment Act; Bill 26, The Occupational Therapists Act; and Bill 28, The Registered Dietitians Act.

* * *

Mr. Mackintosh: Mr. Speaker, is it the will of the House to call it six o'clock?

Mr. Speaker: Is it the will of the House to call it six o'clock? *[Agreed]*

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, July 15, 2002

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